

Title VI/Civil Rights

(HC2)

POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its service on the basis of race, color or national origin under Title VI of the Civil Rights Act of 1964. ~~In addition to Title VI of the Civil Rights Act of 1964, RTA also prohibits discrimination in its employment practices based on religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.~~

PURPOSE

This policy ensures that RTA programs (including fares, routing, scheduling, and quality of transportation services) are operated without regard to race, color, national origin, ~~religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.~~ Frequency of service, age and quality of RTA vehicles assigned to routes, quality of RTA stations and location of routes will be determined solely on the basis of operational requirements. This policy will be updated annually.

APPLICATION

This policy applies to all RTA employees, applicants, contractors, vendors, and customers.

ADOPTED BY:

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

APPROVED BY:

Alex Z. Wiggins
Chief Executive Officer

Effective Date: 2/23/2021
Date of Last Review: XX/XX/XXXX

1.0 GENERAL

RTA is committed to ensuring that no person is excluded from participation in its services, or subject to denial of RTA benefits on the basis of race, color, national origin, ~~religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information~~ or any other basis protected by federal or state statutes (protected classes). RTA is also committed to promoting environmental justice.

RTA will accomplish its goals by:

- ensuring that the level and quality of transportation service is provided without regard to a patron's belonging to a protected class(es);
- promoting full and fair participation by all potentially affected populations in transportation decision making;
- preventing denial, reduction or delay in the benefits of RTA programs and activities on the basis of an individual's a protected class.
- preventing denial, reduction, or delay of benefits related to programs and activities affecting minority and low-income populations; and
- providing meaningful access to RTA services, programs, and activities by persons with **Limited English Proficiency (LEP)**.

2.0 PROCEDURES

Any person who believes they may have been discriminated against on the basis of their belonging to a protected class may file a written complaint with RTA's **Diversity, Equity, & Inclusion/Civil Rights Office** (DEI/CR) ~~or the Louisiana Commission on Human Rights~~. Persons with Limited English Proficiency, or who need assistance writing a complaint, may contact the RTA **DEI/CR** Office, located on the Second Floor, at 2817 Canal Street, New Orleans, LA 70119.

2.1 Reporting

A Complainant may file a complaint pertaining to race, color or national origin in writing within 180 days from the date of the alleged discrimination and include complainant's name and signature. Written complaints may be sent to RTA, ~~Regional Transportation Authority, Louisiana Commission on Human Rights 1001 N. 23rd St., Suite 262 Baton Rouge, LA 70802, (225) 342-6969;~~ **using** an online Civil Rights Complaint Form (Attachment 1) **which** may be accessed at RTA's website **at [Title-VI-Complaint-Form.pdf \(norta.com\)](#)**. Once completed, the complaint should be forwarded to RTA Office of DEI/CR **at civilrights@rtafoward.org or mailed to 2817 Canal Street, New Orleans, LA 70119.**

~~Any RTA employee who becomes aware of a discrimination complaint should immediately contact the DEI/CR for handling. In addition to, or in lieu of utilizing the civil rights complaint process at RTA, a Complainant may file a complaint pertaining to race, color or national origin with the Federal Transit Administration (FTA), Louisiana Commission on Human Rights 1001 N. 23rd St., Suite 262, Baton Rouge, Louisiana 70802. Phone: (225) 342-6969.~~

2.2 Reviewing

The Title VI Coordinator reviews the complaint upon receipt to ensure that:

1. relevant information is provided;
2. the complaint is timely; and
3. the basis of the complaints meets jurisdiction of Title VI and/or other relevant statutes.

If the complaint is deemed incomplete, additional information will be requested and the complainant will be provided 60 days to submit the required information. Failure to submit the requested additional information may be considered good cause for a determination of no investigative merit.

If the Title VI Coordinator determines that the agency has jurisdiction and that the complaint has sufficient merit to warrant investigation (meets the criteria defined above in Eligibility), the Title VI Coordinator will send a written correspondence to the complainant within 10 calendar days, acknowledging receipt of the complaint, and his/her rights under Title VI and related statutes. At the point that the Title VI Coordinator determines that a complaint warrants investigation a chronological contact sheet is developed and maintained in the case file throughout the investigation.

If the decision is made not to investigate the complaint, the complainant will be notified in writing within 10 calendar days and the notification shall state the specific reasons the complaint was deemed to not have investigative merit.

~~The DEI/CR will review all written complaints to determine whether the matter is within its jurisdiction, based on the following: whether Complainant has alleged discriminatory treatment or harassment based on their belonging to a protected class.~~

~~If the DEI/CR determines it has jurisdiction, an investigator will be assigned to conduct an investigation within 48 hours of the review. The Complainant will receive an acknowledgement letter informing him/her that the complaint will be investigated by the DEI/CR. All complaints will be investigated promptly and handled in a confidential manner. However, information learned in the course of investigations may be disclosed on a need-to-know basis.~~

If jurisdiction is found not to exist in the DEI/CR, but does exist in another department, the complaint will be forwarded to the appropriate department for resolution. The DEI/CR will be notified of the steps taken to resolve the complaint.

