

**Toledo Area Regional Transit Authority
TARTA
June 2023**

**Nondiscrimination and Title VI Policy and Complaint
Policy and Procedure**

POLICY

TARTA does not discriminate in employment, provision of services, and/or business practices on the basis of race, color, creed, religion, sex, marital status, national origin, sexual orientation, ancestry, age, military status, and physical or mental disability. TARTA prohibits workplace harassment, including sexual harassment, as well as retaliation against employees.

These procedures cover all external complaints regarding TARTA programs and activities filed under Title VI of the Civil Rights Act of 1964 as contained in 49 CFR 21, "Nondiscrimination in the Federally-Assisted Programs of the Department of Transportation." Title VI says that "[n]o 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 subjected to discrimination under any program or activity receiving Federal financial assistance."

These procedures, required per 23 CFR 200.9 (b)(3), also cover external complaints regarding TARTA programs or activities filed under other related nondiscrimination laws that additionally prohibit discrimination on the basis of disability, sex, age and/or low income. This includes, but is not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, 23 USC 324, 42 USC 610, Executive Order 13166, and the DOT Order on Environmental Justice and Executive Order 12898. These procedures are for any external discrimination complaints relating to any program or activity administered by TARTA.

Any external complaints that come through the TARTA organization via telephone, mail, e-mail or in person, are processed and logged immediately by the Information or Customer Service Department staff. The differentiation of complaints varies from bus stop removal, buses running late, driver's attitude, service provisions, bus passenger shelter removal, trash and/or many other issues. However, if there is a complaint that is identified to be a Title VI claim, the information is processed by the Operations Department.

Federal regulation 49 CFR 21 outlines types of prohibited discriminatory actions per that law. It follows, in part:

1. A recipient to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin:
 - i. Deny a person any service, financial aid, or other benefit provided under the program.
 - ii. Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program.
 - iii. Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program.
 - iv. Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefits under the program.
 - v. Treat a person differently from others in determining whether he satisfied any admission, enrollment, quota eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program.
 - vi. Deny a person an opportunity to participate in the program through the provision of services or otherwise afford him/her an opportunity to do so which is different from that afforded to others under the program; or
 - vii. Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

The law prohibits intimidation or retaliation of any kind. The procedures do not deny the right of the complainant to file formal complaints with other federal, state, or local agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints.

COMPLAINT PROCEDURE:

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the Operations Department. A formal complaint must be filed within 180 calendar days of the alleged occurrence. Please use the form for the Complaint located on our website at <https://tarta.com/non-discrimination-and-title-vi-complaint-form/>
2. Upon receipt of the complaint, TARTA's Development and Equity Officer or a designated representative will determine TARTA's jurisdiction, acceptability of the complaint, and need for additional information. TARTA will also acknowledge receipt of the complaint by notifying the complainant.
3. The TARTA representative will assign or designate a staff person from whose area is affected by the complaint to investigate the merit of the complaint.
4. The complaint will receive a case number and will be logged in the TARTA records identifying the basis of the complaint and the race, color, national origin, and gender of the complainant. The assigned staff will start the investigation.
5. Within 50 calendar days of the receipt of the complaint, TARTA's investigator will prepare an investigative report for the Chief Operating Officer or designee to review. The report shall include narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. TARTA will also include signed affidavits from all parties—complainant, accused, and witnesses—as applicable. Any reports or documents gathered during the investigation will also be included.
6. The investigative report and its finding shall be sent to TARTA's legal counsel for review. Council will review the report and associated documentation and will provide input within 10 calendar days.
7. TARTA's investigator will review any comments or recommendations from TARTA's legal counsel. The investigator will discuss the report and recommendations with the Chief Operating Officer or designee. The report will be modified as needed and made final for its release.

8. Once TARTA's investigative report becomes final, the parties will be properly notified of the resolution of the complaint, recommendations to remedy any discriminatory practice and rights to appeal.
 - Any individual, group of individuals or entity may appeal within 30 days of being notified about the final report.
 - The appeal will be provided to the office of the CEO for review.
 - Within 30 days of receipt, the office of the CEO will make a final determination and recommendation.

9. If it is determined, following the investigation that TARTA acted in a discriminatory manner TARTA will take whatever action is needed, per the recommendations in the investigative report, to remedy the discriminatory practice.

For more information regarding the TARTA complaint process of filing complaints, please contact: Info@tarta.com

Customer Care Manager
TARTA
(419) 382 9901 x1801

Chief Executive Officer
TARTA
(419) 245-5222

Upon request, alternative formats of this document will be produced for people who are disabled. Call (419) 382-9901 or email customerservice@tarta.com. All language assistance services for Toledo Area Regional Transit Authority programs and services, including paratransit functional assessments and paratransit eligibility appeals, are provided to the public at no charge.