

Title VI Complaint Procedures

Jewish Family Service of San Diego has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1B, dated October 1, 2012.

When Is It Appropriate to File a Title VI Complaint?

- 1. Applicability.** The following complaint procedures are applicable to all persons who believe that they have been subject to discrimination by Jewish Family Service of San Diego (JFSSD) related to its *On the Go* transportation program, which is funded in whole or in part by SANDAG. In general, it is designed to address disputes, including but not limited to the following:

- 1.1 Disagreements regarding a requested service, accommodation, or modification of a JFSSD practice or requirement.

- 1.2 Inaccessibility of a program, publication, or activity.

- 1.3 Harassment or discrimination prohibited by California or federal law.

How to File a Title VI Complaint

- 2. Preliminary Review Process.** The following process must be completed prior to filing a Formal Complaint with SANDAG.

- 2.1 Informal Resolution: Prior to submitting a formal complaint, the complaining party shall contact the Jewish Family Service of San Diego (JFSSD) Title VI Coordinator for assistance in resolving the matter informally as soon as is practical, generally within 15 calendar days of the time from when the subject of the complaint occurred, or the complaining party became aware of JFSSD's alleged non-compliance with state or federal non-discrimination laws. Complaints must be filed within 180 days of the alleged incident.

The JFSSD Title VI Coordinator can be reached at:

Kristine Stensberg

Senior Director of Nutrition and Aging Jewish Family Service of San Diego

JOAN & IRWIN JACOBS CAMPUS

8788 Balboa Avenue

San Diego, CA 92123

Fax: (858) 637-3001

Email: kristines@jfssd.org

NOTE: JFSSD encourages all persons filing a complaint for discrimination to use Certified Mail through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by fax or email, an original, signed complaint must also be mailed to the Title VI Coordinator as soon as possible, but not later than one hundred eighty (180) days from the alleged date of discrimination.

JFSSD's Title VI Complaint forms and procedures may be requested by phone, in writing or via agency website.

A written and signed agency complaint form may be filed up to one hundred and eighty (180) days from the date of the alleged discrimination. JFSSD will only process complete agency complaint forms.

The Title VI Complaint Form may be used to submit the complaint information. The complaint must be filed in writing with JFSSD at the above address for JFSSD to properly investigate any allegation of discrimination.

JFSSD will notify SANDAG of the complaint within 72 hours of receiving the complaint and record the complaint and steps taken toward resolution. JFSSD is responsible for informing the complaining party about JFSSD's complaint procedure, including the opportunity to file a formal complaint with SANDAG and/or the Federal Transit Administration (FTA) as described below.

What Happens to the Complaint After It Is Submitted?

All complaints alleging discrimination based on race, color or national origin in a transportation service or benefit provided by JFSSD will be directly addressed by JFSSD for investigation. JFSSD shall also provide appropriate assistance to anyone who files a complaint, including those persons with disabilities, or who are limited in their ability to communicate in English.

JFSSD shall make every effort to address all complaints in a timely and thorough manner. A letter acknowledging receipt of the complaint will be mailed within ten (10) days. Please note that if a person who has filed a complaint does not respond to any request(s) for additional information from JFSSD within ten (10) days, the complaint may be closed, and no further investigation will take place.

JFSSD has thirty (30) days to investigate the complaint. The complainant will be notified in writing of the cause of any planned extension to the thirty (30) day rule.

How Will the Complainant Be Notified of the Outcome of the Complaint?

- 2.2 Report of Results to SANDAG and Complaining Party – JFSSD will email or mail SANDAG and the complaining party the results of the informal resolution process

within 30 calendar days of receiving the complaint. Various methods of resolution exist.

1. ***Substantiated Complaints*** -- If the complaint is substantiated and it appears that discrimination on the basis of race, color or national origin has occurred, this Title VI program and procedures prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken according to the agency's disciplinary procedures.
2. ***Unsubstantiated Complaints*** -- If there is insufficient evidence to either prove or disprove the allegation(s) of Title VI discrimination, both parties to the complaint will be informed of the reason(s) for this disposition.
3. ***Unfounded Complaint*** -- If it is determined that an act reported pursuant to this Title VI program/procedure did not in fact occur, a finding of "unfounded" shall be made.

