

TITLE VI IMPLEMENTATION PLAN

Review and Commentary

**Title VI & ADA Summit
for Indiana Communities
October 8, 2019**



Title VI/ADA Information & Resources

- **INDOT monitors the compliance of all subrecipients of federal funds. As subrecipients of INDOT, whether through a contract to perform work or provide professional services or as part of a grant or award for your community, INDOT MUST ensure you are in compliance with Title VI & Americans with Disabilities Act (ADA) nondiscrimination and accessibility requirements.**
- **Our goal in monitoring our subrecipients is to provide sufficient training, tools and resources to make compliance efforts manageable and easier for our subrecipients as we work together to improve Indiana communities by constructing roads, bridges, highways, and pedestrian facilities across the state.**
- **Download templates, samples, materials from training sessions, and other important information on our website at <https://www.in.gov/indot/3591.htm>.**



Implementation Plan Title Page



(Name of LPA)

TITLE VI IMPLEMENTATION PLAN

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What and Why

- **A Title VI Implementation Plan is mandatory for every LPA to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations.**
- **Each LPA must give notice that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. LPAs must further state that every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.**
- **The Implementation Plan lists the numerous federal public laws, statutes, regulations, and executive orders with which the LPA assures its compliance.**



Implementation Plan Must Haves

- **Whenever the LPA distributes federal-aid funds to a second-tier subrecipient, Title VI language affirming nondiscrimination must be included in all written agreements.**
- **The Plan must include the name and contact information of the Title VI and ADA Coordinator who is responsible for initiating and monitoring Title VI activities, preparing reports, and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.**
- **The Implementation Plan must be published annually by the LPA. The Plan must specifically reaffirm its assurances of nondiscrimination.**
- **The Sample Title VI Implementation Plan template on the INDOT website provides the language necessary to meet the requirements for compliance.**



Implementation Plan Must Haves – cont'd

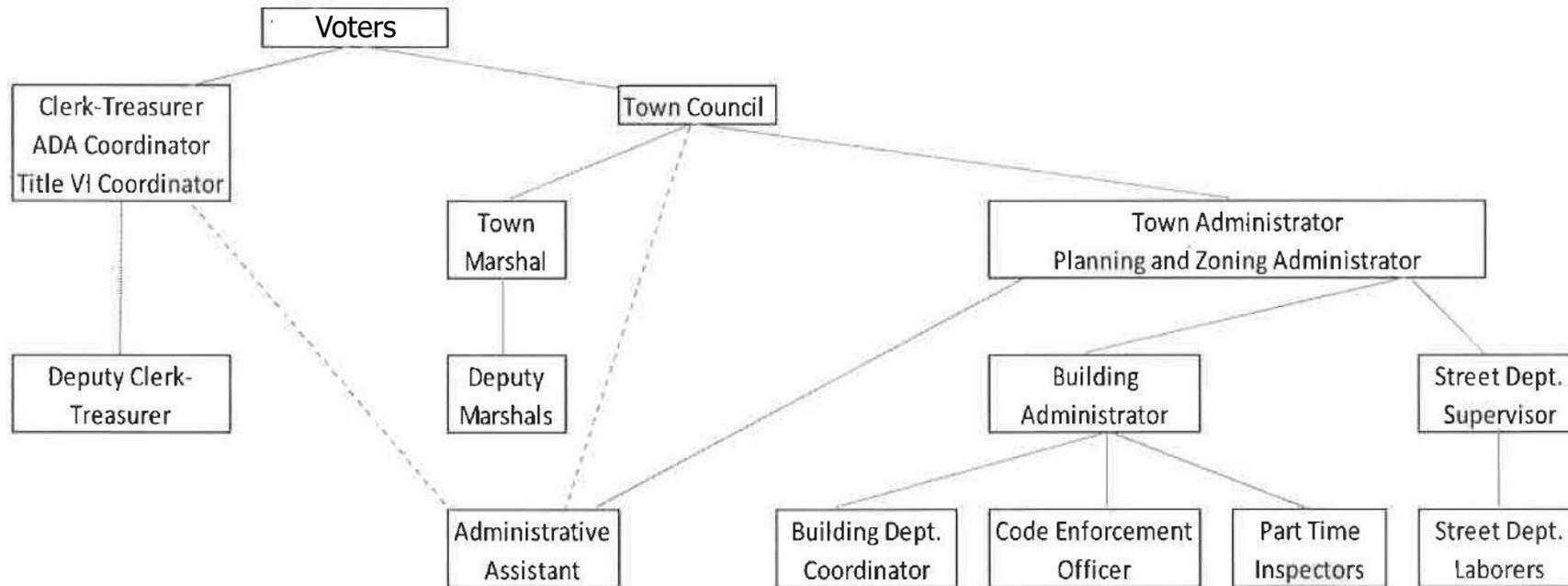
- **The Plan must be signed and dated by a duly authorized representative of the LPA.**
- **The following information must be included before the representative's signature:**
 - Appendix A of the Plan must include fully executed (signed) Assurances, which are incorporated by reference into the Plan.
 - The Implementation Plan must state that it has been adopted, implemented, and is being adhered to by the LPA.
 - The means of the Plan's implementation (e.g., by Resolution), its effective dates (Plan year), and the date on or before which it will be renewed must also be stated.



