

## Title VI Complaints

### Scope

These procedures are for complaints of discrimination under Title VI and related laws (hereafter "Title VI Complaints." In order to be a Title VI Complaint, the complaint must:

1. Allege discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age or violations administrative requirements under Title VI or related laws.
2. Not only be for employment matters.
3. Allege misconduct by the Sunport including airport employees, contractors, concessionaires, lessees, or tenants.
4. Concern an airport facility or actions by the Sunport including airport employees, contractors, concessionaires, lessees, or tenants.

### Rights

Any person who believes that he or she has been subjected to discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age has the right to file a complaint with the Sunport. Alternatively, they can file a formal complaint with an outside agency, such as the U.S. Departments of Justice or Transportation, or the Federal Aviation Administration (FAA), or seek other legal remedies.

### Receipt of Complaint

The Coordinator or designee will log in the complaint and promptly send copies of the complaint to the Aviation Director, Deputy Director(s), Associate Director(s), internal Legal division and the office named in the complaint.

Complaints must be filed within 180 days of the discriminatory event, must be in writing, and must be delivered by one of the following:

By mail to: Albuquerque International Sunport  
Attn: Kelly Price – Loss Prevention Manager  
200 Sunport Blvd., SE  
Albuquerque, NM 87196  
Office: 505.244.7867  
Cellular: 505.382.8159  
e-mail: [kprice@cabq.gov](mailto:kprice@cabq.gov)

By phone: If a complaint is initially made by phone, it must be supplemented with a written complaint before reasonable number, preferably 180 days after the discriminatory event has passed.

By verbal: If a verbal complaint is received, the complainant should be given a copy of the Airport Discrimination Complaint Procedures and instructed to submit a written complaint.

### Initial Procedure

Within 15 days, the Coordinator or designee will meet with the complainant, via in-person or telephone to clarify the issues, obtain additional information, and determine if informal resolution might be possible in lieu of an investigation. If successfully resolved, the Coordinator or designee will issue a closure letter to the complainant, record the disposition in the complaints log, and report the resolution to FAA.

## **Discrimination Complaint Referral Procedure**

### Internal Complaint Referral

All Title VI complaints must be promptly forwarded to the Coordinator or designee within two (2) business days.

### Initial FAA Notification

A copy of each Title VI complaint will be forwarded to the FAA within 15 days of initial receipt (not the date that the Coordinator or designee was notified). The Coordinator or designee 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 staff. (Note: complaints based on disability do not have to be forwarded to FAA.) To transmit complaint information to the FAA, the Coordinator or designee will up-load the information to the FAA Civil Rights Connect System, which issues automated notifications to FAA staff. The Coordinator or designee will also seek technical assistance from FAA, as needed, throughout complaint intake, investigation and resolution process.

## **Investigation Procedure**

### Assignment of Investigator

The Coordinator or designee will immediately begin the investigation or designate an investigator.

### Cooperation with FAA

The Coordinator or designee will promptly investigate all Title VI complaints, including those referred by the FAA for investigation. If the FAA is investigating a complaint against the Sunport, the Coordinator or designee will avoid interfering with the FAA investigation, cooperate with the FAA when needed, and share factual information with the FAA.

### Prompt Investigation

The Coordinator or designee will make every effort to complete discrimination complaint investigations within 60 calendar days after the complaint is received. Some investigations may take longer with a justification for the delay and assurance that the investigation is being completed as quickly as possible.

### Contact with Complainant

The Coordinator or designee will meet/speak with the complainant to clarify the issues and obtain additional information, and also speak with community members and potential witnesses, as appropriate.

### Investigation Report

After completing the investigation, the Coordinator or designee will prepare a written report.

### Consultation with Legal Counsel

In each case, the Coordinator or designee will consult with Legal Counsel regarding the investigation and the report. Airport Legal Counsel will ensure that the report is consistent with the DOT and FAA Title VI nondiscrimination requirements.

### Prompt Resolution of Disputes

The Coordinator or designee will emphasize voluntary compliance and quickly and fairly resolve disputes with complainants, or with contractors, tenants, or other persons, through alternate dispute resolution, negotiation and/or mediation.

### 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 the Sunport'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 up-loading in the FAA Civil Rights Connect System.

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 Aviation's Director – Richard McCurley, Aviation Department, 2200 Sunport Blvd., SE, Albuquerque, NM 87106.
- The Complainant written appeal must be received within 10 business days after receipt of the written decision.
- The Complainant written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal.
- The Aviation Director will issue a final written decision in response to the appeal
- The Aviation's Director decision is final.

Avoiding Future Discrimination. In addition to taking action with respect to any specific instances of discrimination, the Sunport will identify and implement measures to reduce the chances of similar discrimination in the future.

Intimidation and Retaliation Prohibited. The Sunport employees, contractors, and tenants will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.