

Luis Muñoz Marín International Airport (SJU)

Title VI Complaint Procedures and Complaint Form



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**Introduction**

Luis Muñoz Marín International Airport (SJU), as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1946 (Title VI) and related statuses, ensures that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination or retaliation under any federally or non-federally funded airport programs or activities administer under Aerostar Airport Holdings, LLC (Aerostar) or its contractors on the basis of race, color, national origin.

This policy establishes a procedure by which persons may file a complaint alleging discrimination in Aerostar’s provision of services, administration of programs, or activities. These prohibitions extend from Aerostar, as a direct recipient of federal financial assistance, to its sub-recipients (e.g., contractors, consultants, local government authorities, etc.). All programs funded in whole or in part from Federal financial assistance are subject to Title VI requirements. The Civil Rights Restoration Act of 1987 extended this to all programs within the airport that receives Federal assistance regardless of the funding source for individual programs.

This policy is intended to establish a procedure under which complaints alleging discrimination in Aerostar’s provisions, services, or Aerostar’s activities can be made by persons who are not employees of Aerostar.

Any person who believes that Aerostar, or any entity who receives Federal financial assistance from or through Aerostar (i.e., sub-recipients, sub-contractors, or sub-grantees), has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination.

Aerostar will follow timelines set forth in guidance from the Department of Transportation (DOT), the Federal Aviation Administration (FAA) and the Department of Justice for processing Title VI discrimination complaints.

**When to File a Discrimination Complaint**

A complaint of discrimination must be filed within 180 calendar days of the alleged act of discrimination, or discovery thereof; or where there has been continuing course of conduct, the date on which that conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180-day period. The filing date is the day you complete, sign, and mail the complaint form. The complaint form must be dated and signed for acceptance. Complaints received more than 180 days after the alleged discrimination will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

**Where to File the Discrimination Complaint**

In order to be processed, signed original complaint forms may be mailed to:

 Aerostar Airport Holdings, LLC

 P.O. Box 38085

 San Juan, P.R. 00937-1085

Or hand delivered to:

 Aerostar Airport Holdings, LLC

 Aerostar Mgmt. Offices

 Terminal D, LMMIA

 Carolina P.R. 00981

Or emailed to:

 civilrights@aerostarairports.com

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability or limited English/Spanish proficiency. A complaint may also be filed by a representative on behalf of a complainant.

Persons who are not satisfied with the findings of Aerostar may seek remedy from other applicable state or federal agencies.

**Required Elements of a Discrimination Complaint**

In order to be processed, a complaint must be in writing and contain the following information:

* Name, address, and phone number of the complainant;
* Name(s) and address(es) and business(es)/organization(s) of person(s) who allegedly discriminated;
* Date of alleged discriminatory act(s);
* Basis of complaint (i.e., race, color, national origin, sex, age, religion or disability);
* A statement of complaint.

**Incomplete Discrimination Complaints**

Upon initial review of the complaint, the Title VI Coordinator will ensure that the form is complete, and that any initial supporting documentation is provided. Should any deficiencies be found, the Title VI Coordinator will notify the complainant within 10 working days. If reasonable efforts to reach the complainant are unsuccessful or if the complainant does not respond within the time specified in the request (30 days), the recipient may close the complaint’s file. The complainant may resubmit the complaint provided it is filed within the original 180-day period.

Should the complaint be closed due to lack of required information, Aerostar will notify the complainant at their last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be reopened provided it has not been more than 180 days since the date of the alleged discriminatory action.

**Records of Discrimination Complaints**

The Title VI Coordinator will keep a log of all complaints received. Said log will include information such as:

* Basic information about the complaint such as when it was filed, who filed it, and who it was against;
* A description of the alleged discriminatory action; and
* Findings of the investigation.

**Discrimination Complaint Process Overview**

The following is a description of how a discrimination complaint will be handled once received by Aerostar:

