

Title VI Complaint Procedures for FAA-Funded Programs

These discrimination complaint procedures pertain to FAA assisted programs or activities. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

Procedures

A. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, age, sex (which includes gender and sexual orientation), or creed, may file a formal complaint with HDOT's Office of Civil Rights at 200 Rodgers Boulevard, Honolulu, Hawaii, 96819. Phone: (808) 831-7921, Fax: (808) 831-7944, Email: HDOT-TITLEVI@hawaii.gov.

Instructions for complaint submittal are explained below. A formal complaint may also be filed directly with the FAA Office of Civil Rights by mail at:

Office of Civil Rights
Federal Aviation Administration
800 Independence Ave. SW, Room 1030
Washington, DC 20591
Phone: (202) 267-3258
Fax: (202) 267-5565

1. A formal complaint must be filed within 180 calendar days of the date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s). The time period for filing may be extended at the discretion of HDOT due to extenuating circumstances beyond the complainant's control.
2. Complainants with Limited English Proficiency needing assistance with Complaint Procedures or with the Complaint Form may request translation or interpretive service without charge.
3. Complaint shall be in writing and signed by the complainant(s). The complaint shall be delivered by mail or in person to the Office of Civil Rights (address above). Faxed or emailed complaints shall be considered "written" for purposes of review. Oral complaints should be reduced to writing by complainant's representative and provided to the complainant(s) for confirmation and signature before actual submission.

B. The complaint should contain the following:

1. Date of the alleged act of discrimination; or date when the complainant(s) became aware of the alleged discrimination.
2. Detailed description of the issues including names and job title of those individuals perceived as parties in the discrimination.

C. Upon receipt of the complaint, OCR will determine its jurisdiction, acceptability or need for additional information before initiating an investigation. In cases where the complaint is related to transit or highway activities within HDOT's jurisdiction, the case will be investigated pursuant to other Federal agency requirements, as applicable.

D. Acceptance of a complaint will be determined by:

1. Whether the complaint is timely filed, or when it is not timely filed, there is justification for filing beyond the 180-day time limit.
2. Whether the allegations involved a covered basis such as race, color, national origin, sex (including gender and sexual orientation), age or creed.
3. Whether the allegations involve a program or activity of a federal aid recipient, subrecipient, or contractor.
4. Whether the complaint is beyond the administrative authority of HDOT.

E. A complaint may be dismissed for the following reasons:

1. The complainant requests the withdrawal of the complaint.
2. The complainant fails to respond to repeated requests for additional information necessary to process the complaint, or otherwise fails or refuses to cooperate in the investigation.
3. The complainant cannot be located after reasonable attempts to contact such person(s).

F. OCR has sole authority for accepting complaints for investigation. Within ten (10) business days of receipt of the complaint, OCR will acknowledge receipt of the complaint to the parties as well as the course of action on the complaint. The course of action may include acceptance of the complaint for investigation, request for additional information, or rejection of the complaint. The complaint will receive a case number and be logged into the OCR's complaint records identifying its basis, and the alleged discrimination.

G. All such complaints will also be forwarded to Title VI contacts in the FAA Office of Civil Rights within 15 days of receipt for review and subsequent action at the following address:

Office of Civil Rights
Federal Aviation Administration
800 Independence Ave. SW, Room 1030
Washington, DC 20591
ACR-4-TitleVI@faa.gov

H. HDOT Title VI Specialist will conduct an investigation unless otherwise directed by FAA and will provide the respondent written notification of the opportunity to respond to the allegations. The respondent will have ten (10) calendar days from the date of notification to furnish his/her response to the allegations in a position statement.

I. Within ninety (90) calendar days from the receipt of respondent's position statement, the HDOT investigator will prepare an investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

J. The investigative report shall be reviewed and finalized by the OCR Civil Rights Coordinator and approved by the HDOT Director.

K. The complainant and respondent shall receive written notification of the investigative findings (i.e. cause or no cause) and a copy of notification shall be forwarded to FAA.

L. Any complainant dissatisfied with the decision of HDOT will be notified of the option to have the HDOT decision reviewed upon request by FAA by filing a separate complaint directly to FAA to review the case under dispute. FAA will then determine what action, if any, shall be taken.

Title VI Complaint Form for Hawaii State Airports

Any person who believes he, she, or they have been subjected to discrimination on the basis of race, creed, color, sex (which includes gender and sexual orientation), age, or national origin in any program, service or activity administered by HDOT, its lessees, concessionaires, subcontractors or other appropriate third-party entity in relationship with the HDOT, has the right to file a complaint with the HDOT.

Complaints must be filed within one-hundred eighty (180) days following the date of the alleged discriminatory occurrence or the date that it is discovered by the complainant that the alleged discrimination occurred, must be in writing, and must be delivered to the HDOT OCR, either by email at HDOT-TITLEVI@hawaii.gov or by mail at:

Hawaii Department of Transportation
Office of Civil Rights
ATTN: Title VI Program Specialist
200 Rodgers Boulevard
Honolulu, HI 96819
Ph #: 808-831-7921

If calling to complain by phone, the complainant **must** supplement the verbal complaint with a written version within 180 days of the alleged discrimination. In the event a written version would not be advantageous to the complainant, an alternative method of documenting the alleged discrimination complaint will be arranged. Filing a complaint with HDOT does not suspend or limit the right of a complainant to file a complaint with the appropriate outside agency, such as the Hawai'i Civil Rights Commission or the Federal Aviation Administration, or to seek private legal counsel regarding discrimination.

Please detail the appropriate information related to the alleged discrimination complaint below:

Race ☐ Color ☐ Sex ☐ Creed ☐ Age ☐ National Origin ☐

Other (Please Detail): _____

Complainant Contact Information:

Name:

Address:

Phone No.: Home _____ Work _____
Other _____

E-Mail Address: _____

Are you filing this complaint on your own behalf? Yes ☐ No ☐

If "No" please provide the name and nature of relationship of the person for whom you are filing this form:

Name: _____ Relationship: _____

Have you previously filed a Title VI complaint with HDOT or a related agency?

Yes ☐ No ☐

If so, please detail which organization: _____

Have you filed a lawsuit regarding this complaint? Yes ☐ No ☐

If you answered "Yes" please provide a copy of the complaint filed with the appropriate court.

Allegation(s) of Discrimination:

Please provide name or names of employee(s), contractor(s), concessionaire(s), lessee(s), tenant(s), or other related party or parties in relationship with HDOT complaint is against. If known, please also provide title or titles:

Contact person: _____ Title: _____

Telephone number: _____ Email: _____

Please describe the details of your complaint below. Please include specific details such as names, dates, times witnesses, and any other relevant information that would assist

HDOT in the investigation of your allegations. Please also provide any other documentation that is relevant to this complaint:

Signature of complainant: _____ Date: _____

Note: Please mail or hand-deliver completed forms to:

**Hawaii Department of Transportation
Office of Civil Rights
200 Rodgers Boulevard
Honolulu, HI 96819**

For assistance with this form, or to obtain a copy, please call 808-831-7921 or email HDOT-TITLEVI@hawaii.gov.