2.3 Investigation Process

All Title VI and related statute complaints are considered formal as there is no informal process for filing or investigating a Civil Rights grievance.

An experienced, neutral outside investigator should be brought in when:

- Allegations involve as either complaining party or target of the investigation a member of the HR Department or upper management (supervisor, director, deputy director, deputy chief, chief executive officer or a member of the board).
- Accusations have been made public or widely known within the agency.
- The situation is highly confidential or sensitive.
- There are allegations of criminal behavior and cooperation with law enforcement is necessary.
- There are reasons to question whether the in-house team is sufficiently experienced or will be viewed as unbiased and objective.

Eligibility

All complaints shall be investigated unless:

- The complaint is withdrawn;
- The complainant fails to provide required information after numerous requests;
- The complaint is not filed within the 180-day time frame of the incident or event;
- The basis of the complaint is not covered by Title VI and/or related statutes.

The complaint procedures apply to the users, beneficiaries, employees and participants of the RTA's programs, services and activities. As such, any person who believes that he/she has been excluded from participation in, or has been

denied benefits or services of any program or activity conducted by the RTA or by any contractor, consultant or sub-recipient of the RTA on the basis of race, color, national origin, sex, age, income or disability may bring forth a complaint of discrimination under Title VI and related statutes.

Complaint Basis

Allegations must be based on issues involving race, color, national origin, sex, age, income or disability as defined below.

Protected Group Categories	Definition
Race	An individual belonging to one of the accepted anthropological racial groups: or the perception based on physical characteristics that a person is a member of a racial group.
Color	Color of skin including shade of skin within a racial group.
National Origin	National birth site. Citizenship is not a factor. Discrimination based on language or a person's accent is covered by national origin.
Sex	Gender.
Age	Persons of any age.
Income	Low-income individuals, permanent, temporary or perceived.
Disability	Physical or mental impairment, permanent, temporary or perceived.

The Title VI Coordinator determines whether the agency has jurisdiction and whether or not the complaint has sufficient merit to warrant investigation. Written notice is sent to the complainant within 10 calendar days, acknowledging receipt of the complaint and his/her rights under Title VI and related statutes.

Within 60 calendar days of the decision to proceed, the Title VI Coordinator will conduct and complete an investigation of the allegations to include recommended actions as warranted to correct any discriminatory practices. The investigation will address the basis for the complaint, the issues, events or circumstances that caused the complainant to believe that he/she has been discriminated against, the information needed to address the issue, the sources of information and the remedy sought by the complainant if applicable.

The investigation process will include review of any and all relevant documents, reports, video, etc. As well, focused interviews with key contacts will be conducted as applicable to obtain facts and evidence regarding the allegations in the complaint. The investigator

will elicit information from all contacts and witnesses that can provide firsthand information about the incident, event or action specified in the complaint. All relevant documentation, including interview notes and/or recordings will be dated. Additionally, a chronological contact sheet will be maintained in the case file throughout the investigation.

The investigation will address only those issues relevant to the allegations of the complaint and confidentiality will be maintained to the maximum extent feasible.

~~The investigator will take the followings steps to investigate the alleged discriminatory act:~~

- ~~• Identifying, requesting and reviewing all relevant documents, practices and procedures to determine appropriate resolution.~~
- ~~• 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 others with relevant information.~~

~~The investigation process and final investigative report is generally completed within 120 days. If no policy violation is found and the Complainant wants to appeal the decision, they may appeal directly to RTA, Chief Executive Officer, 2817 Canal Street, New Orleans, LA 70119~~

2.4 Subsequent Complaints and Amended Charges

Any subsequent complaint or amended charge should be filed utilizing the Civil Rights Complaint Form. Amended charges can also be submitted via email or other written format. The Title VI Coordinator will review each subsequent complaint or amendment to determine whether the subsequent complaint should stand on its own, or be incorporated into the original complaint and investigation.

2.5 Completion of Investigation

At the conclusion of the investigation and within 60 days of receipt of the complaint the Title VI Coordinator will notify the complainant in writing of the final decision reached, the disposition of the allegations and any proposed corrective actions

~~Upon completion of the investigation, the Investigator prepares a final investigative report for the Chief DEI Officer/OCR, and EEO & Civil Rights. All principal parties receive written notification of the investigative findings.~~

2.6 Implementation of Remedial Actions

If probable cause of a discriminatory practice is discovered, the Title VI Coordinator shall endeavor to eliminate said practice by means of a corrective action plan. The Corrective Action Plan will require approval by the RTA's Board of Commissioners and shall include:

- a list of all recommended corrective actions;
- a description of how the actions will be implemented; and
- a written assurance that the agency will implement the plan as approved by the Board of Commissioners.

