

DISCRIMINATION COMPLAINT PROCEDURES

This policy is intended to establish a procedure under which complaints alleging discrimination in SANDAG's provision of services or SANDAG activities can be made by persons who are not employees of SANDAG.

Background

It is SANDAG policy to comply with state and federal laws and regulations including the Americans with Disabilities Act of 1990 (ADA), the Civil Rights Act of 1964 (Title VI and VII) and other federal and state discrimination laws. SANDAG prohibits discrimination by its employees, contractors, and consultants and in its programs, activities and facilities consistent with state and federal law. SANDAG does not discriminate on the basis of race, color, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), creed, religion, national origin, age, marital status, ancestry, medical condition, disability, military or veteran status, low-income status, English language proficiency, genetic information, gender identity or expression, sexual orientation or any other category protected by federal, state or local law in conducting government business. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations as required by laws applicable to these classes as they may be modified from time to time by state or federal law, have the right to use this complaint/grievance procedure.

~~The procedures below are the same for complaints of any type of prohibited discrimination.~~

Procedures

1. Federal Agency Involvement/Title VI Complaints

1.1 SANDAG operates programs without regard to race, color, and national origin in compliance with Title VI of the Civil Rights Act. In order to comply with 49 CFR Section 21.9(b), recipients and subrecipients of Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) funding such as SANDAG are required to develop procedures for investigating and tracking Title VI complaints and to make the procedures for filing a complaint available to members of the public upon request. This policy contains the procedures that members of the public should follow in order to request additional information regarding SANDAG's nondiscrimination obligations or file a discrimination complaint against SANDAG.

1.2 Upon receipt of a complaint, SANDAG will determine whether federal funding was used for the program or project at issue and whether, as a result of this determination, one or more federal agencies must be notified of the complaint. Any notified federal agency will follow its own procedures for such a complaint. Generally speaking, for programs with local or FTA funding, SANDAG will determine jurisdiction, carry out the investigation, and make the final decision on addressing the complaint. FHWA and other federal agencies, however, may make these determinations independently and dictate different procedures from those in the policy.

1.3 Any person who believes himself or herself or any specific class of persons to be subjected to discrimination prohibited by Title VI also may file a written complaint with the FTA or FHWA. A complaint should be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is

extended by FTA or FHWA. Title VI complaints regarding federally funded programs at SANDAG can be sent to the applicable funding agency below:

Federal Transit Administration
Office of Civil Rights Attention: Complaint Team
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE Washington, DC 20590

Federal Highway Administration
Attention: Office of Civil Rights 1200 New Jersey Avenue, SE
Washington, DC 20590

2. Applicability

This complaint procedure is applicable to all persons who are not employees of SANDAG. (Complainants). This includes, but is not limited to, visitors to SANDAG, members of the public, Board of Directors, committees, and working group members, vendors, or any other person transacting business with SANDAG or using SANDAG's services who believe that they have been subjected to discrimination by SANDAG employees, contractors, or consultants. In general, it is designed to address disputes, including but not limited to the following:

- 2.1 Disagreements regarding a requested service, accommodation, or modification of a SANDAG practice or requirement;
- 2.2 Inaccessibility of a program, publication, or activity; and
- 2.3 Harassment or discrimination prohibited by California or federal law.

3. Identification of Compliance Officer, ADA Coordinator and Title VI Coordinator

The ~~Director of Diversity and Equity is the~~ Compliance Officer and ADA Coordinator for this policy and Title VI Coordinator required by FHWA ~~regulations and FTA~~ (collectively referred to throughout as "Compliance Officer") shall be identified on the SANDAG website. This person or their designee shall be and is responsible for administering this complaint procedure as well as ensuring compliance with applicable laws. The Compliance Officer can be reached at: SANDAG, 1011 Union Street, Suite 400, San Diego, CA 92101 ~~401 B Street, Suite 800, San Diego, California 92101~~; (619) 699-1900 or through email at compliance@sandag.org.

