

# REGION XII COUNCIL OF GOVERNMENTS

# TITLE VI PLAN

August 2023

## Agency information

### Name and title of administrative officer

Name Richard Hunsaker Title Executive Director

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### Name and title of designated Title VI coordinator

Name Matt Cleveland Title Transit Director

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## Title VI Program

### Policy statement, authorities and citations

#### A. Policy of nondiscrimination

Region XII Council of Governments, hereinafter referred to as the COG, hereby assures that no person shall on the grounds of race, color, national origin, gender, age or disability, as provided by Title VI of the Civil Rights Act of 1964, 42 USC. § 2000d, and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. The COG further assures 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.

It is the policy of the COG to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 USC. § 2000e; Age Discrimination Act of 1975, 42 USC. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 USC. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 USC. §§ 701 *et seq*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 USC. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 USC. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of federal-aid recipients, sub-recipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the COG hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The COG also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the COG will take reasonable steps to provide

meaningful access to services for persons with limited-English proficiency. The COG will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

In the event the COG distributes federal-aid funds to a second-tier subrecipient, the COG will include Title VI language in all written agreements.

The COG's Transit Director is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 CFR. § 200 and 49 CFR. § 21.



**Signature**

Rick Hunsaker, Executive Director

**Printed name and title**

August 1, 2023

**Date**

### **B. Authorities**

Title VI of the Civil Rights Act of 1964, 42 USC. §2000d, provides that no person in the United States shall on the grounds of race, color, national origin, or gender be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

Environmental justice (EJ): Executive Order 12898 addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.

Limited English Proficiency (LEP): Executive Order 13166 addresses access to services for persons whose primary language is not English and who have a limited ability to read, write, speak or understand English.

Americans with Disabilities Act of 1990 (ADA): The Act prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation. Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, prohibits discrimination based on disability.

### **C. Additional citations**

Title VI of the Civil Rights Act of 1964, 42 USC. §§ 2000d to 2000d-4; 42 USC. §§ 4601 to 4655; 23 USC. §109(h); 23 USC. §324; DOT Order 1050.2; Executive Order 12250; Executive Order 12898; 28 CFR. § 50.3.

### **II. Standard assurances 49 CFR. § 21.7**

Pursuant to 49 CFR. § 21.7, every application for federal financial assistance or continuing federal financial assistance must provide a statement of assurance and give reasonable guarantee that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964). Fully executed standard DOT assurances (including Appendices A, B and C) are attached to this plan.

### **III. Organization, staffing and structure**

#### **A. Organizational chart – reporting relationships**

An organizational chart is attached to this document. The Transit Director is responsible for Title VI at the COG.

## **B. Staffing**

### **Administrator**

The COG Executive Director is authorized to ensure compliance with provisions of the department's policy of nondiscrimination and with the law, including the requirements of 23 CFR. § 200 and 49 CFR. § 21. The COG grants compliance function and Title VI coordination shall be performed under the authority of the COG.

### **Title VI Coordinator**

The COG has appointed the Transit Director to perform the duties of the Title VI Coordinator and ensure implementation of the COG's Title VI Federally Funded Transportation Program pertaining to this agreement.

## **IV. Implementation procedures**

### **Title VI coordinator's responsibilities and program administration**

As authorized by the Executive Director, the Coordinator is responsible for initiating, monitoring, and ensuring COG compliance with Title VI requirements as follows:

