

WAMPO

WICHITA AREA METROPOLITAN PLANNING ORGANIZATION

10TH FLOOR • 455 N. MAIN • WICHITA KS • 67202-1688
PHONE: (316) 268-4457 • FAX: (316) 268-4390

Dear WAMPO Sub-Recipient,

Congratulations on being awarded federal funding through WAMPO!

This document outlines the Nondiscrimination-Title VI requirements that are a condition of receiving federal funding through WAMPO. The federal regulatory authority for requiring nondiscrimination has its basis in Title VI of the Civil Rights Act of 1964, Executive Order 12898 (Environmental Justice (EJ)), and Executive Order 13166 (Limited English Proficiency (LEP)). (Additional information on these statutes and regulations can be found at the end of this document.)

WAMPO Nondiscrimination – Title VI Compliance Requirements

Federal Transit Administration (FTA) Job Access Reverse Commute (JARC) program

Federal Transit Administration (FTA) New Freedom (NF) program

WAMPO's Title VI Policy Statement

The Wichita Area Metropolitan Planning Organization (WAMPO) assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. WAMPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities consistent with this federal legislation. In the event WAMPO distributes federal aid funds to another governmental entity, WAMPO will include Title VI language in all written agreements and will monitor programs and activities for compliance.

Overview of Compliance Requirements

As per WAMPO's Title VI Policy and federal regulations regulating WAMPO, Title VI provisions are a standard part of all agreements between WAMPO and sub-recipients of federal funding programs that WAMPO administers. WAMPO's Title VI compliance review process begins at the time of Agreement execution, continues during the duration of the project, and is completed when the project wraps up and the Agreement is expired. During this time, WAMPO monitors information provided by each sub-recipient, retaining the right to conduct an audit should WAMPO suspect the sub-recipient is not in compliance. If WAMPO determines that a sub-recipient is not in compliance with Title VI, the Title VI Coordinator and assigned staff will work with the sub-recipient to correct the deficiency. This may include providing technical assistance. If the sub-recipient does not correct the deficiency, WAMPO may take corrective action or implement other remedies as provided in the executed agreement. Specific requirements are detailed below:

- Complete a Pre-Contracting Stage Title VI questionnaire before the WAMPO - [SUB-RECIPIENT] Agreement is fully executed. WAMPO uses the questionnaires to assess the [SUB-RECIPIENT]'s compliance with Title VI requirements.
- Complete a Post-Contracting Stage Title VI questionnaire at the completion of the project. WAMPO uses the questionnaires to assess the [SUB-RECIPIENT]'s compliance with Title VI requirements.
- [SUB-RECIPIENT] shall provide WAMPO with any additional information that WAMPO requests in regard to Title VI compliance.
- [SUB-RECIPIENT] shall also permit WAMPO to access its records up to and including accounting records that are pertinent to WAMPO substantiating [SUB-RECIPIENT]'s compliance with Title VI.

Nondiscrimination Policy, Statement, and Assurance

Adopt an agency/organization-wide nondiscrimination policy as stated in a Statement of Nondiscrimination that provides assurances that the agency/organization will not discriminate against any person in the performance of any federally assisted program on the basis of race, color, or national origin.

- The Statement of Nondiscrimination must state: “[SUB-RECIPIENT] assures that no person shall, on the grounds of race, color, or national origin 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 Statement of Nondiscrimination may be more inclusive than the language listed above, but it cannot be more exclusive.
- Publicly post the Statement of Nondiscrimination. “Publicly post” includes, but is not limited to, posting the documents to your agency/organization’s website if you have one.
- If your agency/organization does not have a non-discrimination policy as stated in a Statement of Nondiscrimination, then [SUB-RECIPIENT] must notify WAMPO of this prior to execution of the Agreement. If [SUB-RECIPIENT] does not develop and/or adopt such a policy and statement prior to the execution of the Agreement, then [SUB-RECIPIENT] must use and adhere to the WAMPO’s non-discrimination policy and statement.
- Provide a written copy of [SUB-RECIPIENT]’s Statement of Nondiscrimination to WAMPO upon execution of the Agreement so that WAMPO can verify the inclusion of the required statement.

