



## Complaints Procedure

1. Applicability. The following complaint procedures are applicable to all persons who believe that they have been subject to discrimination by FACT related to its RideFACT service and Mobility Management activities which are 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 FACT practice or requirement.
  - 1.2 Inaccessibility of a program, publication, or activity.
  - 1.3 Harassment or discrimination prohibited by California or federal law.
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 Grants Management Analyst 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 FACT's alleged non-compliance with state or federal non-discrimination laws.

**The Grants Management Analyst can be reached at 600 Mission Avenue, Oceanside, CA 92054; 760-754-1252**

FACT will notify SANDAG of the complaint within 72 hours of receiving the complaint and record the complaint and steps taken toward resolution. FACT is responsible for informing the complaining party about FACT's complaint procedure, including the opportunity to file a formal complaint with SANDAG and/or the Federal Transit Administration (FTA) as described below.
  - 2.2 Report of Results to SANDAG and Complaining Party – FACT will email or mail SANDAG and the complaining party the results of the informal resolution process within 30 calendar days of receiving the complaint. If the complaining party is not satisfied with FACT's disposition of the matter, the complaining party may file a formal complaint with SANDAG following the procedure described below.
3. Formal Complaint. If the procedure for Preliminary Review and informal resolution by FACT 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 ten (10) calendar days of the complaining party's receipt 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 FACT.

- 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, FACT 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 FACT 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

- 4.1 Within 10 calendar days of the issuance of the final report, the complaining party may appeal to the SANDAG Executive Director.
- 4.2 An appeal is taken by filing a written request for review by the SANDAG Executive Director.
- 4.3 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.
- 4.4 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?

4.5 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 FACT 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