



Los Angeles County  
Metropolitan Transportation Authority

# **Metro**

## **CIVIL RIGHTS**

### **EEO Complaints and Investigations**

(CIV 4)

#### **POLICY STATEMENT**

The Los Angeles County Metropolitan Transportation Authority (LACMTA) is an Equal Employment Opportunity (EEO) employer and is committed to maintaining a fair, equitable, and diverse work environment in which all employees and applicants are free from discrimination, harassment, and retaliation.

The EEO Department within the Office of Civil Rights, Racial Equity & Inclusion reviews and, where appropriate, investigates reports that LACMTA personnel may have engaged in discrimination, harassment, or retaliation in violation of LACMTA policy. If an investigation results in a substantiated finding, the EEO Department partners with the relevant LACMTA department(s) to address the violation.

#### **PURPOSE**

This policy describes procedures for reporting possible discrimination, harassment, or retaliation to the EEO Department; the EEO Department's review and investigative processes; and actions to be undertaken in the event the EEO Department finds an employee violated a LACMTA Civil Rights policy.

#### **APPLICATION**

This policy applies to all LACMTA personnel and applicants for employment.

*Razmig Khayalian*  
APPROVED: County Counsel or N/A

*Nicole England*  
Department Head

*Stacy Wigg*  
ADOPTED: CEO  
Effective Date: 6/4/25



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#### **1.0 GENERAL**

The EEO Department reviews and assesses reports that LACMTA personnel may have engaged in discrimination, harassment, or retaliation and determines whether and how to investigate. In making this determination, the EEO Department considers relevant factors such as the nature of the alleged conduct, the amount of time that has passed since the alleged conduct occurred, and whether the alleged conduct was previously investigated. If the EEO Department finds that discrimination, harassment, or retaliation occurred in violation of the Discrimination/Harassment/Retaliation policy (CIV 3) and/or other LACMTA Civil Rights policy, it reports this finding and consults on corrective and/or disciplinary action to address the violation.

#### **2.0 PROCEDURES**

##### **2.1 Reporting Alleged Discrimination, Harassment, or Retaliation**

A supervisor or manager who experiences, observes or learns about conduct that reasonably may constitute discrimination, harassment, or retaliation in violation of CIV 3 **must** immediately report the alleged conduct to the EEO Department. Failure to do so may result in discipline, up to and including termination.

All other employees and applicants are highly encouraged to inform the EEO Department of any possible violation of the CIV 3 policy or other LACMTA Civil Rights policy.

The EEO Department may be reached by phone at (213) 418-3190, by email at [EEODept@metro.net](mailto:EEODept@metro.net), or by mail at One Gateway Plaza, MS: 99-19-2, Los Angeles, CA 90012.

The reporting party may use a completed Discrimination, Harassment or Retaliation Complaint Form (Attachment 1) but, regardless of form, should submit the following information, if known:

- The names, badge numbers, and contact information of all involved parties and witnesses to the alleged misconduct;
- A detailed description of the alleged misconduct, including date(s) and time(s); and
- Any additional information relevant to the allegation(s).

Any new or newly discovered information related to the allegation(s) should be reported to the EEO Department immediately.



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#### **2.2 EEO Department Review Process**

After conducting a preliminary review and assessment of a reported matter, the EEO Department may investigate, assign a third party such as counsel to investigate, and/or take other action as appropriate. If the EEO Department receives information that it determines should be addressed by a different LACMTA department, it may direct the information or refer the entire matter to that department, as appropriate.

#### **2.3 Investigative Process**

The EEO Department's investigative process typically includes:

- Notifying the alleged respondent(s) (i.e., the person(s) accused of possible discrimination, harassment, or retaliation) and the respondent's management of the investigation and relevant next steps; and
- Fact-gathering through interviews with the respondent(s) and any witnesses, and review of any relevant documentation.

Following the fact-gathering process, the EEO Department makes findings of fact, determining whether a violation of CIV 3 or other LACMTA Civil Rights policy has occurred. They may document these conclusions in an investigation report or other writing. Investigative results are based on a preponderance of the evidence standard, except the issue of making a knowingly false or misleading statement to the EEO Department (see CIV 3, section 2.3), for which the evidentiary standard is clear and convincing evidence. Prior to closing an investigation, the EEO Department reviews its findings with counsel. After the investigation is closed, the EEO Department will issue closing letters advising the relevant parties of the outcome of the investigation and next steps, as appropriate.

