

Complaint Resolution Procedure to Ensure Non-Discrimination In Federally Assisted Programs or Activities Participated in by the Metropolitan Atlanta Rapid Transit Authority

Purpose, Scope, and Responsibilities

Purpose

This procedure covers all formal complaints and informal complaints filed by an individual or group of individuals under Title VI of the Civil Rights Act of 1964 and Civil Rights Restoration Act of 1987, relating to any program or activity administered by Metropolitan Atlanta Rapid Transit Authority (MARTA) as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

Definitions

An **informal complaint** is defined as any verbal or written communication received by customer service staff from members of the public referencing a general complaint regarding the inequitable distribution of benefits, services, amenities, programs or activities financed in whole or in part with federal funds.

A **formal complaint** is defined as any written complaint of discrimination on the basis of race, color, national origin or sex filed by an individual or group; signed by the complaining party on MARTA's complaint form seeking to remedy perceived discrimination by facially neutral policies, practices or decisions, which have an adverse impact which resulted in inequitable distribution of benefits, services, amenities, programs or activities finance in whole or in part with federal funds. Such complaints include, but are not limited to, allegations of:

- failing to provide comparable services
- policies and practices that act as arbitrary and unnecessary barriers to equal opportunity;
- denied opportunity for equitably participation
- provision of fewer services or benefits and/or inferior services or benefits to members of a protected group;
- differential exposure of protected groups to environmental hazards
- patterns of disparate treatment; and
- disproportionate adverse effects on social and economic parameters (e.g. access to services, healthcare facilities, employment opportunities and community cohesion)

This procedure explains each stage of the complaint processing process for formal and informal Title VI complaint, communicates the rights and responsibilities of the Complainant, and states the responsibilities of MARTA.

Informal complaints and **formal complaints** should be filed within **180 calendar days** of the event which forms the basis of the claim; of if the concern is an ongoing one, the complaint should be filed within 180 calendar days of the **last occurrence**.

This procedure does not preclude the right of any Complainant to file complaints directly with the Federal Transportation Administration (FTA), or to seek private legal representation.

The time required to process investigations will vary depending on the complexity of the issue; however, every effort will be made to ensure a speedy resolution of all complaints at the lowest possible level within **60** business days. The option of informal mediation meeting(s) between the affected parties may be utilized for resolution.

Compliance with Title VI is the responsibility of every MARTA employee. The Diversity & Inclusion Office (D&I) is responsible for compliance, monitoring and reporting, investigation, and program administration.

Responsibility

The Customer Service Department is responsible for intake of informal Title VI complaints and submission of those complaints to the Executive Director of D&I.

The Executive Director of D&I will forward complaints to the accountable AGM who will forward to the appropriate party within their respective department to handle resolution, follow up to ensure that resolution/proposed resolution occurs, and communicate specifics of the resolution/proposed resolution to the D&I office.

The Executive Director of D&I is responsible for tracking the complaints to ensure that the affected department(s) have taken the recommended action to remedy any determination of discrimination and communicating findings to the Complainant. The Executive Director of D&I is also responsible for reporting trends, action plans, and non-compliance to the executive management team and board of directors. D&I will forward a copy of all formal complaints filed to Customer Service for their records. Customer Service has no responsibility for processing formal complaints.

PROCESSING INFORMAL COMPLAINTS

Intake

Intake of an informal complaint is generated through communication, generally presented verbally to MARTA staff. Any MARTA employee who receives an inquiry or complaint of this type shall direct the Complainant to report the concern directly to the Customer Service Center by telephone at (404) 848-5000, via e-mail to custserv@itsmarta.com, or by mail to 2424 Piedmont Road, Atlanta, Georgia 30324.

Customer Service Center representatives, upon receipt of an informal complaint shall record the complaint in their database and assign a HEAT number to be used for tracking purposes. After input of the complaint into its database, Customer Service staff shall promptly identify the appropriate department(s) to resolve the issue and forward the complaint directly to that department's AGM, with a copy to the Executive Director of D&I who will ascertain proper jurisdiction and forward the complaint to the Equity Administrator for processing. The Equity Administrator shall assign a complaint tracking number, review the matter to determine Title VI applicability, enter the complaint into D&I's Title VI Complaint database, investigate merits of alleged violations (if needed) and monitor response dates. If determination is made that the matter is outside the scope of Title VI, D&I will notify Customer Service and the affected department's AGM within a reasonable period.

Processing of Complaint and Resolution (continues)

If the matter is determined to be within the scope of Title VI, the affected department's AGM, within 5 business days of receipt, will forward the complaint to the staff member most appropriate to address the issue. The affected department will consult with D&I and offer a proposed resolution. Within 5 business days of receiving written notification of a proposed resolution, D&I representatives will offer suggestions, if any, to modify the proposed resolution. D&I or the affected department will communicate its written or verbal findings to the customer within 30 business days and explain any steps being taken to resolve the matter, and will forward copies of this communication to the affected department(s) and to Customer Service who will update their database to include this information. ***Every effort shall be made to process and resolve informal complaints within 30 business days.***

Appeal

There is no right to appeal resolution of an informal complaint. However, the party reserves the right to file a formal complaint within 180 business days.

PROCESSING FORMAL COMPLAINTS

Intake

Intake of formal complaints is generated through written communication of a concern presented to MARTA staff. Any MARTA employee who receives a complaint of this type will direct the complaint to the D&I Office. D&I staff will provide a formal complaint form to the Complainant. Complainant must sign and submit the completed complaint form to the Executive Director of D&I.

