

WHO MAY FILE A TITLE VI COMPLAINT

Complaints may be filed by any individual or group who believes:

that their rights, under Title VI have been violated in a discriminatory manner

that the department's programs or activities do not comply with federal civil rights laws

that they have been treated in a disparate manner.

Discrimination:

An act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, gender, or national origin has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration, the Federal Transit Administration, or the Federal Aviation Administration.

Disparate Treatment:

Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes. Disciplining Hispanic and African-American employees for tardiness, while ignoring tardiness among other employees is an example of disparate treatment.

Note:

Filing a complaint with MDOT does not prevent an individual from seeking remedy through other sources.

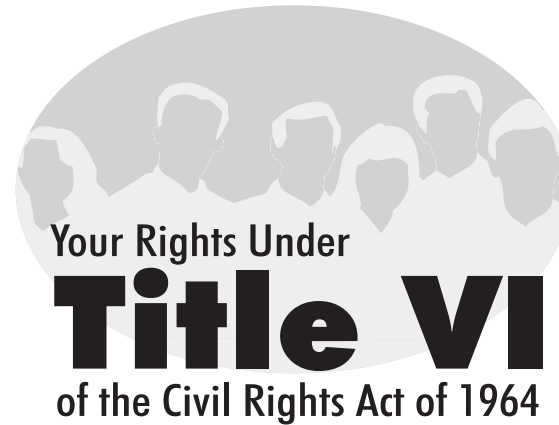


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“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

TITLE VI INFORMATION

Nondiscrimination programs require that the Michigan Department of Transportation (MDOT) as a Federal-aid recipient, sub recipients, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities.

Authority:

The Civil Rights Restoration Act of 1987 (CRRA) and the Civil Rights Act of 1964 are the legal statutes for Title VI compliance/enforcement.

Explanation:

WHAT IS TITLE VI? - It is the portion of the Civil Rights Act that prohibits discrimination in federally assisted programs.

Title VI Compliance:

It is the implementation of all the Title VI requirements or demonstrating that every good faith effort has been made toward achieving this end.

Federal Aid Recipient:

Individuals or groups who receive federal aid funds.

Programs:

Highway projects or activities that provide service, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by MDOT or its agents through contracts or other arrangements.

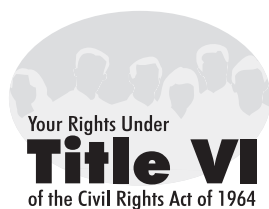
Complaints:

Discrimination under Title VI has been closely defined as the denial of participation in and the denial of receiving benefits in programs or activities receiving federal assistance.

You might have a valid complaint if you can answer yes to the following questions:

1. Can you show a specific obvious or particular offense (injury)?
2. Was the offense due to the state or its representative's actions?
3. If this activity ceased, would the problem be resolved?
4. Is the relationship between you and the state or its representative such that there is justification to file a complaint





“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

(President John F. Kennedy, in his message calling for the enactment of Title VI, 1963).

What is Title VI?

Title VI of the Civil Rights Act of 1964 is the Federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive Federal financial assistance.

What programs are covered by Title VI?

Approximately 30 Federal agencies provide Federal financial assistance in the form of funds, training, and technical and other assistance to State and local governments, and nonprofit and private organizations. MDOT as a recipient of Federal assistance, must operate programs and deliver benefits and services to individuals (known as “beneficiaries”) to achieve the goals of the Federal legislation that authorizes the programs.

What is covered by Title VI?

Title VI addresses areas of services such as:

- Transportation Construction
- The distribution of benefits and services
- Parks and recreation
- Natural resources and the environment
- Employment and job training
- Housing and community development
- Law enforcement and the administration of justice Agriculture and nutrition
- Passenger transportation

What discrimination is prohibited by Title VI?

There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color, or national origin, either directly or through contractual means:

- Deny program services, aids, or benefits;
- Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others: or
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

How can I file a discrimination complaint?

Each Federal agency that provides Federal financial assistance as well as MDOT as a recipient of Federal financial assistance is responsible for investigating complaints of discrimination on the basis of race, color, or national origin in the use of its funds. If you believe that you or others protected by Title VI have been discriminated against, you may file a complaint with the Federal agency that provides funds for the program where you believe the discrimination is occurring or MDOT.

Complaints filed with MDOT should be directed to:

**Michigan Department of Transportation
Office of Business Development
Title VI Specialist
25900 Greenfield Rd., Ste. 245
Oak Park, MI 48237**

Generally, a signed, written complaint should be filed within 180 days of the date of the alleged discrimination. It should provide:

- 1.Your name, address, and telephone number. The complaint must be signed by the complainant, or if the complaint is being filed by you on behalf of another person, include your name, address, telephone number, and your relation to that person (e.g., friend, attorney, parent, etc.)
- 2.The name and address of the agency, institution, or department you believe discriminated against you.
- 3.How, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Include names of individuals whom you allege discriminated against you, if you know them.
- 4.The names of any persons, if known, that the investigating agency may contact for additional information to support or clarify your allegations.

What will MDOT do with my complaint?

Once a complaint is filed, it will be reviewed by the department to determine whether it has jurisdiction to investigate the issues you have raised.

If it is determined that MDOT has jurisdiction to investigate the complaint, the allegations will be investigated. If violations of Title VI are found, the department will attempt to resolve them. If the complaint is against MDOT it will be forwarded to the Federal agency which provided funds for the program or project in question.

What if the recipient retaliated against me for asserting my rights or filing a complaint?

You should be aware that a recipient is prohibited from retaliating against you or any person because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI. If you believe that you have been retaliated against, you should immediately contact MDOT.

Other discrimination complaints that may be reported to MDOT:

- Title VII of the Civil Rights Act of 1964 (Title VII), prohibits employment discrimination based on race, color, religion, sex, or national origin. Title VII’s broad prohibitions against sex discrimination specifically cover sexual harassment. This includes practices ranging from direct requests for sexual favors to workplace conditions that create hostile environment for persons of either gender. The hostile environment standard also applies to harassment on the bases of race, color, national origin, religion, age, and disability.
- The Equal Pay Act of 1963 (EPA), protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.
- The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from discrimination.
- Title I of the Americans with Disabilities Act of 1990 (ADA), prohibits employment discrimination against qualified individuals with disabilities.

Contractors and subcontractors who contract with MDOT must provide equal opportunities to all employees. If you feel that you have been discriminated against under Title VI or any of the above statutes, you may contact MDOT’s Office of Business Development.