



## Tioga County Civil Rights Complaint Procedure

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, sex, age, national origin, or disability may file a written complaint with Tioga County.

### Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person became aware of the alleged discrimination;
- or
- There has been a continuing or the latest instance of the discriminatory conduct.

### Form of Complaints

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant's name, address, and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail.

A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.

- Must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complained incident.

Upon receipt of the complaint, Tioga County will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In cases where the complaint is against one of Tioga County's subrecipients of federal highway funds, Tioga County will assume jurisdiction and will investigate and adjudicate the case. Complaints against Tioga County will be referred to the New York State Department of Transportation's Office of Civil Rights for proper disposition. In special situations warranting intervention to



ensure equity, the NYSDOT Office of Civil Rights may assume jurisdiction and either complete or obtain services to review or investigate matters.

Acceptance of a complaint will be determined by

- Whether the complaint is timely filed.
- Whether the allegations involve a covered basis such as race, color, national origin, gender, disability, or retaliation.
- Whether the allegations involve a program or activity of a Federal-aid recipient, subrecipient, or contractor; or, in the case of ADA allegations, an entity open to the public.
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority.

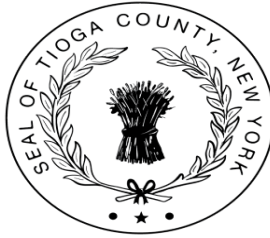
A complaint may be dismissed for the following reasons:

- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- The complainant cannot be located after reasonable attempts.

Tioga County has sole authority for accepting complaints for investigation. Once Tioga County decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) calendar days. The complaint will receive a case number and be logged into Tioga County's records identifying its basis, alleged harm, the race, color, national origin, and gender of the complainant(s).

In cases where Tioga County assumes investigation of the complaint, Tioga County will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of Tioga County's written notification of acceptance of the complaint to furnish their response to the allegations.

Within 40 calendar days of the acceptance of the complaint, a Tioga County or NYSDOT investigator will prepare an investigative report for Tioga County's Title VI Coordinator and the Chair of the Tioga County Legislature. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. Tioga County's Title VI Coordinator and Legislative Chair will have 10 calendar days to review and provide comments to the investigator.



Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the Tioga County Law Department for review. The Law Department attorneys will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the Tioga County Law Department will be reviewed by the Legislative Chair. There will be a period of 10 calendar days for the Chair to discuss the report and any recommendations with Tioga County's Title VI Coordinator, and to have the Title VI Coordinator address any modifications before the report's release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

Tioga County's final investigative report and a copy of the complaint will be forwarded to either NYSDOT, FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

Tioga County will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's concurrence.

The corresponding USDOT modality will issue the final decision to Tioga County based on the investigative report.

USDOT will analyze the facts of the case and will issue its conclusion to the complainant according to their procedures. Once the corresponding USDOT modality issues its final decision, Tioga County will notify all parties involved about such determination. USDOT's final determination is not subject to an appeal.