1. **Program administration.** Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Executive Director (see Section V: Self-Assessment and Remedial Action Procedures).
2. **Complaints.** Review written Title VI complaints that may be received by COG following the adopted procedural guidelines (see Section IV: Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.
3. **Data collection.** As is possible, statistical data is to be gathered and maintained by program area, as described in the Special Emphasis Program Areas Responsibilities Section VI of this document. The COG will review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.
4. **Environmental documents.** To the maximum extent practical, ensure that appropriate data is included as a part of all environmental impact statements (EIS) or environmental assessments (EA) for projects receiving Federal Highway Administration or other federal assistance. Efforts are undertaken to ensure that transportation system improvements that are implemented do not have disproportionately negative effects on minority and low-income populations.
5. **Training programs.** Conduct or facilitate training programs on Title VI issues and regulations for COG employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be documented.
6. **Title VI plan update.** Review and update the COG's Title VI plan as needed or required. Present updated plan to the Executive Director administrator for approval; submit amended plan to the Iowa DOT's Office of Employee Services' civil rights section (OES-CR).
7. **Public dissemination.** Work with COG staff to develop and disseminate Title VI program information to COG employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and informational brochures. The COG will ensure that public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community.
8. **LEP.** The COG follows Executive Order 13166 in identifying and engaging LEP populations to ensure their involvement and knowledge of transportation planning and projects in and around their communities. A LEP person is defined as one who does not speak English as his or her primary language and has a limited ability to read, write or understand English. The COG's policy for engaging individuals with LEP is to provide translation services to individuals who request them, if reasonable accommodations can be made. The COG trains staff to

recognize individuals in community meetings and forums who may show difficulty or inability to read or write English, and to assist them accordingly.

9. **Elimination of discrimination.** Work with all COG departments to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any COG processes. Take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement.
10. **Maintain legislative and procedural information.** Federal laws, rules and regulations, Iowa DOT guidelines, the current COG Title VI plan, annual accomplishment and goals reports, and other resource information pertaining to the implementation and administration of the COG's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other COG departments or the public as requested or required.

## **V. Discrimination complaint procedures – allegations of discrimination in federally assisted programs or activities**

Region XII COG adopts the following discrimination complaint procedures for complaints relating to federally assisted transportation-related programs or activities.

1. **Filing a discrimination complaint:** Any person who believes that he or she, or any class of individuals, or in connection with any disadvantaged business enterprise, has been or is being subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and/or the Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the COG, or directly with the Iowa DOT, FHWA, USDOT and U.S. Department of Justice. Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

2. **Complaint filing timeframe:** A discrimination complaint must be filed within 180 calendar days of either:
  - (a) The alleged act of discrimination.
  - (b) Date when the person(s) became aware of the alleged discrimination.
  - (c) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The COG or its designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. **Contents of a complaint:** A discrimination complaint must be written. The document must contain the following information.
  - a) The complainant's name and address, or other means by which the complainant may be contacted.
  - b) Identification of individual(s) or organization(s) responsible for the alleged discrimination.
  - c) A description of the complainant's allegations, which must include enough detail to determine if the COG has jurisdiction over the complaint and if the complaint was filed timely.
  - d) Specific prohibited bases of alleged discrimination (i.e., race, color, gender, etc.).
  - e) Apparent merit of the complaint.
  - f) The complainant's signature or signature of his/her authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the COG, the complainant shall be interviewed by the COG's Coordinator. If necessary, the Coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

4. **Complaints against the COG:** Any complaints received against the COG should immediately be forwarded to the Iowa DOT for investigation. The COG shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT's Title VI program is:

Iowa Department of Transportation  
Office of Employee Services – Civil Rights  
800 Lincoln Way  
Ames, Iowa 50010  
515-239-1422  
515-817-6502 (fax)  
[dot.civilrights@dot.iowa.gov](mailto:dot.civilrights@dot.iowa.gov)

