

Title VI Complaint Procedures and Reporting

The complaint procedures outlined herein apply to Buncombe County Community Transportation Service (Mountain Mobility) and other sub-recipients of federal financial assistance under federal transit grants received by Buncombe County. These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, and other nondiscrimination authorities relating to any program, services, or activities administered by the NCDOT and its sub-recipients, consultants, and contractors.

Title VI of the Civil Rights Act of 1964 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.

Buncombe County and Mountain Mobility will make every effort to obtain early resolution of complaints at the lowest level possible. Complaints of alleged discrimination will be investigated by the appropriate authority. The option of informal mediation meeting(s) between the affected parties and the appropriate Buncombe County and/or Mountain Mobility staff may be utilized for resolution. Upon completion of each investigation, Mountain Mobility staff will inform every complainant of all avenues of appeal.

Filing of Title VI Discrimination Complaints

The complaint must meet the following requirements:

1. **Applicability** – These complaint procedures apply to the beneficiaries of Buncombe County Community Transportation Program/Mountain Mobility programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint with Mountain Mobility. Additional entities may also be contacted and are listed under section number three (3). The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits, Complaint Form, and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

A Mountain Mobility Title VI Complaint Form (***Appendix C-1***) can be obtained at www.buncombecounty.org/transportation or by contacting the Title VI Coordinator at (828) 250-6750, Ext. 5, (TTY 1-800-735-2962); email mountainmobility@buncombecounty.org; or in person at the administrative office located at 339 New Leicester Hwy, Suite 140, Asheville, NC 28806.

Title VI complaints may be submitted to one of the following entities:

- **Buncombe County Planning/Mountain Mobility**, Title VI Coordinator, Mountain Mobility Administration, LOSRC, 339 New Leicester Hwy, Suite 140, Asheville, NC 28806
- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
 - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. Format for Complaints – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Those who provide complaints by phone will be asked to fill out a formal complaint form. Complaints will be accepted in other languages including Braille.

5. Complaint Basis – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term “basis” refers to the complainant’s membership in a protected group category. Allegations against **transit** entities must be based on issues involving **only** race, color, or national origin.

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Women and Men
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic

Complaints must include the date of the alleged act of discrimination or the date when the Complainant(s) became aware of the alleged act of discrimination. Also include the date on which the conduct was discontinued or the latest instance of the discriminatory conduct.

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

Complainant Notification

1. When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant within fifteen (15) business days by mail sent with electronic tracking.
2. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided thirty (30) business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
3. Within fifteen (15) days of the acceptance of a complete complaint, the Title VI Coordinator will notify the Complainant by mail sent with electronic tracking, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification will inform the parties that their full cooperation will be required in gathering additional information and assisting the investigator.

If a complaint is to be investigated, the Complainant will be notified that the Title VI Coordinator will attempt to resolve complaints within one hundred eighty (180) days after Mountain Mobility has accepted the complaint for investigation.

4. The Title VI Coordinator will initiate the investigation and work to resolve the issue. The complaint will be logged on a Title VI Discrimination Complaints Log.
5. Within thirty (30) days of the acceptance of the complaint, the Title VI Coordinator will prepare an investigative report for review by the Director of Buncombe County Planning and Development. The report shall include a narrative description of the incident, identification of persons interviewed, and findings and recommendations for disposition.
6. The investigative report and its findings will be reviewed by the Planning Director or their designee, and in some cases the investigative report and findings may be reviewed by the Buncombe County Legal Department. The report may be modified as needed.
7. The Buncombe County Planning and Development Department and the Buncombe County Legal Department will make a determination on the final disposition of the complaint in concert with the Title VI Coordinator.
8. In the event that Mountain Mobility, any existing or potential contractor, or any other entity carrying out the program or activity involved in the complaint, is in noncompliance with Title VI regulations, remedial actions will be documented in the report.
9. Notice of the final disposition will be mailed to the Complainant. The notice shall include information regarding appeal rights of Complainant and instructions for initiating such an appeal.

Appeal Process

Buncombe County and Mountain Mobility may reconsider any determination if new facts and evidence come to light.

If Complainant is dissatisfied with the determination and/or resolution, the same complaint may be submitted to the NCDOT Office of Civil Rights, Title VI/EO Contract Compliance Section or the FTA, for investigation at the addresses above.

Title VI Recordkeeping and Reporting

The Title VI Discrimination Complaints Log (**Appendix C-2**) shall be maintained on a fiscal year basis (July 1-June 30). The Title VI Coordinator shall close the Complaints Log following the end of each fiscal year and send a copy of the log to Buncombe County Planning and Development on or before July 31st following the end of each fiscal year.

In the event that no complaints are filed within a fiscal year, the Title VI Coordinator shall check the applicable box and sign the log certifying that no complaints or lawsuits alleging discrimination have been filed against Mountain Mobility during the fiscal year of the report.

As part of the annual NCDOT Title VI Program Report (**Appendix C-3**) submitted to the NCDOT and/or FTA, Buncombe County shall either officially certify that no complaints or lawsuits were filed, or shall include a summary of any complaints or lawsuits filed, along with a description of the complaint, status, and resolution.

All records pertaining to Title VI Complaints will be retained by the Title VI Coordinator for a period of ten (10) years from the issuance of a final determination on any complaint. Records will be available during that timeframe for applicable federal and/or state compliance review audits.