

Title VII Complaint Process

The Oklahoma Department of Transportation (ODOT) uses the following, detailed internal procedures for prompt processing and resolution of all Title VII complaints received under Title VII of the Civil Rights Acts of 1964.

Any person who believes that they, individually, as a member of any specific class, has been subjected to discrimination or retaliation prohibited by any of the Civil Rights Authorities has the right to file a complaint directly with:

- 1) ODOT's Contract Compliance Division (CCD); or utilize
- 2) ODOT's Internal Agency Grievance process by contacting the Human Resources Division.

The bases covered by these are: race, color, sex, religion, national origin, age, disability, retaliation, or genetic information. A complaint may also be filed by a representative on behalf of such a person.

Filing a Formal Discrimination complaint with the Contract Compliance Division

1. Complaints filed directly with the CCD must be filed no later than one hundred and eighty (180) calendar days following:
 - The date of the alleged act of discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discovered, or the last date on which an incident occurred.

The CCD may reasonably extend the time period up to 365 calendar days. Under the Appointing Authority's direction the agency may address incidents outside the required time frames.

2. Complaints shall be filed using the department's Title VII Complaint Form (available online or by contacting the Contract Compliance Division). Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

Complaints should be directed to:
Oklahoma Department of Transportation
Contract Compliance Division
Attention: Katrina Fire, Title VII Coordinator
200 N.E. 21st Street, Room 1-C1
Oklahoma City, OK 73105-3204

3. Upon receipt of the signed complaint form, the Title VII Coordinator will log-in the complaint; determine the basis of the complaint, and authority/jurisdiction. The

complaint will then be investigated by the Title VII Coordinator and/or another Certified Discrimination Investigator.

4. The Title VII Coordinator reviews and determines the appropriate action regarding every Title VII complaint. The department will not proceed with or continue a complaint investigation if:
 - a. The complaint is, on its face, without merit
 - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.
5. Within ten (10) business days, the Title VII Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s), and the complainant is advised of other avenues of redress available, such as the Equal Employment Opportunity Commission. The notification letter contains:
 - a. The basis of the complaint.
 - b. A brief statement of the allegation(s) over which the department has jurisdiction.
 - c. A brief statement of the department's jurisdiction over the recipient to investigate the complaint; and
 - d. An indication of when the parties will be contacted.
6. The Title VII Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, sex, age, national origin, religion, genetic information, disability, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the Title VII Coordinator feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.
7. Within sixty (60) calendar days from the date the original complaint was received, the Title VII Coordinator will conduct and complete an investigation of the allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the Director within ninety (90) calendar days from the date of the original complaint, who shall issue a decision on the merits of the complaint. The Director reviews the findings and recommendation. They may affirm, set aside, or alter the recommendation, or any part thereof, as they deem proper under the circumstances. Such review shall be confined to the record.

8. Once the Director has rendered a final decision on the complaint, the Title VII Coordinator will send a copy of the discrimination complaint final written decision to the complainant.
9. Once the Director has rendered a final decision on the complaint, the Title VII Coordinator will send a copy of the discrimination complaint final written decision to the District Engineer or Division Manager/Engineer of the individual(s) accused of discrimination, and the applicable Senior Staff member. The District Engineer or Division Manager/Engineer will be responsible for determining who will notify the individual(s) accused of the outcome of the investigation.
10. All investigative reports shall be maintained as property of the CCD in a confidential manner, separate and apart from personnel records. **Investigation case files are not subject to the Freedom of Information Act (FOIA) or the Open Records Act (ORA).**
11. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to the complainant at this stage and the report shall follow upon completion.
12. The CCD will follow-up on the “Recommendations” of the final written decision with the complainant and parties involved after ninety (90) calendar days.

Filing a Formal Discrimination Grievance

An employee who wishes to file a formal discrimination grievance must follow the procedures outlined by the Human Resources Division (HRD) with the Grievance Manager. Contact the HRD Grievance Manager for forms and processes and filing deadlines.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email ODOT-ada-titlevi@odot.org.