

# **York Area Metropolitan Planning Organization Title VI Compliance Policy and Complaint Procedures**

## **Purpose:**

The *York Area Metropolitan Planning Organization (YAMPO) Title VI Compliance Policy and Complaint Procedures* specify the process employed by YAMPO through the York County Planning Commission (YCPC) to investigate complaints, while ensuring due process for Complainants and Respondents. The process does not preclude YAMPO from attempting to resolve complaints informally, and these procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant. Intimidation or retaliation of any kind is prohibited by law.

These procedures apply to all external complaints relating to any program or activity administered by YAMPO and/or its sub-recipients, consultants or contractors, filed under *Title VI of the Civil Rights Act of 1964*, as amended, including Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EOE) components, as well as other related laws that prohibit discrimination on the basis of race, color, national origin, disability, sex, age, low income, nationality or Limited English Proficiency (LEP). Additional statutes include, but are not limited to, *Section 504 of the Rehabilitation Act of 1973*, *the Civil Rights Restoration Act of 1987*, and *the Americans with Disabilities Act of 1990*.

## **Limited English Proficiency Policy and Available Resources:**

*Title VI of the Civil Rights Act of 1964*, as amended, and its implementing regulations require that responsible steps are taken by YAMPO to ensure meaningful access to the benefits, services, information, and other important portions of programs and activities for individuals who are identified as Limited English Proficient (LEP).

YAMPO provides several options to assist in communicating with individuals who do not speak English well. The YCPC staff will provide interpretation assistance to complainants through local language interpretation services. The YCPC also includes the Google™ language translation module on its website, which provides translation of website documents into several different languages. Specifically, this service provides translation capabilities for the top three language groups (persons speaking another language at home and not speaking English very well) identified by the *2014 YAMPO Limited English Proficiency (LEP) Report*: Spanish, Chinese and Vietnamese.

## **Process:**

An individual, or his or her representative, who believes that he or she has been subject to discrimination or retaliation prohibited by Title VI and other nondiscrimination provisions, has the right to file a complaint. Any person may file a complaint in writing alleging discrimination by communicating directly with the YAMPO Title VI Compliance Officer at the York County

Planning Commission, 28 E. Market Street, York, PA 17401. This individual has been designated by the Director of the York County Planning Commission as responsible for the review of the Grievance. A copy of the complaint will be forwarded to PennDOT's Bureau of Equal Opportunity as an informational item.

Complaints must be filed within one-hundred and eighty (180) days after the alleged discrimination unless the alleged discrimination is continuing in which case the complaint may be filed at any time. The person must submit a written complaint alleging discrimination in a sealed envelope directly to:

John Seitz  
YAMPO Title VI Compliance Officer  
York County Planning Commission  
28 East Market Street, Room 301  
York, PA 17401-1580

Complaints shall be in writing and signed by the Complainant or Complainants, providing the information on the attached complaint form. If complaints are received by telephone or in person, the Title VI Compliance Officer shall formally interview the person to provide the basis for the written complaint, and if necessary, assist the Complainant in writing the complaint. Moreover, an authorized representative may also be enlisted by the Complainant to prepare the written complaint. The written complaint must include the following (refer to attached complaint form):

- \* Name, address and telephone number of the Complainant and authorized representative (if needed).
- \* Basis of the complaint (e.g., race, national origin, age, disability or retaliation).
- \* A detailed description of the circumstances of the incident lead the Complainant to believe discrimination occurred.
- \* Names, addresses and telephone numbers of the people who may have knowledge of the alleged incident or are perceived as parties in the incident complaint.
- \* Date or dates on which the alleged discrimination occurred.
- \* Other agencies where the complaint was filed.
- \* As an investigation moves forward, additional information may be required.

When filed, the YAMPO will acknowledge receipt of the complaint or complaints by notifying the Complainant. The Complainant may also send his or her complaints against YAMPO directly to an appropriate Federal agency. If a complaint is filed with an agency that does not have jurisdiction over the particular reason for discrimination, the complaint will be forwarded to an agency that does.

