# Title VI Policy Statement

It is the policy of CATS to operate its programs and services in full compliance with Title VI of the Civil Rights Act of 1964, as amended, which requires that no person shall, on the grounds of race, color, national origin, or language of origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to Discrimination in any program or activity which is federally funded. Additionally, Executive Order 12898 establishes a mission of Environmental Justice for minority and low-income populations in all federal programs, policies and activities.

Toward this end, it is CATS’ objective to:

* Ensure that the level and quality of its programs and services are provided in a nondiscriminatory manner;
* Promote the full and fair participation by all potentially affected communities in the transportation decision making process (public involvement);
* Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental impacts, including social and economic effects, of its programs, policies, and activities on low-income and minority populations;
* Prevent the denial of, reduction in, or significant delay in the receipt of transportation benefits by low-income and minority populations; and
* Ensure meaningful access to transit-related programs and activities by persons with Limited English Proficiency (LEP).

The CATS Civil Rights Officer is responsible for initiating and monitoring Title VI activities, preparing required reports, and ensuring that CATS adheres to applicable laws and regulations.

Where federal funds are involved, CATS will monitor and ensure the compliance of third party contractors at any tier and each sub-recipient at any tier under the project with all requirements prohibiting Discrimination on the basis of race, color, or national origin, and will include non-discrimination language in all written agreements.

Any person that would like to request more information regarding CATS civil rights programs, CATS Title VI obligations, or who believes they have been aggrieved by any unlawful discriminatory practice under Title VI, may contact or file a formal complaint directly with one or more of the following:

* **CATS**, via:
	+ telephone at (704) 336-RIDE(7433) TDD: 704-336-5051
	+ internet at [www.ridetransit.org](http://www.ridetransit.org)
	+ e-mail at telltransit@charlottenc.gov
	+ U.S. mail at ATTN: CATS Civil Rights Officer, 600 East Fourth Street, Charlotte, NC 28202
* **City of Charlotte Human Resources Department**, 600 East Fourth Street, Charlotte, NC 28202
* **Federal Transit Administration** (FTA) by filing a complaint with the Office of Civil Rights, Attention: Complaint Team, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590

CATS provides written translation of vital documents in compliance with the Safe Harbor Provision found in FTA Circular 4702.1B, Chapter III, Section 19.

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# SCOPE

This procedure explains the formal and informal complaint processes for Title VI complaints, communicates the rights and responsibilities of the complainant, and states the responsibilities of CATS. It does not preclude the right of any complainant to file complaints directly with the Federal Transit Administration (FTA), or to seek private legal representation.

Informal and formal complaints should be filed within 180 calendar days of the event that forms the basis of the claim. If the concern is ongoing, the complaint should be filed within 180 calendar days of the last occurrence. The time required to process the complaint and to investigate it will vary depending on the complexity of the issue; however, every effort will be made to ensure a resolution of informal complaints within 30 business days and formal complaints within 60 business days.

The option of informal mediation meetings between the affected parties may be utilized for resolution.

Compliance with Title VI is the responsibility of every CATS employee. The CATS Civil Rights Office is responsible for monitoring and reporting compliance, investigating complaints, and administering the program.

# references

49 CFR Part 21

FTA Circular 4702.1B

FTA Circular 4703.1

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

CATS CSVS04 *Customer Insights Tracking Process*

# DEFINITIONS

An **informal Title VI complaint** is a verbal or written communication received by the City of Charlotte or CATS staff from members of the public referencing a general complaint of Discrimination regarding CATS benefits, services, amenities, programs, or activities.

A **formal Title VI complaint** is a signed, written complaint of Discrimination on the basis of race, color, national origin, or language of origin filed directly with the FTA Office of Civil Rights, the City of Charlotte Human Resources Department, or CATS. CATS’ Title VI Discrimination Complaint Form (CivRF01) is available in multiple languages, and is signed by the complaining party seeking to remedy perceived Discrimination.

