

VHB Discrimination Complaint Resolution Process

Introduction

VHB has been and will continue to be an equal opportunity employer, and VHB prohibits all forms of discrimination prohibited by Title VI of the Civil Rights Act of 1964 ("Title VI"), Title VII of the Civil Rights Act of 1964 ("Title VII") and any other applicable local, state, or federal laws, rules, or regulations.

This Complaint Resolution Process has been created to provide an opportunity for any protected group member to voice and resolve any alleged violation of Title VI, Title VII or any other applicable local, state, or federal laws, rules, or regulations. VHB's goal is to use all efforts to conduct an informal investigation of complaints and obtain early resolution of complaints at the lowest possible level. In the event that the parties are not able to resolve the complaint informally, VHB's Complaint Resolution Process also sets forth guidance for filing a formal complaint under the various anti-discrimination laws discussed above.

Please note VHB's Discrimination Complaint Resolution Process does not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Also please note that many anti-discrimination laws overlap and share common elements. Accordingly, you may have rights under one or more of these laws concurrently. Please review the Legal Background information provided below under each particular anti-discrimination law to ensure you have a basic understanding of which law or laws you believe may have been violated.

VHB's Anti-Discrimination Program Coordinator

VHB's Anti-Discrimination Program Coordinator is responsible for processing all informal and formal discrimination complaints and determining, with the advice and counsel of VHB's Chief Legal Officer, whether the complaint involves Title VI, Title VII and/or any other applicable local, state, or federal laws, rules, or regulations. VHB's Anti-Discrimination Program Coordinator also acts as VHB's Title VI Program Coordinator where VHB is specifically required to designate a Title VI Program Coordinator.

Generally speaking, the investigation of complaints involving VHB's employment practices will be managed by VHB's Vice President of HR and the appropriate Regional HR Director. The investigation of Title VI complaints involving first-tier subcontractors and/or second-tier subcontractors shall be managed by VHB's Chief Legal Officer.

VHB has appointed Elizabeth Bennett (eabennett@vhb.com) as VHB's Anti-Discrimination Program Coordinator. Ms. Bennett also serves as VHB's EEO Coordinator.

VHB Discrimination Complaint Resolution Process

Title VI

Legal Background

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin in connection with any program or activity receiving federal financial assistance. Specifically, 42 USC 2000d states that “No person in the United States shall, on the ground of race, color, 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.” Thus, Title VI is applicable in instances where VHB is performing services for a client in connection with any program or activity receiving federal financial assistance. For example, VHB often performs services for state DOTs on programs and activities that receive federal financial assistance.

The applicable Title VI regulations clarify that federal-aid contractors (such as VHB) may not discriminate in their selection and retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in federal-aid highway construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment. The regulations also extend to employment practices in connection with highway construction projects or other projects assisted by the Federal Highway Administration, which is defined to include recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). [See 49 CFR Part 21.](#)

Informal Complaints

As discussed earlier, VHB’s goal is to use all reasonable efforts to conduct an informal investigation of complaints and obtain early resolution of complaints at the lowest possible level. Please contact VHB’s Anti-Discrimination Program Coordinator, Elizabeth Bennett (eabennett@vhb.com) to submit an informal complaint and be sure to include specific details about the alleged discrimination and what law or laws you believe may have been violated. Basic information would include: (1) the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct; (2) a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against. Please use VHB’s Discrimination Complaint Form. The informal complaint shall be sent to VHB’s Anti-Discrimination Program Coordinator, Elizabeth Bennett (eabennett@vhb.com).

VHB Discrimination Complaint Resolution Process

Formal Complaints

Filing a Formal Complaint

A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

1. Complaints must be in writing and signed by the complainant(s).
2. Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct).
3. Complaint must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.

Please use VHB's Discrimination Complaint Form. The formal complaint shall be sent to VHB's Anti-Discrimination Program Coordinator, Elizabeth Bennett (eabennett@vhb.com).

Receipt & Acceptance of a Formal Complaint

Upon receipt of the complaint, the VHB's Anti-Discrimination Program Coordinator will determine the need for additional information and determination of acceptability. VHB's Anti-Discrimination Program Coordinator will notify the complainant, in writing, within five (5) calendar days of receipt of the complaint.