If a policy violation is found, the EEO Department will notify management. Management is then responsible to coordinate a roundtable with personnel from the EEO Department, the Chief People Office, and County Counsel to discuss the violation and potential corrective and/or disciplinary action. Once management makes a final decision regarding any corrective and/or disciplinary action to be administered, it must promptly notify the EEO Department in writing.

In some cases, the EEO Department may recommend transferring the respondent during an investigation or if a violation is found. Alternatively, while an investigation is pending, the respondent may be placed on leave if appropriate.



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If at any time during an investigation an employee fails to respond to communications regarding the matter after two requests, the investigation may proceed or conclude without further contact attempts directed to that employee. The employee may be subject to disciplinary action for their failure to cooperate.

#### **2.4 Confidentiality**

The EEO Department seeks to protect the confidentiality of information it receives as part of the investigative process. However, complete confidentiality cannot be guaranteed. Generally, investigation reports are not disclosed to the parties or externally, except as necessary to support corrective or disciplinary action, defend LACMTA in adversarial proceedings, or otherwise for legal compliance.

#### **2.5 Informal Resolution and Mediation**

As appropriate, the EEO Department may examine and address a matter informally instead of conducting a standard investigation. Voluntary mediation may be offered to the parties in certain cases.

#### **2.6 External Complaints**

In addition to reporting alleged discrimination, harassment, or retaliation to the EEO Department, employees and others may file complaints with applicable external governmental agencies including but not limited to the California Civil Rights Department, the United States Equal Employment Opportunity Commission, and the Federal Transit Administration.

### **3.0 DEFINITIONS**

**Clear and Convincing Evidence** – A factfinding standard under which alleged conduct is established as highly probable to have occurred.

**Preponderance of the Evidence** – A factfinding standard under which alleged conduct is established as more likely than not to have occurred.

### **4.0 RESPONSIBILITIES**

**Managers and Supervisors** have an affirmative duty to:

- Report possible discrimination, harassment, or retaliation (as defined in CIV 3) to the EEO Department immediately;



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- Document discussions regarding an incident or complaint and forward relevant documents to the EEO Department; and
- Contact the EEO Department with any questions concerning harassment, discrimination, or retaliation.

**The Equal Employment Opportunity Department** within the Office of Civil Rights, Racial Equity & Inclusion assesses any report of discrimination, harassment, and retaliation, determines whether and how to investigate the allegation, and recommends disciplinary and/or corrective action as appropriate.

**Management** fosters a work environment free from discrimination, harassment, and retaliation; protects employees from such discrimination, harassment, and retaliation; immediately reports to the EEO Department any conduct they observe or learn about that reasonably may constitute discrimination, harassment, or retaliation; after consulting with the EEO Department, makes disciplinary and/or corrective action decisions based on any violation of this policy; and supports the EEO Department in ensuring all employees adhere to the training requirements described in this policy.

#### **5.0 REFERENCES**

- Cal. Gov't Code §§ 12940 et seq. (California Fair Employment and Housing Act)
- Title VII of the Civil Rights Act of 1964
- Employee Code of Conduct
- Discrimination/Harassment/Retaliation (CIV 3)
- Discipline (HR 47)

#### **6.0 ATTACHMENTS**

1. Discrimination, Harassment, or Retaliation Complaint Form

#### **7.0 PROCEDURE HISTORY**

- |          |  |
|----------|--|
| 03/15/06 | EEO Internal Complaint Process (EO 1-4).   |
| 09/24/09 | Policy renumbered from EO 1-4 to EO 4 and revised into standardized (GEN 5) policy format. Subsection 2.2 Subsequent Complaints and Amended Charges added to 2.0 Procedures section to reflect current practice. |
| 08/04/10 | Policy revised to reflect administrative changes. Subsection 2.3 Investigation Process updated to reflect current practice.  |



