

## SOUTHWEST IOWA TRANSIT AGENCY

### REASONABLE ACCOMODATION PROCEDURE

As the Public Transit provider for the counties of Fremont, Page, Mills, Montgomery, Cass, Pottawattamie, Shelby and Harrison counties, Southwest Iowa Transit Agency (SWITA) strives to provide safe and affordable transportation to all members of the community.

Any individual who feels that they are unable to use our service due to lack of proper equipment on or in our vehicles or restrictive practices or policies is able to request modification be made to said equipment, practices or policies.

Modifications may be requested by contacting the Reasonable Accommodations Designated Coordinator by phone, fax, e-mail or in person and describing what is needed in order to utilize our service. If we are unable to make the requested modifications, we will notify the individual requesting said modification in writing within 10 business days and detail why it was not possible to accommodate their request.

#### **Reasonable Accommodations Designated Coordinator**

Name: John McCurdy                      Title: Executive Director

Address: 1501 Southwest 7<sup>th</sup> Street

City: Atlantic    State: Iowa    Zip code: 50022    County: Cass

Phone/Fax: 712-243-4196/712-243-3458    Email: [Swipco@Swipco.org](mailto:Swipco@Swipco.org)

#### **Southwest Iowa Planning Council adopted discrimination complaint procedures relating to federally assisted transportation-related programs or activities.**

- 1. Filing a discrimination complaint:** Any person who believes that he or she, or any class of individuals, or in connection with any disadvantaged business enterprise, has been or is being subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and/or the Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the AGENCY, or directly with the Iowa DOT, FHWA, USDOT and U.S. Department of Justice. Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or

investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

- 2. Complaint filing time frame:** A discrimination complaint must be filed within 180 Calendar days of either:
- A) The alleged act of discrimination
  - B) Date when the person(s) became aware of the alleged discrimination
  - C) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The AGENCY or their 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. Contents of a complaint:** A discrimination complaint must be written. The document must contain the following information.
- A) The complainant's name and address, or other means by which the complainant may be contacted.
  - B) Identification of individual(s) or organizations (s) responsible for the alleged discrimination.
  - C) A description of the complainant's allegations which must include enough detail to determine if the AGENCY has jurisdiction over the complaint and if the complaint was filed timely.
  - D) Specific prohibited bases of alleged discrimination (i.e., race, color, gender, etc)
  - E) Apparent merit of the complaint.
  - F) The complainant's signature or signature of his/her authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the AGENCY, the complainant shall be interviewed by the AGENCY's coordinator. If necessary the Coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

- 4. Complaints against the AGENCY:** Any complaints received against the AGENCY should immediately be forwarded to the Iowa DOT for investigation. The AGENCY shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT's Title VI program is:

Iowa Department of Transportation  
Office of Employee Services- Civil Rights  
800 Lincoln Way  
Ames, Iowa 50010  
515-239-1422  
515-817-6502 (fax)  
[dot.civilrights@dot.iowa.gov](mailto:dot.civilrights@dot.iowa.gov)

- 5. Notice of Receipt:** All complaints shall be referred to the AGENCY's Coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the Coordinator shall issue and initial written Notice of Receipt that:

- A) Acknowledges receipt of the discrimination complaint.
- B) Advises the complainant of his/her right to seek representation by an attorney or other individual of his or her choice in the discrimination complaint process.
- C) Contains a list of each issue raised in the discrimination complaint.
- D) Advises the complainant of the timeframes for processing the discrimination complaint and providing a determination.
- E) Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT, and USDOJ.
- F) Includes an invitation to mediation as described in paragraph 1 under item eight below.

**6. Notification of the Iowa DOT of a complaint:** The AGENCY shall advise the Iowa DOT within 10 business day of a receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.

- 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 or gender)
- D) Date of alleged discriminatory act(s)
- E) Date complaint received by the AGENCY
- 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 AGENCY has taken or proposed to resolve the issue identified in the complaint.

**7. Processing a complaint and timeframe:** The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This timeframe included 60 calendar days at the AGENCY level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the AGENCY and Iowa DOT, the complainant shall be informed that the Agency has 90 calendar day to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the notice of receipt to the complainant (step four), the AGENCY's Coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted. Based on the information obtained during the investigation, the Coordinator shall render a recommendation for action in a Report of Findings to the head of the AGENCY.

**8. Alternative dispute resolution/mediation process:** The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The AGENCY's Coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complainant selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the AGENCY's Coordinator shall identify or designate a mediator who must be a neutral and impartial third party, the mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, she or he or the designee must respond within 10 calendar days of the date of invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged a written confirmation identified the date, time and location of mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar day timeframe of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT's Title IV program coordinator. If an agreement is reached, but a party to it believes his/her agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the AGENCY's Coordinator shall continue with the investigation.

- 9. Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:
- A) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
  - B) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
  - C) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHMW, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if she or he is dissatisfied with the final action on the discrimination complaint.

The Agency's Coordinator shall provide the Iowa DOT's Title VI program coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the AGENCY, the Iowa DOT's Title VI program coordinator will work in conjunction with the AGENCY's Coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

- 10. Corrective action:** If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.

**11. Confidentiality:** AGENCY and Iowa DOT Title VI program coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.

- A) The fact that the discrimination complaint has been filed.
- B) The identity of the complainant(s).
- C) The identity of individual respondents to the allegations.
- D) The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.

**12. Recordkeeping:** The AGENCY's Coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

- A) The name and address of the complainant
- B) Basis of discrimination complaint
- C) Description of complaint
- D) Date filed
- E) Deposition and date
- F) Any other pertinent information.

All records regarding discrimination complaints and actions take on discrimination complaints must be maintained for a period for not less than three years from the final date of resolution of the complaint.

## **V. Self-assessment and remedial action procedures**

**1. Title VI self-assessment federal-aid highway funds.** Conduct Title VI self-assessment of the AGENCY's program areas and activities. Where applicable revise policies, procedures and directives to include Title VI requirements. Ensure that programs, policies and other activities do not have disproportionate adverse effects on minority and low income populations.

**2. Remedial action.** When irregularities occur in the administration of Federal-aid highway programs, corrective action will be taken to resolve identified Title VI issues. Take affirmative action to correct any deficiencies found by the Iowa DOT, FHWA or the USDOT within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this plan. The head of the AGENCY shall be held responsible for implementing Title VI requirements.

### **Reasonable Accommodations designated coordinator**

Name: John McCurdy                      Title: Executive Director

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