1. ***Discrimination Complaint is received by Aerostar***: Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability or limited English/Spanish proficiency, upon request, reasonable accommodations will be made to ensure the complaint is received and processed in a timely manner. Complainants wishing to file a complaint that do not have access to the Internet or the ability to pick up a form will be mailed a complaint form to complete. The complainant will be notified if the complaint form is incomplete and ask to provide the missing information.
2. ***Discrimination Complaint is logged into tracking database***: Completed complaint forms will be logged into the complaint tracking database; basic data will be maintained on each complaint received.
3. ***Determine Jurisdiction***: Aerostar’s Title VI Coordinator will complete an initial review of the complaint. The purpose of this review is to determine if the complaint meets basic criteria.
	1. Criteria required for a complete discrimination complaint:
		1. Basis of alleged discrimination (i.e., race, religion, color, national origin, sex, age or disability).
		2. Determination of timeliness will also be made to ensure that the complaint was filed within the 180-day time requirement.
4. ***Initial Written Notice to Complainant***: Within 10 working days of the receipt of the complaint, Aerostar will send notice to the complainant confirming receipt of the complaint; if needed, the notice will request additional information or notify complainant that the activity is not related to an Aerostar program or activity, or does not meet deadline requirements. Conclusions made in step 3 will determine the appropriate response to the complaint. If any additional information is needed from the complainant, it will be communicated at this point in the process. A copy of the written response, as well as the complaint form, will be forwarded to the FAA Office of Civil Rights within 15 days of receipt as required by 49 C.F.R. Part 21.
5. ***Investigation of the Discrimination Complaint***: The Title VI Coordinator will confer with Aerostar’s Legal Department to determine the most appropriate fact-finding process to ensure that all available information is collected in an effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include, but is not limited to:
	1. Internal meetings with Aerostar staff and Legal Department;
	2. Consultation with state and federal agencies;
	3. Interview of the complainant(s);
	4. Review of documentation; and
	5. Interviews and review of documentation with other agencies or entities involved. Review technical analysis methods.
6. ***Determination of the Investigation***: An investigation must be completed within 60 days of receiving the complete complaint, unless the facts and circumstances warrant otherwise. A determination will be made based on information obtained. The Title VI Coordinator in consultation with the Legal Department will render a recommendation for action, including formal and/or informal resolution strategies in a report of findings.
7. ***Notification of Determination***: Within 10 days of completion of an investigation, the complainant must be notified by Aerostar of the final decision. The notification will advise the complainant of his/her appeal rights with state and federal agencies if he/she is dissatisfied with the final decision. A copy of this resolution letter along with the report of findings, will be forwarded to the FAA Office of Civil Rights.
8. ***Copies of Notification of Determination to the FAA***: The Title VI Coordinator will, within 15 days of receipt, forward to the FAA a copy of each written complaint charging discrimination because of race, color, sex, creed or national origin, together with a statement describing actions taken to resolve the matter, and the result thereof.

**RECEIPT OF COMPLAINT**

A written discrimination complaint is

received and entered into tracking database.

**INITIAL REVIEW**

Initial review completed and responses sent to complainant within 10 working days of when complaint received.

Did

Discrimination

occur?

**INVESTIGATION / FACT FINDING**

Completed within 60 working days of receiving complaint.

Findings summarized and report submitted to Title VI Coordinator

WRITTEN NOTIFICATION OF INVESTIGATION DETERMINATION

Explains finding of no discrimination and

advises complaint of appeal rights.

WRITTEN NOTIFICATION OF INVESTIGATION DETERMINATION

Includes proposed course of action to address finding of discrimination.

**DETERMINATION OF INVESTIGATION**

Notification of determination sent to complainant within 90 working days of receiving complaint.

**No Yes**

Complaint may

be closed.

Requested

information received

within 30 days?

INITIAL WRITTEN RESPONSE

Complaint closed.

INITIAL WRITTEN RESPONSE

Referred to another agency.

Complaint closed at Aerostar.

INITIAL WRITTEN RESPONSE

Confirm receipt of complaint.

Commence fact-finding process.

INITIAL WRITTEN RESPONSE

Confirm receipt of complaint.

Request additional information.

**Yes No**

**Yes No**

**No Yes**

< 180 calendar days since alleged occurrence?

In Aerostar Jurisdiction

Complete complaint form?

****

**TITLE VI/ADA COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the grounds of race, color, sex, creed, age or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

If you feel you have been discriminated against, please provide the following necessary information in order to facilitate the processing of your complaint. Assistance is available upon request. Complete this form and mail or deliver to:

|  |
| --- |
| **Attn.: Aerostar Airport Holdings, LLC, Title VI Coordinator,****Mail: PO Box 38085, San Juan, PR 00937-1085****Email: civilrights@aerostarairports.com** |

|  |  |
| --- | --- |
| Complainant(s) Name(s): | Email Address |
| Address | City | State | Zip Code |
| Home Phone (include area code) | Business Phone (include area code) |

**Person discriminated against (if other than Complainant)**

|  |
| --- |
| Complainant Name, address, email address, phone numbers:  |

**What was the discrimination based on: (Check all that apply)**

[ ]  Race/Color [ ]  Sex [ ]  National origin [ ]  Creed

[ ]  Gender [ ]  Disability [ ]  Limited Spanish Proficiency

[ ]  Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Incident Report**

|  |  |
| --- | --- |
| Date and time of incident resulting in discrimination: | Where did the incident take place? |
| Describe how you were discriminated against. What happened and who was responsible? For additional space attach additional sheets. |
| Mention the Airport employee(s) that allegedly was (were) involved in the incident  |
| Please provide the contact information of any witnesses: (Name, address, email address, phone number, etc.) |

**Has this case been filed with the Department of Justice or other government agency or court?** [ ]  **Yes** [ ]  **No**

|  |
| --- |
| Agency or Court |
| Contact Person |
| Address | City | State | Zip Code |
| Phone (include area code) | Date Filed (mm/dd/yyyy) |
| Other Comments  |

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A copy of this complaint will be forwarded to: Federal Aviation Administration, Office of Civil Rights, ACR-1, 800 Independence Avenue, S.W., Washington, D.C. 20591