



Complaint Resolution Process and Procedure to Ensure Non-Discrimination and Equal Opportunity in Federally Assisted Programs or Activities of the Metropolitan Atlanta Rapid Transit Authority (MARTA)

Purpose

MARTA is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity, or service that it provides. It is impermissible for a recipient, subrecipient, or other person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including **language**).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security (DHS) regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

It is also unlawful to retaliate against an individual because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.

This procedure establishes a framework for taking reasonable steps to ensure access to all services provided by MARTA for all program beneficiaries (e.g., program participants, customers, clients, consumers, members of the public, sub-recipients, consultants, and contractors) This program establishes procedures whereby MARTA will receive and investigate allegations of discrimination.

Definitions

An **informal charge** is defined as any verbal or written communication received by customer service staff from members of the public referencing a general complaint regarding the violation of civil rights to any programs or services provided in part with federal funds.

A **formal complaint** is defined as any written complaint of discrimination filed by an individual or group, signed by the complaining party on MARTA's Complaint Form seeking to remedy perceived discrimination by facially neutral policies, practices, or decisions, which have an adverse impact which resulted in the inability to gain access to services, amenities, programs, or activities financed

in whole or in part with federal funds. Such complaints include, but are not limited to, allegations of:

- Failing to provide comparable services
- Policies and practices that act as arbitrary and unnecessary barriers to equal opportunity.
- Denied opportunity for equitable participation
- Provision of fewer services or benefits and/or inferior services or benefits to members of a protected group.
- Differential exposure of protected groups to environmental hazards
- Patterns of disparate treatment; and
- Disproportionate adverse effects on social and economic parameters (e.g., access to services, healthcare facilities, employment opportunities and community cohesion)

This procedure explains each stage of the complaint process for formal and informal discrimination charges, communicates the rights and responsibilities of the Complainant, and states the responsibilities of MARTA. Informal charges and formal complaints should be filed within 180 calendar days of the event, which forms the basis of the claim; if the concern is ongoing, the charge/complaint should be filed within 180 calendar days of the last occurrence.

This procedure does not preclude the right of any Complainant to file complaints directly with the Federal Transportation Administration (F.T.A.), Department of Homeland Security (DHS), or to seek private legal representation. The time required to process investigations will vary depending on the complexity of the issue; however, every effort will be made to ensure a speedy resolution of all complaints at the lowest possible level within 90 business days.

The option of informal mediation meeting(s) between the affected parties may be utilized for resolution. Compliance with Title VI and other federal civil rights laws is the responsibility of every MARTA employee. The Diversity & Inclusion (D&I) Office monitors compliance, reporting, investigation, and program administration.

Processing of Informal Complaints

Intake of informal customer complaints is received and documented in the Helpdesk Expert Assistance Tool (H.E.A.T.) tracking software system by a Customer Service Center employee. Complaints can be made by telephone calls, emails, letters, walk-ins, Board Meetings, Public Hearings, Social media, outreach events, and the Customer Comment link on the MARTA website www.itsmarta.com. Complaints can be made by calling (404) 848-5000, via email to custserv@itsmarta.com, online at <https://www.facebook.com/MARTATransit>, <https://www.instagram.com/martatransit/>, <https://twitter.com/MARTAservice> or by mail to MARTA Customer Service Center, 2424 Piedmont Road, Atlanta, Georgia 30324.

The Customer Care Center employee will obtain detailed information regarding the incident, who, what, when, where, and why. Each report is assigned a unique ID number provided to the customer and used for tracking the report. All reports should be assigned and forwarded to the appropriate department within 2 hours of receipt.

Customers reporting a concern (informal complaint) will be responded to within 10 business days

from initial contact. The time required to process investigations will vary depending on the complexity of the issue; however, every effort will be made to ensure a speedy resolution of all complaints at the lowest possible level within 90 business days. Denise Brown, Equity Administrator – 404-848-5240 will monitor the complaint to ensure proper assignment, processing, investigation, resolution, and complainant close-out has occurred.

There is no right to appeal the resolution of an informal charge. However, the party reserves the right to file a formal complaint within 180 business days.

Processing Formal Complaints

Intake of formal complaints is generated through verbal or written communication of a concern presented to MARTA staff. Any MARTA employee who receives a complaint of this type will direct the Complainant to the Office of Diversity & Inclusion (D&I). D&I staff will provide a formal complaint form to the Complainant. A complainant must sign and submit the completed complaint form to Hakeem Muhammad, Acting D&I Manager – 404-848-5240. The D&I Manager shall review the matter to determine jurisdiction, assign an investigator if it is determined that the matter merits investigation, and monitor response dates. The Investigator shall enter the complaint into the database. The Complainant will be notified within 10 days of signing the complaint of its acceptance or denial.