5. **Notice of Receipt:** All complaints shall be referred to the COG's Coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the Coordinator shall issue an initial written Notice of Receipt that:
- Acknowledges receipt of the discrimination complaint.
  - Advises the complainant of his/her right to seek representation by an attorney or other individual of his or her choice in the discrimination complaint process.
  - Contains a list of each issue raised in the discrimination complaint.
  - Advises the complainant of the timeframes for processing the discrimination complaint and providing a determination.
  - Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOJ.
  - Includes an invitation to mediation as described in paragraph 1 under item eight below.
6. **Notification of the Iowa DOT of a complaint:** The COG shall advise the Iowa DOT within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.
- Name, address and phone number of the complainant.
  - Name(s) and address(es) of alleged discriminating official(s).
  - Basis of complaint (i.e., race, color, national origin or gender).
  - Date of alleged discriminatory act(s).
  - Date complaint received by the COG.
  - A statement of the complaint.
  - Other agencies (state, local or federal) where the complaint has been filed.
  - An explanation of the actions the COG has taken or proposed to resolve the issue identified in the complaint.
7. **Processing a complaint and timeframe:** The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This timeframe includes 60 calendar days at the COG level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the COG and Iowa DOT, the complainant shall be informed that the COG has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the notice of receipt to the complainant (step four), the COG's Coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the Coordinator shall render a recommendation for action in a Report of Findings to the COG's Executive Director.

8. **Alternative dispute resolution/mediation process:** The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The COG's Coordinator shall include an invitation to

mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complaint selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the COG's Coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, she or he or the designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day timeframe of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT's Title IV program coordinator. If an agreement is reached, but a party to it believes his/her agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the COG's Coordinator shall continue with the investigation.

9. **Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:
  - a) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
  - b) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
  - c) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if she or he is dissatisfied with the final action on the discrimination complaint.

The COG's Coordinator shall provide the Iowa DOT's Title VI program coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the COG, the Iowa DOT's Title VI program coordinator will work in conjunction with the COG's Coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

10. **Corrective action:** If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.
11. **Confidentiality:** The COG and Iowa DOT Title VI program coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.
  - a) The fact that the discrimination complaint has been filed.
  - b) The identity of the complainant(s).
  - c) The identity of individual respondents to the allegations.
  - d) The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.
12. **Recordkeeping:** The COG's Coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

- a) The name and address of the complainant.
- b) Basis of discrimination complaint.
- c) Description of complaint.
- d) Date filed.
- e) Disposition and date.
- f) Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than three years from the final date of resolution of the complaint.

## **VI. Self-assessment and remedial action procedures**

- 1. Title VI self-assessment federal-aid highway funds.** Conduct Title VI self-assessment of the COG's program areas and activities. Where applicable, revise policies, procedures and directives to include Title VI requirements. Ensure that programs, policies and other activities do not have disproportionate adverse effects on minority and low income populations.
- 2. Remedial action.** When irregularities occur in the administration of Federal-aid highway programs, corrective action will be taken to resolve identified Title VI issues. Take affirmative action to correct any deficiencies found by the Iowa DOT, FHWA or the USDOT within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this plan. The COG shall be held responsible for implementing Title VI requirements.

