

## **ADA and Title VI Policy and Complaint Process**

AVENUES grants equal access to its programs and services to all individuals with developmental and/or acquired disabilities. This document serves to make individuals aware of their rights to such access and serves to educate individuals so that they may understand the civil rights laws that protect their receipt and benefit of such services as defined by Title VI of the Civil Rights Act of 1964.

**WHAT IS TITLE VI?** Title VI is a section of the Civil Rights Act of 1964 requiring that "No person in the United States shall on the grounds 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." Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination.

### **WHAT IS ADA?**

The American with Disabilities Act (ADA) and the American with Disabilities Amendments Act (ADAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employers who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

### **AVENUES ADA AND TITLE VI COMPLAINT AND INVESTIGATION PROCEDURES**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 for alleged discrimination in any program or activity administered by the AVENUES Transportation dept. These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and AVENUES may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file separate complaints.

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. An AVENUES Title VI complaint form can be obtained from the AVENUES main office. AVENUES encourages individuals to submit Title VI complaints in writing using this form and mailing it to:

**Office of Human Resources, Title VI Coordinator  
AVENUES Human Resource Dept.  
2 Park Street  
Pottsville, PA 17901**

2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the AVENUES Office of Human Resources Title VI Coordinator. Under these circumstances, the complainant will be

interviewed, and the AVENUES Office of Human Resources Title VI Coordinator will assist the complainant in completing a written statement.

**\*\*\* PROTECTED CLASSES**

3. When a complaint is received, the Office of Human Resources Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) business days by registered mail or hand delivery.
4. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
5. Within 15 business days from receipt of a complete complaint, AVENUES will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Executive Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail or hand delivery informing them of the disposition.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
  - b. If the complaint is to be investigated, the notification shall state the grounds of AVENUES's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. When AVENUES does not have sufficient jurisdiction, the Executive Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
7. If the complaint has investigative merit, the Executive Director or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Executive Director within 60 days from receipt of the complaint. The report will include a description of the incident, summaries of all persons interviewed, and a finding with recommendations and proposed resolution where appropriate. If the investigation is delayed for any reason, the Office of Human Resource Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
8. The Executive Director or his/her authorized designee will issue letters of finding to the complainant and Respondent within 90 days from receipt of the complaint.
9. If the Complainant is dissatisfied with AVENUES's resolution of the complaint, he/she has the right to file a complaint in the time allotted by law with:

**U.S. Department of Transportation  
Federal Transit Administration Office of Civil Rights  
1760 Market Street Suite 500  
Philadelphia, PA 19103-4124  
(215) 656-7100 (telephone)  
(215) 656-7260 (fax)**

**Federal Transit Administration Office of Civil Rights  
1200 New Jersey Avenue SE  
Washington, DC 20590  
(202) 366-4000**