

VHB Title VI Complaint Information

Introduction

VHB is committed to compliance with Title VI of the Civil Rights Act of 1964 (Title VI). As a federal contractor and subcontractor, we provide information about Title VI to afford anyone who believes they have been discriminated against with general awareness about how to file complaints alleging violations of Title VI and any other applicable local, state, or federal laws, rules, or regulations relative to nondiscrimination in programs and activities receiving federal financial assistance. This is a general overview of Title VI complaint processes, but procedures may vary depending on the particular federal agency's protocol:

- Step 1: Complainant submits their complaint to the applicable federal, state, or municipal organization who is the recipient of federal financial assistance.
- Step 2: Recipient issues the complainant an acknowledgement letter.
- Step 3: Complaint is assigned to and reviewed by an investigator.
- Step 4: Investigator conducts interviews of complainant, witnesses, and the respondent.
- Step 5: Investigator reviews the evidence and testimonies to determine whether a violation has occurred.
- Step 6: Complainant and respondent are issued a letter of resolution or a letter of finding and may be offered appeal rights depending on the particular federal agency's protocol.
- Step 7: If there is an appeal period, once the appeal period has expired, the investigation is closed.

Steps such as these are part of an administrative process that federal-aid recipients utilize that are aimed at identifying and eliminating discrimination in federally funded programs and activities. The procedures do not provide an avenue for relief for complainants seeking individual remedies, including punitive damages or compensatory renumeration; they do not deny the right of the complainant to file formal complaints with other state or federal agencies, nor do they deny complainants the right to seek private counsel to address acts of alleged discrimination. Please note that anti-discrimination laws may overlap and share common elements. Accordingly, complainants may have rights under one or more anti-discrimination laws concurrently.

VHB Title VI Complaint Information

Title VI Legal Background

Title VI of the Civil Rights Act of 1964, **prohibits discrimination based upon race, color, and national origin in connection with any program or activity receiving federal financial assistance.** Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Thus, Title VI is applicable in instances where VHB is performing services for a client in connection with any program or activity receiving federal financial assistance. For example, VHB often performs services for state DOTs on programs and activities that receive federal financial assistance.

The applicable Title VI regulations clarify that federal-aid contractors (such as VHB) may not discriminate in their selection and retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in federal-aid highway construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment. The regulations may also extend to employment practices only where a primary objective of the federal financial assistance is to provide employment. See [49 CFR Part 21](#) for additional information.

Filing of Complaints

Any member of the public including employees, customers, applicants, contractors, or subrecipients of federal funds who believe that they themselves, a third party, or a class of persons were mistreated or treated unfairly because of their race, color, or national origin in violation of Title VI may file a complaint. Intimidation or retaliation is also prohibited under Title VI.

Title VI discrimination complaints (on the basis of race, color, or national origin) should be filed with the applicable organization who is the recipient or subrecipient of federal financial assistance. Federal laws and regulations governing Title VI places the overall coordination authority for the

VHB Title VI Complaint Information

investigation of civil rights complaints in the United States Department of Justice (US DOJ), which works collaboratively with federal agencies that carry out this responsibility.

In the transportation sector, this investigative authority rests with the US Department of Transportation (US DOT) and its agencies for the different modes of transportation, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). In coordination with US DOT requirements, FHWA and FTA have established regulations and guidance that require recipients and subrecipients of federal financial assistance to establish procedures for processing Title VI complaints filed with these organizations.

A written and signed complaint alleging violation of Title VI should be filed no later than one hundred and eighty (180) days from the date of the alleged violation. In general, written complaints should include the following information:

- Complainant's name, signature, current contact information (i.e., telephone number, email address, and postal mailing address).
- Date of the alleged act(s) of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct.
- A detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.

Definitions

Complainant – A person who files a complaint.

Complaint – Written, verbal or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Where a complaint is filed by a person with a disability, the term complaint encompasses alternative formats to accommodate the complainant's disability.

Discrimination – That act or inaction, whether intentional or unintentional, through which a person in the United States, solely because of race, color, national origin, or bases covered by

VHB Title VI Complaint Information

other nondiscrimination authorities, such as gender, age, or disability, has been subjected to unequal treatment or disparate impact under any program or activity receiving federal assistance.

Operating Administrations – Agencies of the U.S. Department of Transportation, including the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Rail Administration (FRA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Motor Carrier Safety Administration (FMSCA), that fund transportation programs or activities.

Respondent – The person, agency, institution, or organization alleged to have engaged in discrimination.

VHB's Title VI Program Coordinator

VHB has appointed Elizabeth Bennett (elabennett@vhb.com) as VHB's Title VI Program Coordinator where VHB is specifically required to designate a Title VI Program Coordinator. Ms. Bennett also serves as VHB's EEO Coordinator.