

# Title VI Assistance

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## Contents

Recertification.....	1
Title VI Notice to Public.....	2
Transit Public Participation Plan Outline .....	3
Limited English Proficiency (LEP) Plan .....	5
Bethany Home Association’s Title VI Complaint Form .....	9
List of Title VI Investigations, Lawsuits and Complaints .....	11
Table Depicting Membership of Committees, Councils, Broken Down by Race .....	12
Additional KDOT Guidance on Limited English Proficiency (LEP) Plan.....	13
Resources .....	16

## Recertification

Recertification or Board Approval can be an additional page at the end with either a copy of the board minutes approving or recertifying the document, or a signed letter from one of the board members recertifying or approving the document.

## Title VI Notice to Public

Please also include a list of locations where the notice is posted to inform the public of their rights under Title VI. At a minimum, recipients must post the notice on the agency's website, transit vehicle(s) and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc.

### Notifying the Public of Rights Under Title VI Bethany Home Association (BHA)

- Bethany Home Association operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Bethany Home Association.
- For more information on Bethany Home Association's civil rights program, and the procedures to file a complaint, contact 800-555-1212, (TTY 800-555-1111); email [ajohnson@bethanyhome.com](mailto:ajohnson@bethanyhome.com); or visit our administrative office at 321 N. Chestnut, Lindsborg, KS 67456. For more information, visit [www.bethanyvillageks.com](http://www.bethanyvillageks.com)
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 800-555-1212.
- Si necesita información en otro idioma, comuníquese al 800-555-1212.

This information is posted on the bulletin board outside the Bethany Home Association's Administration Office and on the Human Resources Bulletin board near the entrance to the building. It is posted on the agency website at: [www.bethanyvillageks.com](http://www.bethanyvillageks.com)

## Transit Public Participation Plan Outline

1. Brief description of provider's activities and services

*BHA has been actively providing transportation to area seniors age 60 and over for more than 100 years. We provide medical, nutritional, and personal rides in McPherson and surrounding counties. Most of these activities are related to the riders living in our senior housing which includes Independent Living, Assisted Living, and Long-Term Care.*

2. Brief description of activities that would warrant public participation (i.e. fare changes, changes to service hours, route adjustments, service area changes).

*BHA will notify all riders of any fare change, service hour changes, service area, and policy and procedure changes, prior to implementation.*

3. Brief description of the proactive public participation strategies would be used.

*All public notifications will be planned as follows:*

- *Public meetings will be held at convenient times and accessible locations.*
- *Various advertising platforms will be used: Lindsborg News Record, McPherson Sentinel, Lindsborg Senior Center, website.*
- *A database of contacts to include: Interested members of the public, elected officials, local government staff, KDOT staff, and local media.*
- *When possible, and email will be sent to various list serves, including McPherson Council on Aging and the local Senior Center.*

4. Brief description of outreach methods to engage minority and Limited English Proficiency (LEP) individuals (i.e. translation of public meeting materials, providing translation services if requested, targeted media messages in low income neighborhoods of service area, Work with existing neighborhood and advocacy organizations).

*BHA will work with all appropriate groups to ensure that translation services, if needed or requested, will be made available. Immediate translation can occur with the use of Google Translate.*

5. Brief description of the desired outcomes of the agency's public participation efforts.

*BHA desires to have seniors, stakeholders, and members of the general public involved in decision making processes. The agency desires to have actively engaged transit riders, stakeholders and members of the general public in the decision making process. The agency*

*strives to have given adequate public notice of public participation activities and allowed proper time for public review and comment at key decision points. The agency will provide responses to all public input as appropriate.*

6. Brief summary of recent outreach efforts over the past three years.

*BHA has engaged all transit riders at the time of service and receives input from riders on a periodic basis. BHA is open to multiple forms of communication including community meetings, telephone, email, social media, and contact via website.*

# Limited English Proficiency (LEP) Plan

## Introduction

On August 11, 2000, President Bill Clinton issued Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," (65 FR 50121). The intent of this Executive Order is to improve access to federally conducted and federally assisted programs and activities for persons who are limited in their English proficiency. The purpose of developing an LEP plan, as a recipient of federal funds, is to identify the extent of LEP individuals in the region and identify ways that the transit agency can reduce and/or eliminate the barriers to LEP individuals. The starting point for developing this plan is to perform a four factor analysis to determine the individualized needs of the region. After these needs are identified, the transit agency should develop a language assistance plan addressing the mix of services that will be provided.