4. Informal Resolution Request Preliminary Review Process

- 4.1 ~~Informal Resolution—Prior to initiating the formal complaint procedure set forth below, and as a prerequisite to it, the complaining party shall~~ A Complainant may contact the Compliance Officer for assistance in resolving ~~at the~~ matter informally as soon as is reasonably practicable, generally within approximately fifteen (15) calendar days of the time the ~~grievant~~ Complainant became aware of the SANDAG act or omission that is the subject of the complaint. If at any time the Complainant determines ~~the~~ the Compliance Officer ~~will~~ is not be able to ~~successfully in quickly~~ achieving a satisfactory resolution (that is, generally within approximately thirty [30] calendar days), the Complainant should use the formal complaint procedures in this policy. ~~Compliance Officer will take the steps described in subparagraph 3.2.~~
- 4.2 Use of this informal resolution process is not required. A Complainant not wishing to use the informal resolution process may initiate use of the formal complaint procedures, however, should a Complainant contact SANDAG informally, without using the forms provided with this policy, SANDAG staff will refer the matter to

~~the Compliance Officer, who will record the complaint in the Board Policy No. 009 Discrimination Complaint Log (Log) and attempt to resolve the matter informally. If a resolution cannot be achieved within thirty (30) days, the Compliance Officer will request that the Complainant complete the required forms to address the complaint via the formal complaint procedures. Review Panel – The Compliance Officer will convene an ad hoc review panel to review the issue(s) raised. The panel will consist of the following (or their designees): the Compliance Officer, a member of the management staff, a Deputy Chief Executive Director, and (depending upon the issues) such other personnel as may be appropriate. This panel will review the request, investigate and attempt to resolve the issues within approximately thirty (30) calendar days of the request for or initiation of a second review. No formal report need be issued by the panel, but the panel will document the outcome of its review in a letter to the complaining party. If the complaining party is not satisfied with the panel's disposition of the matter, the complaining party may file a formal complaint in accordance with the procedure described below.~~

5. Formal Complaint **Procedures**

~~5.1—These procedures apply to all discrimination complaints by persons who are not SANDAG employees unless otherwise noted. If the procedure set forth above for preliminary review does not yield a successful resolution, then the complaining party may file a formal complaint in the following manner:~~

5.1 When To File a Formal Complaint – Formal Complaints must be in writing and must be filed within ~~ten (10)~~180 calendar days of the ~~complaining party's receipt of notice of the end of the preliminary review process described above~~alleged discriminatory action. Complaints alleging violation of Title VI of the Civil Rights Act of 1964 must be signed by the Complainant.

5.2 What To File - A complaint must be in writing and include the information requested in the attached Discrimination Complaint Form. Title VI complaints must be signed in order for the procedures outlined in this policy to be applicable. Title VI complaints that are not signed may be administratively closed by the Compliance Officer. Complainant also must attach a copy of the letter from the Review Panel setting forth the outcome of the preliminary review procedure described above~~if the Complainant has limited English proficiency, SANDAG will provide translation or interpretation services to assist in filing the complaint.~~

5.3 Where To File Complaint - The complaint shall be filed with the Compliance Officer at SANDAG, ~~1011 Union Street, Suite 400~~401 B Street, Suite 800, San Diego, California 92101; Fax number (619) 699-1995; ~~the 711 National Relay Service TTY (619) 699-1904~~ or to: compliance@sandag.org.

5.4 Notice of Receipt - Upon receipt of the complaint, the Compliance Officer will review the complaint for timeliness and appropriateness for this ~~complaint~~grievance procedure; and record the complaint in the Log. The Compliance Officer will provide the Complainant~~complaining party~~ with written notice acknowledging its receipt.

5.5 Jurisdiction and Completeness Determination – All complaints entered in the Log will be evaluated for completeness and jurisdiction by the Compliance Officer. If the complaint does not fall within the jurisdiction of the Compliance Officer, it shall be forwarded to the appropriate authority within SANDAG. A complaint that is not within the jurisdiction of SANDAG or filed more than 180 days after the discriminatory event may be administratively closed. The

Compliance Officer will attempt to notify the Complainant in writing of SANDAG's decision whether to accept or dismiss the complaint as well as the reasons for the decision within 30 days.

