

## Southwestern Pennsylvania Commission—Civil Rights/Anti-Discrimination Program

### Discrimination/ADA Complaint Procedures

Subsequent to Title VI, additional laws and Presidential Executive Orders added disability, sex, age, income status and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance. As a recipient of federal assistance, the SPC has adopted a Discrimination/ADA Complaint Procedure as part of its Civil Rights/Anti-Discrimination Program to comply with Title II of the Americans with Disabilities Act of 1990 (ADA)/Section 504 of the Rehabilitation Act of 1973 (Section 504), and associated statutes.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title II of the Americans with Disabilities Act of 1990 (ADA)/Section 504 of the Rehabilitation Act of 1973 (Section 504), or any nondiscrimination authority, may file a complaint with SPC. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the SPC Title VI Coordinator for review and action.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
  - a. The date of the alleged act of discrimination; or
  - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued. In this case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Civil Rights/Title VI Coordinator. If necessary, the Civil Rights/Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
4. Within 10 days, the SPC Civil Rights/Title VI Coordinator will acknowledge receipt of the allegation in writing; inform the complainant of action taken or proposed action to process the allegation; advise the respondent of their rights under related statutes; and, advise the complainant of their right to appeal a decision through SPC's Executive Committee.
5. In accordance with SPC's grantee relationship with the Pennsylvania Department of Transportation (PennDOT) SPC is required to inform PennDOT of all Civil Rights related complaints within 10 days of receipt. The letter will be sent to the PennDOT Central Office, Civil Rights Division, with a copy to the FHWA Pennsylvania Division Office and will generally include the following information:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of alleged discriminating official(s).
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, income status, limited English proficiency).
  - d. Date of alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.

## Southwestern Pennsylvania Commission—Civil Rights/Anti-Discrimination Program

- f. A statement of the complaint.
  - g. Other agencies (state, local or federal) where the complaint has been filed.
  - h. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
6. Within 60 days, the SPC Civil Rights/Title VI Coordinator will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
7. Within 90 days of receipt of the complaint, the SPC Civil Rights/Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her right to appeal with SPC's Executive Committee. SPC's Civil Rights/Title VI Coordinator will also provide the PennDOT Civil Rights Central Office with a copy of the determination and report findings.
8. Upon appeal, SPC's Executive Committee, consisting of 17 members, will investigate and issue an independent decision on the complaint. The decision on appeal will be issued within 60 days after receipt of the appeal. This letter will contain complete information on how and where file an appeal of the SPC Executive committee's finding.
9. In accordance with federal law, the SPC will require that applicants of federal assistance notify the SPC of any law suits filed against the applicant or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the applicant has been found in noncompliance with any relevant civil rights requirements.
10. The SPC will collect demographic data on staff, committees, and program areas in accordance with 23 CFR, 49 CFR and SPC's established procedures and guidelines.
11. SPC will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by SPC.
12. Records of complaints and related data will be made available by request in accordance with the Pennsylvania Freedom of Information Act.

Please provide the information on the following page(s) in order to process your complaint. Assistance is available upon request. You can reach the SPC Civil Rights/Title VI Coordinator at (412) 391-5590, or you can send email to:

[TitleVI-Coordinator@spcregion.org](mailto:TitleVI-Coordinator@spcregion.org). This complaint may also be mailed or delivered to:

Southwestern Pennsylvania Commission  
Civil Rights/Title VI Coordinator  
Two Chatham Center, Suite 500  
112 Washington Place  
Pittsburgh, PA 15219

**Southwestern Pennsylvania Commission—Civil Rights/Anti-Discrimination Program**

<b>ADA Complaint Form – Southwestern Pennsylvania Commission</b>				
<b>Section I</b>				
Name:				
Address:				
Telephone:				
Email Address:				
Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> TDD	<input type="checkbox"/> Audio Tape	<input type="checkbox"/> Other
<b>Section II</b>				
Are you filing this complaint on your own behalf?		<input type="checkbox"/> Yes*	<input type="checkbox"/> No	
*If you answered "Yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining below				
Name:			Relationship:	
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Section III</b>				
I believe the discrimination I experienced was based on a disability:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Date of Alleged Discrimination (Month, Day, Year):				
Please 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 of any witnesses. (Attach additional sheets to this form if you need more space.)				

**Southwestern Pennsylvania Commission—Civil Rights/Anti-Discrimination Program**

<b>Section IV</b>				
Have you previously filed an ADA complaint with this agency?		__Yes	__No	
<b>Section V</b>				
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 all that apply:				
__Federal Agency	__Federal Court	__State Agency	__State Court	__Local Agency
Please provide information about a contact person at the agency/court where the complaint was filed:				
Name:				
Title:				
Agency				
Address:				
Telephone:				
<b>Section VI</b>				
Name of agency complaint is against:				
Contact Person:				
Title:				
Telephone:				
Please attach any written material or other information that you think is relevant to your complaint.				

Signature and date required below:

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

Please submit this form in person or mail to:

Southwestern Pennsylvania Commission  
 Attn: Civil Rights/Title VI Coordinator  
 Two Chatham Center, Suite 500  
 112 Washington Place  
 Pittsburgh, PA 15219

Or submit by fax or email to:

Fax: 412-391-9160  
 Email: [TitleVI-Coordinator@spcregion.org](mailto:TitleVI-Coordinator@spcregion.org)

## **Southwestern Pennsylvania Commission—Civil Rights/Anti-Discrimination Program**

### **Appeal Process**

If the Complainant does not agree with the decision by the Respondent and cannot come to an informal agreement, the Complainant can directly file an appeal with the Southwestern Pennsylvania Commission Executive Committee:

Southwestern Pennsylvania Commission  
ATTN: Executive Committee, Chairwoman Leslie Osche,  
Two Chatham Center, Suite 500  
112 Washington Place  
Pittsburgh, PA 15219

The SPC's Executive Committee, consisting of 17 members, will investigate and issue an independent decision on the complaint. The decision on appeal will be issued within 60 days after receipt of the appeal. This letter will contain complete information on how and where file an appeal of the SPC Executive committee's finding.