Title VI Plan and Complaint Procedures

All sub-recipients are required to develop and publish a Title VI Plan that includes a Public Participation Plan (PPP), a Limited English Proficiency (LEP) Plan, and a Title VI Complaint Procedure. The Title VI Plan, and its attendant parts, must comply with Federal guidelines regarding such plans.

- Provide a copy of its Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure upon execution of this Agreement.
- Make the Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure publicly available, which includes posting each of these documents to [SUB-RECIPIENT]’s website if it has one, and informing attendees at any public meetings, hearings, or other events related to the work under the Agreement of their rights under Title VI and the procedures for filing a Title VI complaint.
- If [SUB-RECIPIENT] does not have a federally compliant Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure, then [SUB-RECIPIENT] must notify WAMPO of this prior to the execution of the Agreement, and [SUB-RECIPIENT] must use WAMPO’s Title VI Plan, PPP, LEP Plan, and Complaint Procedure.

Procurement – RFPs, RFQs, and Subcontracts

- If [SUB-RECIPIENT] has a federally compliant, competitive procurement process, the [SUB-RECIPIENT] is required to provide a copy of the written procurement procedures to WAMPO.
- If [SUB-RECIPIENT] does not have a federally compliant, competitive procurement process, the [SUB-RECIPIENT] is required to follow WAMPO's procurement procedures.

If, as part of the Agreement, the [SUB-RECIPIENT] enters into any subcontracts, leases, or other sub-agreements regarding the work under the Agreement, [SUB-RECIPIENT] must follow the requirements listed below. Include the [SUB-RECIPIENT]'s Statement of Nondiscrimination in all procurement documents, such as Request for Proposals (RFP), Request for Qualifications (RFQ), and other procurement documents that it issues under the Agreement.

- Include the [SUB-RECIPIENT]'s Statement of Nondiscrimination in all subcontracts, including those for materials and leases that it enters into under the Agreement.
- Include the following statement in all procurement documents, such as RFPs, RFQs, subcontracts, including those for materials and leases, and other similar documents that it issues under this Agreement.

[SUB-RECIPIENT] is prohibited from excluding any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract made under the Agreement on the basis of race, color, sex, or national origin.

- Provide a sample of [SUB-RECIPIENT]'s procurement documents (e.g., Request for Proposals and Request for Qualifications) to WAMPO upon execution of the Agreement so that WAMPO can verify the inclusion of the required statement.
- Provide a sample of [SUB-RECIPIENT]'s subcontract to WAMPO upon execution of the Agreement so that WAMPO can verify the inclusion of the required statement.
- The provisions listed in this Attachment apply to every subcontractor hired by [SUB-RECIPIENT] to perform work under the Agreement. [SUB-RECIPIENT] will ensure that all of its subcontractors are made aware of these requirements and will include these provisions as a part to any subcontract that [SUB-RECIPIENT] enters into under the Agreement.

If the Agreement does not call for subcontracted services, these requirements do not need to be followed.

Community/Public Engagement or Outreach

If [SUB-RECIPIENT] is required to perform any public meetings, engagement, or other community outreach as part of the work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to these events.

- Ensure that the meeting location, date, and time are selected in such a way as to not exclude a person from participation on the basis of race, color, national origin, sex, or disability.
- Inform attendees of their rights under Title VI.
- Ensure that all attendees are provided the opportunity to participate without regard to their race, color, national origin, or LEP status.
- [SUB-RECIPIENT] shall submit to WAMPO after every public meeting, engagement, or other community outreach a report that provides the following information:
 - ✓ Description of the purpose of the event.
 - ✓ Time, date, and location of the event.
 - ✓ Methods used to advertise the event.

