

VIA METROPOLITAN TRANSIT
EQUAL EMPLOYMENT OPPORTUNITY
TITLE VI – COMPLAINT PROCEDURES

1.0 GENERAL

VIA is committed to the goals of equal employment opportunity and affirmative action. VIA will accomplish its goals by:

- ensuring that the level and quality of transportation service or other benefits is provided without regard to race, color, national origin, sex, age, or disability;
- promoting the full and fair participation of minority and low-income populations in transportation decision making;
- preventing denial, reduction, or delay in benefits related to programs and activities affecting minority and low-income populations; and
- providing meaningful access to VIA services, programs, and activities by persons with limited English proficiency (LEP).

2.0 PROCEDURES

Any person who believes that he or she may have been discriminated against on the basis of race, color, national origin, sex, age, disability or limited English proficiency may file a complaint with VIA's Office of Equal Employment Opportunity (EEO).

Those customers who need assistance with limited English may contact the VIA Customer Service Department, located at 1021 San Pedro, San Antonio, Texas 78212 – (210)362-2020.

2.1 Filing a Complaint

The complaint must be filed within 180 days of the date of the alleged discrimination. Written complaints may be sent to VIA, Attn: EEO Officer, 800 West Myrtle, San Antonio, Texas 78212; or by telephone at (210)362-2075, or an online complaint form may be used by accessing VIA's website at <http://www.viainfo.net>; or by e-mail at sylvia.enriquez@viainfo.net, and then forwarding the complaint to the VIA EEO Officer.

Any VIA employee who becomes aware of a discrimination complaint should immediately contact the EEO Officer for handling.

In addition to utilizing the Title VI process at VIA, a Complainant may file a Title VI complaint with the Federal Transit Administration (FTA), Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5th Floor, TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590.

2.2 Contents of Complaint

The complaint must include a narrative description of the allegation(s) in sufficient detail to enable the EEO Officer to understand what occurred, when it occurred, and the basis of the alleged discrimination complaint (e.g. race, color, national origin, etc.).

The complaint must include all contact information for the complainant including name, address and telephone number; as well as all contact information for all witnesses or individuals with relevant knowledge.

The complaint must be dated and signed by the complainant(s) or his/her/their representative.

2.3 Review of Complaint

The Equal Employment Opportunity (EEO) Officer will review the complaint to determine whether the complaint is within VIA Office of Equal Employment Opportunity's jurisdiction based on the following criteria:

- whether Complainant is a member of a protected group;
- whether Complainant has alleged discriminatory treatment based on race, color, national origin, sex, age, disability or limited English language proficiency; or
- whether Complainant alleges adverse treatment based on a discriminatory or harassing act.

If the EEO Officer determines that EEO has jurisdiction, an investigation will be initiated. All complaints will be investigated promptly and handled in a confidential manner.

If jurisdiction is found not to exist in the Office of EEO, but does exist in another department, the complaint will be forwarded to the appropriate department for

resolution. The EEO Officer will be notified of the steps taken to resolve the complaint.

2.4 Investigation Process

The EEO Officer will take the following steps, at a minimum, to investigate the alleged discriminatory act. The specific investigating steps include:

- contacting the Division/Department Manager where the alleged discrimination took place to determine if an investigation has been initiated and the results of the investigation;
- identifying and reviewing all relevant documents, practices and procedures to determine appropriate resolution; and
- identifying and interviewing persons with knowledge of the alleged discrimination, such as the Complainant; witnesses; others identified by the Complainant; people who may have been subject to similar activity; and/or anyone else with relevant information.

2.5 Subsequent Complaints and Amended Complaints

Any subsequent complaint or amended complaint should be filed utilizing the Discrimination Complaint Form. Amended complaints can also be submitted via email or other written format. The EEO Officer will review each subsequent complaint or amendment to determine whether the subsequent complaint or amendment should stand on its own or be incorporated into the original complaint and investigation.

2.6 Completion of Investigation/Disposition

Upon completion of the investigation, the EEO Officer will prepare a final investigative report for the President/CEO with the investigative findings. The investigation process and final investigative report should be completed within sixty (60) business days.

The EEO Officer will assign a disposition to each complaint as follows:

- **Substantiated Complaints** – If there is sufficient evidence to prove the allegation(s) the complaint will be substantiated. Appropriate remedial action (resolution) will be taken immediately to rectify the discrimination. Further, this policy and procedure prohibiting

discrimination will be reviewed with the offender; and appropriate disciplinary action and/or training will be taken pursuant to VIA disciplinary policies.

- **Unsubstantiated** – If there is insufficient evidence to prove the allegation(s) the complaint will be unsubstantiated.

2.7 Appeal Process

If the complainant is not satisfied with the disposition or resolution of the complaint and the Complainant wants to appeal the decision, he or she may appeal directly to VIA's, President/CEO, 800 West Myrtle, San Antonio, Texas 78212, or the Federal Transit Administration.

Appeal to VIA's President/CEO must be in writing, filed within thirty business days of the disposition of the complaint, include the name, address and telephone number of the complainant, and must state the basis why the complainant believes the disposition or resolution of the complaint was erroneous. VIA's President/CEO will set a mutually agreed-upon time and place for a review and consideration of the appeal with the complainant. The President/CEO will issue a written determination of the appeal within fifteen business days of the date of the review.

Appeal to the Federal Transit Administration may be submitted to the Federal Transit Administration (FTA), Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5th Floor, TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590.

2.8 Implementation of Remedial Actions

If at any time a policy violation is found to exist, appropriate remedial steps will be taken immediately.

2.9 EEO Officer Record Keeping/Reporting Requirements

The EEO Officer is responsible for all record keeping and reporting requirements under this policy and procedure.