



MDAD Standard Operating Procedure (SOP)

SOP No. 11-02

Last Amended: July 8, 2011

Effective: November 18, 2011

SUBJECT: Title VI Discrimination (49 CFR Part 21) Complaint Procedures

PURPOSE: To establish a policy and procedures for processing, investigating, tracking and reporting Title VI Discrimination Complaints for the Minority Affairs Division.

I. AUTHORITY:

- A. Operational Directive No. 99-03, Aviation Department Written Directive System.
- B. Departmental Standard Operating Procedures No. 00-02, Written Procedures for MDAD Units.
- C. 49 CFR Part 21 Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964.
- D. 49 USC 47123, United States Code regarding Nondiscrimination.

II. DEFINITIONS:

- A. Department – Miami-Dade Aviation Department (MDAD)
- B. 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.
- C. Title VI Coordinator – Designated Aviation Executive Manager responsible for initiating and monitoring Title VI activities, reviewing required reports and overseeing Title VI responsibilities from designated Liaisons.
- D. Title VI Liaison – Aviation administrators reporting to the Title VI Coordinator on issues related to Title VI discrimination and given the task of implementing Title VI procedures.
- E. FAA - Federal Aviation Administration.

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III. POLICY:

The Aviation Department is committed to providing aeronautical services and opportunities to the public regardless of race, creed, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, as amended and 49 USC 47123. These procedures have been established to assure discriminatory complaints under Title VI are fully addressed, resolved and reported to assure ongoing compliance and to address awareness training, as needed. These procedures do not deny or limit the right of a complainant to file a formal complaint with the FAA, or to seek private legal counsel regarding discrimination.

IV. PROCEDURES:

A. The Associate Director of Minority Affairs has been designated as the Title VI Liaison to oversee and address discriminatory complaints related to the availability and accessibility to the Aviation Department's business opportunities.

1. The Liaison can be contacted at 305-876-7221.
2. The Liaison must notify the complainant of their right to file a complaint directly to the FAA by sending a written complaint to the FAA, Office of Civil Rights, 800 Independence Ave. SW. Washington, D.C. 20591.

B. Complaints will be directed to either the Title VI Liaison (or designee) during normal business hours. All complaints will be documented on a Title VI Complaint Form (Exhibit A) available on the H drive at H:\Minority Affairs\FORMS.

C. Complaints can be received in three ways:

1. In Person – the Complainant verbalizes their complaint to the Title VI Liaison/Senior Agent in person. Complete the Title VI Complaint Form and seek to obtain the complainant's signature on the Form.
2. By Email or Letter – the Complainant writes to the Title VI Liaison to inform us of their complaint. Complete the Title VI Complaint Form and attach all correspondence from the Complainant.
3. By Phone – the Complainant calls the Title VI Liaison to discuss their complaint. The complainant must be informed the complaint must be submitted in writing to the Aviation Department **within 90 days of the discriminatory event**. All written complaints will be supplemented with a completed Title VI Complaint Form upon receipt of the written complaint. If no written complaint is received, the issue is considered closed.

D. Initial procedures for completing the Title VI Complaint Form:

1. State the nature of the complaint including dates and times of the events or actions that occurred, names of all persons involved.
2. State the basis of the alleged discrimination and the services denied.

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3. State the date the complaint was received and obtain the signature of the complainant (or attach the written complaint received), and the MDAD employee taking the complaint.
- E. Upon receipt of the written complaint, the Title VI Liaison has **15 days from receipt of the complaint to attain resolution** and forward a copy of the complaint to the FAA.
- F. The Title VI Liaison will log in the complaint on the Title VI Complaint Log (Exhibit B); and then contact the relevant internal divisions or agencies(s) alleged as attributing to the complaint to seek additional information and resolution. The results of the review will be documented on page two of the Title VI Complaint Form, and will include:
1. Gathering of additional information from the complainant and/or the alleged discriminating party(ies).
 2. Identifying complaint resolution indicating whether the complaint was sustained or unsubstantiated. This process could include negotiation, mediation, and alternative dispute resolution methods.
 3. Identifying remedial actions that are available to offer redress.
 4. Identifying possible improvements to the Title VI process to reduce the chances of similar discrimination in the future.
 5. Indication that written resolution of the complaint was provided to the complainant.
- G. Upon completion of the complaint investigation, the completed Title VI Complaint Form and attachments will be sent to the Title VI Coordinator for acknowledgement and concurrence with the resolution and remedial action. The Title VI Coordinator may decide to meet with the complainant to clarify the issues, obtain additional information or readdress the resolution.
1. The Title VI Coordinator will provide a copy of the Title VI Complaint Form to the County's Attorney's Office for review.
 2. At the completion of the investigation the complainant will be sent a letter stating results of the investigation, and any applicable resolution. The letter will state the Department's actions and resolution of the complaint and will describe the complainant's right to appeal the Department's decision.
- H. The complainant **has ten (10) business days after receipt of the written decision** to appeal in writing to the Aviation Department's Director.
1. The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal.
 2. The Aviation Department's Director will issue a final written decision in response to the appeal.

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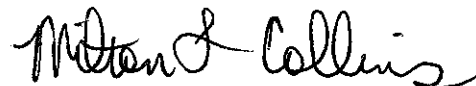
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- I. A copy of the Title VI Complaint Form including the actions taken to resolve the matter and all correspondence between the Department and the complainant must be forwarded to the Area Manager of the **FAA within 15 days of receipt of the complaint.**
- J. The Title VI Liaison shall track all Title VI complaints on the Title VI Complaint Log, to include, the date and time the complaint was received, the alleged discrimination and the gender and race of the complainant. This information will be retained by the Title VI Liaison and held for review upon request by the FAA Civil Rights Office.

IV. REVOCATION: NONE

V. CROSS REFERENCES: NONE



Mr. Milton Collins
Associate Director for Minority Affairs

Effective Date: November 18, 2011

To view all MDAD Written Directives refer to http://www.miami-airport.com/compliance_division.asp