- ✓ Building and room where the event was held.
 - ✓ Note any special accommodations that were requested prior to or during the event.
 - ✓ How the attendees were informed of their rights under Title VI including complaint procedures.
 - ✓ Number of attendees.
 - ✓ An estimate of the number of minority and women attendees.
(*Note the estimate should be based upon observations and should not be obtained by asking attendees to identify their gender, race, color, or national origin*).
- WAMPO has a form that it will provide to [SUB-RECIPIENT] upon request that [SUB-RECIPIENT] can use to document its public events.

Websites

If [SUB-RECIPIENT] is required to develop or create a website as part of its work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to the website.

- [SUB-RECIPIENT] must design or create any website such that it includes a translator function so that the material included on the website can be translated into other languages.
- [SUB-RECIPIENT] must design or create any website so that it is in compliance with the Rehabilitation Act, 29 U.S.C. §§ 794 *et seq.*, as amended, and the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq.*, as amended, and their implementing regulations, and that it adheres to the accessibility requirements set forth by the Federal government.
- [SUB-RECIPIENT] must design or create any website in adherence with Section 508 Standards of the Rehabilitation Act.

Printed Materials

If [SUB-RECIPIENT] is required to develop or create printed informational materials as part of its work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to the information contained in the printed materials.

- [SUB-RECIPIENT] will be required to develop any printed materials intended for public informational purposes (i.e. brochures and other promotional items) in such a way that these documents can readily be translated into other languages and/or formats upon request.

Title VI Complaints

[SUB-RECIPIENT] must notify WAMPO in writing if a Title VI complaint is filed against it, within five (5) business days of [SUB-RECIPIENT] being notified of such complaint. The notification must be provided to WAMPO even if the complaint is not in regard to work that [SUB-RECIPIENT] performed under the Agreement. The notification shall include the following information:

- ✓ Date complaint was filed
- ✓ Nature of complaint
- ✓ Who was involved
- ✓ What action has been taken to date
- ✓ Any outcome(s) to date, if applicable

DEADLINES

Provide the following documents to WAMPO at the time indicated below:

Before Notice to Proceed is Issued

Completed Pre-Contracting Stage Title VI questionnaire

If [SUB-RECIPIENT] chooses to follow their own (e.g., not WAMPO's) Title VI Program and procurement process:

Statement of Nondiscrimination

Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure

Written procurement procedures

If project includes subcontracted goods or services, a sample of subcontracts, RFPs, and RFQs.

Project End

Completed Post-Contracting Stage Title VI questionnaire

After Each Public Meeting or Other Public Outreach Event

Completed WAMPO Public Outreach Event Documentation form (or submit required information)

Within Five (5) Business Days of Being Notified that a Title VI Complaint was Filed

Required information (see page 4)

WAMPO Contacts

Title VI Program

Kristen Zimmerman, Title VI Coordinator

kzimmerman@wichita.gov

352-4862

Public Involvement and Outreach

Mike Spadafore

mspadafore@wichita.gov

268-4390

Federal Authority

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, 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 (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “program or activity” to include all programs or activities of Federal Aid Recipients, sub-recipients, and consultants/contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Executive Order 12898, “**Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**,” was signed by the President on February 11, 1994. The Order requires all federal agencies to make environmental justice (EJ) part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of our programs, policies, and activities on minority populations and/or low-income populations (collectively referred to as EJ populations). In turn, the U.S. Department of Transportation (DOT), primarily through the FTA, requires MPOs to incorporate environmental justice into the overall transportation planning process. The FTA’s “Environmental Justice Policy Guidance for FTA Recipients” provides recipients of FTA financial assistance with guidance in order to incorporate environmental justice principles into plans, projects, and activities that receive FTA funding. The guiding EJ principles followed by WAMPO are based on those defined by FTA and DOT, and are as follows:

- ✓ To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects of our programs, policies, and activities, 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.
- ✓ To prevent the unwarranted denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The core tenet of environmental justice – that development benefitting a community as a whole not be unjustly purchased through the disproportionate allocation of its adverse environmental and health burdens on a community’s minorities – is a direct extension of the fundamental non-discrimination principle required by Title VI.