## Four Factor Analysis

(1) Identify number of or proportion of LEP individuals that can utilize the service provided by BHA. :

*Using the most recent data available on data.census.gov , McPherson County falls below the 5% threshold of population who speaks English less than very well. If service is requested by an individual with LEP, interpretive services and or applications will be employed.*

(2) Identify the frequency in which LEP individuals come in contact with the service:

*To date, Bethany Village has served no individuals identifying as LEP, but will offer service to all who inquire.*

(3) Identify the importance of the service to the LEP community:

*BHA provides transportation for medical, nutritional, and personal reasons primarily to adults age 60 and older in the McPherson County community. The primary population served includes frail elderly. An interpreter or interpretive service or application will be used to communicate and schedule rides for individuals who speak English less than very well.*

(4) Identify the resources available and the respective costs of these resources:

*BHA anticipates no costs due to free online interpretive services and local multilingual individuals.*

## Limited English Proficiency Plan

Utilizing the information gathered from the Four Factor Analysis, the following plan is developed in order to provide the necessary assistance to LEP persons.

### Identified LEP individuals

*The most recent census data indicates that McPherson County has less than 5% of the population with Limited English Proficiency. BHA will use existing resources to provide services should an individual identify as LEP.*

### Language Assistance Measures

*Immediate language assistance can be provided through Google Translate and other online resources. BHA will seek multi-lingual individuals within the greater community to assist any individual identifying or identified as LEP.*

### Training Staff

*BHA Transportation staff will be made aware of online language assistance tools. Staff will be educated through written and/or verbal communication.*

### Providing Notice

*Identify how your agency will provide notice of this LEP plan and Title VI procedures.*

*LEP plan will be posted on BHA's website. Title VI and LEP plan will be provided to any person or agency requesting a copy. The person of contact in regards to the LEP plan is Andrea Johnson and can be reached via email at [ajohnson@bethanyhome.com](mailto:ajohnson@bethanyhome.com) or 785-227-2334.*

*If a complaint is to be filed by and LEP individual, please utilize the Title VI Complaint Procedures.*

### Monitoring and Updating LEP Plan

*Identify how your agency will monitor and update the LEP plan.*

*At the minimum our agency will update the LEP plan according to the Title VI update schedule which is every three years. The plan will also be updated anytime changes in the demographics of the agencies service area are deemed significant in regards to LEP persons. Plan elements will be reviewed as a part of BHA's annual KDOT grant application cycles.*

## **Title VI Complaint Procedures**

The following pertains only to Title VI complaints regarding the services of *(agency name)*.

Title VI, 42 U.S.C. §2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement 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.*

Bethany Home Association has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III of the Federal Transit Administration Circular 4702.1B, dated October 1, 2012. If you believe that the BHA's federally funded programs have discriminated your civil rights on the basis of race, color, or national origin you may file a written complaint by following the procedure outlined below:

### **1. Submission of Complaint.**

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by BHA, may file a written complaint with the BHA's Title VI Coordinator Andrea Johnson or Kris Erickson, CEO. A sample complaint form is available in hard copy at the offices of BHA. Upon request, the BHA will mail the complaint form. **Such complaints must be filed within 180 calendar days after the date the discrimination occurred.**

**Notes: Assistance in the preparation of any complaints will be provided to a person or persons upon request and as appropriate. If information is needed in another language, then contact (name and phone number).** (Please see 1 in footnote below.)

