

Complaint Procedures

Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and all related regulations and directives relating to any program or activity administered by Gwinnett DOT, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

Right to File Formal Complaints

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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Complaint Resolution

Initial interviews with the complainant and the respondent will obtain information regarding specifically for relief and settlement opportunities. The option of informal mediation meeting(s) between the affected parties and the Coordinator may be utilized for resolution at any stage of the process. The Title VI Coordinator will make every reasonable effort to pursue a resolution to the complaint.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written formal complaint with the Coordinator using the Title VI Complaint Form. A formal complaint must be filed within 180 calendar days of the alleged occurrence. Gwinnett DOT will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, Gwinnett DOT will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In some situations, Gwinnett DOT may request GDOT's Office of Equal Employment Opportunity (EEO) to conduct the investigation. In the event GDOT handles the investigation, GDOT will follow its adopted procedures for investigating discrimination complaints, per its current Title VI Plan.

If the complaint is against a sub-recipient, consultant, or contractor under contract with Gwinnett DOT, the appropriate sub-recipient shall be notified of the complaint within 15 calendar days.

3. Once Gwinnett DOT decides its course of action, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will be logged into the records of the Coordinator, and will include the basis for the allegation - whether race, color, sex, national origin, disability, and/or age.

4. In cases where Gwinnett DOT assumes investigation of the complaint, Gwinnett DOT will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days upon receipt to furnish Gwinnett DOT with his or her response to the allegations.
5. Within 60 calendar days of receipt of the complaint, the Gwinnett DOT Title VI Coordinator (or GDOT investigator) will prepare a written investigative report for the Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
6. The investigative report shall be reviewed by Gwinnett County Attorney's Office (Attorney). The Attorney may discuss the report and its recommendations with the Coordinator and other staff as appropriate. The report will be modified as needed and made final for its release to the parties.
7. Once the investigative report becomes final, briefings will be scheduled with each party within 60 calendar days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
8. A copy of the complaint and Gwinnett DOT's investigative report will be issued to GDOT's EEO Office within 60 calendar days of the completion of the briefings.
9. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s), he or she shall be advised of their rights to appeal Gwinnett DOT's decision to GDOT, United States Department of Transportation (USDOT) or U.S. Department of Justice. The complainant has 180 calendar days after Gwinnett DOT's briefing to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by Gwinnett DOT will not be available.

A Complaint Log shall be maintained by Gwinnett DOT. The Complaint Log shall contain the following information for each complaint filed:

- a.) The name and address of the person filing the complaint.
- b.) The date of the complaint.
- c.) The basis of the complaint.
- d.) The status of the complaint.
- e.) The disposition of the complaint.

Contact for Gwinnett DOT's Title VI Coordinator is as follows:

Gwinnett County Department of Transportation
Title VI Coordinator
Sylvia Goalen
75 Langley Drive
Lawrenceville, GA 30046-6935