

What information do I include in my complaint?

A signed, written complaint should be filed within 180 days of the date of the alleged discrimination, including:

1. Your name, address and telephone number. If you are filing on behalf of another person, include their name, address, telephone number and your relation to that person (e.g., friend, attorney, parent, etc.).
2. The name and address of the agency, institution or department you believe discriminated against you.
3. Your signature.
4. A description of how, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination.
5. The names of individuals whom you allege discriminated against you, if you know them.
6. The names of any persons, if known, that the FHWA could contact for additional information to support or clarify your allegations.

What will FHWA do with my complaint?

Once a complaint is filed, the Office of Civil Rights will determine whether FHWA has jurisdiction to investigate the issues raised. If FHWA does not have jurisdiction, the complaint will be forwarded to the appropriate agency. If it is determined that FHWA has jurisdiction, the allegations will be investigated and an attempt will be made to resolve the violations found. If negotiations to correct violations are unsuccessful, enforcement proceedings may be initiated to bring the recipient into compliance.

What will happen if the recipient retaliates against me for asserting my rights or filing a complaint?

A recipient is prohibited from retaliating against you or any person because he or she reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI.

If you believe that a FHWA recipient has retaliated against you, immediately contact FHWA's Office of Civil Rights to investigate your allegation. Filing a complaint with FHWA does not prevent an individual or group from seeking remedy through other sources.

“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.”

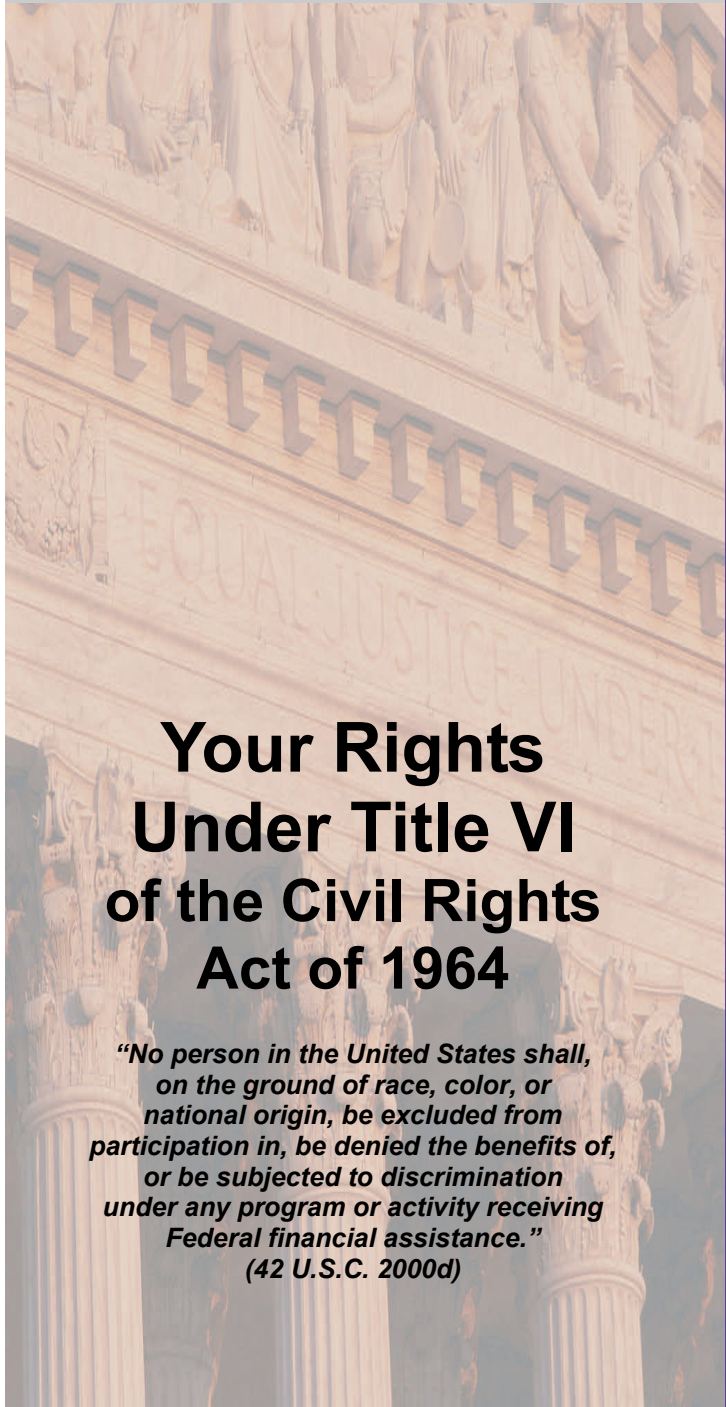
**President John F. Kennedy,
in his message calling
for the enactment of Title VI, 1963**

How can I file a discrimination complaint?