**Discrimination** is action or inaction, whether intentional or unintentional, in any CATS program, activity, or service that results in disparate treatment, disparate impact, or perpetuating the effects of prior Discrimination based on race, color, or national origin (*FTA Circular 4702.1B definition*).

**Limited English Proficient** (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all. (*FTA Circular 4702.1B definition*)

# RESPONSIBILITY

CATS Call Center will be primarily responsible for intake of informal Title VI complaints.

Division Managers must provide a written response, which includes the resolution of the complaint or an action plan, to the Civil Rights Office within 15 business days of receiving the complaint. If not completed within 15 business days, the Division manager will communicate the need for an extension in writing to the CATS Civil Rights Office.

The Civil Rights Office has the responsibility to:

* Evaluate Title VI complaints for compliance,
* Track complaints to ensure that the affected divisions have taken any recommended corrective action(s),
* Monitor response dates,
* Communicate findings to the complainant, and
* Report trends, action plans, and non-compliance to CATS’ Leadership Team.

# Processing informal complaints

## Intake

Upon receipt of a Title VI complaint, CATS’ Call Center representatives code the complaint in their database as TVI (Title VI) and process the complaint per CATS CSVS04 *Customer Insights Tracking Process.* The complaint is then forwarded to the appropriate divisional contact and to the Civil Rights Officer within three (3) business days of receipt.

## Processing of Complaint and Resolution

If the Civil Rights Officer determines the complaint identifies a potential Title VI violation, he/she assigns a complaint tracking number, enters the complaint into the Title VI Complaint database, notifies the affected division manager, and investigates the alleged violation. Within three (3) business days of receipt, the division manager will forward the complaint to the staff member most appropriate to address the issue.

The division will consult with the Civil Rights Office and offer a proposed resolution in writing. Within three (3) business days of receiving the proposed resolution, the Civil Rights Office will offer suggestions or modifications to the proposed resolution, if any.

The Civil Rights Office will communicate its written findings including the steps taken to resolve the matter to the complainant, in the language the complaint was received, within a reasonable time after resolving the complaint with the division. The Civil Rights Office will also forward copies of this communication to the affected division(s) and to CATS Call Center.

If the Civil Rights Office determines that the complaint does not identify a potential Title VI violation, the Civil Rights Office will notify CATS Call Center, the affected division’s Manager, and the complainant within a reasonable period of time and the matter will be handled through the *Customer Insights Tracking Process* (CATS CSVS04).

Every effort shall be made to process and resolve informal Title VI complaints within 30 business days.

## Appeal

There is no right to appeal resolution of an informal complaint. However, the party has the right to file a formal complaint within 180 calendar days of the event or last occurrence of the event.

# processing formal COMPLAINTS

## Intake

The Civil Rights Office will provide a Title VI Discrimination Complaint Form in the complainant’s requested language. The Title VI Discrimination Complaint forms are available on www.ridetransit.org in the Safe Harbor languages identified in CATS current Title VI Program.

## Processing

The Civil Rights Officer reviews the formal complaint to determine if the complaint alleges a potential Title VI violation. A complaint shall be investigated unless:

* It fails to allege facts that establish Discrimination as described in the Definitions section of this procedure, or
* It does not relate to a program or activity controlled by CATS or the City.

If the Civil Rights Office determines the complaint alleges a potential Title VI violation, he/she assigns a complaint tracking number, enters the complaint into the Title VI Complaint database, and notifies the affected division manager.

If the Civil Rights Office determines that the complaint does not identify a potential Title VI violation, the Civil Rights Office will notify CATS Call Center, the affected division’s manager, and the complainant in writing within a reasonable period of time and the matter will be handled through the *Customer Insights Tracking Process* (CATS CSVS04).

## Investigation, Determination, and Recommendation

If investigation is warranted, the Civil Rights Office will investigate or assign an investigator to:

* Identify the basis of the alleged Discrimination;
* Establish when and where the alleged Discrimination occurred;
* Identify and interview all relevant parties;
* Review relevant documents; and
* Make site visits to obtain factual information.