Any person who believes himself, herself or any specific class of persons to be subjected to discrimination on the basis of race, color, or national may also file a written complaint with the Federal Transit Administration (FTA), Office of Civil Rights, 230 Peachtree Street, N.W., Suite 1400, Atlanta, GA 30303.

Processing

The Executive Director of D&I shall review the matter to determine Title VI jurisdiction, assign an investigator if it is determined that the matter merits investigation, and monitor response dates. The investigator shall assign a complaint tracking number and enter the complaint in to the Title VI Complaint database. Jurisdiction will be determined based upon information provided in the written complaint. A complaint shall be investigated unless:

- it fails to state facts which could establish intentional unequal treatment as described in the definitions section of this procedure;
- Complainant is not a primary beneficiary of the federal aid received by MARTA.

If determination is made that the matter is outside the scope of Title VI, D&I will notify Customer Service and the affected department's AGM in writing within a reasonable period.

Investigation, Determination, and Recommendation

If jurisdiction is determined to exist and investigation is warranted, the assigned investigator will take the following steps:

- identify the basis of the alleged unequal treatment;
- ascertain when and where the alleged unequal treatment occurred;
- identify and interview all relevant parties, review documents, and make site visits to obtain factual information.

Upon conclusion of a thorough investigation, the investigator will prepare a report to summarize findings and suggest appropriate corrective action along with proposed resolution. The investigative report should be submitted to the Executive Director of D&I within **60** business days. D&I will maintain a record of all discussions and retain all documents relating to the investigation in a confidential file.

Communication of Findings and Complaint Resolution

The Executive Director of D&I will accept, reject, or modify the investigative report and consult with the affected department to convey the preliminary findings and develop a proposal for resolution. The Executive Director of D&I will prepare a written determination and submit the determination to the legal department for review of legal sufficiency. Once the final determination is ready for release, the Executive Director of D&I and a MARTA legal representative will meet with the AGM of the affected department(s) to communicate the final determination and recommendations, if any, for corrective action. The Executive Director of D&I will provide written notification to the Complainant of the investigation findings and MARTA's proposed resolution, if any. D&I will forward copies of this communication to Customer Service and the affected department(s).

If cause is found to indicate a potential occurrence of non-compliance, the Executive Director of D&I will communicate this information to the executive management team before releasing its findings to the complainant.

Appeal

The Executive Director of D&I will explain to the Complainant their right to appeal to the Federal Transit Administration or seek private legal representation

Title VI Discrimination Complaint Form



Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the grounds 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."

The Environmental Justice component of Title VI guarantees fair treatment for all people. MARTA is required to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations. MARTA is also required to take reasonable steps to ensure that Limited English Proficiency (LEP) person have meaningful access to the programs, services, and information MARTA provides.

If you feel that you have been discriminated against, a formal complaint may be filed with MARTA's Office of Diversity and Inclusion, 2424 Piedmont Road NE, Atlanta Georgia 30324-3330, 404-848-4639 (voice) or 404-848-5665 for TTY within **180 days** after the date of the alleged discrimination. These procedures do not deny you the right to file formal complaints with other state or federal agencies, or to seek private counsel. Intimidation or retaliation of any kind is prohibited by law. Should you require assistance in completing this form, please let us know. Once completed, return a signed copy to:

Metropolitan Atlanta Rapid Transit Authority (MARTA)

Office of Diversity and Inclusion

2424 Piedmont Road, NE

Atlanta, GA 30324

404-848-4639

Any person who believes himself, herself or any specific class of persons to be subjected to discrimination on the basis of race, color, or national may also file a written complaint with the Federal Transit Administration (FTA), Office of Civil Rights, 230 Peachtree Street, N.W., Suite 1400, Atlanta, GA 30303.

Note: To protect your rights, your complaint must be filed with **180** days of the occurrence. Failure to file within **180** days may result in dismissal of the complaint.

1. Complainant's Name: _____

2. Address: _____

3. City: _____ State: _____ Zip Code _____

4. Telephone # (Home): _____ (Work) _____ (Cell) _____

5. Person discriminated against (if someone other than Complainant)

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone # (Home): _____ (Work) _____ (Cell) _____

6. Upon what premise is your discrimination complaint based? (check all that apply)

Race/Color

Gender

National Origin

Limited English Proficiency (LEP)

7. Date of alleged discrimination: _____

8. Describe the alleged discrimination. Explain what happened and who you believe was responsible. (For additional space, attach additional sheets of paper or use back of the form) _____

9. Where did the incident take place? Please provide location, time, bus number etc.? _____

10. Witnesses? Please provide their contact information.

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone # (Home): _____ (Work) _____ (Cell) _____

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone # (Home): _____ (Work) _____ (Cell) _____

11. How can this complaint be resolved (how can the problem be corrected)? _____

12. Did you file this complaint with another federal, state, or local agency or with a federal or state court?

(check the appropriate space) Yes No

If your answer is yes, check each agency with which a complaint was filed:

Federal Agency Federal Court State Agency

State Court Local Agency Other

Please provide contact information for the agency you also filed the complaint with: _____

_____ Date File: _____

13. If you need any special accommodations for communication regarding this complaint, please specify which alternative format you require.

Braille Large Print (specify the font size) _____ CD

Sign Language Interpreter (specify language) _____

Language Interpreter (specific language) _____

Other _____

Sign the complaint in space below. Attach any documents you believe supports your complaint.

Complainant's Signature

Signature Date