



In Reply Refer to: HCR-20
DOT# 2021-0310

August 30, 2022

(b) (6)

Subject: Complaint DOT# 2021-0310

Dear (b) (6),

The Federal Highway Administration (FHWA) Office of Civil Rights has come to a determination in the above complaint, which alleges violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21, and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

To be accepted for investigation, a complaint must meet the jurisdictional requirements provided by 49 C.F.R. § 21.11. First, complaints must be filed within 180 calendar days of the alleged discriminatory act, unless the time for filing is extended by FHWA. Second, the matters must concern recipients of federal financial assistance for a program or programs authorized under a law administered by FHWA. Finally, the complaint must describe an alleged discriminatory act or acts that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations.

The allegations in this complaint state that the instructors at (b) (6) discriminated against female African American students by giving preferential treatment to others and making racially disparaging remarks.

After careful consideration, FHWA has determined that FHWA does not have jurisdiction over the allegations in this complaint. Title VI of the Civil Rights Acts of 1964 does not cover the allegations in this complaint. For this reason, FHWA will dismiss close this complaint with no further action.

FHWA Office of Civil Rights strives to provide comprehensive information relating to Title VI complainants. If you have any questions, please contact me at (202) 366-1396.

Sincerely,



Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Basharat Siddiqi, Division Administrator, FHWA Oklahoma Division Office
Souzan Bahavar, Deputy Division Administrator, FHWA Oklahoma Division Office
Steve Duskin, Civil Rights Specialist, FHWA Oklahoma Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Rico, Associate Administrator, FHWA Civil Rights Office
Irene Marion, Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equity and Access Division, Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights