

Naugatuck Valley Council of Governments/Valley Transit District (NVCOG/VTD) Title VI Compliance Procedures

I. NVCOG/VTD's Title VI Complaint Process

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the NVCOG/VTD may file a Title VI complaint by completing and submitting the NVCOG/VTD Title VI Complaint Form. The NVCOG/VTD investigates complaints received no more than 180 days after the alleged incident. The NVCOG/VTD will process complaints that are complete.

Once the complaint is received, NVCOG/VTD will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office. NVCOG/VTD will notify the Connecticut Department of Transportation's Title VI Coordinator of any Title VI complaints filed, within 10 business days of receipt.

NVCOG/VTD has 90 days to investigate the complaint. If more information is needed to resolve the case, NVCOG/VTD may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, NVCOG/VTD can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or any other action will occur. If the complainant wishes to appeal the decision, she/he has 10 calendar days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Connecticut Department of Transportation, Office of Contract Compliance, Attn: Title VI Coordinator, 2800 Berlin Turnpike, Newington, CT 06111; or directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

II. NVCOG/VTD's Title VI investigation process

- a) Investigation – An investigation is an official inquiry for the purpose of determining whether there has been a violation of the laws or statutes and includes a determination

of appropriate relief where a violation has been found. An investigation requires an objective gathering and analysis of the evidence, which will ensure that the final decision is as accurate as possible.

- b) Role of the Investigator – The investigator is a neutral party provided by the Transit Authority to conduct an investigation of the issues raised in a complaint. The Investigator’s behavior, demeanor, and attitude reflect the Transit District and may affect the degree of cooperation received from the parties. The investigator has an obligation to identify and obtain relevant evidence from all available sources in order to resolve all of the issues under investigation. **The investigator is not an advocate for the Complainant or the Respondent.** The Investigator is a neutral fact finder.
- c) Responsibilities of the Investigator – The investigator must:
- Never tell the parties that the complaint represents a good case or that the complaint is frivolous
 - Never express his/her opinion
 - Always remain neutral.
 - Write the facts, and state what the facts are, based upon the evidence of testimony
 - Decide who is to be interviewed. If the Complainant or the respondent is adamant about a witness interview, perform the interview
 - Decide when sufficient evidence has been gathered to begin writing the investigative report
 - Always remain professional and polite
 - Be a good listener
- d) The investigative process includes the following:
- Investigative Report
 - Request for information
 - Conducting interviews
 - On-site visit
 - Obtain evidence
 - Analyze data
 - Writing the Investigative Report
- e) Investigative Report – The Investigative Report is a working document intended to define the issues and provide a roadmap to complete the investigation. It is also an internal document for use by the Investigator and his/her supervisor to keep the Investigation on track and focused on the relevant issues. It is the Investigator’s checklist, and the following elements should be contained in an Investigative Report:
- Complainant(s) name and address
 - Attorney for Complainant with name and address
 - Respondent(s) name and address

- Attorney for Respondent with name and address
 - Applicable Law (e.g. Title VI)
 - Basis
 - Issue(s)
 - Background
 - Name of person(s) to be interviewed, including questions for the Complainant, Respondent, and Witness(es)
 - Evidence to be obtained during the investigation
- f) Conducting Interviews – When preparing for the interview, the main objective is to obtain information from witnesses who can provide information that will either support or refute the allegations. A list of major questions will be prepared that address the issues involved in the complaint.
- 1.) Complainant – The purpose of interview is to gain a better understanding of the situation outlined in the complaint of discrimination. The Investigator will contact the Complainant to ensure that Investigator understands the Complainant’s allegation(s). It is recommended that the Investigator interview the Complainant prior to preparing the investigation report. If it is not possible, the Investigator will make any changes as appropriate to the Investigation Report Form, based upon any new information provided by the Complainant. The Investigator will always inquire of the Complainant whether he/she desires to resolve the complaint.
 - 2.) Respondent – Respondents are interviewed to provide an opportunity to respond to the allegations raised by the Complainant. Additionally, it provides the Investigator with an opportunity to understand the Respondent’s operation or policies that the Complainant cites. As the keeper of the records, the Investigator will discuss the investigation with the Respondent, and be able to explain the need for requesting any documentation on the Investigators list. The Investigator will inform the Respondent that he/she has the right to submit a formal position statement addressing the Complainant’s allegations. The Investigator will question the Respondent regarding possible settlement or remediation opportunities.
 - 3.) Witness – The Complainant or Respondent may request that additional persons be interviewed. The Investigator will determine what relevant information, if any, a witness has to provide prior to conducting an interview with them. The Investigator will only interview persons who have information relevant to the allegations raised in the complaint of discrimination.
- g) On-Site Visit – An on-site visit will be conducted when:
- Personal contact with the Complainant and the Respondent may yield information and clarification that might not otherwise be discovered by only reviewing the written document or telephone contacts.
 - It is necessary to review the physical environment.

- More effective communication can be established with representative and witnesses of the Complainant and Respondent.
- Documentation can only be examined on-site for reasons of convenience, cost, format, or volume.

h) Obtaining Evidence – Evidentiary requests shall be related to the issues cited in the complaint. An evidentiary request may contain some or all of the following:

- The policies and procedures regarding the practice that the Complainant has alleged
- All documents relating to Respondent’s dealing with Complainant in the situation described in the complaint
- Documents which exhibit how others not in the Complainant’s group were treated under similar circumstances
- Respondent’s reason for the action taken
- A formal position statement from Respondent addressing Complainant’s allegations

There are various classifications of evidence, which include the following:

- **Circumstantial Evidence** – Includes facts from which may be inferred intent or discriminatory motive and proves intent by using objectively observable data.
- **Comparative Evidence** – A comparison between similarly situated individuals.
- **Direct Evidence** – Related to the Respondent’s motive, it is defined as any statement or action by an official of the Respondent that indicates a bias against members of a particular party.
- **Documentary Evidence** – Written material, which is generated during the course of normal business activity.
- **Statistical Evidence** – Statistics, facts, or data of a numerical type, which are assembled, classified, and tabulated so as to present significant information about a given subject.
- **Testimonial Evidence** – Evidence that is provided orally.

i) Analyzing Data – Data will be analyzed to determine whether a violation has occurred. When analyzing data, the Investigator will:

- Review what happened to the Complainant.
- Compare Complainant’s treatment with the appropriate policies and procedures
- Compare Complainant’s treatment with others in the same situation
- Review Respondent’s reason(s) for the treatment afforded the Complainant
- Compare Respondent’s treatment of the Complainant with the treatment afforded others

j) Writing the Investigative Report – The Investigative Report (IR) will contain the following sections:

- Complainant(s) name and address

- Respondent(s) name and address
- Applicable Law
- Basis
- Issues
- Findings for each issue with a corresponding conclusion for each issue
- Recommendation