On August 11, 2000, the President signed Executive Order 13166, “**Improving Access to Services for Persons with Limited English Proficiency**.” The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to federally conducted and federally assisted programs. It is expected that agency and program plans, as stipulated by the Executive Order, will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The U.S. Department of Justice’s Policy Guidance Document, “Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency” (LEP Guidance) sets the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI’s prohibition against national origin discrimination.

Definitions

Designated recipient means an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.

Discrimination refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

Federal financial assistance refers to

- (1) grants and loans of Federal funds;
- (2) the grant or donation of Federal property and interests in property;
- (3) the detail of Federal personnel;
- (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
- (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

Minority persons include the following:

- (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- (3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
- (4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- (5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Minority population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

National origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.

Noncompliance refers to an FTA determination that the recipient is not in compliance with the DOT Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity on the basis of race, color, or national origin.

Sub-recipient means an entity that receives Federal financial assistance from FTA through a primary recipient.

Title VI Program refers to a document developed by an FTA recipient to demonstrate how the recipient is complying with Title VI requirements. Direct and primary recipients must submit their Title VI Programs to FTA every three years. The Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent.

W A M P O

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Title VI Checklist for Recipients of Federal Funding JARC and/or New Freedom Programs

- Title VI Assurances (in award contract)
- Title VI Nondiscrimination Statement/Notice to the Public and list of where published
- Title VI Complaint Form and Procedures
- Title VI Program/Plan that has been approved by the subrecipient's governing board
- Pre-Contract Title VI Questionnaire

WAMPO staff are always willing to assist you with developing the required Title VI documents that are a condition of receiving federal funds. WAMPO is able to assist with data collection and analysis, translation services, reviewing and commenting on draft materials, and ideas for public participation and providing meaningful access to LEP persons.

Contact information is below.

Title VI Program
Kristen Zimmerman, Title VI Coordinator
kzimmerman@wichita.gov
352 - 4862

Public Involvement and Outreach
Mike Spadafore
mspadafore@wichita.gov
268 - 4390

Title VI Nondiscrimination Statement/Notice to the Public

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles.

The Title VI notice shall include:

- (1) A statement that the agency operates programs without regard to race, color, or national origin.
- (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.
- (3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

Effective Practices for Fulfilling the Notification Requirement

(1) Dissemination. Agencies shall inform the public of their rights under Title VI through such measures as posting the Title VI notice on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's discretion, as long as the type, timing, and frequency are sufficient to notify passengers and other interested persons of their rights under DOT's Title VI regulations with regard to the recipient's program.

(2) Document translation. Notices detailing a recipient's Title VI obligations and complaint procedures shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.

WAMPO Subrecipients

In order to reduce the administrative burden associated with this requirement, subrecipients may model their Title VI Notice after the one developed by the WAMPO; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.

Example Nondiscrimination Statement/Notice to the Public

Below is WAMPO's Nondiscrimination Statement. If you choose to model your agency's Nondiscrimination Statement/Notice to the Public on WAMPO's, be sure to replace each instance of the text, "Wichita Area Metropolitan Planning Organization" or "WAMPO" with the name of your organization and update any other agency-specific information, e.g., website or address.

Please note there is an English version and a Spanish version.

Another example can be found at, http://www.fta.dot.gov/documents/FTA_Title_VI_FINAL.pdf, Appendix B (page 77).

WAMPO Statement of Nondiscrimination

The Wichita Area Metropolitan Planning Organization (WAMPO) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, Executive Order 13166 on Limited English Proficiency, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which WAMPO receives federal financial assistance. Any persons who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with WAMPO. Any such complaint must be in writing and filed with WAMPO's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see our web site at www.wampoks.org or call (316) 352-4862.