5.55.6 Investigation - The Compliance Officer or his or her designee shall promptly initiate an investigation. In undertaking the investigation, the Compliance Officer may interview, consult with, and/or request a written response to the issues raised in the complaint from any individual the Compliance Officer believes to have relevant information, including the Complainant, staff and members of the public. ~~The Compliance Office also may hold an informal hearing at their discretion. A Complainant's failure to provide any requested information or participate in a meeting or interview (or failure to provide contact information) will result in the administrative closure of the complaint.~~

5.65.7 Representation - The ~~Complainant~~complainant and any party against whom the ~~complaint~~grievance is directed shall have the right to have a representative. The party shall indicate whether they are to be assisted by a representative and, if so, the name of that representative. For purposes of this procedure, the representative may be an attorney so long as the Office of General Counsel or its designee is present during proceedings.

5.75.8 Findings And Notification - Upon completion of the investigation, the Compliance Officer will prepare and transmit to the ~~Complainant~~complainant and to any party against whom the complaint is directed, a final report containing a summary of the investigation, written findings and a proposed disposition. This transmission will ~~occur~~be expected within ~~forty five (45)~~ 180 calendar days of the filing of the formal complaint. The deadline may be extended by the SANDAG Chief Executive Officer for good cause. The final report shall also be provided, where appropriate, to any person whose authority will be needed to carry out the proposed disposition or to determine whether any personnel action is appropriate.

5.85.9 Final Disposition - The disposition proposed by the Compliance Officer shall be put into effect promptly. The ~~Complainant~~complainant or any party against whom the complaint or the proposed disposition is directed may appeal the decision of the Compliance Officer. The appeal to the Chief Executive Officer (as set forth below) will not suspend the implementation of the disposition proposed by the Compliance Officer, except in those circumstances where the Chief Executive Officer decides that good cause exists making the suspension of implementation appropriate. The final disposition shall be recorded in the Log.

6. Urgent Matters

Whenever the application of any of the time deadlines or procedures set forth in this complaint procedure creates a problem due to the nature of the complaint, the urgency of the matter, or the proximity of the upcoming event, the Compliance Officer will, at the request of the ~~Complainant~~complainant, determine whether an appropriate expedited procedure can be ~~developed~~fashioned.

7. Recordkeeping and Notification to Federal Funding Agencies

7.1 Details of all complaints and notifications will be entered into the Log maintained by the Compliance Officer.

7.2 Within one business day of receipt of a complaint concerning a project funded by FHWA, the Compliance Officer shall send a copy of the complaint forms by email to Caltrans at TitleVI@dot.ca.gov. Even if there are no forms provided by the Complainant or the complaint is immediately closed as time-barred or due to lack of jurisdiction, FHWA, FTA or any applicable federal funding agency will be notified of a complaint alleging violation of a federal law under this policy.

8. Retaliation

No person or entity will suffer retaliation or reprisal by SANDAG as a result of filing a civil rights or discrimination complaint. Any person who believes that they have suffered retaliation as a result of making a civil rights or discrimination complaint or participating in an investigation may make a complaint in accordance with this policy. In addition, Complainants, at any time, may file a complaint directly with FTA/FHWA for claims based on federal law.

7.9. Remedies

Possible remedies under this complaint procedure include corrective steps, actions to reverse the effects of discrimination or to end harassment, and measures to provide a reasonable accommodation or proper ongoing treatment. As stated above, a copy of the Compliance Officer's report may, where appropriate, be sent to appropriate persons to determine whether any personnel action should be pursued.

8.10. Appeal

~~8.10.1~~ Within ten (10) calendar days of the issuance of the final report, the complaining party or any party against whom the complaint is directed may appeal ~~to the Chief Executive Officer~~ the Compliance Officer's determination to the Chief Executive Officer.

