


MICHIGAN CITY TRANSIT DEPARTMENT POLICY/PROCEDURES MANUAL

 Michigan City Transit	SUBJECT: Complaint Reporting	DEPARTMENT POLICY NUMBER 302.2
		ISSUE DATE 8/22/2017
	CHAPTER: 3-Operations	REVISED
	Revised By: Robin Tillman Department Director	TOTAL PAGES 4

I. PURPOSE

Provide handling and guidance of complaints, for staff and passengers of the Michigan City Transit Department.

II. DEFINITIONS

- A. Title VI of the Civil Rights Act of 1964, persons who believe that they have experienced or witnessed any act or inaction, intentional or otherwise, in any program service activity based on race color or national origin, gender, religion or disability.
- B. ADA disability related complaints, i.e. Para-transit late pick-up, Wheelchair lift not working, Not boarding a disabled passenger and Failure to make stop announcements. *Disability*; any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
- C. Passenger Service Complaints; any issue that a passenger has had with the service or conduct of a staff member.

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III. PROCEDURES

- A. Civil Right - Title VI Complaint are processed in accordance Title VI of the Civil Rights Act of 1964 as documented in Michigan City Transit Title VI Complaint Procedure. (Attached on page 4.)
- B. ADA – Related Complaints are processed in accordance with FTA 4710.1 and MC Transit ADA Complaint Policy as out lined in this document.
 - 1.) Passengers will be able to obtain an ADA complaint form from;
 - a. Any driver or staff member on duty.
 - b. Michigan City Transit office, 1801 Kentucky St. Michigan City, IN 46360
 - c. On the cities webpage; emichigancity.com/transit.
 - 2.) Passengers will be able to lodge an ADA complaint by calling the office and giving the information over the telephone; (219)873-1502
 - a. The staff member taking the call will complete the form over the phone using the information provided by the passenger.
 - b. The staff member is to ensure that all parts of the complaint form are completed when taking the complaint via the telephone.
 - 3.) All completed forms and passenger information will kept in strict confidence.
 - 4.) The completed complaint form will be turned over to the Department Director for investigation.
 - 5.) The director will notify, in writing, all staff members involved that a complaint has been submitted.
 - 6.) All complaints will be logged into a separate MC Transit ADA Complaint Log, by MCT Director.
 - a. All ADA complaints will be retained for one year.
 - b. MC Transit ADA complaint log, investigation, and summery reports will be retained for five years.
 - c. MC Transit Director will document and communicate their response to the ADA complaint allegations, promptly within 10 business days.
 - 7.) MCT Director will take any appropriate action deemed necessary concerning employee’s corrective action and system service corrections.

In accordance with Title VI of the Civil Rights Act of 1964, ADA related complains may be filed under Michigan City Transit Title VI Complaint Procedure.

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C. Passenger Service Complaints

- 1.) Passengers will be able to obtain a complaint form from;
 - a. Any driver or staff member on duty.
 - b. From the Michigan City Transit office;
1801 Kentucky St. Michigan City, IN 46360
 - c. On the cities webpage; emichigancity.com/transit
- 2.) Passengers will be able to lodge a complaint by calling the office and giving the information over the telephone; (219)873-1502.
 - a. The staff member taking the call will complete the form over the phone using the information provided by the passenger.
 - b. The staff member is to ensure that all parts of the complaint form are completed when taking the complaint via the telephone.
- 3.) All completed forms and passenger information will kept in strict confidence.
- 4.) The completed complaint form will be turned over to the Department Director for investigation.
- 5.) The director will notify, in writing, all staff members involved that a complaint has been submitted.
- 6.) All complaints will be logged into MC Transit Complaint Log, by MCT Director.
 - a. All complaints will be retained for one year.
 - b. MC Transit complaint log, investigation, and summery reports will be retained for five years.
 - c. MC Transit Director will document and communicate its response to the complaint allegations, promptly within 10 business days.
- 7.) MCT Director will take any appropriate action deemed necessary concerning employee's corrective action and system service corrections.

IV. REPSONSIBLITY

A. EMPLOYEES

1. Employees found to be insubordinate, with respect to this policy, will be subject to disciplinary action up to or including termination in accordance with the City Policy, 501 Employee Conduct and Work Rules, and current Labor Agreement.

