

Approved:

Jerry Wray
Director



Policy No.: 36-002(P)

Effective: 7/1/15

Responsible Division: Opportunity, Diversity
& Inclusion

Supersedes: Policy No. 32-002(P) dated 4/17/15

TITLE VI/NONDISCRIMINATION POLICY

POLICY:

It is the policy of the Ohio Department of Transportation (Department) to provide an environment of equity and access in its delivery of services to the public and to its beneficiaries. The Title VI Program is one of the Department's civil rights program areas. The Director is the governing official of the Department. This policy serves as the Director's approval of the Department's Title VI/Nondiscrimination Program. Further, the Director has designated Aisha R. Powell to serve as the Department's Title VI Program Coordinator, and, as required by 23 CFR 200.9(b)(1), Ms. Powell has access to the Director related to the administration of the Department's Title VI/Nondiscrimination Program.

The Department is a recipient of Federal financial assistance. All recipients of Federal financial assistance are required to comply with Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, and national origin. In addition, protections are afforded under the following nondiscrimination statutes: the Federal-Aid Highway Act of 1973, which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, which prohibit discrimination based on disability; and the Age Discrimination Act of 1973, as amended, which prohibits discrimination on the basis of age.

Although not applicable to recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 CFR 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. As a Recipient, the Department must be aware that certain Title VI matters raise Environmental Justice concerns. Supervisors and managers should be made aware of these concerns and continuously evaluate and, when appropriate, revise existing procedures (as appropriate) to address and implement Environmental Justice considerations.

Additionally, Executive Order 13166, 3 CFR 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2006 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "application of

Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency."

Together these statutes and Executive Orders form the basis of the Department's Title VI/Nondiscrimination Program, which aims to ensure that no person will be denied the benefits of or be excluded from participation in or be subjected to discrimination under any program, service, or activity on the basis of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency.

PURPOSE OF THE POLICY:

The purpose of this policy is to set forth the Department's commitment to ensure that none of its programs, services or activities, directly or indirectly, result in discrimination. To this end, the Department has established a Title VI/Nondiscrimination Program that assigns responsibility and sets forth expectation and specific protocols to be followed by every manager/supervisor and employee. With respect to programs, services, and activities carried out by its sub-recipients, consultants, and contractors, the Department will establish Internal and External Monitoring Systems to ensure the Department's Title VI/Nondiscrimination Plan, Nondiscrimination Assurances, and contractual obligations pursuant to this and other agency programs are being fulfilled.

This policy sets forth the process to be followed for reporting possible violations of Title VI and other nondiscrimination authorities, including applicable Executive Orders.

AUTHORITIES:

Age Discrimination Act of 1975, as amended

Americans with Disabilities Act of 1990 (ADA), as amended

Code of Federal Regulations Title 23, Part 200

Code of Federal Regulations Title 29, Part 1605.1

Code of Federal Regulations Title 49, Part 21 (Department of Transportation Regulations for the implementation of Title VI of the Civil Rights Act of 1964)

Federal-Aid Highway Act of 1973

Federal Transit Administration's (FTA) Circular 4702.1B (Title VI Program Guidelines for Federal Transit Administration Recipients)

Ohio Administrative Code § 123:1-49-02

Ohio Revised Code § 4112.02

Presidential Executive Order 12898

Presidential Executive Order 13166

Section 504 of the Rehabilitation Act of 1973, as amended

Standard Title VI/Nondiscrimination Assurances (DOT Order No. 1050.2A)

Title VI of the Civil Rights Act of 1968

United States Code Title 49, Chapter 53, Section 5332

SCOPE:

All employees, specifically supervisors and managers, must fulfill their responsibilities under the Department's Title VI/Nondiscrimination Program in order to accomplish the agency's obligations to ensure that the Department's programs, services, and activities, including its policies and practices, do not discriminate against any person on the basis of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency.

FISCAL IMPACT:

Not applicable.

