



DISCRIMINATION COMPLAINTS PROCEDURES

If information is needed in another format and or language, please contact Budd Anderson, (760) 754-1252, or banderson@factsd.org.

1. Applicability. The following complaint procedures apply to all persons who believe that they have been subject to discrimination by Full Access and Coordinated Transportation, FACT related to its transportation services.
2. Preliminary Review Process. The following process must be completed prior to filing a Formal Complaint with FACT's Grantor¹.

Informal Resolution - Prior to submitting a formal complaint, the complaining party must contact Director of Grants and Procurement at FACT for ADA, Title VI, or other discrimination complaints 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. Complaints must be filed within 180 days of an alleged incident.

The Director of Grants and Procurement can be reached at 516 Civic Center Drive, Oceanside CA, 9205; (760) 754 - 1252.

FACT will notify the grantor 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 the grantor and/or the Federal Transit Administration (FTA) as described below.

Report of Results to Grantor and Complaining Party – FACT will email or mail the grantor 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 the Grantor. For reference, SANDAG's procedure is described below.

1. 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.

Formal complaints must be filed within 10 calendar days from the date the complaining party receives notice of the end of the preliminary review process

¹ FACT's programs and services are funded by grants administered by multiple agencies.



Complaints must be in writing and must include an attached copy of any correspondence concerning the complaint with FACT.

Complaints must be filed with the Compliance Officer at 401 B Street, Suite 800, San Diego, CA 92101; Fax number (619) 699-1995; TTY (619) 699-1904.

Investigation – The Compliance Officer or their designee 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 Compliance Officer believes to have relevant information, FACT staff and members of the public. The Compliance Officer may also hold an informal hearing at their discretion.

Representation - The complaining party, and any party against whom the complaint is directed, has the right to have a representative.

Findings and Notification - The 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.

Final Disposition - The disposition proposed by the Compliance Officer 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 Chief Executive Officer (as set forth below) will not suspend the implementation of the disposition proposed by the Compliance Officer, except in those circumstances where the SANDAG Chief Executive Officer decides that good cause exists making the suspension of implementation appropriate.

1. Appeal

Within 10 calendar days of the issuance of the final report, the complaining party may appeal to the SANDAG Chief Executive Officer.

A complaining party may appeal by filing a written request for review by the SANDAG Chief Executive Officer.

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.

The review by the Chief Executive Officer or their designee normally will 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?

A copy of the Chief Executive Officer'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 Chief Executive Officer for good cause. The decision of the Chief Executive Officer or their designee on the appeal will be SANDAG's final decision.

2. File with the FTA - Any person who believes themselves or any specific class of persons to be subjected to discrimination prohibited by ADA or Title VI may also 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 and ADA complaints regarding federally funded programs at FACT, can be sent to the following address:

Federal Transit Administration Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE
Washington, DC 20590