

COMPLAINT PROCEDURES

This complaint procedure covers the following nondiscrimination laws and related directives, and statutes: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990.

Complaints of discrimination may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or has otherwise been subjected to discrimination under any program or activity receiving federal financial assistance from the Michigan Department of Transportation or any sub-recipient; and s/he believes the discrimination is based on race, color, national origin, sex, age or disability, socio-economic status or geographical location.

Report complaints to:

City Manager/EEO Officer
City of Charlevoix
210 State Street
Charlevoix, MI 49720
Phone: 231-547-3270
Fax: 231-547-3617

Complaint Reporting

- a. Any person who believes that he or she, individually, or as a coordinator of any specific group or class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the MDOT or the City of Charlevoix City Manager. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the City's EEO Officer for review and action.

In order to have the complaint considered under this procedure, the complainant must file the complaint within 180 days after the date of the alleged act of discrimination, or where there has been a continuing course of conduct, the date on which that conduct was discontinued. The recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

- b. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the City's EEO Officer. If necessary, the City's EEO Officer will assist the complainant in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
- c. Within 10 days, the City's EEO Officer will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the MDOT, FHWA, and the USDOT.
- d. The City's EEO Officer will gather the following information for complaint processing and investigation:
 - i. Names, addresses, and phone numbers of the complainants
 - ii. Names and addresses of alleged discriminating officials
 - iii. Basis of complaint (i.e., race, color, national origin, sex, age, disability.)
 - iv. Date of alleged discriminatory act(s)
 - v. Date of complaint received by the recipient
 - vi. A statement of the complaint
 - vii. Other agencies (state, local or federal) where the complaint has been filed.

- viii. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint
- e. Within 60 days, the City's EEO Officer will conduct and complete an investigation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the State Transportation Agency (STA). The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings.
- f. Within 90 days of receipt of the complaint, the City's EEO Officer will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the MDOT, USDOT, or the FHWA, if they are dissatisfied with the final decision rendered by the State.

The City of Charlevoix accepts the complaint forms as used for MDOT: "MDOT Title VI Complaint Form 0112". Complainants will also complete and sign "MDOT Complaint Consent/Release Form 0198" outlining disclosure of the complainant's identity in accordance with state and federal law. These forms can be found online at www.michigan.gov/mdot/ or on the City's web site.

PLEASE NOTE: Submit the forms directly to:
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Charlevoix, MI 49720
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Investigations

A complaint may be filed against the recipient, contractor, sub-contractor, consultant, or supplier for illegal discrimination under Title VI and related statutes.

Complaints against the City will be investigated by the MDOT. Complaints against a sub-recipient will be investigated by the City. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The City's EEO Officer will gather relevant information in a fair and impartial manner and will submit the report to the MDOT. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. A "MDOT Complaint Consent/Release Form 0198" shall be provided to all complainants.

The City's EEO Officer in conjunction with the appropriate area will determine the appropriate course of action, and the City's EEO Officer will prepare a Statement of Decision reflecting the final determination. The complainant and appropriate areas shall receive written notifications to the decision. If the finding is adverse to the complainant, they will be advised of their avenues for appeal.

Copies of Title VI complaints and investigative reports will be forwarded to MDOT within 60 days of receipt and investigation of the complaint. Investigation files are confidential and will be maintained by the City's EEO Officer. The contents of such files may be disclosed to City personnel on a need-to-know basis and in accordance with state and federal law. Files will be retained in accordance with City's records retention schedule and federal guidelines.

Retaliation

Retaliation against any individual or group for filing a complaint, acting as a witness, or participating in an investigation is illegal, and a subsequent investigation may arise out of a retaliation claim even though the original complaint may be without merit.