Declaración de No Discriminación

El Wichita Area Metropolitan Planning Organization (WAMPO) por la presente da aviso al público que es la política de la agencia asegurar el cumplimiento en pleno con el Título VI del Acto de Derechos Civiles de 1964, el Acto de Restauración de Derechos Civiles de 1987, Orden Ejecutivo 12898 de Justicia Ambiental, Orden Ejecutivo 13166 de Conocimiento Limitado de Inglés, y estatutos y reglas relacionados con todas las programas y actividades. Título VI requiere que ninguna persona en los Estados Unidos de América, de acuerdo a raza, color de piel, o origen nacional, sea excluida de participar, denegada de los beneficios, o de lo contrario sometido a discriminación en cualquier programa o actividad en el cual WAMPO recibe ayuda financiera federal. Cualquier persona que cree que haya sido perjudicada por una práctica discriminatoria ilegal, por Título VI tiene el derecho de presentar una queja formal ante WAMPO. Cualquier queja debe ser escrita y presentada al Coordinador WAMPO de Título VI en 180 días a partir de la fecha en que ocurrió la presunta discriminación. Para más información, o para obtener la Solicitud de Queja de Discriminación de Título VI, por favor visite nuestro sitio web en www.wampoks.org o llame a (316) 352-4862.

WAMPO Abbreviated Title VI Notice to the Public

The following shortened version of the above paragraph can be used in publications where space or cost is an issue, such as in classified newspaper announcements:

WAMPO fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, see www.wampoks.org or call (316) 352-4862.

WAMPO cumple con el Título VI del Acta de Derechos Civiles de 1964 y los estatutos y reglamentos en todos los programas y actividades. Para obtener más información, o para obtener un Título VI Formulario de Queja de Discriminación, consulte www.wampoks.org o llame al (316) 352-4862.

Title VI Complaint Procedures and Form

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website.

WAMPO Subrecipients

In order to reduce the administrative burden associated with this requirement, subrecipients may model their Title VI complaint investigation and tracking procedures and complaint form after the ones developed by the WAMPO; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.

Example Title VI Complaint Procedures and Form

Attached are WAMPO's Complaint Procedures and Form. If you choose to model your agency's Title VI complaint investigation and tracking procedures and complaint forms on WAMPO's, be sure to replace each instance of the text, "Wichita Area Metropolitan Planning Organization" or "WAMPO" with the name of your organization and update any other agency-specific information, e.g., website or address.

Please note there are English and Spanish versions.

Another example can be found at, http://www.fta.dot.gov/documents/FTA_Title_VI_FINAL.pdf, Appendix C (pages 79 - 82).

WAMPO

Title VI Discrimination Complaint Procedures

This complaint procedure and form is for any person who believes that he or she, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination by the Wichita Area Metropolitan Area Planning Organization (WAMPO) in relation to any program or activity administered by WAMPO, its sub-recipients, or its consultants/contractors pursuant to discrimination laws, rules and regulations, including, but not limited to, Title VI of the Civil Rights Act of 1964, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," or Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." This complaint procedure applies to matters related to Title VI, EJ, or LEP.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures do not extend the time for seeking such a remedy, nor are they a necessary step to seek a remedy otherwise. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be used for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a timely resolution to the complaint. Initial interviews with the complainant and the respondent, if applicable, will request information regarding specifically requested relief and settlement opportunities.

1. Submission of Complaint

Any individual or group may file a written complaint with WAMPO's Title VI Coordinator. The mailing address and contact information are below:

Wichita Area Metropolitan Area Planning Organization (WAMPO)
Title VI Coordinator
455 N. Main – 10th Floor
Wichita, Kansas 67202
(316) 352-4862 (phone)
(316) 268-4390 (fax)

The complaint must be filed within one hundred eighty (180) calendar days after the date the alleged discrimination occurred. A complaint form may be downloaded at www.wampoks.org or is available in hard copy from the Title VI Coordinator. Upon request, assistance will be provided to any person(s) unable to read or write English or who requires a form in an alternative format due to a disability.