If a complaint is found to be unsubstantiated, JFSSD will send a letter notifying the person filing the complaint. In the letter, the person who filed the complaint will also be advised of his or her right to:

1. Provide additional information to JFSSD for consideration of the complaint within ten (10) calendar days of receipt of the final written decision from the Title VI Coordinator, and/or
2. File a complaint externally with SANDAG, the U.S. Department of Transportation and/or the FTA.

What Happens if the Complainant Is Not Satisfied With JFSSD's Finding?

If the complaining party is not satisfied with JFSSD's disposition of the matter, the complaining party may file a formal complaint following the procedure described below.

SANDAG Title VI Complaint Procedures

3. **Formal Complaint.** If the procedure for Preliminary Review and informal resolution by JFSSD does not yield a successful resolution, then the complaining party may file a formal, written complaint with SANDAG in the manner described below. SANDAG materials can be made available in alternative languages. To make a request, call 619-699-1900. Los materiales de SANDAG están disponibles en otros idiomas. Para hacer una solicitud, llame al 619-699-1900.
 - 3.1 Complaints must be filed within 180 calendar days of the alleged incident of notice of the end of the Preliminary Review process described above.

- 3.2 Complaints must be in writing and must include an attached copy of any correspondence concerning the complaint with JFSSD.
 - 3.3 Complaints must be filed with the SANDAG Title VI Compliance Officer at 401 B Street, Suite 800, San Diego, CA 92101; Fax number (619) 699-1995; TTY (619) 699-1904.
 - 3.4 Investigation – The SANDAG Title VI Compliance Officer will initiate an investigation, which may include interviewing, consulting with, and/or requesting a written response to the issues raised in the complaint from any individual the SANDAG Title VI Compliance Officer believes to have relevant information, including the ADA Compliance Officer, JFSSD staff and members of the public. SANDAG may also hold an informal hearing.
 - 3.5 Review Panel – The SANDAG Title VI Compliance Officer will convene a review panel that will consist of the Title VI Compliance Officer, the ADA Compliance Officer if applicable, a member of the SANDAG management staff, the Chief Deputy Executive Director (or designee), and (depending on the issues) other personnel as may be appropriate. This panel will review the request, investigate, and attempt to resolve the issues within 30 calendar days of receipt by SANDAG of the complaint.
 - 3.6 Representation – The complaining party, and any party against whom the complaint is directed, have the right to have a representative.
 - 3.7 Findings and Notification – The SANDAG Title VI Compliance Officer and/or ADA Compliance Officer will prepare and provide the complaining party, and all other parties involved, a final report containing a summary of the investigation, written findings, and a proposed disposition. This report will be provided to the complaining party and JFSSD within 45 calendar days of the filing of the formal complaint.
 - 3.8 Final Disposition: The disposition proposed by the review panel will be put into effect promptly. The complaining party or any party against whom the complaint or the proposed disposition is directed may appeal. The appeal to the Executive Director (as set forth below) will not suspend the implementation of the disposition proposed by the SANDAG review panel, except in those circumstances where the SANDAG Executive Director decides that good cause exists making the suspension of implementation appropriate.
4. **Appeal.** Within 10 calendar days of the issuance of the final report, the complaining party may appeal to the SANDAG Executive Director.
- 4.1 An appeal is taken by filing a written request for review by the SANDAG Executive Director.

- 4.2 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.
- 4.3 The review by the Executive Director or his or her 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?
- 4.4 A copy of the Executive Director's written decision will be expected within 30 calendar days of the filing of the appeal and shall be sent to all parties involved and, if appropriate, to persons whose authority will be needed to carry out the disposition. The deadline may be extended by the Executive Director for good cause. The decision of the Executive Director on the appeal will be SANDAG's final decision.
5. **File with the FTA.** 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. 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. Title VI complaints regarding federally funded programs at JFSSD can be sent to the applicable funding agency below:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590