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MICHIGAN CITY TRANSIT TITLE VI COMPLAINT PROCEDURES

This section outlines the Title VI complaint procedures related to providing programs, services, and benefits. However, it does not deny the complainant the right to file formal complaints with the Federal Transit Administration, Indiana Department of Transportation or seek private counsel for complaints alleging discrimination, intimidation of any kind that is prohibited by law. Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from, be denied the benefits of or be subject to discrimination under any program or activity receiving federal financial assistance.

1. Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, national origin, ancestry, handicap and familial status as noted below may file a written complaint with the Michigan City Human Rights Executive Director (hereinafter referred to as the "Executive Director"), 100 East Michigan Boulevard, Michigan City, Indiana, 46360. The Michigan City Human Rights Department under ordinance 3283 requires complaints be filed within 90 days of the alleged incident. Complainants have the right to complain directly to the appropriate federal agency. Federal and State law requires complaints be filed within 180 calendar days of the alleged incident.

Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the Executive Director may be utilized for resolutions. The Executive Director will notify Michigan City Transit Director of all Title VI complaints as well as all resolutions.

2. Complaints must meet the following requirements:
 - a. The complaint must be filed within 90 days of the alleged occurrence. The allegation must involve a covered basis such as race, color, nation origin, sex, religion, ancestry, handicap, and familial status. The allegation must involve the Michigan City Transit service.
 - b. The complaint shall be in writing, signed and dated by the complainant(s). In cases where Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Executive Director or designee will interview the Complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
 - c. The written complaint shall include the following information:
 - 1.) Name, address, and telephone number of the complainant.
 - 2.) The basis of the complaint (i.e.: race, color, nation origin, sex, elderly, or disabled).
 - 3.) The date or dates on which the alleged discriminatory event or events occurred.
 - 4.) The nature of the incident that led the complainant to feel discrimination was a factor.
 - 5.) Names, addresses, and telephone numbers of persons who may have knowledge of the event, including names and job titles of those individuals received as parties in the complaint.
 - 6.) Other agencies or courts where complaint may have been filed and a contact name.

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3. Upon receipt of the complaint, the Executive Director will determine its jurisdiction, acceptability, need for additional information, and determine if the complaint merits an investigation.
4. The Human Rights Executive Director decides whether the complaint meets the jurisdictional requirements of the Human Rights Department ordinance. If it does meet the jurisdictional requirements, the complaint will receive a case number and will then be logged in a database identifying the following: Complainant's name, basis, alleged harm, race, color, and national origin of the Complainant.
5. A complaint may be dismissed for the following reasons:
 - a. The Complainant requests the withdrawal of the complaint.
 - b. The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
6. In cases where the Human Rights Executive Director accepts the complaint, the Human Rights Executive Director shall complete an investigation with 90 days. The Human Rights Executive Director or designee will prepare an investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
7. The investigative report and its finding will be reviewed by the Michigan City Transit Director and the Michigan City Law Department.
8. Notice of the determinations will be mailed to the Complainant. Notice shall include information regarding appeal rights of Complainant and instructions for initiating such an appeal. Notices of appeals are as follows:
 - a. Michigan City Transit will reconsider this determination, if new facts come to light.
 - b. If Complainant is dissatisfied with the determination and /or resolution set forth by the City of Michigan City, the same complaint may be submitted to the Federal Transit Administration for investigation. Complainant will be advised to contact Federal Transit Administration, Office of Civil Rights, 200 West Adams Street, Suite 320, Chicago, IL 60606-4142, Telephone (312)353-2789 Fax (312)886-0351 or Indiana Department of Transportation, Attention Title VI Program Coordinator, 100 N. Senate Ave. Room 750 Indianapolis, Indiana 46204, <http://www.in.gov/indot/div/legal/dbe/titlesix.htm#complaints>
9. A copy of the complaint and the City of Michigan City's investigation report/letter of findings and the Final Remedial Action Plan, if appropriate will be issued to the Federal Transit Administration within 120 days of the receipt of the complaint.
10. A summary of the complaint and its resolution will be included as part of the Title VI updates to the Federal Transit Administration.
11. Human Rights Executive Director will ensure that all records relating to Michigan City Transit's Title VI Complaint Process are maintained with departmental records. Records will be available for compliance review audits.

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