

DISCRIMINATION COMPLAINT PROCEDURES

Who can file? Any person who believes they or a specific class of people were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a federal aid recipient may file a Title VI complaint.

Where can one file? Complaints may be filed with MaineDOT, Maine FHWA Division Office, the FHWA Office of Civil Rights, the United States Department of Transportation (USDOT) Departmental Office of Civil Rights, or the United States Department of Justice.

When must one file? According to U.S. DOT regulations ([49 CFR §21.11\(b\)](#)), a complaint must be filed not later than 180 days after the alleged discrimination.

What should a complaint look like? Complaints should be in writing and may be filed by mail, fax, in person, or email. Alternatively, the complainant may call the Civil Rights Office to report the allegations by telephone. The Civil Rights Office will transcribe the allegations of the complaint as provided over the telephone. The Civil Rights Office will then send the written complaint as provided by telephone to the complainant for correction.

A written complaint should contain at least the following information:

1. A written description of what happened; and
2. A way to contact the complainant which must include telephone number, e-mail address, and physical address; and
3. The basis of the complaint (i.e., race, color, national origin); and
4. The identification of a specific person(s) and the respondent (i.e., agency/organization/contractor) alleged to have discriminated; and
5. Sufficient information to understand the facts that led the complainant(s) to believe that discrimination occurred in a program or activity that received Federal financial assistance; and
6. The date(s) of the alleged discriminatory act(s). The complainant should indicate if the alleged discrimination is ongoing.

How are complaints routed? FHWA Division Offices do not investigate Title VI complaints.

Likewise, Recipients such as State DOTs and Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following manner:

1. All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR). HCR is responsible for all decisions whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or subrecipients of federal financial assistance.
2. Complaints should be forwarded from the initial receiving agency through the federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is received by a subrecipient City, the City should forward the complaint to the State DOT, which will forward the complaint to the State's FHWA Division Office, which will then forward the complaint to HCR.
3. State DOTs and subrecipients must log all complaints received.
4. HCR decides on whether to accept, dismiss, or transfer the complaint. HCR will notify the complainant, the FHWA Division Office, State DOT, and the subrecipient (where applicable).

Complaints may be sent to:

Civil Rights Office
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016
Attention: Sherry Y. Tompkins
Tel. 207-624-3066
Fax: 207-624-3021
TTY Users dial Maine Relay 711
E-mail: sherry.tompkins@maine.gov

Federal Highway Administration
Region 1 Office
Edmund S. Muskie Federal Building
ATTN: Larisa Djuvelek-Ruggiero
Civil Rights Specialist
JC Cleveland Federal Building
53 Pleasant St., Suite 2200
Concord, NH 03301
Tel. 603-410-4860
Email: l.djuvelek-ruggiero@dot.gov

Federal Highway Administration Headquarters –
Office of Civil Rights
1200 New Jersey Ave., SE HCR-40, Room 81-101
Washington, DC 20590
Tel. 202-366-0693
Fax: 202-366-1599
Email: FHWA@dot.gov

Additionally, complaints may be filed at the U.S. Department of Justice at:

Federal Coordination and Compliance Section – NWB
Civil Rights Division
950 Pennsylvania Ave. NW
Washington, DC 20530

What are the potential outcomes for processing a complaint? There are four potential outcomes for processing complaints:

1. **Accept:** If a complaint is timely (see Section VII, 3rd paragraph, above), contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, the HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
2. **Preliminary review:** If it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may: 1) dismiss the claim; or 2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer to the complaint.
3. **Procedural dismissal:** If a complaint is not filed timely, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and Division Office a written notice that it is dismissing the complaint.
4. **Referral/Dismissal:** If the complaint is procedurally sufficient but FHWA 1) lacks jurisdiction over the subject matter; or 2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights. All Letters of

Finding issued by FHWA are final.

What are the timeframes for investigations? For FHWA, there is no regulatory timeframe for completing investigations; however, FHWA strives to complete all tasks within 180 days from the date of acceptance. For complaints that have been delegated to MaineDOT by FHWA, [23 CFR §200.9\(b\)\(3\)](#) provides that State DOTs must complete investigations within 60 days of receipt of the delegated complaint from FHWA.

Investigation files are confidential and will be maintained by MaineDOT. The contents of such files will only be disclosed to appropriate MaineDOT personnel and federal authorities under federal and state laws. MaineDOT will retain files under [Maine records retention schedules](#) and [FHWA guidelines](#).

