



Departmental Standard Operating Procedure (DSOP)

DSOP No. 12-01

Last Amended: December 24, 2018

Effective: November 5, 2024

SUBJECT: PROCEDURES FOR FILING A DISCRIMINATION COMPLAINT PURSUANT TO 49 CFR PART 21 – TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED NONDISCRIMINATION LEGISLATION

PURPOSE and SCOPE: To provide the Department's procedures for complaints of discrimination filed pursuant to 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Title VI of the Civil Rights Act of 1964 and related nondiscrimination legislation.

I. AUTHORITY:

- A. Operational Directive No. 99-03, Aviation Department Written Directive System.
- B. Departmental Standard Operating Procedure No. 00-01, Departmental Standard Operating Procedures.
- C. Chapter 25-1.2 Miami-Dade County Code, Chapter 25 Miami-Dade Aviation Department Rules and Regulations.
- D. 49 CFR Part 21 Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Title VI of the Civil Rights Act of 1964
- E. Civil Rights Restoration Act of 1987
- F. Section 520 of the Airport and Airways Improvement Act of 1982
- G. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- H. Department of Justice – Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination against Persons with Limited English Proficiency; Policy Guidance; Federal Register/Volume 65, No. 159, issued August 16, 2000.
- I. Department of Transportation – Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons; Federal Register/Volume 70, No. 239, issued December 14, 2005.

II. DEFINITIONS:

- A. MDAD or the Department – Miami-Dade Aviation Department

Departmental Standard Operating Procedure

DSOP No. 12-01

Effective: November 5, 2024

- B. CFR – Code of Federal Regulations
- C. DOT – U.S. Department of Transportation
- D. FAA – Federal Aviation Administration
- E. Title VI – Refers to 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Title VI of the Civil Rights Act of 1964 and its related authorities
- F. LEP – Limited English Proficient, as in LEP persons – A person who does not speak English as their primary language, and has a limited ability to read, speak, write, or understand English.

III. POLICY:

Pursuant to Title VI of the Civil Rights Act of 1964 and the related authorities, the Miami-Dade Aviation Department prohibits discrimination on the basis of race, color, national origin, sex (including sexual orientation and gender identity), age, or creed in programs and activities receiving federal financial assistance. Specifically, Title VI provides that no person in the United States be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance on the basis of these protected classes.

Any person who believes that they have been subjected to discrimination on the grounds of any of the above referenced bases has the right to file a complaint with the Miami-Dade Aviation Department. Alternatively, formal complaints may be filed with other federal agencies such as the U.S. Department of Transportation, U.S. Department of Justice, or the Federal Aviation Administration.

IV. PROCEDURES:

A. Receipt of Complaint:

Title VI complaints must be in writing and filed within 180 days of the discriminatory event. Complaints received via mail or through email are considered written complaints under this policy. If a complaint is initially received by phone, it must be supplemented with a written complaint within 180 days of the discriminatory event. If a verbal complaint is received, the complainant should be given a copy of these complaint procedures and instructed to submit a written complaint within 180 days of the discriminatory event. The Department will also make efforts to contact persons who post about events of discrimination at the airport through social media platforms. The Complainant will also be provided these complaint procedures and instructed that a formal complaint should be filed within 180 days of the discriminatory event. Accommodations will be provided upon request to individuals unable to file a written complaint due to a disability.

Departmental Standard Operating Procedure

DSOP No. 12-01

Effective: November 5, 2024

All Title VI complaints must be forwarded to the Title VI Coordinator within 24 hours of receipt. The Title VI Coordinator will record the complaint and promptly send copies of the complaint to the corresponding Title VI Liaison and the Airport Director.

Frances Gonzalez, Title VI Coordinator

P.O. Box 025504

Miami, FL 33102-5504

(305) 876-7948

By email: frgonzalez@flymia.com

B. Initial Procedure:

The Title VI Coordinator or designee may contact or meet with the complainant to clarify the issues, obtain additional information, and determine if informal resolution might be possible in lieu of an investigation. If successfully resolved, the Title VI Coordinator will issue a closure letter to the complainant, record the disposition in the complaints log, and report the resolution to the FAA.

