

I. Title VI Complaint Procedures

a. How to file a Title VI Complaint

The complainant may file a written and signed complaint form which can be found on FAP's website at www.fapinfo.org along with procedures for submitting and appealing complaints. Forms should be filed with FAP's Transportation Coordinator at FAP's Hesperia office located at 16501 Walnut Street, Unit 8, Hesperia, CA 92345. Complaints may also be e-mail to transportation@fapinfo.org or faxed to 760-995-4323.

The complaint should include:

- Name, mailing address and contact information.
- How, when, where and why complainant believes discrimination occurred. Please include location, names of those involved and contact information of any witnesses.
- Other information that may be deemed significant.

b. After a complaint is submitted

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by FAP transportation services will be directly addressed by FAP. FAP shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are of limited English proficiency. Additionally, FAP shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven (7) working days. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

Complainants will be investigated by FAP and shared with Victor Valley Transit Authority. Every effort will be made to respond to Title VI complaints within sixty (60) working days of receipt of such complaints if not sooner.

c. Investigation of Complaints and Appeal Process

FAP's Transportation Coordinator will take complaints and then forward them to the FAP's Transportation Quality Assurance (QA) staff who is the agency's Title VI Complaint Coordinator

The Quality Assurance staff will investigate the complaint and make a determination. Formal investigation of the complaint will be confidential and include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witness. At the conclusion of the investigation, the complainant will be notified of the resolution.

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation to services must be filed, in writing, within sixty (60) calendar days of the determined resolution.

The written appeal must include the complainant's name, address and telephone number as well as a statement of the reason(s) why the applicant believes the denial of accommodation request or access to services was inappropriate as recommended by the transportation committee.

The written appeal will be forwarded to the Transportation Committee, comprised of two FAP's staff members and two community representatives. They will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within thirty (30) working days of the appeal request. The applicant may submit documents or other information to be included with the record and considered in the review process. Anyone needing special accommodations may contact FAP at 760-684-4368 for assistance.

The right of the appellant to a prompt and equitable resolution of the complaint must not be impaired by the appellant's pursuit of other remedies, such as filing a complaint with the Department of Justice or other appropriate Federal agency, or the filing of a suit in State or Federal Court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

d. Disposition of Complaints and Resolution

- 1. Sustained Complaints:** If the complaint is substantiated and a probable cause of a discriminatory practice based on race, color or national origin is found to exist, FAP shall endeavor to eliminate said practice by means of a Remedial Action Plan. The Remedial Action Plan shall include: 1) A list of all corrective actions accepted by the agency; 2) Description of how the corrective action will be implemented; and 3) A written assurance that the agency will implement the accepted corrective action in the manner discussed in the plan.
- 2. Un-Sustained Complaints:** If there is insufficient evidence to either prove or disprove the allegation(s) both parties to the complaint will be informed of the reason(s) for this disposition.

3. Unfounded Complaints: If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, an unfounded finding shall be made.

In addition to the complain process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration
Office of Civil Rights
Attn. Title VI Program Coordinator
East Building, 5th Floor –TCR
12 New Jersey Avenue, SE
Washington, D.C. 20590