



POLICY

Effective Date of Policy: 10/28/13	Primary Department: Human Resources	Date Policy Last Revised: 9/21
Subject: HR 400.024 Title VI Program Plan		Secondary Department: Pre-Employment & Employment Services and Day Habilitation Services
Created by: Director of Quality Improvement and Corporate Compliance		Policy Committee Approval Date: 9/21/2021
Check/Complete All That Apply: Board Approval Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: <u>9-27-2021</u>		CEO Signature: Douglas DiGesare

I. POLICY: It is policy of The Arc Erie County New York to comply with the requirements and provisions of the Title VI of the Civil Rights Act of 1964 and the Americans With Disabilities Act. Specifically, Title VI provides that "no person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance". This policy applies to all operations of The Arc Erie County New York including its contractors and anyone who acts on behalf of The Arc Erie County New York. This policy also applies to the operations of any department or agency to which The Arc Erie county New York extends federal financial assistance. Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance.

The Arc Erie County New York is committed to ensuring that no person is excluded from participation in or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTS) Circular 4702.1.A.

- II. REGULATORY REFERENCE:**
- 42 U.S.C. Section 2000d
 - Title VI in Federal Transit Administration (FTS) Circular 4702.1.A
 - The Americans with Disabilities Act of 1990 or ADA (42 U.S.C. § 12101)



PROCEDURES

Subject: Title VI Program Plan		Date Created: 10/28/2013	Last Review Date: 9/21
Primary Department: Human Resources	Secondary Department: Pre-Employment & Employment Services and Day Habilitation Services	Policy Reference: HR 400.024	Written by/Owner: Director of Quality Improvement and Corporate Compliance

Purpose: to provide a written plan to comply with Title VI of the Civil Rights Act of 1964 and the Americans with Disability Act (ADA) of 1990

Scope: applies to all operations and programs of The Arc Erie County New York and, most specifically, Human Resources, Vocational & Employment Services and Day Habilitation Services employees

Process Overview:

The Director of Human Resources is designated as the Title VI Coordinator
 Julianne Krause
 30 Wilson Rd. Williamsville, NY14221
 716-458-1026

Title VI Information Dissemination:

Title VI information posters are prominently and publicly displayed on The Arc Erie County New York website (www.thearceriecounty.org) and all major facilities. Posters are also posted in agency vehicles. Additional information relating to non-discrimination obligation can be obtained from the Title VI Coordinator.

Title VI information Policy and Procedure shall be disseminated to The Arc Erie County New York employees annually. This reminds employees of The Arc Erie County New York about the policy statement and of their Title VI responsibilities in their daily work and duties.

During Department Onsite orientation, new employees shall be informed of the provisions of Title VI and the expectations of The Arc Erie County New York's employees to perform their duties accordingly. All transportation employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgment of Receipt (see Attachment)

As part of the Accessibility Plan, The Arc Erie County New York encourages staff interest and education in learning to more effectively communicate with individuals served

Subcontracts and Vendors:

All subcontractors and vendors who receive payments from The Arc Erie County New York where funding originates from any Federal assistance are subject to provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

Record Keeping:

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgments of receipts from the employees indicating the receipt The Arc Erie County New York Title VI Plan, copies of the Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI investigations.

Who is eligible to file a complaint:

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any The Arc Erie County New York program or activity because of their race, color, national origin, age, sex, or disability may file a complaint. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by The Arc Erie County New York.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated a discrimination investigation.

Title VI Complaint Procedures:

How to File a Title VI and ADA Complaint:

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Complainant's name, mailing address, and how to contact them (i.e., telephone number, email address, etc.) How, when, where and why they believe they were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that they deem significant.
- Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

Reasonable efforts will be made to assist persons with disabilities, non -English speakers, and others unable to file a written complaint.

The Title VI Complaint Form (see Attachment) may be used to submit complaint Information. The complaint must be filed in writing with The Arc Erie County New York at the following Address in order for The Arc Erie County New York to properly investigate any complaint

Julianne Krause
30 Wilson rd. Williamsville, NY14221
716-458-1026

NOTE: The Arc Erie County New York encourages all complainants to certify any mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than one hundred eighty (180) days from the alleged date of discrimination.

What happened to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by The Arc Erie County New York Transportation will be directly addressed by The Arc Erie County New York for investigation. The Arc Erie County New York shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven (7) days (see Attachment). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

The Title VI Program Coordinator will send a final written response letter to the complainant. In the letter notifying complainant that the complaint is not substantiated the complainant is also advised of his or her right to:

- Provide additional information to The Arc Erie County New York for consideration of the complaint within seven (7) calendar days of receipt of the final written decision from The Arc Erie County New York and/or
- File a complaint externally with the U.S. Department of Transportation and/or the FTA. Complaints will be investigated within sixty (60) working days of receipt of such complaints.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following office:

**Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor- TCR
1200 New Jersey Ave
SE Washington DC 20590**

In addition to the complaint process described above, a complainant may file an ADA complaint with the following office:

To file an ADA complaint online:

[Civil Right Division Online Complaint Form](#)

To file an ADA complaint by mail, send the completed ADA complaint form to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
4CON, 9th Floor
Washington, DC 20530

To file an ADA complaint by facsimile, fax the completed ADA complaint form to: (202) 307-1197

Language Assistance Plan (LAP)

FTA Circular 4702.1B was developed by the Federal Transit Administration (FTA) and details the administrative and reporting requirements for recipients of FTA financial assistance to comply with Title VI and related executive orders including on LEP (Limited English Proficiency) persons.

The United States Department of Transportation (DOT) published guidance that directed its recipients to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP customers.

The Arc Erie County New York provides free aids and services to people with disabilities to communicate effectively with us, such as:

- Qualified sign language interpreters
- Written information in other formats (large print, audio, accessible electronic formats, etc.)

- Provides free language services to people whose primary language is not English, including qualified interpreters and information written in other languages.

Safe Harbor Provision:

The federal Transit Authority Circular 4702.1B states

"DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered. Then such action will be considered strong evidence of compliance with the recipient's written translation obligation. Translations of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provision apply to the translation of written documents only. The do not affect the requirement to provide access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factors Analysis, that even though a language meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program."

Membership of Non-elected Committees and Councils:

The Arc Erie County New York does not have a non-elected transit related advisory council at this time.

Title VI Equity Analysis:

The Arc Erie County New York does not have transit related facilities

Attachments:

Notice of Rights under Title VI
Acknowledgment of Receipt
Civil Rights Complaint Form