Complaints should be mailed to or submitted by hand to:

***Bethany Home Association  
321 N. Chestnut  
Lindsborg, KS 67456***

### **2. Referral to Review Officer**

Upon receipt of the complaint, the CEO shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint. If necessary, the Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the agency received the complaint. If more time is required, the CEO shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to Bethany Home Association's processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the CEO for concurrence. If the CEO concurs, he or she shall issue the BHA's written response to the Complainant. This final report should include a summary of the investigation, all findings with recommendations, corrective measures where appropriate.

**Note: Upon receipt of a complaint, Bethany Home Association shall forward a copy of this complaint and the resulting written response to the appropriate KDOT and FTA-Region 7 contacts.**

**3. Request for Reconsideration**

If the Complainant disagrees with the CEO's response, he or she may request reconsideration by submitting the request, in writing, to the CEO within 10 calendar days after receipt of the CEO's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the CEO. The CEO will notify the Complainant of his or her decision in writing either to accept or reject the request for reconsideration within 10 calendar days. In cases where the *agency* CEO agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

**4. Appeal**

If the request for reconsideration is denied, the Complainant may appeal the CEO's response by submitting a written appeal to BHA's Board of Directors no later than 10 calendar days after receipt of the CEO's written decision rejecting reconsideration. *The Board of Directors will then make a determination to either request re-evaluation by the staff review officer(s) or forward the complaint to KDOT for further investigation.*

**5. Submission of Complaint to the State of Kansas Department of Transportation.**

If the Complainant is dissatisfied with Bethany Home Association's resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the State of Kansas Department of Transportation for further investigation.

KDOT Office of Civil Rights Compliance  
Eisenhower State Office Building  
700 Southwest Harrison  
3rd Floor West  
Topeka, KS 66603

## Bethany Home Association's Title VI Complaint Form

The purpose of this form is to assist you in filing a complaint with the Bethany Home Association. You are not required to use this form; a letter containing the same information will be sufficient.

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.				

**Section IV**

Have you previously filed a Title VI complaint with this agency?	Yes	No
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**Section V**

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?  
 Yes                       No

If yes, check all that apply:

Federal Agency: \_\_\_\_\_  
 Federal Court \_\_\_\_\_                       State Agency \_\_\_\_\_  
 State Court \_\_\_\_\_                       Local Agency \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Section VI**

Name of agency complaint is against: \_\_\_\_\_

Contact person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Please submit this form in person at the address below, or mail this form to:

Bethany Home Association Title VI Coordinator  
321 N. Chestnut  
Lindsborg, KS 67456

# List of Title VI Investigations, Lawsuits and Complaints

	Date Submitted/Filed (Month, Day Year)	Summary of allegation (include basis of complaint: race, color or national origin)	Status	Resolution/Action Taken
Investigations				
1				
2				
Lawsuits				
1				
2				
Complaints				
1				
2				

## Table Depicting Membership of Committees, Councils, Broken Down by Race

<b>Body</b>	<b>Caucasian</b>	<b>Latino</b>	<b>African American</b>	<b>Asian American</b>	<b>Native American</b>	<b>Other</b>
<b>Population within service area</b>	87.74%	5.27%	1.57%	0.70%	0.31%	0.46%
<b>Agency Board of Directors</b>	100%	0%	0%	0%	0%	0%
<b>Citizens Advisory Council</b>	0%	0%	0%	0%	0%	0%
<b>Finance Committee</b>	100%	0%	0%	0%	0%	0%

# Additional KDOT Guidance on Limited English Proficiency (LEP) Plan

As revised 8/27/2010

The purpose of the MPO in developing an LEP plan, as a recipient of federal funds, is to identify the extent of LEP individuals in the region and identify ways that the MPO can reduce and/or eliminate the barriers to LEP individuals within the transportation planning process. The starting point for developing this plan is to perform a four factor analysis to determine the individualized needs of the region. After these needs are identified, the MPO should develop an implementation plan addressing the mix of services that will be provided.