~~If a policy violation exists, appropriate remedial steps will be taken immediately.~~

2.7 Reconsideration and Appeal

Request for Reconsideration

If a complainant disagrees with the response of the Title VI Coordinator, he/she may request reconsideration by submitting a written request to the Chief Executive Officer of the RTA. The written request for reconsideration must be submitted within 10 calendar days after receipt of the Title VI Coordinator's response and must be sufficiently detailed to contain any items the complainant feels were not fully understood or investigated by the Coordinator. If the complainant is unable to or incapable of preparing a written request for appeal the CEO must provide the complainant assistance in converting a verbal request into a written request.

The CEO will notify the complainant of his decision to accept or reject the request for reconsideration within 10 calendar days. In cases where the CEO agrees to reconsider, the matter shall be reviewed by a member of the administrative management team that was not involved in the original investigation.

Appeal

If the request for reconsideration is denied the complainant may appeal the CEO's response by submitting a written appeal to the Legal Counsel for the Board of Commissioners of the RTA. A request for appeal must be submitted in writing within 10 calendar days of the CEO's response rejecting the reconsideration. If the complainant is unable to or incapable of preparing a written request for appeal, Legal Counsel must provide the complainant assistance in converting a verbal request into a written request.

3.0 DEFINITION OF TERMS

Title VI —Title VI of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.

Equal Access —Requirement of non-discrimination in transit services with regard to race, color, or national origin in accordance with Title VI of the 1964 Civil Rights Act, as amended. RTA also prohibits discrimination **in its employment practices** based on religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.

Discrimination —~~Any act or failure to act, whether intentional or unintentional, which has the purpose or effect of limiting, excluding, or denying a person transit services or benefits because of race, color, national origin, religious creed, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes.~~ **refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.**

Environmental Justice —Efforts made to prevent minority communities and low income communities from being subject to disproportionately high and adverse environmental effects.

Limited English Proficiency – **Persons or person from whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.**

4.0 RESPONSIBILITIES

The Title VI Coordinator maintains a log of all complaints received. The log includes the date the complaint was filed; a summary of the allegations; the status of the complaint; and actions taken by RTA to resolve the complaint.

5.0 FLOWCHART

N/A

6.0 REFERENCES

- Title VI, 1964 Civil Rights Act
- FTA Circular 40702.1 B
- ~~Unruh Civil Rights Act of 1959~~ This is California law
- Title VII, Civil Rights Act of 1964, as amended

7.0 PROCEDURE HISTORY

12/11/2020 Interim Executive Committee approval granted
12/15/2020 Interim Board approval granted
2/4/2021 Final Executive Committee approval granted
2/23/2021 Final Board approval granted

8.0 SPONSOR DEPARTMENT

Diversity, Equity & Inclusion



8.0 ATTACHMENTS

Civil Rights Complaint Form

Title VI of the 1964 Civil Rights Act and related nondiscrimination statutes and regulations require that no 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 be subjected to discrimination under any program or activity receiving federal financial assistance. ~~In addition to Title VI, RTA also prohibits discrimination based on sex, age, disability, religion, medical condition, marital status, or sexual orientation.~~

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please let us know.

Complete and return this form to RTA DEI Department, Regional Transportation Authority 2817 Canal Street, New Orleans, LA 70119 or civilrights@rtforward.org.

**Title VI Complaint Form
Regional Transit Authority (RTA)
Office of Civil Rights**

<p>RTA is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.</p> <p>The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact the Title VI Coordinator by emailing civilrights@rtaforward.org. The completed form must be returned to RTA Office of Civil Rights, Title VI Coordinator, 2817 Canal Street, New Orleans, LA 70119</p>	
Name:	Telephone (Home): Alt. Phone:
Address:	Electronic Mail Address:
	Access Format Requirement: Large Print ____ Audio Tape ____ TDD ____ Other ____
Person(s) discriminated against (if someone other than complainant): Name(s):	
Street Address, City, State & Zip Code:	
Which of the following best describes the reason for the alleged discrimination took place? (Circle all that apply) <ul style="list-style-type: none"> • Race • Color • National Origin 	Date of Incident: Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information.
	If information is needed in another language, then contact (504) 248-3900.



Regional Transit Authority

1. **Complainant's Name:** _____
2. **Address:** _____
3. **City:** _____ **State:** _____ **Zip Code:** _____
4. **Telephone No. (home/cell) (other)** _____
5. **Person discriminated against (if someone other than the complainant):**

Name: _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

6. **Which of the following best describes the reason you believe the discrimination took place? Was it because of your:**

a. **Race** _____

b. **Color** _____

c. **National Origin** _____

d. **Sex** _____

e. **Age** _____

f. **Disability** _____

g. **Religion** _____

h. **Medical Condition** _____

i. **Marital Status** _____

j. **Sexual Orientation** _____

7. **What date did the alleged discrimination take place?** _____
8. **In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.**

9. **Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes ☐ No ☐**

If yes, check each box that applies:



Regional Transit Authority

Federal agency

☐

Federal court

☐

State agency

☐

State court

☐

Local agency

☐

- ~~10. Please provide information about a contact person at the agency/court where the complaint was filed.~~

~~Name:~~

~~Address:~~

~~City:~~

~~State:~~

~~Zip Code:~~

- ~~11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.~~

Complainant's Signature

Date