

COMPLAINT PROCESS
Federal Motor Carrier Safety Administration (FMCSA) Funds

The Oklahoma Department of Transportation (ODOT) uses the following detailed internal procedures for prompt processing and resolution of all Title VI complaints received directly by any of its divisions or field divisions having responsibilities under Title VI and related Nondiscrimination statutes. These procedures include, but are not limited to:

1. Any person who believes that they, individually, as a member of any specific class, have been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Compliance Manager with the Contract Compliance Division. A complaint may also be filed by a representative on behalf of such a person.

2. In order to have the complaint considered under this procedure, the complaint must be filed no later than 180 calendar days after:

- ❖ The date of the alleged act of discrimination; or
- ❖ Where there has been a continuing course of conduct, the date of the most recent incident

3. Complaints shall be filed using ODOT's Title VI Complaint Form (available at <https://oklahoma.gov/odot/business-center/odot-forms.html> or by contacting the Contract Compliance Division). Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Compliance Manager. If necessary, the Compliance Manager will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Complaints should be directed to:
Oklahoma Department of Transportation
Contract Compliance Division
Attention: Compliance Manager
200 N.E. 21st Street
Oklahoma City, OK 73105-3204

4. Upon receipt of the signed complaint form, the Compliance Manager will log in the complaint, determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation.

5. The Compliance Manager reviews and determines the appropriate action regarding every Title VI complaint. The department will not proceed with or continue a complaint investigation if:

- a. The complaint is, on its face, without merit.
- b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
- c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose their identity) has made it impossible to investigate further.

6. Within ten (10) business days, the Compliance Manager will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s), and the complainant is advised of other avenues of redress available, such as the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Justice, and Department of Transportation. The notification letter contains:

- a. The basis of the complaint.
- b. A brief statement of the allegation(s) over which the department has jurisdiction.
- c. A brief statement of the department's jurisdiction over the recipient to investigate the complaint.
- d. An indication of when the parties will be contacted.

7. The Compliance Manager will notify FMCSA's Office of Civil Rights within ten (10) calendar days of receipt of the allegation(s). Generally, the following information will be included in every notification to the Office of Civil Rights:

- a. Name, address, and phone number of the complainant.
- b. Email address if available.
- c. Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap).
- d. Date of the alleged discriminatory act(s).
- e. Date of complaint received by the recipient.
- f. A statement of the complaint.
- g. Other agencies (state, local, or federal) where the complaint has been filed.
- h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.

8. Within sixty (60) calendar days from the date the original complaint was received, the Compliance Manager will conduct and complete an investigation of the allegation(s) and, based on the information obtained, will render a recommendation for action in a report of findings to FMCSA's Office of Civil Rights.

9. The Compliance Manager will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, national origin, sex, age, disability, income level, or limited English proficiency (LEP); name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either

on audio tape or by taking notes. The Compliance Manager arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.

10. Within ninety (90) calendar days of receipt of the complaint, the Compliance Manager will forward the investigative report to the FMCSA. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, and the date of the disposition, and any other pertinent information. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to FMCSA, and the report shall follow upon completion.

11. There are no appeals to FMCSA. The complainant may file a separate complaint with FMCSA, which will be forwarded to the ODOT to provide a response.

US Department of Transportation
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, or genetic information, be excluded from participation in, be denied the benefits of, be retaliated against, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation, please contact the ADA Manager at 405-490-0381 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions, email ODOT-ada-titlevi@odot.org.