~~8.210.2~~ An appeal is taken by filing a written request for review with the SANDAG Chief Executive Officer, 1011 Union Street, Suite 400~~401-B Street, Suite 800~~, San Diego, California 92101; Fax number (619) 699-1995; ~~TTY (619) 699-1904~~ or email to EA-Team@sandag.org.

~~8.310.3~~ The written request for review must specify the particular substantive and or procedural basis for the appeal; and must be made on grounds other than general dissatisfaction with the proposed disposition. Furthermore, the appeal must be directed only to issues raised in the formal complaint as filed or to procedural errors in the conduct of the complaint procedure itself, and not to new issues.

~~8.410.4~~ The review by the Chief Executive Officer or their designee normally shall be limited to the following considerations: Were the proper facts and criteria brought to bear on the decision? Were improper or extraneous facts or criteria brought to bear on the decision that substantially affected the decision to the detriment of the complaining party? Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the complaining party? Given proper facts, criteria, and procedure, was the decision one that a person in the position of the decision-maker might reasonably have made?

~~8.510.5~~ A copy of the Chief Executive Officer or their designee's written decision will be expected within thirty (30) calendar days of the filing of the appeal and shall be sent to the parties, the Compliance Officer, and, if appropriate, to persons whose authority will be needed to carry out the disposition. The deadline may be extended by the Chief Executive Officer for good cause. The decision of the Chief Executive Officer or their designee on the appeal is final. The request for an appeal and the decision of the Chief Executive Officer shall be recorded in the Log.

9.11. Confidentiality

SANDAG will take reasonable measures to protect the privacy of the ~~Complainant~~~~complainin~~ party and those individuals who may be the subject of a complaint. SANDAG cannot ~~guaranty~~guarantee privacy, however, particularly if disclosure is necessary for a complete investigation or is required by law.

Adopted June 2003

Amended November 2004

Amended January 2010

Amended February 2012

Amended October 2013

Amended January 2017

Amended November 2022

Amended , 2025

Discrimination Complaint Form

Instructions: If you believe SANDAG has engaged in discrimination against one or more persons, please fill out this form completely in black ink or type. Sign and return to the address on page 2. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

Complainant _____

Name:

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: Home: _____ Business: _____

Person Discriminated Against: (if other than the

Complainant) _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: Home: _____ Business: _____

When did the discrimination occur?

Date: _____

Describe the alleged acts of discrimination providing the name(s) where possible of the responsible individuals (use space on page [32 of this form](#) if necessary). Include the category upon which you believe the discrimination was based (race, color, disability, medical condition, etc.):

Has a complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes: _____ No: _____

If Yes:

Agency or Court: _____

Contact Person: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: _____

Date Filed: _____

Additional space for answers:

Signature: _____

Date: _____

Note: Signature required for complaints alleging violation of Title VI of the Civil Rights Act of 1964

Return to:
Compliance Officer ~~Office of Diversity and Equity~~
SANDAG
1011 Union Street, Suite
~~400401 B Street, Suite~~
~~800~~ San Diego, CA
92101

Phone: (619) 699-1900; Fax: (619) 699-1995
711 National Relay Service TTY: (619) 699-1904
complianceOfficeofDiversityandEquity@sandag.org

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Wika HỖ trợ ngôn ngữ miễn phí | 免費語言協助 | 免費語言協助 | مساعدة لغوية مجانية | 무료
언어 지원

کمک زبان رایگان | 無料の言語支援 | Бесплатная языковая помощь | Assistência linguística gratuita
मुभाषा सहायता | Assistance linguistique gratuite | ជំនួយ ភាសា ឥតគិតថ្លៃ ឥតគិតថ្លៃ
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допомога SANDAG.org/LanguageAssistance | 619.699.1900

SANDAG Notice of Non-Discrimination | Aviso de no discriminación de SANDAG
Abiso sa Hindi Pandidiskrimina ng SANDAG | Thông cáo Không phân biệt đối xử
của SANDAG | SANDAG 非歧视通知 | SANDAG: إشعار عدم التمييز