Jurisdiction will be determined based on information provided in the written complaint. A complaint shall be investigated unless:

- It fails to state facts that could establish intentional unequal treatment as described in the definitions section of this procedure.
- If a determination is made that the matter is outside the scope of this procedure, D&I will notify the customer and the affected department in writing within a reasonable period.

The assigned Investigator will take the following steps:

- Identify the basis of the alleged unequal treatment
- Ascertain what, where, when, and why the alleged unequal treatment occurred
- Identify and interview all relevant parties, review documents, and make site visits to obtain information.

Upon conclusion of a thorough investigation, the Investigator will prepare a report to summarize findings and suggest appropriate corrective action along with a proposed resolution. The investigative report should be submitted to the Executive Director of D&I within 10 business days after the investigation is complete. D&I will maintain a record of all discussions and retain all documents relating to the investigation in a confidential file. The D&I Program Manager will track the status of all complaints received by generating monthly reports from the database.

The Executive Director of D&I will prepare a written determination and will communicate with the Chief or AGM of the affected department(s) the determination and recommendations, if any, for corrective action. The Executive Director of D&I will provide written notification to the Complainant of the investigation findings. D&I will forward copies of this communication to Customer Service

and the affected department(s).

The Executive Director of D&I will explain to the Complainant their right to file with the Federal Transit Administration or seek private legal representation:

Federal Transit Administration
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590
Main number: (202) 366-4043
TTY = 1-800-877-8339

You can also file a civil rights complaint with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):

E-mail: CRCLCompliance@hq.dhs.gov (fastest method to submit your complaint)

Fax: 202-401-4708

U.S. Mail:

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch, Mail Stop #0190
2707 Martin Luther King, Jr. Ave., SE
Washington, D.C. 20528

Retention

In compliance with 49 CFR 27.121 (b), all complaints shall be kept on file for a minimum of one year, and a record of such complaints, which may be in summary form, shall be kept for five years.

If you feel that you have been discriminated against, please provide the following information to facilitate processing your complaint. Should you require assistance in completing this form, please let us know. Once completed, return a signed copy to:

Metropolitan Atlanta Rapid Transit Authority (MARTA)
Office of Diversity and Equal Opportunity
2424 Piedmont Road, NE
Atlanta, GA 30324
404-848-5420

The Metropolitan Atlanta Rapid Transit Authority:

- Provides free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), to communicate effectively with persons with disabilities.

- Provides free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.

To obtain this information in another language or an accessible format, call
404-848-4615/ 404-848-5665- TTY.

NON-DISCRIMINATION COMPLAINT FORM

OFFICE OF DIVERSITY & INCLUSION

Complainant's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Home): _____ (Work) _____ (Cell) _____

Email: _____

Person discriminated against (if someone other than Complainant)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Home): _____ (Work) _____ (Cell) _____

Email: _____

WHAT IS THE BASIS OF YOUR COMPLAINT? (CHECK ALL THAT APPLY)

Race Color National Origin Limited English Proficiency (LEP)

Date of the alleged discrimination: _____

**Describe the alleged discrimination. Explain what happened and who you believe was responsible.
(For additional space, attach additional sheets of paper or use back of the form)**

Where did the incident take place? Please provide location, time, bus number etc.

Witnesses? Please provide their contact information.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Home): _____ (Work) _____ (Cell) _____

Email: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Home): _____ (Work) _____ (Cell) _____

Email: _____

What is your requested remedy (What corrective action do you believe would resolve your complaint)? _____

Did you file this complaint with another Federal, State, or Local agency? Yes No

Agency Name: _____

Contact information for the other agency: _____

Date Filed: _____

If you need any special accommodations for communication regarding this complaint, please specify what alternative format you require: _____

I affirm that I have read the above charge and that it is true and correct to the best of my knowledge, information, and belief. I am willing to fully cooperate in the D&I investigative process and provide whatever evidence/documents which may be requested of me. Also, I acknowledge my obligation to immediately notify the Office of Diversity and Inclusion of any changes relative to my contact information (address, phone number, email) during the investigation period.

Sign the complaint in space below. Attach any documents you believe supports your complaint.

Signature: _____

Date: _____