

Title VI Complaints

Loudoun County Transit 2020-2023 Title VI Program

Loudoun County, Department of Transportation and Capital Infrastructure

Overview of Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, and the Civil Rights Restoration Act of 1987, relating to any program or activity administered by the Loudoun County Department of Transportation and Capital Infrastructure, as well as to sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination.

These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meetings(s) between the affected parties and the Title VI Manager may be utilized for resolution.

The Title VI Manager, in cooperation with the County Attorney, will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

1. Any individual, group of individuals or entity who believes that he/she has been subjected to discrimination by Loudoun County Transit on the basis of race, color, or national origin may file a written complaint with Loudoun County Transit's Title VI Manager. The complaint is to be filed in the following manner:
 - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint shall be in writing and signed by the complainant(s).
 - c. The complaint should include:
 - i. the complainant's name, mailing address, and contact information (i.e., telephone number, email address, etc.);
 - ii. the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance);
 - iii. a description of the alleged act of discrimination;

- iv. the location(s) of the alleged act of discrimination (including vehicle number if appropriate);
 - v. an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin;
 - vi. if known, the names and/or job titles of those individuals perceived as parties in the incident;
 - vii. contact information for any witnesses; and
 - viii. indication of any related complaint activity (i.e., was the complaint also submitted to Federal Transit Administration?).
- d. The complaint shall be submitted to the **Loudoun County Transit Title VI Manager** either
- by delivery to :
101 Blue Seal Dr., Ste. 102, Leesburg, VA 20177
 - or by mailing to:
P.O. Box 7500, MSC #64, Leesburg, VA 20177.
- e. Complaints received by any other employee of the County shall be immediately forwarded to the Title VI Manager.
- f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and a suitable translator, interpreter, or transcriptionist will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Title VI Manager shall immediately:
- a. Notify the Director, Department of Transportation and Capital Infrastructure, if not already so informed and the Loudoun County Attorney (no later than 3 business days from receipt).
 - b. Ensure that the complaint is filed into official complaint records.
3. Within 3 business days of receipt of the complaint, the Title VI Manager shall contact the complainant by telephone to set up an interview.
4. The complainant shall be informed that he/she has a right to have a witness or representative present during the interview and can submit any documentation that he/she perceives as relevant to proving his/her complaint.
5. If Loudoun County has assigned staff to assist with the investigation, the Title VI Manager shall offer an opportunity for assigned staff to participate in the interview.
6. The alleged discriminatory transit service or program official shall be given the opportunity to respond to all aspects of the complainant's allegations.

7. The Title VI Manager, with guidance and input by the County Attorney, shall determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. Reviewing contractor operating records, policies or procedures
 - b. Reviewing routes, schedules, and fare policies
 - c. Reviewing operating policies and procedures
 - d. Reviewing scheduling and dispatch records
 - e. Observing behavior of the individual whose actions were cited in the complaint
 - f. Documenting all steps taken and findings in the investigation in writing and included in the complaint file.
9. Prior to writing the final report regarding the alleged incident, the Title VI Manager shall contact the complainant at the conclusion of the investigation and give the complainant an opportunity to prepare a rebuttal statement.
10. At the conclusion of the investigation and within 60 days of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report shall be provided to the County Administrator of Loudoun County, the Director of the Department of Transportation and Capital Infrastructure, and the County Attorney of Loudoun County.
11. The Title VI Manager will send a letter to the complainant notifying him/her of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning for this decision. The complainant can appeal the determination. This letter will be copied to the Loudoun County Attorney.
12. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complainant.
 - b. An interview cannot be scheduled with the complainant after three reasonable attempts. The three reasonable attempts shall include: first by one e-mail message, then by one telephone call at least two calendar days after the e-mail message was sent, and finally by one letter mailed at least three calendar days after the phone call. The complaint may be dismissed if no response is received within three weeks of the mailed letter.
 - c. The complainant fails to respond to three repeated requests for additional information needed to process the complaint. The three requests shall be made through the preferred method (e-mail, telephone, or letter) specified by the complainant during the interview or in the sequence listed for scheduling an interview if unspecified by complainant. The third

- attempt should be by letter mailed at least three calendar days after the second attempt. The complaint may be dismissed if no response is received within three weeks of the mailed letter.
- d. Litigation has been filed raising similar allegations involved in the complaint.
 - e. The complaint was not filed within 180 days of the alleged discrimination.
 - f. The complaint does not indicate a possible violation.
 - g. The complaint is so weak, insubstantial, or lacking in detail that the Title VI Manager determines it is without merit, or so replete with incoherent or unreadable statements that it, as a whole, cannot be considered to be grounded in fact.
 - h. The complaint has been investigated by another agency and the resolution of the complaint meets U.S. Department of Transportation regulatory standards.
 - i. The complaint allegations are foreclosed by previous decisions of the courts, the Federal Transit Administration, or U.S. Department of Transportation.
 - j. The Title VI Manager obtains credible information that the allegations raised by the complaint have been resolved.
 - k. The complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations that have been found factually or legally insubstantial.
 - l. The same complaint allegations have been filed with another Federal, state, or local agency, and Loudoun County anticipates that the complainant will be provided with a comparable resolution process under comparable legal standard.
 - m. The death of the complainant or injured party makes it impossible to investigate the allegations fully.