C. Notification Procedures:

All Title VI complaints must be forwarded to the Title VI Coordinator within 24 hours of receipt. A copy of each Title VI Complaint will be forwarded to the FAA within 15 days of the Department receiving the complaint. The Title VI Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter, and the results thereof to the FAA Civil Rights Office staff. (Note: complaints based on disability do not have to be forwarded to the FAA.) To transmit complaint information to the FAA, the Title VI Coordinator will use the FAA Civil Rights Connect System. The Title VI Coordinator will also seek technical assistance from the FAA, as needed, throughout complaint intake, investigation, and resolution process.

D. Investigation Procedure:

1. Assignment of Investigator: The Title VI Coordinator will immediately begin the investigation or designate a Liaison to investigate the complaint.
2. Cooperation with FAA: The Title VI Coordinator or Liaison will promptly investigate all Title VI complaints, including those referred by the FAA for investigation. If the FAA is investigating a complaint against MDAD, the Title VI Coordinator will avoid interfering with the FAA investigation, cooperate with the FAA when needed, and share factual information with the FAA.
3. Prompt Investigation: The Title VI Coordinator or Liaison will make every effort to complete discrimination complaint investigations within sixty (60) calendar days after the complaint is received. If an investigation takes longer than sixty (60) calendar days, a justification for the delay will be documented.

Departmental Standard Operating Procedure

DSOP No. 12-01

Effective: November 5, 2024

4. Contact with the Complainant: The Title VI Coordinator or Liaison will contact or meet with the complainant to clarify the issues and obtain additional information, and speak with community members and potential witnesses, as appropriate.
5. Investigation Report: After completing the investigation, the Title VI Coordinator or Liaison will prepare a written report.
6. Consultation with Legal Counsel: In each case, the Title VI Coordinator will notify Legal Counsel of the investigation and the report. Airport Legal Counsel will ensure that the report is consistent with the DOT and FAA Title VI nondiscrimination requirements.
7. Prompt Resolution of Disputes: The Title VI Coordinator will emphasize voluntary compliance and quickly and fairly resolve disputes with complainants, or with contractors, tenants, or other persons, through negotiation, mediation or other alternate dispute resolutions.
8. Forwarding Report and Response to Complainant: At the completion of the investigation, the complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. The letter transmitting the findings, and any applicable resolution will state MDAD's conclusion regarding whether unlawful discrimination occurred and will describe the complainant's appeal rights. A summary of the investigation report, any appeal, or follow-up actions will be sent to the FAA via the FAA Civil Rights Connect System.
9. Appeal Rights: The complainant must be notified of their right to appeal the findings or determinations, and of the procedures and requirements for an appeal:
 - The complainant may appeal in writing to the Airport Director.
 - The written appeal must be received within 10 business days after receipt of the written decision.
 - The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal.
 - The Airport Director will issue a final written decision in response to the appeal.
10. Avoiding Future Discrimination: In addition to taking action with respect to any specific instances of discrimination, the Department will identify and implement measures to reduce the chances of similar discrimination in the future.
11. Intimidation and Retaliation Prohibited: MDAD employees, contractors, and tenants will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.

For information on filing a complaint with the DOT/FAA, please contact the Title VI Coordinator.

Departmental Standard Operating Procedure

DSOP No. 12-01

Effective: November 5, 2024

V. AMENDMENTS:

The Department reserves the right to amend this operating policy at any time based on current law, Miami-Dade County policies and operating needs.

VI. REVOCATION:

Revocations and removal of established Department policies requires written justification by requesting division management for review and concurrence by the Department's Aviation Regulatory Compliance and Audit Division (ARCA). Upon written concurrence, the revocation request will be submitted, by ARCA, for approval by the Aviation Director. Should the written directive be an Operational Directive, the authorized revocation justification will be sent to the Clerk of the Board for filing with the original Operational Directive under revocation. All approved revocation justification memoranda shall be posted to the Department's Written Directives Log to identify why the directive has been revoked to maintain ongoing operational accountability.

VII. SEVERABILITY:

If any court of competent jurisdiction determines that any provision in this policy is illegal or void, that provision shall be nullified, and the remainder of this policy shall continue in full force and effect. If such court rules that any charge, fee, or security deposit requirement is illegal or void, the Aviation Director is authorized and directed to impose a charge, fee, or security deposit requirement that complies with the court order or applicable provisions of law, which shall become effective on the date of imposition and shall continue until modified by the Miami-Dade County Board of County Commissioners.

Approved By:



Ralph Cutié, Aviation Director

Date

11/5/24