

Wesley At Martin, Inc.

Complaint and Hearing Procedure

Joan Mouser, Title VI Coordinator

The complainant calls or comes in with a complaint. The complaint should include the name, address phone number and signature of complainant. A formal complaint should describe the alleged discriminatory act that violates Title VI of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA) in detail. The complaint must be filed within 180 calendar days of the alleged incident.

Complaints filed against Wesley At Martin, Inc.: Log and forward to the Tennessee Department of Transportation (TDOT) or the agency having jurisdiction within 3 business days.

Complaints filed against contractors, sub-contractors, etc. of the sub-recipient: Processed and investigated by **Wesley At Martin, Inc.**

GUIDELINES FOR PROCESSING COMPLAINTS

1. Maintain a log of all complaints and appeals.
2. Forward an initial report to TDOT within seven (7) working days.
3. A copy of the complaint will also be forwarded to the alleged discriminatory sub-contractor official. Including the name and telephone number of the Title VI Coordinator and/or ADA Coordinator assigned to investigate the complaint.
4. The investigating officer will initiate the investigation by first contacting the complainant by telephone within three (3) workdays of receiving the assignment to set up an interview.
 - a. The complainant will be informed that they have a right to have a witness or representative present during the interview.
 - b. Submit any documentation he/she perceives as relevant to proving his/her complaint.
5. The alleged discriminatory sub-contractor official will be given the opportunity to respond to all aspects of the complainant's allegations.
6. The investigating officer will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
7. The investigating officer will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement only at the end of the investigation process.

8. The investigation will be completed and a final report will be sent to TDOT, the alleged discriminatory sub-contractors, and the complainant within sixty (60) calendar days of the date the complaint was received. The final report will include the following:
 - a. the written complaint containing the allegation, basis, and date of filing
 - b. summarized statements taken from witnesses
 - c. finding of facts
 - d. opinion (based on all evidence in the record) that the incident is substantiated or unsubstantiated
 - e. remedial action(s) for substantiated cases
9. If corrective action(s) is recommended the alleged discriminatory sub-contractor will be given thirty (30) calendar days to inform the Title VI Coordinator and/or ADA Coordinator of the actions taken for compliance.
10. Corrective actions can be in the form of actions to be taken at a future date after the initial thirty (30) days with projected time period(s) in which action will be completed. All corrective actions must be made within sixty (60) days from the date of the actual recommendation.
11. If the recommended corrective action(s) have not been taken within the thirty (30) day time period allowed, the sub-contractor will be found to be in noncompliance with Title VI and/or the ADA and implementing rules and regulations, and a referral will be made to TDOT for enforcement action.
12. Appeals Procedures:
 - a. The complainant has the right to appeal all written reports to the Tennessee Department of Transportation (TDOT) and/or the Federal Transit Administration (FTA).
 - b. This appeal must be made in writing to the TDOT Title VI Director (<https://www.tn.gov/tdot/civil-rights/title-vi-program.html>) within fourteen (14) days of receipt of **Wesley At Martin, Inc.'s** final report.
 - c. The appeal must specifically cite the portion(s) of the finding with which the complainant disagrees and his/her reason(s) for disagreement.
 - d. The TDOT Title VI Director will forward this appeal within seven (7) days of the FTA for review.
 - e. The FTA review of the findings will be based on the entire record.
 - f. The FTA must complete the appeal review thirty (30) calendar days after receipt of the appeal.
 - g. The FTA will forward their written findings to the complainant and the TDOT Commissioner/Civil Rights Office.
 - h. For ADA-related appeals, contact the TDOT ADA Coordinator (<https://www.tn.gov/tdot/government/g/ada-office0/citizens-and-ada.html>).

Please note, the use of these procedures does not prohibit anyone from filing a complaint directly with TDOT or FTA (<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form> or toll-free FTA Assistance Line at 1-888-446-4511).