

Merrimack Valley Metropolitan Planning Organization (MVMPO) Title VI/Nondiscrimination Complaint Procedure

Introduction

The Metropolitan Planning Organization (MPO) process is a cooperative, ongoing and comprehensive framework for public participation in transportation investment decision-making in metropolitan areas. It is intended to promote equity and consistency in the patterns of transportation improvements that are funded by federal, state and local agencies.

Title VI of the Civil Rights Act of 1964 and its amendments prohibit discrimination on the basis of race, color or national origin in programs and activities receiving federal financial assistance, including transportation funds. Executive Orders and related statutes further define populations that are protected under Title VI. The Age Discrimination Act of 1975 and related statutes prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. Executive Order 12898 pertains to Environmental Justice for minority and low-income populations. Executive Order 13166 pertains to providing equal access to services and benefits for those individuals with Limited English Proficiency (LEP). The rights of women, persons with disabilities are protected under related statutes. Provisions of the Massachusetts General Laws and Executive Orders issued by the Governor affirm Federal protections and extend such protections to prevent discrimination on the basis of ancestry, gender identity or expression, religious beliefs or affiliation, military service or sexual orientation.

Title VI and related statutes require that recipients of federal assistance not discriminate against the protected populations whether the aid is received directly or through a contract.

The Merrimack Valley Metropolitan Planning Organization (MVMPO), as a sub-recipient of federal transportation funds through the Massachusetts Department of Transportation

(MassDOT), is required to maintain a Title VI/Nondiscrimination Program that promotes the guidelines, requirements and spirit of this legislation.

The purpose of the MVMPO Title VI/Nondiscrimination Program is to:

- Prevent the denial, reduction or delay of benefits to protected persons living in the MVMPO region;
- Ensure full and fair participation by people who will be affected by transportation decisions, and
- Ensure that MVMPO's policies and programs do not have disproportionately adverse effects on protected persons living in the region.

How to Submit a Complaint

Any person who believes herself/himself or any specific class of persons has been subjected to discrimination prohibited by Title VI, ADA, or other non-discrimination statute or regulation may, herself/himself or via a representative, file a written complaint. A Complaint must be filed no later than 180 calendar days after the date on which the person believes the discrimination occurred.

Hard copies of this MVMPO Complaint Procedure and the MVMPO Complaint Form, and additional information, can be obtained by contacting the MVMPO as follows:

Merrimack Valley Metropolitan Planning Organization (MVMPO)
Attn: Title VI/Nondiscrimination Coordinator
160 Main Street
Haverhill, MA 01830
(978) 374-0519, extension 29

This MVMPO Complaint Procedure and the associated MVMPO Complaint Form are posted at the office of the Merrimack Valley Planning Commission, 160 Main Street, Haverhill, MA 01830 and are posted on the [MVPC website](#).

Written complaints shall be submitted to:

Ms. Stephanie Pollack, Chair

Merrimack Valley Metropolitan Planning Organization

State Transportation Building

Ten Park Plaza, Suite 2150

Boston, MA 02116-3968

Complaints shall be in writing and shall set forth as completely as possible the relevant facts and circumstances surrounding the alleged discrimination. The following information shall be included:

- Name, address, and phone number of the Complainant;
- A written statement of the Complainant, including:
 - The basis of the alleged discrimination (race, color, national origin, or language);
 - A detailed description of the alleged discriminatory act(s);
 - What in the nature of the alleged act(s) led the Complainant to feel that discrimination was involved;
 - The date(s) on which the alleged discriminatory act(s) occurred;
 - The name(s) of individual(s) alleged to have participated in the act(s);
 - The names of all other agencies or organizations where the complaint is also being filed (if applicable), and
 - The signature of the Complainant and date submitted.

In cases where a Complainant is unable or incapable of providing a written statement and has not designee to do so, a verbal complaint of discrimination may be made through the MVPC Executive Director. Verbal complaints may be submitted (either in person, by telephone at (978) 374-0519, extension 15 or via a recording) to the Executive Director. The Executive Director will convert the verbal allegations to writing and provide the Complainant with the written document for confirmation, revision, and signature by the Complainant before processing.

Written complaints may also be submitted to:

Director
MassDOT Office of Civil Rights
Ten Park Plaza, Suite 4160
Boston, MA 02116

External Civil Rights Programs Division
Department Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue
Washington, DC 20590

Review of Complaints

Upon receipt of the Complaint, the MVMPO Chair shall forward the Complaint to the Director of the MassDOT Office of Civil Rights (OCR) for review. The Director of the MassDOT OCR shall provide written acknowledgment of receipt to the Complainant within ten (10) business days. The Director of the MassDOT OCR and/or his or her staff will conduct a review of the Complaint, which may include the gathering of additional information from the Complainant and/or the alleged discriminating party or parties.

The Director of the MassDOT OCR shall complete review of the Complaint in compliance with Federal and Commonwealth regulations, and submit his/her findings in a Report to the MVMPO Chair. If the Complaint is found to have merit, the MassDOT OCR Director's Report will include proposed resolutions and/or recommended actions such as:

- forwarding the Complaint to a responsible implementing agency, i.e. Federal Highway Administration, Federal Transit Administration, or other;
- identifying available remedial actions to address the Complaint
- identifying possible improvements to the MVMPO's Title VI/Nondiscrimination Program and its processes

Resolution of Complaints

A copy of the Report shall also to be provided to the Complainant. The MVMPO Chair (through the MassDOT OCR) shall also issue a written response to the Complainant describing any actions taken in accordance with the Report. The response shall be issued no later than sixty (60) calendar days after the date on which the Complaint was received. If more time is required for action, the MVMPO Chair (through the MassDOT OCR) shall notify the Complainant of the anticipated additional time needed.

Concurrent Complaints and Appeal

The procedures described above do not in any way abridge the right of the Complainant to file concurrent Complaints with other state or federal agencies and/or to seek private counsel. The procedures above are part of an administrative resolution process that does not include punitive damages or compensatory remuneration to the Complainant.

Appeals

The Complainant may appeal the MVMPO Chair's response to the Complaint. Appeals must be submitted in writing to either one of the following agencies no later than ninety (30) days after the date of the written response.

Director
MassDOT Office of Civil Rights
Ten Park Plaza, Suite 4160
Boston, MA 02116

External Civil Rights Programs Division
Department Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue
Washington, DC 20590

In cases where a Complainant is unable or incapable of providing a written statement and does not have a designee to do so, a verbal complaint of discrimination may be made through the MVPC Executive Director. Verbal complaints may be submitted (either in person, by telephone at (978) 374-0519, extension 15 or via a recording) to the Executive Director. The Executive Director will convert the verbal allegations to writing and provide the Complainant with the written document for confirmation,

revision, and the Complainant's signature before processing. The Executive Director will then forward the Complaint to the MVMPO Chair.

Complaint Tracking

The MVMPO staff maintains a logbook of Title VI/Nondiscrimination Program complaints pertaining to the MVMPO's operations. The logbook contains:

- complaint filing dates;
- allegation summaries;
- status of individual complaints, investigations or lawsuits, and
- actions taken by the MVMPO Chair (through the MassDOT OCR) relative to individual complaints

The MVMPO staff also compiles a summary of all MVMPO Title VI/Nondiscrimination compliance review activities conducted during the latest three year period.