

## **Complaints of Discrimination Procedures**

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.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by Seward County or its sub-recipients, consultants and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

Persons Eligible to File: any individual or group of individuals, or entity who believes that he or she or any specific class of persons 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.

***DISCRIMINATION:** an act (or action) or inaction whether intentional or unintentional, through which a person in the United States, based on race, color, sex, age, national origin, or disability has been subjected to unequal treatment under any program or activity receiving Federal financial assistance.*

### **FILING OF COMPLAINT**

1. Complaints may be filed by the affected individual or a representative of that individual
2. Complaints must be in writing and contain as much information as possible about the alleged discrimination. Seward County has prepared a Complaint Form to be used for the convenience of the complainant. The written complaint should include:
  - a. Complainant's name, address and telephone number
  - b. A detailed description of the issues,
  - c. Name and job titles of individuals perceived as parties in the complaint

Complaints received by telephone will be reduced to writing and provided to complainant for confirmation or revision, and signature before processing.

3. Complaint forms can be found at [www.connectseward.org](http://www.connectseward.org), or by contacting the Title VI Coordinator. Complaints and substantiating information should be sent to:

Title VI Coordinator  
c/o Seward County Attorney's Office  
529 Seward St, Suite 105  
Seward, NE 68434

OR

Seward County Commissioner  
C/O Seward County Clerk  
529 Seward St, Suite 205  
Seward, NE 68434

Alternate means of filing a complaint will be made available to accommodate persons with disabilities upon request.

4. A complaint should be filed as soon as possible but must be no later than 180 calendar days after the complainant becomes aware of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown.

## **NOTIFICATIONS**

1. Upon receipt of the complaint and no later than 10 days, Seward County will notify the Nebraska Department of Roads ADA/Title VI Coordinator, to coordinate further activity regarding the complaint. The following information will be included in every notification to NDOR:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin or sex)
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by Seward County.
- f) A statement of the complaint.
- g) Other agencies (state, local or Federal) where the complaint has been filed.
- h) An explanation of the actions Seward County has taken or proposed to resolve the issue raised in the complaint.

2. Within 10 days, the Title VI Coordinator and/or the ADA Coordinator, or other Investigator, will contact the complainant to:

- a. Acknowledge receipt of the complaint by the investigator
- b. Confirm that the complainant wishes to go forward with the complaint
- c. Confirm that there are allegations that need to be investigated and resolved,
- d. inform the complainant of procedures to be followed,
- e. advise the complainant of other avenues of redress available, ie. the Nebraska Department of Roads (NDOR) and the United States Department of Transportation (USDOT), and
- f. Gather additional facts and further clarify the complaint.

## **INVESTIGATION OF COMPLAINT**

Within 60 days, the Title VI Coordinator/ADA Coordinator will conduct an investigation of the allegation. As part of the review, the investigator will at minimum:

1. Gather relevant documentation from the complainant not included in the complaint, such as forms, memos, letters, and photographs information
2. Contact complainant to arrange and conduct interview, if needed
3. Maintain log of all activities associated with complaint.
4. Complete Investigative Report of information, findings, photos, and recommendations for correction to the NE Department of Roads (NDOR) and the Federal Highway Administration (FHWA).
5. Based on the information obtained, the Coordinator will render a recommendation for action in a report of findings to the Seward County Commissioners. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

6. Within 90 days of receipt of the complaint, the Seward County Commissioners will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, or USDOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.

7. A Title VI finding of violation or no violation is a Federal decision that cannot be delegated. Although Seward County can conduct a Title VI investigation and make a recommended finding to the NDOR and the Federal decision-making authority, Seward County must submit the proposed dispositions to the FHWA for a Final Agency Decision.

### **DISMISSAL OF COMPLAINT**

A complaint may be dismissed for the following reasons:

1. The complaint is untimely filed
2. The complaint does not allege a basis covered by the statutes for which Seward County is responsible
3. The complaint does not allege any harm with regard to covered programs or statutes
4. The complainant requests the withdrawal of the complaint
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
6. The complainant cannot be located after reasonable attempts

### **CONTACTS:**

Contacts for the different Title VI administrative jurisdictions are as follows:

Nebraska Department of Roads  
Human Resources, Title VI Program  
1500 Highway 2, P.O. Box 94759  
Lincoln, NE 68509-4759  
(402) 479-4870

Federal Highway Administration  
Nebraska Division Office  
100 Centennial Mall North  
Lincoln, NE 68508  
(402)437-5765