



WHATCOM COUNTY PUBLIC WORKS

TITLE VI COMPLAINT PROCEDURES

Date: 10/1/2012

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, or under Executive Order 12898 on Environmental Justice, or under any related statutes and regulations, relating to any program or activity administered by the Whatcom County Department of Public Works or its sub-recipients, consultants, and/or contractors. The Whatcom County Department of Public Works is responsible for ensuring that all Title VI discrimination complaints occurring within the Federal-aid transportation program or its activities are investigated. If a complaint is against the Department of Public Works, the Washington Department of Transportation (WSDOT) Office of Equal Opportunity (OEO) will investigate the complaint.

Intimidation or retaliation of any kind is prohibited by law.

INSTRUCTIONS TO CLAIMANTS:

- 1) Please submit your complaint within 180 calendar days of the alleged occurrence or from when the alleged discrimination became known to you.
- 2) Please use the Whatcom County Department of Public Works Title VI Complaint Form and submit it to:

Whatcom County Department of Public Works
Attention: Title VI Coordinator
322 N. Commercial Street, Suite 201
Bellingham, WA 98225

OR via [Email](#) or Public Works Title VI Website

PROCESSING OF COMPLAINTS:

- 1) Upon receipt of the complaint, the Title VI Coordinator will determine whether the Whatcom County Department of Public Works has jurisdiction over the complaint, the acceptability of the complaint, whether additional information is needed, and the Title VI Coordinator may investigate the merit of the complaint.
- 2) The Title VI Coordinator will send the Complainant a written notice of receipt of the complaint within five (5) working days from receipt of the complaint, and will forward a copy of the complaint to the Whatcom County Equal Employment Opportunity (EEO) Office.

- 3) A complaint may be dismissed for the following reasons:
 - a) The Complainant requests withdrawal of the complaint.
 - b) The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c) The Complainant cannot be located after reasonable attempts.
- 4) If the complaint is against the Whatcom County Department of Public Works, the complaint will be forwarded and referred to the WSDOT Office of Equal Opportunity (OEO) for proper disposition pursuant to its Title VI complaint procedures.
- 5) The Whatcom County Department of Public Works will assume jurisdiction and will investigate, in consultation with the County's EEO Officer and the Prosecuting Attorney's Office, any complaints against one of the Department of Public Works' sub-recipients of federal funds.
- 6) In cases where the Whatcom County Department of Public Works conducts the investigation (vs. WSDOT), the Title VI Coordinator or EEO Investigator will provide the respondent with the opportunity to respond in writing to the allegations made in the complaint. The respondent will have 10 working days from receipt of notification to provide a response to the allegations.
- 7) Once an investigative report and its findings are finalized by Whatcom County Department of Public Works, the County's EEO Officer, EEO Investigator and Prosecuting Attorney's office for review by WSDOT, a copy will be forwarded to WSDOT's OEO within 60 calendar days of acceptance of the complaint. WSDOT's OEO will share the report with FHWA as part of its Annual Title VI Update and Accomplishment Report.
- 8) The Whatcom County Department of Public Works will notify the parties of its preliminary findings, which are subject to concurrence from WSDOT's OEO. WSDOT's OEO will issue the final decision to the Whatcom County Department of Public Works based on the Department of Public Works' investigative report.
- 9) Once WSDOT's OEO issues its final decision, the Department of Public Works will notify all parties involved about such determination.
- 10) Appeals. If the Whatcom County the Department of Public Works conducts the investigation and a party is not satisfied with the outcome, the party may appeal to WSDOT pursuant to WSDOT's procedures. Contact WSDOT's OEO at 360-705-7090 for information on their most current appeal procedures and any time limits for bringing an appeal. All findings from state or local investigations are preliminary and subject to the concurrence of the Federal Highway Administration (FHWA). FHWA will render final decisions in all cases including those investigated by WSDOT. The FHWA does not provide any additional administrative appeal forums in Title VI complaints. Once the FHWA issues its final agency decision, a party in disagreement with such determination may file an appeal with the appropriate U.S. District Court.

These procedures do not deny the right of the complainant to file formal complaints with other local, state or federal agencies, or to seek legal counsel for complaints alleging discrimination. These procedures are part of an administrative process and remedies do not include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator or EEO Investigator or Officer may be utilized for resolution.

KEY DEFINITIONS for these specific procedures:

Aggrieved Party – a person with a legally recognized interest who claims they were discriminated against.

Complainant – a person who brings forth or makes the Title VI complaint. A complainant does not have to be the same person as the aggrieved party.

Respondent – a person who allegedly did the discriminatory act or actions and who responds to the complaint or someone who acts on their behalf to respond to the complaint.