Complaints filed against YAMPO and its sub-recipients, consultants and contractors will be investigated directly by the YAMPO Title VI Compliance Officer, as follows:

- \* All written complaints will be acknowledged by the YAMPO Title VI Compliance Officer in writing within fifteen (15) calendar days of receipt of the complaint. The complaint will also be immediately transmitted to the appropriate state and Federal agencies (refer to the agency list provide below).
- \* The Compliance Officer will complete an investigation based on the information obtained within sixty (60) days of receipt of the complaint. The Compliance Officer will then render a decision in writing five (5) days after completion of the investigation. The report will be submitted to the Chairperson of the YAMPO Coordinating Committee, the Executive Director of the York County Planning Commission, and the appropriate Commonwealth and Federal agencies. The report will include the nature of the complaint, remedy sought, and summary of the investigative findings and activities. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings.
- \* Title VI Compliance Officer will provide a copy of the written decision to the Complainant within ninety (90) days of the receipt of the complaint. The Title VI Compliance Officer will notify the Complainant in writing of the final decision reached, including proposed disposition of the matter. The notification will advise the Complainant of his/her appeal rights with state and Federal agencies if they are dissatisfied with the final decision rendered by the YAMPO.

Confidentiality will be maintained throughout the processing and investigation of the complaint.

All persons are requested to fully cooperate in carrying out this Policy and Procedure of the York Area Metropolitan Planning Organization (YAMPO) and to avoid acts of discrimination or the appearance of discrimination on the basis of race, religious creed, color, national origin, sex, ancestry, age, physical challenge and/or any political or union affiliations.

Complaints may be mailed to the following agencies:

Equal Opportunity Specialist  
U.S. Department of Transportation  
Federal Highway Administration  
228 Walnut Street, Room 508  
Harrisburg, PA 17105-1720

Civil Rights Officer  
U.S. Department of Transportation  
Federal Transit Administration  
1760 Market Street  
Suite 500  
Philadelphia, PA 19103-4124

Title VI Specialist  
Bureau of Equal Opportunity  
Pennsylvania of Department of Transportation  
P. O. Box 3251  
Harrisburg, PA 17105-3251

Civil Rights Division  
U.S. Department of Justice  
Office of the Assistant Attorney General  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

The Compliance Officer will maintain a log of all complaints received, which will at a minimum include the date the complaint was filed, a summary of the allegations, the status of the complaint, and actions taken. This log will be maintained even though no complaints are received annually. The annual complaint log will be maintained and executed by the Compliance Office and presented by the YCPC Transportation staff to the YAMPO Committees at the start of the following fiscal year.

**York Area Metropolitan Planning Organization  
Title VI Complaint Form**

Please Print All Information Below

Complainant Name:

Name of Individual Assisting Complainant:

---

---

Complainant Address:

Assisting Individual Address:

---

---

---

---

---

---

Complainant Phone #:

Assisting Individual Phone # (Home or Cell):

---

---

Basis of Complaint: (e.g., Race, Color, National Origin, Sex, Age, Disability, Retaliation)

---

Date(s) of Alleged Discrimination:

---

---

---

---

Please provide a detailed description of the circumstances of the incident(s), including any additional information supporting your complaint (please use additional pages as necessary):

---

---

---

---

---

Please provide the names(s), title and address of the person who discriminated against the Complainant:

---

---

---

Please provide, if applicable, names and contact information of people who may have knowledge of the alleged incident(s) or are perceived as parties in the complained-of incident(s):

---

---

---

---

Please list any other agency where complaint has been filed:

---

---

---

---

*Please note that as the investigation moves forward, additional information may be required.*

Complainant Signature:

Date:

---

Next Action:

Please provide a detailed description of the circumstances of the incident(s), including any additional information supporting your complaint (please use additional pages as necessary).

---

---

---

---

---

---

Please provide the name(s), title and address (if known) of the person who discriminated against the Complainant.

---

---

Please provide, if applicable, names and contact information of people who may have knowledge of the alleged incident(s) or are perceived as parties in the complained-of-incident(s):

---

---

Please list any other agency where complaint has been filed:

---

I affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief.

---

Complainant's Signature    Print Name of Complainant    Date

---

Assisting Individual Complainant's Signature    Print Assisting Individual Name    Date

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_