FHWA is responsible for investigating complaints of discrimination based on race, color, national origin, disability/handicap, sex, age, or income level in the use of its funds. If you believe that a FHWA recipient has discriminated against you or others protected by Title VI, you may file a complaint with us. Complaints filed with FHWA should be directed to:

**Federal Highway Administration
Office of Civil Rights
Chief, Investigations & Adjudication
400 7th Street, SW
Room 4132
Washington, DC 20590
(202) 366-1583**

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“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
(42 U.S.C. 2000d)

This brochure is designed to assist you to understand your rights under Title VI of the Civil Rights Act of 1964.

What is Title VI?

Title VI of the Civil Rights Act of 1964 is the Federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. However, Federal Highway Administration's (FHWA) reference to Title VI includes other civil rights provisions of Federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving Federal financial assistance.

Title VI Policy

Pursuant to Title VI of the Civil Rights Act of 1964, the Restoration Act of 1987 and other nondiscrimination authorities, it is the policy of the FHWA that discrimination on the ground of race, color, national origin, disability/handicap, sex, age, or income status shall not occur in connection with programs or activities receiving financial assistance from the FHWA.

The FHWA will ensure compliance with Title VI in all of its programs and activities whether or not those programs and activities are FHWA funded. These efforts to prevent discrimination will address, but not be limited to, a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects and the functions of planning, project development, design, right-of-way acquisition, construction, and research.

Authorities

The two main authorities enabling Title VI implementation, compliance, and enforcement are the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. However, other statutes, laws, regulations, Executive Orders, and the United States Constitution, provide guidance for the effective execution of the objectives of Title VI. These include: Federal-aid Highway Act of 1973; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Age Discrimination Act of 1975; the Uniform Relocation Act of 1970; Executive Orders 12898 and 13166.

Title VI Compliance

Title VI compliance is a situation where a recipient has effectively implemented all the Title VI requirements or can demonstrate that every good faith effort has been made toward achieving this end.

FHWA Recipient

A FHWA recipient is any State, territory, possession, political subdivision, instrumentality, public or private agency, organization, entity or individual to whom FHWA assistance is extended either directly or through another recipient. A FHWA recipient includes any successor, assignee, or transferee, but not the ultimate beneficiary of a program or activity.

Pursuant to 23 USC 302, the FHWA's primary recipient is the State Highway [Transportation] Agency, which is also referred to as the *State*. Each recipient (its sub-recipients and contractors), irrespective of tier, is required to prevent discrimination and ensure nondiscrimination in all of their programs and activities whether they are FHWA funded or not.



Programs Covered

FHWA-assisted programs include any highway, project, program or activity for the provision of services, financial aid, and other benefits. This includes education or training, work opportunities, health, welfare, rehabilitation, housing or other services, whether provided directly by the recipient of FHWA financial assistance or other agents, through contracts or other arrangements with the recipient.

What discrimination is prohibited by the FHWA Title VI Program?

Discrimination under our Title VI program is an act (action or inaction), whether intentional or unintentional, through which a person or group, solely because of race, color, national origin, disability/handicap, sex, age or income status has been otherwise subjected to unequal treatment or impact, under any program or activity receiving financial assistance from FHWA.

Many forms of illegal discrimination based on the grounds identified above do exist that can limit the opportunity for individuals and groups to gain equal access to services and programs. In operating FHWA-assisted programs, a recipient cannot discriminate either directly or through contractual or other means by:

- Denying program services, financial aids, or other benefits;
- Providing different program services, financial aids or other benefits, or providing them in a manner different from that provided to others;
- Segregating or separately treating individuals or groups in any matter related to the receipt of any program service, financial aid or benefit;
- Restricting in any way the enjoyment of any advantage or privilege enjoyed by others receiving any program service, financial aid or other benefits;
- Denying person(s) the opportunity to participate as a member of a planning, advisory or similar body;
- Denying person(s) the opportunity to participate in the program through the provision of services, or affording the opportunity to do so differently from those afforded others.

Who may file a Title VI complaint?

A complaint may be filed by any individual or group that believes that they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability/handicap and/or income level. The complaint may be filed by the affected party or a representative and must be reduced to writing.