Organizational Chart

- An organizational chart showing the structure and staffing of the LPA must be included in the Title VI Implementation Plan.

Example Chart



Organizational Chart – cont'd

- Another example of an acceptable organizational chart

Department	Contact	Phone	Email
Title VI Coordinator			
Animal Control			
Auditor			
Assessor			
Building/Planning Commission			
Circuit Court			
Clerk			

Plus other Departments as necessary, e.g., Communications/911; Community Corrections; Emergency Management; Extension Office; Health; Highway; Maintenance; Superior Court; Prosecuting Attorney; Recorder; Sheriff; Soil & Water; Surveyor; Treasurer; Veteran's Affairs; etc.



Data Collection, Analysis, and Reporting

- **To ensure compliance with Title VI requirements, the LPA is responsible for collecting certain types of data, which may change depending upon specific program area's objectives or INDOT's responsibilities for compliance. Currently these include:**
 - Complaints received, logged, processed, and investigated by the LPA
 - Environmental Justice analysis and reports
 - Limited English Proficiency reports
 - Title VI Training
 - Public Involvement Survey
 - Records of meeting minutes and discussions related to Title VI in all program areas
 - The LPA collects data related to specific program areas being reviewed this year for disparate or disproportionate impacts or other evidence of potential discrimination or discriminatory outcomes



Complaints of Discrimination

- **The Implementation Plan must provide information about filing a complaint of discrimination. At minimum, the Plan must contain:**
 - How to submit a Complaint, including alternative format for persons with disabilities
 - Where Complaints should be submitted
 - A Complaint must be both written and signed to be complete. Complaint forms should be available on the LPA's Community's website. The Complaint must be filed within 180 days of date the alleged discriminatory act occurred.
 - The information that must be included in the Complaint
 - The Title VI Coordinator must review and investigate all complaints, unless the complaint is against the City. The Mayor or City's designee is then responsible for investigation.



Complaints of Discrimination – cont'd

- The procedural steps for investigation, reporting, and appeal should be outlined in the Plan.
- A comprehensive overview of Title VI legal principles is published by the Civil Rights Division of the U.S. Department of Justice. The “Title VI Legal Manual” is available online at: <https://www.justice.gov/crt/case-document/file/1072826/download>.
- The Federal Coordination and Compliance Section of the DOJ accepts complaints from persons alleging discrimination in programs or activities of entities that receive federal assistance. See <https://www.justice.gov/crt/how-file-complaint>.



Environmental Justice Analysis & Reports

- **“Each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.”**
- **Every LPA must be committed to 3 fundamental environmental justice (EJ) principles**
 - To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
 - To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
 - To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.



LIMITED ENGLISH PROFICIENCY (LEP)

- **An August 11, 2000 Presidential Order and 2005 US Dept. of Transportation policy guidance are intended to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language.**
- **The US DOT policy guidelines detail the recipients' responsibilities to Limited English Proficient Persons to be eligible for federal funds in a 4-factor test.**



LEP Policy – cont'd

- **4-factor analysis used to meet federal guidelines for recipients to access LEP populations**
 - The number and proportion of LEP persons eligible to be served or likely to be encountered by the City/County/Community.
 - The frequency with which LEP individuals come into contact with the program, activity or service.
 - The nature and importance of the program, activity, or service provided by the City/County/Community.
 - The resources available to the City/County/Community and related costs.