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- 03/07/12 Policy revised to reflect administrative changes. Statute of Limitations added to § 1.0 General and 2.0 Procedures and subsection 2.1 Complaint Process. Added definitions and attachments and § 2.7 Non-Jurisdictional Complaints. Internal Complaint Processing chart updated to reflect policy revisions.
- 12/04/13 Biennial review: changed call letters from EO to CIV; updated contact information; increased protected classes; modified the confidentiality clause.
- 12/15/14 Review: clarified the complaint process; added requirement that LACMTA employees must cooperate with an investigation.
- 6/23/15 Policy revised to include an appeal process for Respondents. Flow chart updated accordingly.
- 04/12/16 Added Section 2.8 Informal Resolutions. Updated department and position titles.
- 02/13/17 Added that respondent may be transferred, if necessary; some results may require providing notification to the Senior Leadership team.
- 02/14/19 Added “applicants” to the process; reporting for retaliation is the same as for discrimination/harassment; EEO & County Counsel must be consulted before EEO-related disciplinary action; EEO may continue with a complaint regardless of cooperation; EEO will forward non-jurisdictional complaints to the proper LACMTA department.
- 10/16/19 Extended timeline for disclosure of incident from one year to three years, per AB-9 (2019-2020).
- 04/02/20 Updated contact information, appeals process, confidentiality clause and investigation process
- 12/14/21 Annual review. No substantive changes.
- 10/18/24 Review: changed policy title for more accurate description; clarified description of investigation processes and responsibilities; removed flowchart; restructured/streamlined for easier read/understanding.

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## Equal Employment Opportunity (EEO)

**DISCRIMINATION, HARASSMENT, OR RETALIATION COMPLAINT FORM**

(PLEASE PRINT)

Last Name (Complainant)	First Name	Work Extension	Dept/Division	
Address	City	State	Zip Code	Cell or Home Phone
Job Title	Badge Number		Hire Date	Union
Department Supervisor's Name		Supervisor's Extension		
What is the basis of the complaint? Mark all that apply:				
<input type="checkbox"/> Disability (mental or physical)	<input type="checkbox"/> Medical Condition (incl. cancer, AIDS, HIV)	<input type="checkbox"/> Gender Identity		
<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Religious Creed	<input type="checkbox"/> Color		
<input type="checkbox"/> National Origin	<input type="checkbox"/> Age (40 & over)	<input type="checkbox"/> Race		
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Denial of Family Care Leave	<input type="checkbox"/> Veteran Status		
<input type="checkbox"/> Sex/Gender	<input type="checkbox"/> Denial of Pregnancy Disability	<input type="checkbox"/> Retaliation		
<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Other (i.e. Marital Status, Genetic Information)			
Have you filed a complaint with EEO about any prior incident? <input type="checkbox"/> Yes <input type="checkbox"/> No				
What is the status of the prior complaint? _____				
Person(s) discriminating against you currently: (Name, title, dept.) _____				
Briefly describe your complaint against the above-named person(s). Specifically, how were you discriminated against or treated differently from others on the basis of race, sex, age, etc. Cite specific examples of other examples of other employees treated differently, and specific incidents, acts, or circumstances, including dates, locations name(s) of witness(es) that support your allegation(s) (Use additional sheet(s) if necessary)				

Non-Contract Employee? ☐ Yes ☐ No

Have you attempted to resolve the matter by discussing it with your Supervisor/Manager? ☐ Yes ☐ No

If "yes", what is the status of the matter? \_\_\_\_\_

Have you filed a report or complaint with your union? ☐ Yes ☐ No Union Name: \_\_\_\_\_

If "yes", what is the status? \_\_\_\_\_

Have you ever filed with an external agency? ☐ Yes ☐ No If "yes", name of agency? \_\_\_\_\_

**READ BEFORE SIGNING:** This complaint will be processed pursuant to Metro's Internal Complaint Process (CIV 4) policy. Any employee who intentionally files a false discrimination complaint or makes false statements during the investigation will be subject to disciplinary action. Every effort will be made to ensure that all documents and information acquired during the investigation are kept confidential. The complainant's cooperation is required. Retaliation is prohibited.

\_\_\_\_\_  
Signature of Employee (Complainant)

\_\_\_\_\_  
Date