

External Complaint Process

A. Persons Eligible to File

A person nor any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes, Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA) may file a complaint.

B. Filing a Complaint

1. A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the State of Alaska Department of Transportation & Public Facilities (ADOT&PF), Civil Rights Office (CRO) to take action. Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint, e.g., age, sex, race, color, national origin, or disability;
 - d. The identification of the respondent, e.g., agency/organization alleged to have discriminated;
 - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and,
 - f. The date(s) of the alleged discriminatory act(s).
2. A complaint can also be filed using ADOT&PF, CRO's Discrimination Complaint Questionnaire. Questionnaires may be obtained by visiting the Department website at <http://www.dot.state.ak.us/cvlrts/forms/DiscrimComplQuest.pdf> or by calling our office at 907-269-0851.

While the above indicates a complaint should be in writing and signed, the ADOT&PF, CRO will accept complaints in alternative formats from persons with disabilities, upon request.

C. Timeframe for Filing Complaints

Complaints must be filed within 180 days of the last date of the alleged discrimination, unless the time for filing is extended (49 CFR 21.11 and 27.123). The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by ADOT&PF, CRO. An extension can be requested and may be granted under the circumstances outlined by Federal Highway Administration (FHWA), outline is available upon request.

D. ADOT&PF, CRO and other agencies responsibilities

1. Title VI complaints filed directly with ADOT&PF, CRO against contractors or sub-recipients will be processed in accordance with FHWA approved complaint procedures as required under 23 CFR 200.9(b)(3). However, FHWA Headquarters Civil Rights (HCR) has delegated authority for making all final decisions which include dismissing complaints and issuing Letter of Findings (LOFs.)
2. Complaints filed under Section 504/ADA with ADOT&PF, CRO will be investigated by ADOT&PF,CRO in accordance with 49 CFR 27.13(b).
3. Complaints filed under Title VI with ADOT&PF, CRO in which ADOT&PF, CRO is named as the respondent will be forwarded to FHWA HCR for investigation or a team comprised of Division Office and Resource Center Personnel.

E. Processing Complaints

1. Recording Complaints

Upon initial receipt, a complaint will be date stamped by ADOT&PF, CRO. The date of receipt is crucial for determining jurisdiction and timeliness.

2. Accepting Complaints in Alternative Formats and Languages

- a. ADOT&PF, CRO will ensure that persons with Limited English Proficiency (LEP) have meaningful access to their programs and activities, including their complaint procedures in accordance with E.O.13166, "Improving Access to Services for Persons with Limited English Proficiency."
- b. Complaints in languages other than English will be translated and responded to in the language in which they were sent. Translation time will not count towards the review time.
- c. ADOT&PF, CRO recognizes the need to modify practices to serve LEP complainants and those with disabilities may extend beyond the complaint intake stage. Throughout the complaint resolution process, ADOT&PF, CRO will ensure individuals understand their rights and responsibilities, as well as the status of their complaint.

3. Reviewing Complaints

- a. The complaint will be reviewed within 10 calendar days of receipt to determine whether it contains all the necessary information required for acceptance.
- b. If the complaint is complete and no additional information is needed, ADOT&PF, CRO will send a letter of acceptance along with the Complaint Consent/Release form and the Notice About Investigatory Uses of Personal Information form to the complainant.
- c. After determining the complaint is accepted for investigation, ADOT&PF, CRO will send a notification letter to the complainant.

- d.If the complaint is incomplete, ADOT&PF, CRO will contact the complainant in writing or by telephone to obtain the additional information. The complainant will have 15 calendar days to respond to the request for additional information.
- e.If the complainant is represented by an attorney the complainant should provide a letter of representation to ADOT&PF, CRO.

F. Timeframes for Investigations

1. Title VI complaints received by ADOT&PF, CRO are bound by the timeframes outlined in 23 CFR 200.9(b)(3).
2. Section 504/ADA complaints received will be coordinated between ADOT&PF, CRO and FHWA Division Office. Complaints will be investigated within 90 days of receipt.

G. Decisions-Report of Findings

1. For complaints received by ADOT&PF, CRO-Title VI investigation will be conducted for its sub-recipients or contractors and will coordinate recommended findings with FHWA Division Office.
2. For complaints received against ADOT&PF-investigations will be conducted by FHWA. A Title VI finding of violation, no violation, or dismissal is a Federal decision that cannot be delegated.

H. Appeals

LOFs made by the FHWA are administratively final. This does not preclude the complainant from pursuing other methods of due process