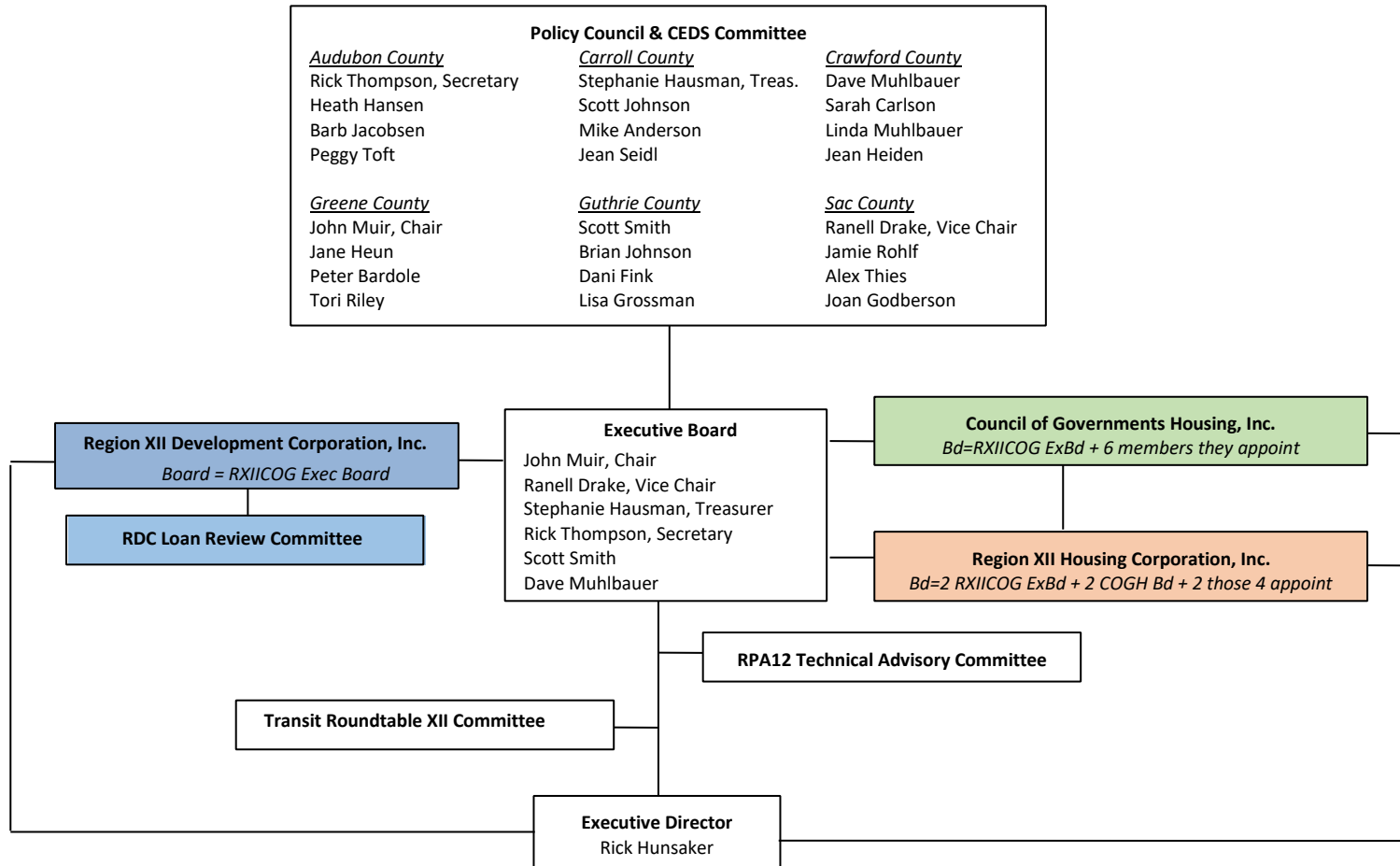
## **VII. Title VI implementation activities in planning**

- 1. Planning process.** The Local Assistance Director has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to COG citizens. The COG's Local Assistance Director annually updates and coordinates the COG's four-year plan for transportation improvement programs and projects. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from the COG's local jurisdictions and organizations, citizen groups and private individuals.
- 2. Public involvement in planning activities and Title VI and EJ**
  - a) Invite participation of a cross section of the populace from social, economic and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.
  - b) To ensure access, public meetings will be conducted in a variety of community buildings throughout the region, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.
  - c) The COG regularly conducts an analysis of how the benefits and burdens of the long-range plan are distributed among low-income, minority and disabled populations versus the general population. The analysis utilizes the demographic profile of the region and its counties. The COG is responsible for informing all staff members and consultants of all federal Title VI policies, including any changes and updates. In addition, the COG is responsible for informing all staff members and consultants of the COG's Title VI plan and any updates and changes.