The complaint form must be as complete as possible and must meet the following requirements:

- a. Complaint shall be in writing and signed by the complainant(s).
- b. Include the date of the alleged act of discrimination.
- c. Present a detailed description of the issues.
- d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established.
- e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and returned for processing.

Complainants have the right to complain directly to the appropriate federal agency as well. Complainants have 180 days to file a complaint with the appropriate federal agency.

2. Receipt of Complaint

Within fifteen (15) days after receiving a complaint, the Title VI Coordinator will a) forward a copy of the complaint to the Kansas Department of Transportation, or the appropriate, designated federal agency related to the complaint, if required and b) send a written acknowledgement to the complainant advising that the complaint will be investigated.

In order to be accepted, a complaint must involve a covered basis such as race, color, or national origin and the allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or consultant/contractor.

A complaint may be rejected for the following reasons:

- a. The complainant requests the withdrawal of the complaint.
- b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The complainant cannot be located after reasonable attempts.

Once the complaint is accepted, the Title VI Coordinator will log it in a database identifying the following: complainant's name, basis, alleged harm, race, color, and national origin of the complainant.

3. Referral to Review Officer

The Title VI Coordinator in consultation with the WAMPO Director will appoint one or more staff review officers to investigate the complaint. The staff review officer(s) will complete the review within 45 days after the agency received the complaint and will make a recommendation about the merits of the complaint and, if necessary, what steps will be taken to address the complaint.

4. Complaint Decision

The staff review officer(s) will forward the recommendation to the WAMPO Director for review and concurrence. If the Director concurs he or she will issue the agency's response to the complainant(s) and any respondent(s), if applicable. (A respondent may be any sub-recipient or consultant/contractor named in the complaint.)

5. Requests for Reconsideration

If the complainant disagrees with the response, he or she may request reconsideration by submitting a request within fifteen (15) days after receipt of the response. Any affected party may submit information and/or documentation in writing to the Title VI Coordinator in support of their request for reconsideration of the recommendation. Upon review of the additional information and documentation, the Title VI Coordinator and the WAMPO Director will have ten (10) days to either reaffirm or reverse the original recommendation and provide written notice to the complainant and respondent. If neither party requests reconsideration, the recommendation becomes final.

6. Settlement

If the final recommendation or reconsideration supports the allegation(s), the Title VI Coordinator will attempt to negotiate an amicable settlement of the issues in dispute. Formal, written settlement agreements will require the review of the agency's counsel prior to execution and will require the signatures of the parties, the Title VI Coordinator, and the WAMPO Director.

7. Submission of Complaint to the State of Kansas Department of Transportation or the Federal Transit Administration

The complainant may also submit a written complaint to the state or appropriate federal agency in accordance with the requirements of the state or federal agency.

NOTE: Complaints must be filed with federal agencies no later than 180 days after the alleged discrimination occurred. Prompt action is necessary to ensure review by state or federal agencies, irrespective of WAMPO's response.

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

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

Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave., S.E.
8th Floor E81-314
Washington, DC 20590

8. Confidentiality

To the extent feasible and as allowed by law, confidentiality shall be maintained during the formal and informal investigation process.

9. Investigation records

Records will be maintained in accordance to applicable Federal guidelines, or in their absence, applicable state guidelines.

WAMPO

Title VI Discrimination Complaint Form

This form may be used to file a complaint with the Wichita Area Metropolitan Planning Organization (WAMPO) pursuant to discrimination laws, rules and regulations, including, but not limited to, Title VI of the Civil Rights Act of 1964, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," or Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency.

If you need assistance completing this form or need it to be provided in an alternate language or alternate format due to a disability, please contact us by phone at (316)-352-4862 or by fax (316) 268-4390 and ask for the Title VI Coordinator.

Complaints of discrimination must be filed within 180 days of the alleged discrimination.

This form **MUST** be completed by the complainant or the complainant's designated representative. Feel free to add additional pages if necessary.

