

## **Cherriots Respects Civil Rights**

Cherriots operates its programs without regard to race, color, national origin, religion, sex, sexual orientation, gender identity, marital status, age, disability, or income status. Cherriots is committed to protecting its customers from discrimination or violations of their civil rights under the Americans with Disabilities Act (ADA), Title VI of the Civil Rights Act of 1964, and Oregon Revised Statutes (OR) 659A.400 – 659A.417.

### **CHERRIOTS TITLE VI COMPLAINT PROCEDURE**

Any person who believes that, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with Cherriots, 555 Court St., NE Suite 5230, Salem, Oregon 97301. Complainants have the right to complain directly to the appropriate federal or state agency. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the district Title VI Officer may be utilized for resolutions. The Title VI Officer will notify Cherriots General Manager of all Title VI related complaints as well as all resolutions.

### **PROCEDURE**

1. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s). In cases where complainant is unable or incapable of providing a written statement, a verbal complaint may be made to a designated individual that will create a written record of the complaint submittal. The Title VI Officer will interview the complainant and do so with the assistance the designated individual converting verbal complaints to writing. All

complaints must be signed by the complainant or the complainant's representative.

b. Include the date of the alleged act of discrimination if it was a single occurrence. If the alleged act of discrimination is ongoing, or involved a pattern of discrimination that has ceased, then provide the date the pattern began, the date of the most recent occurrence, or if the actions have ceased the date of the last occurrence.

c. Provide a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.

d. Federal and state law requires complaints be filed within 180 calendar days of the alleged incident.

2. Upon receipt of the complaint, the Title VI Officer will determine its jurisdiction, acceptability, or need for additional information.

3. The complainant will be provided with a written acknowledgement that Cherriots has either accepted or denied the complaint.

4. A complaint must meet the following criteria for acceptance:

a. The Complaint must be filed within 180 days of the alleged occurrence.

b. Involve discrimination based on race, color, or national origin to be covered by Title VI of the 1964 Civil Rights Act.

c. The allegation must involve a Cherriots service supported by Federal Transit Administration funds, sub-recipient, or contractor.

5. A complaint may be dismissed 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.

6. Once the Cherriots Title VI Officer decides to accept the complaint for investigation, the complainant will be notified in writing of such determination. The complaint will receive a case number and will be logged in a database identifying: complainant's name, basis, alleged harm, race, color, and national origin of the complainant.

7. In cases where the Cherriots Title VI Officer assumes the investigation of the complaint, within 90 calendar days of the acceptance of the complaint, the Cherriots Title VI Officer will prepare an investigative report for review by the General Manager or his/her designee. The report shall include a narrative description of the incident, indemnification of persons interviewed, findings, and recommendations for disposition.

8. The investigative report and its finding will be reviewed by the General Manager of Cherriots and in some cases by Cherriots Legal Counsel. The report will be modified as needed.

9. The General Manager/Legal Counsel will make a determination on the disposition of the complaint. Dispositions will be stated as follows:

a. In the event Cherriots is in noncompliance with Title VI regulation remedial actions will be listed.

10. Notice of determination will be mailed to the complainant. Notices shall include information regarding appeal rights of complainant and instruction for initiating such an appeal. Notice of appeals are as follows:

a. Cherriots will reconsider this determination, if new facts come to light.

b. If complainant is dissatisfied with the determination and/or resolution set forth by Cherriots, the same complaint may be submitted to the FTA for investigation. Complainant will be advised to contact the Federal Transit Administration Office of Civil Rights, Attn: Title VI Program Coordinator, East Building 5th Floor – TCR 1200 New Jersey Ave. SE, Washington, D.C. 20590, Telephone 202-366-4018.

11. A copy of the complaint and the Cherriots investigation report/letter of finding and Final Remedial Action Plan, if appropriate will be issued to FTA within 120 days of the receipt of the complaint.

12. A summary of the complaint and its resolution will be included as part of the Title VI updates to the FTA.

## **RECORDKEEPING REQUIREMENT**

The Title VI Officer will ensure that all records relating to the Cherriots Title VI Complaint Process are maintained with department records. Records will be available for compliance review audits.