If the complainant does not respond to requests for additional information and information provided is not sufficient to pursue the investigation, the Civil Rights Officer may close the complaint.

Upon conclusion of a thorough investigation, the investigator will prepare an investigative report to summarize findings and suggest appropriate corrective action. The report should be submitted to the Civil Rights Office upon completion of the investigation.

## Communication of Findings and Complaint Resolution

The Civil Rights Office will accept, reject, or modify the investigative report and then consult with the affected division to develop a corrective action plan. The Civil Rights Office will prepare a written determination and submit it to CATS’ Legal Office for review and analysis. Once the final determination is ready for release, the Civil Rights Office and CATS’ Legal Office will meet with the manager of the affected division(s) to communicate the final determination and recommendations for corrective action, if any.

The Civil Rights Office will provide written notification to the complainant of the investigation findings and CATS’ proposed corrective action, if any. The Civil Rights Office will forward copies of this communication to CATS Call Center and the affected division(s). The Civil Rights Office will maintain a record of all discussions and retain all documents relating to the investigation in a confidential file.

If non-compliance is found, the Civil Rights Office will communicate the findings to CATS’ Leadership Team before releasing the findings to the complainant.

## Appeal

The written notification to the complainant will explain that he or she has a right to appeal to the FTA Office of Civil Rights or to seek private legal representation.

# Records required

* CivRF01 Title VI Discrimination Complaint Form (English) available in multiple languages as outlined in 7.1.
* Attachment A – Title VI Statement for Posting in Public Areas
* CATS’ Civil Rights Office will maintain all documents related to the investigation
* Complaints and follow-up information will be entered and kept in Cityworks.

Summary of Changes

Entire Document: Made minor wording changes to improve clarity. Changed “Unequal Treatment” to “Discrimination” throughout.

1.0 Added reference to Executive Order 12898.

Revised CATS’ objectives.

Updated contact information for FTA Office of Civil Rights.

3.0 Added 49 CFR Part 21 and Executive Order 12898 to list of References.

4.0 Revised definitions of “informal Title VI complaint” and “formal Title VI complaint.”

 Added definition of “Discrimination.”

 Deleted definitions of “Unequal Treatment” and “Safe Harbor Provision.”

5.0 Revised to specify the Civil Rights Office has the responsibility to track complaints to ensure that the affected divisions have taken any recommended corrective action(s).

6.1 Changed “within three days of receipt” to “within three (3) business days of receipt.”

6.2 Revised to specify the Civil Rights Officer will offer suggestions or modifications to the proposed resolution, if any.

Revised to specify the Civil Rights Office will communicate its written findings including the steps taken to resolve the matter to the complainant, in the language the complaint was received, within a reasonable time after resolving the complaint with the division (previously within 30 business days of resolving the complaint with the division).

Revised to specify if the Civil Rights Office determines that the complaint does not identify a potential Title VI violation, the matter will be handled through the *Customer Insights Tracking Process* (CATS CSVS04).

7.3 Added “If the complainant does not respond to requests for additional information and information provided is not sufficient to pursue the investigation, the Civil Rights Officer may close the complaint.”

7.4 Changed “proposed resolution” to “corrective action plan.”

8.0 Revised to specify CATS’ Civil Rights Office will maintain all documents related to the investigation.

Revised to specify complaints and follow-up information will be entered and kept in Cityworks (previously CALLTRAK).

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* **City of Charlotte Human Resources Department**, 600 East Fourth Street, Charlotte, NC 28202
* **Federal Transit Administration** (FTA) by filing a complaint with the Office of Civil Rights, Attention: Complaint Team, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590

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 03/14/2018

John M. Lewis, Jr. Date

Chief Executive Officer, Charlotte Area Transit System

Director of Public Transit, City of Charlotte