

## **INDOT NOTICE OF COMPLAINANT AND INTERVIEWEE RIGHTS**

Complainants and individuals who cooperate in an external complaint of discrimination investigation or other proceeding conducted by the Indiana Department of Transportation (INDOT) have certain rights and protections.

The following is a brief explanation of these rights and protections.

- ◆ A recipient of federal funds cannot force an individual to be represented by its lawyer. A recipient cannot intimidate, threaten or discriminate against any individual who refuses to tell the recipient what occurred during an interview with INDOT. An individual has the right to be represented during an interview with INDOT. The representative can be the recipient's lawyer, the individual's private lawyer, or any other person the individual has authorized to be present.
- ◆ The laws and regulations that govern INDOT's compliance and enforcement authority provide that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual because he or she has filed a complaint, testified, assisted, or participated in any manner in a review, investigation or other proceeding conducted under INDOT's jurisdiction or has asserted rights protected by any statutes, regulations or directives INDOT enforces.
- ◆ INDOT is required to investigate complaints of discrimination on the basis of race, color, national origin, sex, disability, age, and, in some instances, religion against recipients of federal financial assistance. INDOT also is authorized to conduct reviews of federally funded recipients to assess their compliance with civil rights laws.
- ◆ Information that INDOT collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. INDOT staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination.
- ◆ INDOT will use personal information such as an individual's telephone number or address, only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities.
- ◆ Except in the instances defined in United States Department of Transportation regulations at 49 CFR 10 and Indiana Code §5-14-3-4, INDOT will not release information to any other agency or individual unless the person who supplied the information submits a written consent.
- ◆ No law requires a complainant to give personal information to INDOT, and INDOT will not impose sanctions on complainants or other individuals who refuse INDOT's request. However, if INDOT fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

- ◆ INDOT will not reveal the name or other identifying information of a complainant to the respondent or any other third party except to the extent necessary to conduct an investigation or other authorized civil rights compliance or enforcement activities.
- ◆ INDOT will under no circumstances provide a copy of the complaint to the respondent or other third party without prior written consent from the complainant unless disclosure is otherwise required by law.
- ◆ INDOT generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of INDOT to perform authorized civil rights compliance and enforcement activities.