## Background and Guidance

On August 11, 2000, President Bill Clinton issued Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," (65 FR 50121). The intent of this Executive Order is to improve access to federally conducted and federally assisted programs and activities for persons who are limited in their English proficiency. Further, the purpose of Executive Order 13166 is to implement the Title VI of the Civil Rights Act of 1964. This Executive Order states that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. Under that order, "every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding funding recipients from "restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program" or from "utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program in respect to individuals of a particular race, color, or national origin." Not only do all federal agencies have to develop LEP Plans, as a condition of receiving federal financial assistance, recipients must comply with Title VI and LEP guidelines of the federal agency from which funds are provided. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations such as metropolitan planning organizations. It is important to keep in mind that Title VI and E.O. 13166 covers a recipient's entire program or activity. More simply, any organization that receives federal financial assistance is required to follow this Executive Order. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may constitute a violation under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Title VI regulations against discrimination based on national origin.

## The US Department of Justice LEP Guidelines, the basis for most Federal Agency LEP Guidelines states:

“Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits. After applying the above four factor analysis, a recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages. For instance, some of a recipient's activities will be more important than others and/or have greater impact on or contact with LEP persons, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed.”

### Elements of an Effective LEP Plan

The elements of an effective LEP Plan are outlined below. This outline may serve as a template for the development of this plan, but is not intended to limit the contents of this plan. The LEP Plan can be developed as a separate plan or may be incorporated as a section in the MPOs Public Participation Plan or Title VI Plan. It will be left to the MPO to determine what is most appropriate for their regional transportation planning process. It is important to note that emphasis in this plan should be placed on providing the most cost effective language services while meeting LEP needs. LEP is designed to be flexible and individualized.

Suggested Outline-further details on these items can be found in the Federal Register Resource Link found below.

- Policy Statement/Resolution
- Executive Order 13166/Title VI Language
- Plan Summary
- Safe Harbor Stipulation
  - Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A “safe harbor” means that as long as a recipient (the MPO) has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI. However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis.

Evidence of compliance with the recipient's written translation obligations under "safe harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally. The "safe harbor" provision applies to the translation of written document only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable to provide.

- Four Factor Analysis (with maps and data tables as appropriate). After completion of this analysis, the MPO can determine the "mix" of measures needed to implement the services required.
- Implementation Actions
  - How to identify LEP Individuals who need language assistance
  - Language assistance measures-Keep in mind that "this includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less, of eligible persons served or likely to be affected."
  - Staff Training
  - Providing Notice of Available Language Services to LEP Persons
- Monitoring and Updating the LEP Plan
- LEP complaint processing (can be the same as the process for handling Title VI Complaints)

## Four Factor Analysis

The recommended method of evaluating accessibility to available transportation planning services is the Four-Factor Analysis as identified by the United States Department of Justice-Civil Rights Division and the USDOT. This is the starting point for determining the needs of LEP individuals in the region.

Guidance from the US DOT outlines four factors of analysis that recipients of federal funds should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the MPO and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOJ/DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. From the results of this Four Factor Analysis the MPO should move on to determine how to implement measures to meet the needs of LEP individuals as they have been identified. These measures could range from providing oral

interpretation services, written translations of meeting notices, bulk telephonic interpretation services, translated resources on the MPO website, and signage.

## Resources

- Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons as published in the federal Register <http://edocket.access.gpo.gov/2005/pdf/05-23972.pdf>
- Website of the Federal Interagency Working Group on Limited English Proficiency <http://www.lep.gov/>
- US DOJ Coordination and Review Section Guidance <http://www.justice.gov/crt/cor/lep/dotlep.php>
- Capitol Area Metropolitan Planning Organization Limited English Proficiency Plan-Jefferson City, MO <http://www.jeffcitymo.org/campo/documents/LEPPlanadoptedFebruary202008.pdf>
- Pinellas County MPO Limited English Proficiency Plan <http://www.pinellascounty.org/mpo/PDFs/DBETitleIV/lep.pdf>
- 2007 Limited English Proficiency Plan for the Baltimore Metropolitan Planning Organization <http://www.baltometro.org/transportation-planning/2007-limited-english-proficiency-plan-tex>