LEP Policy – cont'd

- **The LPA must state that it has or has not implemented the safe harbor provision whereby it identifies and translates all vital documents into any language where the 5% threshold is met. Specifically, 5% or more of the population in the county both:**
- **Does not speak English very well AND**
- **Primarily speaks another specific language as identified in current census data or other publically available records.**



LEP ACCOMMODATION PLAN

- **The LPA's Accommodation Plan must include these types of statements:**

- Factor 1. The number and proportion of LEP persons eligible to be served or likely to be encountered by the City can only be estimated until the actual number of persons who can speak English less than "very well" are documented as needing assistance by City Staff . With this Title VI Plan being in early development stages and considered a document that may need regular updates, US Census Bureau information is being used at this time. The LPA strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to City/County/Community services.
 - Insert Census Bureau data for City/County/Community.
- Factor 2. Due to the infrequent requests for translation services, there appears to be a minimal need for translation services from the City/County/Community. This may be attributed to the high percentage of younger people (xxx% for ages up to 17) who are available as family members for translation services.



LEP ACCOMMODATION PLAN – cont'd

- Factor 3. If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the City will provide, upon request, services to assist the LEP population including translation of vital City/County/Community documents and interpretation services.
- Factor 4. Resources available to City/County/Community are:
 - Insert relevant details
- **A Summary of the Accommodation Plan should include similar statements:**
 - The LPA strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to City/County/Community services.
 - A U.S. Census Bureau *I Speak* card is available as part of this document. This card allows LEP individuals to communicate their preferred language to City/County/Community Staff whereby Staff may then access a translation service as determined by the City/County/Community.



LEP ACCOMMODATION PLAN – cont'd

■ Summary cont'd

- The LPA utilizes a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, sex, disability status, and household income. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference.
- The City reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the City's/County/Community's Title VI plan and procedures as required.
- Staff for the City/County/Community will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.



Title VI Training

- **Employer/Employee Dissemination and Training**

- At the time of Hire (and annually to all employees if applicable): Title VI policy education and literature will be provided to all LPA employees. LPA employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as LPA deems necessary.
- Provide details of Ongoing Training provided to current employees, including frequency, type of materials, and means of training.
- Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, LPA employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.



Public Involvement

- Pursuant to 23 CFR 200.9(b) (4), the LPA shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.
- The LPA shall utilize a voluntary Title VI public involvement survey that will be available at all public hearings and meetings.
 - The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey.
 - Completed surveys will be retained by the Title VI Coordinator for three (3) years.



Public Involvement – cont'd

- **The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.**
- **Community Involvement and Outreach**
 - The LPA is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.
 - Details of meeting dates, agenda, minutes shall be posted on the LPA's website
 - All LPA public meetings are held in locations accessible to individuals with disabilities. Requests for translators and/or auxiliary aids must be made within forty-eight (48) hours in advance of meetings and will be provided free of charge.



Annual Work Plan for Program(s)

- **Identify program areas/policies prioritized for review of potential disparate impacts and/or discriminatory outcomes and include an explanation of why/how this program area or policy was identified for review.**
 - See Subrecipient Technical Assistance Toolkit provided with the Title IV Implementation Plan Sample Template for further explanation of programmatic implementation of Title VI and Goals/Accomplishment Reporting.
 - Example Forms for Title VI Goals and Accomplishments Reports

ACCOMPLISHMENTS	COMPLETION DATE
Input Accomplishments Here	Input Completion Date Here

GOALS	TARGET COMPLETION DATE
Input Goals Here	Input Target Completion Date Here

Implementation Plan Appendix

- The Sample Implementation Plan contains language for each of these.
 - A. Assurances
 - B. Complaint Policy
 - C. Complaint Log
 - D. External Complaint Procedure/Form
 - E. Public Involvement Survey
 - F. I Speak Cards
 - G. Training Materials & Records of Training Attendance
 - H. Reports and Outcomes of Data Collected *
- [Materials Related to Annual Goals & Accomplishments]*
- **** If applicable/as applicable. Change Appendix Title to reflect information attached.***



Additional Resources

- **IACT has an affiliate group, the Indiana ADA and Title VI Coordinators' Association, which offers training regarding Americans with Disabilities Act (ADA) matters, transition plans, Title VI, Section 504, and much more.**
- **Indiana ADA and Title VI Coordinators' Association general information, Officers and District Representatives, and upcoming calendar of events may be found on its website: <https://aimindiana.org/members/affiliate-groups/indiana-ada-coordinators-association/>.**