# REGION XII COG, INC. BOARD ORGANIZATIONAL CHART

and depiction of affiliated organizations

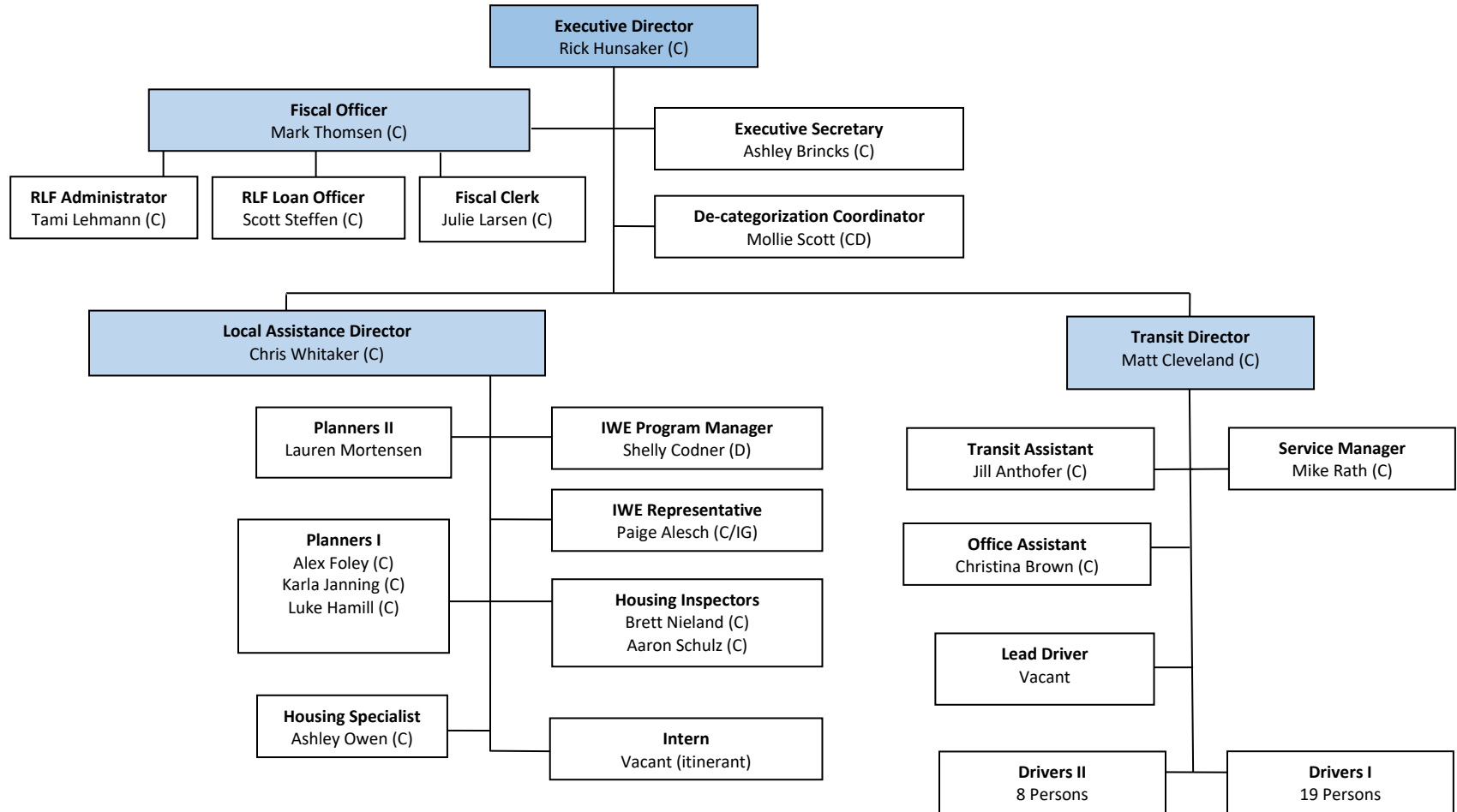
July 2023





# REGION XII COG, INC. STAFF ORGANIZATIONAL CHART

August 2023



LOCATIONS OF STAFF PERSONS

C-Carroll HQ

CD-Carroll DHS

DT-Denison Transit Facility

D-Dumont

IG-Ida Grove