



Discrimination Complaint Procedures

The Southside Planning District Commission adopts the following procedures for processing external complaints of discrimination filed under Title VI of the Civil Rights Act of 1964 and related statutes (as identified in Section 1).

1. Filing a Discrimination Complaint

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been, or is being, subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and other related statutes and regulations, the American with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint. A complaint may also be filed by a representative on behalf of such a person.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the Southside Planning District Commission, or directly with VDOT, FHWA, and USDOT. Complaint forms shall be made available by the Title VI Coordinator during regular business hours in paper and digital format (Appendix G). Please see subsection 7 for complaints against the SPDC.

2. Complaint Filing Timeframe

In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after the date of the alleged act of discrimination.

3. Contents of a Complaint

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. In an effort to better understand and fully investigate a complaint, the submitted complaint should include the following information:

- a. The complainant's name, address and other contact information, and that of the complainant's representative when applicable;
- b. The agency and/or person who the complainant believes discriminated against them;
- c. The date(s) and location(s) of the alleged act of discrimination;
- d. The reason in which the complainant believes the alleged act of discrimination took place (i.e., race/color, national origin, sex, age, disability, other);
- e. A detailed description of the alleged act of discrimination;
- f. Contact information for any witnesses to the alleged act of discrimination; and
- g. Notification if the complaint has already been filed with any other agencies.

In the event that a person makes a verbal complaint of discrimination to a staff member of the Southside Planning District Commission, the person shall be interviewed by the Commission's Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

4. Submitting a Complaint

Complaints against parties other than the SPDC shall be submitted to the SPDC's Title VI Coordinator at 200 South Mecklenburg Avenue, South Hill, VA 23970. Complaints may be submitted in person, by mail or through email (cneese@southsidepdc.org). Complaints received by any other employee shall be immediately forwarded to the Title VI Coordinator.

For a complaint against the SPDC, the complainant or their representative should file the complaint with VDOT's Civil Rights Division or the FHWA's Virginia Division Office of Civil Rights. Additional information on this process and contact information for VDOT can be found in subsection 7.

5. Notice of Receipt

Within 10 days of receipt of the discrimination complaint, the Title VI Coordinator will issue an initial written Notice of Receipt that:

- a. Acknowledges receipt of the discrimination complaint;
- b. Informs the complainant of action taken or proposed to process the allegation; and
- c. Advise the complainant of other avenues of redress available, including the VDOT, FHWA and USDOT.

6. Notification of a Complaint to VDOT

The SPDC will also advise VDOT within 10 days of receipt of the discrimination complaint. Generally, the following information will be included in every notification to VDOT:

- a. Name, address and phone number of the complainant.
- b. Name(s) and address(es) of alleged discriminating official(s).
- c. Basis of complaint (i.e., race, color, national origin, sex).
- d. Date of alleged discriminatory act(s).
- e. Date the complaint was received by the SPDC.
- 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 SPDC has taken or proposed to resolve the issue identified in the complaint, if applicable.

7. Complaints Against the Southside Planning District Commission

Complaints filed with the Southside Planning District Commission in which the SPDC is named as the respondent will be forwarded to VDOT's Civil Rights Division, who will in turn forward it to the FHWA, Virginia Division Office of Civil Rights for processing. The allegations will be analyzed by FHWA's Headquarters of Civil Rights (HCR) and the complainant will be notified by HCR of those aspects of the complaint accepted for investigation and the investigator. The SPDC shall not investigate any complaint in which it has been named as the respondent.

VDOT's Civil Rights Division may be contacted at:

Virginia Department of Transportation
Civil Rights Division Administrator/Title VI Program Coordinator
1401 East Broad Street
Richmond, Virginia 23219

8. Complaints Against SPDC Sub-Recipients and Processing Thereof

The SPDC will receive complaints against any of its sub-recipients and will notify VDOT's Civil Rights Division to establish appropriate jurisdiction and to determine any investigation procedures. In the event that the Title VI Coordinator has not received the required training to conduct an investigation, the SPDC shall not carry out any investigation.

Should it be determined that the SPDC has jurisdiction and is directed to conduct an investigation, and with the Title VI Coordinator having received the proper training to carry out an investigation, the SPDC will prepare a written investigation plan. At a minimum, the written investigation plan shall include the following:

- a. Complainant(s) name and address.
- b. Respondent(s) name and address.
- c. Applicable Law(s).
- d. The basis for the complaint.
- e. The allegation(s), issue(s), events or circumstances that caused the person to believe that they have been discriminated against.
- f. Background information.
- g. The names of persons to be interviewed and issues of which they have first-hand knowledge.
- h. Evidence to be obtained during the investigation.
- i. The remedy sought by the complainant(s).

9. Record Keeping

The SPDC's Title VI Coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

- a. The name and address of the complainant.
- b. Basis of discrimination complaint.
- c. Date filed.
- d. Disposition and date.

e. Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than three years from the final date of resolution of the complaint.