PROCEDURE:

A. Expectations

Under the Department's Title VI/Nondiscrimination Program, all employees have a responsibility to ensure that the Department's programs, services, and activities are implemented without regard to a person's race, color, national origin, sex, age, disability, low-income status, or limited English proficiency. Through the administration of each program, service, or activity, Department officials must ensure equitable distribution of benefits and the avoidance or mitigation of adverse and disproportionate impacts to Title VI/Nondiscrimination populations. In addition, Department officials must aim to achieve full participation by these groups.

In short, the intent of the Department's Title VI/Nondiscrimination Program is to ensure access, opportunity, and equity for everyone in the transportation planning and project development processes, as well as the transportation system as a whole. Title VI is a customer service consideration.

B. Commitment

The Department's commitment to the Title VI/Nondiscrimination Program must be reflected in the manner in which we provide services to the public. That is, the Department's goal is to provide its programs, services, and activities in a manner that does not result in discrimination, directly or indirectly, or create disproportionately high and adverse impacts on individuals or populations on the basis of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency. The Department is committed to the principle of Title VI in the delivery of its programs, services, and activities. Any employee who is found to be in violation of this policy will be subject to administrative and/or disciplinary action, up to and including termination.

C. Reporting Possible Violations

Any person who believes he or she has been denied benefits or excluded from participation in services of any program or activity administered by the Department or its sub-recipients,

consultants, or contractors on the basis of race, color, national origin, sex, age, disability, low-income status, limited English proficiency, may file a complaint pursuant to Title VI and/or other nondiscrimination authorities, including applicable Executive Orders.

For transit-related issues, individuals who believe they have been subjected to discrimination must attempt to resolve the issue at the lowest level possible. That is, if an individual believes he/she has been discriminated against by a local transit provider, he/she must file an initial complaint with the local transit provider. Each transit provider has developed and implemented a Notice to the Public and a Complaint Procedure. Complaint Forms can be found in public areas of the transit provider and on the individual transit provider's website.

An employee who receives a complaint from a member of the public in which it is alleged he/she has been denied the benefits of or has been excluded from participation in or has been discriminated against under any program, service, or activity (including transit services provided by the Department's sub-recipient) on the basis of race, color, national origin, sex, age, disability¹, low-income status, or limited English proficiency, should forward such complaint to:

- Ohio Department of Transportation
Office of Equal Opportunity
1980 West Broad Street
MS: 3270
Columbus, OH 43223

Complaints may also be filed directly with:

- The U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination;
- The date when the person(s) became aware of the alleged discrimination; or
- Where there has been a continuing course of conduct, the date on which the conduct was discontinued.

All complaints are considered formal. Complaints must be submitted in writing and signed by the complainant. Complaint forms can be obtained by contacting the local transit service provider or by contacting the Office of Equal Opportunity at 614-466-3264, 1-877-845-5058, Ohio Relay Service: 1-800-750-0750, or by visiting its website at

¹ Complaints alleging disability discrimination, while not Title VI, will be handled as outlined in the Department's ADA Policy #36-003(P).

(<http://www.dot.state.oh.us/Divisions/ODI/EqualOpportunity/Online%20Forms/Title%20VI%20Complaint%20Form.pdf>).

D. Training

The Department has developed Title VI training for its sub-recipients through the Local Technical Assistance Program (LTAP) and the Office of Transit Ohio Technical Assistance Program (OTAP), and will develop program-specific training related to the Department's obligations under its Title VI/Nondiscrimination Program. It is expected that managers and employees attend such training.

ENFORCEMENT:

The Department's Title VI/Nondiscrimination Policy applies to all employees. Each Deputy Director, Administrator, or Manager is responsible for ensuring that this policy is carried out in his or her respective program areas. Review of applicable programs areas will be conducted by a Quality Assurance Review (QAR) and the Office of Transit Technical Assistance Review (TAR) process.