In order for a formal complaint to be accepted, the complaint must meet the following criteria:

1. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
2. The allegations must involve: (1) discrimination in the selection and retention of first-tier subcontractors, or discrimination in first-tier subcontractors selection and retention of second-tier subcontractors; or (2) employment practices.
3. The allegation(s) must involve a covered basis such as race, color, or national origin.
4. The allegation(s) must involve a program or activity that receives federal financial assistance.

Dismissal of a Formal Complaint

A complaint may be recommended for dismissal for the following reasons:

1. The complainant requests withdrawal of the complaint.
2. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
3. The complainant cannot be located after reasonable attempts to contact the complainant.

VHB Discrimination Complaint Resolution Process

Investigation of a Formal Complaint

VHB shall assume responsibility for all investigations involving complaints against its first-tier subcontractors and second-tier subcontractors. In cases where VHB assumes responsibility for investigation, VHB will provide the respondent with the opportunity to respond to the allegations in writing. As discussed earlier, VHB's Chief Legal Officer will designate an investigative team responsible for evaluating the complaint, developing an investigative plan, conducting interviews, collecting and analyzing evidence and preparing an investigative report.

Complaints in which VHB is named as a Respondent, VHB shall forward such complaint to the applicable agency who has contracted with VHB and VHB will partner with such agency to develop an investigative plan, conduct interviews, collect and analyze evidence and prepare an investigative report.

Please be advised that based on the nature of the complaint, the applicable agency may assume full responsibility for proper disposition of the complaint in accordance with their own procedures. The final investigative report will be submitted to the appropriate federal agency within 90 days of receipt of the complaint and such agency will issue a final agency decision (FAD) and provide written notification of the decision to the complainant and respondent.

Appeals

If the applicable federal agency concludes that the respondent is in compliance with laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.

Title VII

Legal Background

Title VII of the Civil Rights Act of 1964 is a federal employment law that **prohibits employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), and national origin**. More specifically, it shall be an unlawful employment practice for an employer: (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or; (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin. (<https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>)

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Formal Complaints

Formal complaints related to Title VII are handled directly by the U.S Equal Employment Opportunity Commission (EEOC). Although VHB strives to resolve all complaints informally, VHB's Discrimination Complaint Resolution Process does not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. Please see the EEOC webpage for guidance on filing a formal complaint. (<https://www.eeoc.gov/filing-charge-discrimination>)

Additional Federal & State Discrimination Laws

Legal Background

There are several other federal discrimination laws in addition to Title VI and Title VII, and each state has its own discrimination laws that may provide broader protections than federal laws.

As it applies to federal laws, the EEOC oversees the enforcement of The Pregnancy Discrimination Act, The Equal Pay Act of 1963 (EPA), The Age Discrimination in Employment Act of 1967 (ADEA), Title I of the Americans with Disabilities Act of 1990 (ADA), Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973 and The Genetic Information Nondiscrimination Act of 2008 (GINA). (<https://www.eeoc.gov/statutes/laws-enforced-eeoc>)

As it applies to state laws, each state has its own discrimination laws, and each state has its own equivalent EEOC type agency charged with enforcing its discrimination laws and processing formal complaints. For example, Massachusetts employment discrimination laws prohibit employers from discriminating against employees based on race, color, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, active military personnel, and genetics. These laws are enforced by the Massachusetts Commission Against Discrimination. See (<https://www.mass.gov/info-details/overview-of-types-of-discrimination-in-massachusetts>) (<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>)

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Formal Complaints

Formal complaints related to federal discrimination laws are handled directly by the U.S. Equal Employment Opportunity Commission (EEOC). Please see the EEOC webpage for guidance on filing a formal complaint. (<https://www.eeoc.gov/filing-charge-discrimination>) Formal complaints related to state discrimination laws are handled directly by the applicable state agency charged with enforcing its discrimination laws. Many state agencies partner with the EEOC and allow a process for formal complaints to be filed concurrently.