

WAMPO

Title VI Discrimination Complaint Procedures

This complaint procedure and form is for any person who believes that he or she, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination by the Wichita Area Metropolitan Area Planning Organization (WAMPO) in relation to any program or activity administered by WAMPO, its sub-recipients, or its consultants/contractors pursuant to discrimination laws, rules and regulations, including, but not limited to, Title VI of the Civil Rights Act of 1964, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” or Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.” This complaint procedure applies to matters related to Title VI, EJ, or LEP.

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 do not extend the time for seeking such a remedy, nor are they a necessary step to seek a remedy otherwise. 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. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be used for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a timely resolution to the complaint. Initial interviews with the complainant and the respondent, if applicable, will request information regarding specifically requested relief and settlement opportunities.

1. Submission of Complaint: Any individual or group may file a written complaint with WAMPO’s Title VI Coordinator. The mailing address and contact information are below:

Wichita Area Metropolitan Area Planning Organization
Attn: Title VI Coordinator
455 N. Main – 10th Floor, Wichita, Kansas 67202
Phone: (316) 268-4315, Fax: (316) 268-4390 or E-Mail: wampo@wichita.gov

The complaint must be filed within one hundred eighty (180) calendar days after the date the alleged discrimination occurred. A complaint form may be downloaded at www.wampo.org or is available in hard copy from the Title VI Coordinator. Upon request, assistance will be provided to any person(s) unable to read or write English or who requires a form in an alternative format due to a disability.

The complaint form must be as complete as possible and must meet the following requirements:

- a. Complaint shall be in writing and signed by the complainant(s).
- b. Include the date of the alleged act of discrimination.
- c. Present a detailed description of the issues.
- d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established.
- e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and returned for processing.

Complainants have the right to complain directly to the appropriate federal agency as well. Complainants have 180 days to file a complaint with the appropriate federal agency.

2. Receipt of Complaint

Within fifteen (15) days after receiving a complaint, the Title VI Coordinator will a) forward a copy of the complaint to the Kansas Department of Transportation, or the appropriate, designated federal agency related to the complaint, if required and b) send a written acknowledgement to the complainant advising that the complaint will be investigated.

In order to be accepted, a complaint must involve a covered basis such as race, color, or national origin and the allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or consultant/contractor.

A complaint may be rejected for the following reasons:

- a. The complainant requests the withdrawal of the complaint.
- b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.

- c. The complainant cannot be located after reasonable attempts.

Once the complaint is accepted, the Title VI Coordinator will log it in a database identifying the following: complainant's name, basis, alleged harm, race, color, and national origin of the complainant.

3. Referral to Review Officer

The Title VI Coordinator in consultation with the WAMPO Director will appoint one or more staff review officers to investigate the complaint. The staff review officer(s) will complete the review within 45 days after the agency received the complaint and will make a recommendation about the merits of the complaint and, if necessary, what steps will be taken to address the complaint.

4. Complaint Decision

The staff review officer(s) will forward the recommendation to the WAMPO Director for review and concurrence. If the Director concurs he or she will issue the agency's response to the complainant(s) and any respondent(s), if applicable. (A respondent may be any sub-recipient or consultant/contractor named in the complaint.)

5. Requests for Reconsideration

If the complainant disagrees with the response, he or she may request reconsideration by submitting a request within fifteen (15) days after receipt of the response. Any affected party may submit information and/or documentation in writing to the Title VI Coordinator in support of their request for reconsideration of the recommendation. Upon review of the additional information and documentation, the Title VI Coordinator and the WAMPO Director will have ten (10) days to either reaffirm or reverse the original recommendation and provide written notice to the complainant and respondent. If neither party requests reconsideration, the recommendation becomes final.

6. Settlement

If the final recommendation or reconsideration supports the allegation(s), the Title VI Coordinator will attempt to negotiate an amicable settlement of the issues in dispute. Formal, written settlement agreements will require the review of the agency's counsel prior to execution and will require the signatures of the parties, the Title VI Coordinator, and the WAMPO Director.

7. Submission of Complaint to the State of Kansas Department of Transportation or the Federal Transit Administration

The complainant may also submit a written complaint to the state or appropriate federal agency in accordance with the requirements of the state or federal agency.

NOTE: Complaints must be filed with federal agencies no later than 180 days after the alleged discrimination occurred. Prompt action is necessary to ensure review by state or federal agencies, irrespective of WAMPO's response.

KDOT Office of Contract Compliance
700 Southwest Harrison
3rd Floor West
Topeka, KS 66603

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
1200 New Jersey Ave., S.E.,
East Building, 5th Floor - TCR
Washington, DC 20590

Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave., S.E.
8th Floor E81-314
Washington, DC 20590

8. Confidentiality

To the extent feasible and as allowed by law, confidentiality shall be maintained during the formal and informal investigation process.

9. Investigation records

Records will be maintained in accordance to applicable Federal guidelines, or in their absence, applicable state guidelines.