



North Central Texas Council of Governments Title VI & ADA Complaint Procedures

Introduction

The North Central Texas Council of Governments (NCTCOG) is a voluntary association of, by and for local governments, established to assist in regional planning. NCTCOG's programs and departments encompass transportation planning, environment and development, aging and disability resources, emergency preparedness, demographic research, regional training, criminal justice, 911 emergency numbers, a regional police academy, and more. As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964, and related statutes, NCTCOG ensures that no person shall, on the grounds of race, color, national origin, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any agency programs or activities. These prohibitions extend from the North Central Texas Council of Governments, as a direct recipient of federal financial assistance, to its sub-recipients (e.g., contractors, consultants, local governments, colleges, universities, etc.). All programs funded in whole or in part from federal financial assistance are subject to Title VI requirements. The Civil Rights Restoration Act of 1987 extended this to all programs within an agency that receives federal assistance regardless of the funding source for individual programs.

This policy is intended to establish a procedure under which complaints in NCTCOG's provisions, services, or NCTCOG activities can be made by persons who are not employees of NCTCOG.

Any person who believes NCTCOG, or any entity who receives federal financial assistance from or through NCTCOG (i.e., sub-recipients, sub-contractors, or sub-grantees), has subjected them or any specific class of individuals to unlawful discrimination may file a complaint.

NCTCOG will follow timelines set forth in guidance from the applicable funding agency for processing Title VI complaints.

When to File

A complaint must be filed within 180 calendar days of the alleged act, or discovery thereof; or where there has been a continuing course of conduct, the date on which that conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180-day period. The filing date is the day you complete, sign, and mail the complaint form. The complaint form and consent/release form must be dated and signed for acceptance.

Complaints received more than 180 days after the alleged action will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

Where to File

In order to be processed, signed original complaint forms must be mailed to:

North Central Texas Council of Governments

Monte Mercer,
Deputy Executive Director
P.O. Box 5888
Arlington, TX 76005-5888

Or hand delivered to:

616 Six Flags Drive
Arlington, TX 76011

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability. A complaint may also be filed by a representative on behalf of a complainant.

Persons who are not satisfied with the findings of NCTCOG may seek remedy from other applicable state or federal agencies.

Required Elements of a Complaint

In order to be processed, a complaint must be in writing and contain the following information:

- Name, address, and phone number of the complainant.
- Name(s) and address(es) and business(es)/organization(s) of person(s) who the complaint is against
- Date of alleged act(s).
- Basis of complaint (i.e., race, color, national origin).
- A statement of complaint.
- Signed consent release form.

Incomplete Complaints

Upon initial review of the complaint, NCTCOG will ensure that the form is complete and that any initial supporting documentation is provided. Should any deficiencies be found, NCTCOG will notify the complainant within 10 days. If reasonable efforts to reach the complainant are unsuccessful or if the complainant does not respond within the time specified in the request (30 days), the recipient may close the complainant's file. The complainant may resubmit the complaint provided it is filed within the original 180-day period.

Should the complaint be closed due to lack of required information, NCTCOG will notify the complainant at their last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be reopened provided it has not been more than 180 days since the date of the alleged action.

Records of Complaints

NCTCOG will keep a record of all complaints received. The log will include such information as:

- Basic information about the complaint such as when it was filed, who filed it, and who it was against.
- A description of the alleged violation.
- Findings of the investigation.

Complaint Process Overview

The following is a description of how a Title VI complaint will be handled once received by NCTCOG.

RECEIPT OF COMPLAINT

Complaint is received by NCTCOG:

Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability, upon request reasonable accommodations will be made to ensure the complaint is received and processed in a timely manner. Complainants wishing to file a complaint who do not have access to the Internet or the ability to pick up a form will be mailed a complaint form to complete. Complaints will be forwarded to the relevant state and/or federal agency.

Complaint is logged into tracking database:

Complaint forms will be logged into the complaint tracking database; basic data will be maintained on each complaint received, including name of complainant, contact information, name and organization of person(s) who the complaint is against, date of alleged violation, basis of complaint (i.e., race, color, national origin), and description of the alleged action.

INITIAL REVIEW AND WRITTEN RESPONSE

Initial review:

Within 10 days of the receipt of the complaint, NCTCOG will complete an initial review of the complaint. The purpose of this review is to determine if the complaint meets three basic criteria.

1. The complaint will be reviewed for completeness.
2. The program in which the alleged act occurred will be examined to ensure that the complaint was filed with the appropriate agency.
3. Determination of timeliness will be made to ensure the complaint was filed within the 180 calendar day time requirement.

Initial written response:

Within 10 days of the receipt of the complaint, NCTCOG will provide an initial written response to the complaint appropriate to the criteria of the initial review.

1. If the complaint form is incomplete, the complainant will be notified and asked to furnish the missing information within 30 days. Upon receipt of the requested information, the initial review will resume and a follow-up written response will be provided within 10 days of the receipt of the complete complaint.
2. If a complaint is complete but the program or activity about which the complaint was made is not conducted by NCTCOG or an entity who receives federal financial assistance from or through NCTCOG (i.e., sub-recipients, sub-contractors, or sub-grantees), every attempt will be made to establish the correct agency. Whenever possible, and if consent was granted on the Consent/Release form, the complaint will be forwarded to the appropriate agency. The complaint will then be closed at NCTCOG.
3. If the complaint is complete but the alleged act occurred 180 calendar days or more before the complaint was filed, the complaint will be closed at NCTCOG.

NCTCOG staff will confer with the Executive Director on the determination of a complete complaint and on any deferrals to other agencies. Once NCTCOG completes an initial review of the complaint and determines that the criteria for a complete complaint is met, NCTCOG will forward the complaint and a copy of the written response to the relevant state and/or federal agency.

INVESTIGATION OF COMPLAINT

Fact-finding process:

NCTCOG staff will confer with the agency Executive Director to determine the most appropriate fact-finding process to ensure all available information is collected in an effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged violation. An investigation may include, but is not limited to:

- Internal meetings with NCTCOG staff and legal counsel.
- Consultation with state and federal agencies.
- Interviews of complainant(s).
- Review of documentation (i.e., planning, public involvement, and technical program activities).
- Interviews and review of documentation with other agencies involved.

- Review of technical analysis methods.
- Review of demographic data.

Determination of investigation:

An investigation must be completed within 80 days of receiving the complete complaint, unless the facts and circumstances warrant otherwise. A determination will be made based on information obtained. The NCTCOG Executive Director and/or designee will render a recommendation for action, including formal and/or informal resolution strategies, in a report of findings. The findings of the investigation will be logged into the complaint tracking database.

NOTIFICATION OF DETERMINATION

Within 14 days of completion and determination of an investigation, the complainant must be notified by the NCTCOG Executive Director of the final decision. The notification will advise the complainant of his/her appeal rights with state and federal agencies if he/she is dissatisfied with the final decision. A copy of this letter, along with the report of findings, will be forwarded to the relevant state and/or federal agency for information purposes.