Complainant's Personal Information:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Name of person completing this form, if different from above:

Your relationship to the complainant indicated above:

Alleged Discrimination – Details of Complaint:

I. Identify the agency, department or program that discriminated:

Agency and/or department name: _____

Name of any individual, if known: _____

City: _____

State: _____

Zip: _____

Phone Number: _____

Email: _____

Date(s) of alleged act: _____

Date alleged discrimination began: _____

Last or most recent date of alleged discrimination: _____

II. What is the basis for this complaint?

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

Example: If you believe that you were discriminated against because you are African American, you would mark the box labeled "Race/Color" and write "African American" in the space provided.

Check all that apply:

Race/Color _____

National Origin _____

III. Explain what happened:

Please explain as clearly as possible what happened. Provide the name(s) of witnesses, fellow employees, supervisors, and others involved in the alleged discrimination. Please include all information that you feel is relevant to the investigation. (Attach additional sheets if necessary and provide a copy of any written materials pertaining to your complaint.)

IV. How can this/these issue(s) be resolved to your satisfaction?

V. What is the most convenient time and place for us to contact you about this complaint?

VI. If we will not be able to reach you directly, please give us the name and phone number of a person who can reach you and/or provide information about your complaint:

Name: _____

Phone Number: _____

VII. If you have an attorney representing you concerning the matter raised in this complaint, please provide the following:

Name of Attorney: _____

Address: _____

Telephone number: _____

Signature

Date

Note: The laws enforced by this agency prohibit retaliation or intimidation against anyone because the individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:

Wichita Area Metropolitan Area Planning Organization (WAMPO)

Title VI Coordinator

455 N. Main – 10th Floor

Wichita, Kansas 67202

(316) 352-4862 (phone)

(316) 268-4390 (fax)

WAMPO

Título VI Procedimientos de Queja de Discriminación

Este procedimiento y solicitud de queja es para cualquier persona que cree que el o ella, de acuerdo a su raza, color de piel, o origen nacional, haya sido excluida o negada de beneficios o se siente que fue discriminado por el Wichita Area Metropolitan Planning Organization (WAMPO) en relación a cualquier programa o actividad administrada por WAMPO, sus sub-beneficiario, o sus consultores/contratistas, conforme a las leyes, reglas y regulaciones incluyendo, pero no limitado, al Título VI del Acto de Derechos Civiles de 1964, Orden Ejecutiva 12898, "Acciones Federales para Abordar a Justicia Ambiental en Poblaciones de Minorías y Poblaciones de Ingresos Bajos", o Orden Ejecutiva 13166 "Mejor Acceso a Servicios para Personas con Conocimientos Limitados en el Idioma Inglés". Este procedimiento de queja se aplica a situaciones con relación al Título VI, Justicia Ambiental (Environmental Justice {EJ}), o Personas con Conocimientos Limitados en Inglés (Limited English Proficiency {LEP}).

Estos procedimientos no niegan el derecho de la demandante a presentar quejas formales con otras agencias estatales o federales, o a buscar a un abogado privado para las quejas que alegan discriminación. Estos procedimientos no extienden el tiempo para buscar un remedio ni son un paso necesario para buscar un remedio contrario. Estos procedimientos son parte de un proceso administrativo que no proporciona recursos que incluyen daños punitivos o remuneración compensatoria por la demandante. Cada esfuerzo será hecho para obtener pronta resolución de las quejas. Se puede utilizar la opción de reunión(s) de mediación informal(s) entre partes afectadas y el Coordinador del Título VI para la resolución en cualquier etapa del proceso. El Coordinador del Título VI hará todo lo posible para obtener una pronta resolución a la queja. Entrevistas iniciales con la demandante y el demandado, en su caso, solicitara información específica sobre el alivio solicitado y oportunidades de resolución.

1. Presentación de la Queja

Cualquier persona o grupo puede presentar una queja por escrito con el Coordinador de Título VI de WAMPO. La dirección y datos de contacto son:

Wichita Area Metropolitan Planning Organization (WAMPO)

Title VI Coordinator
455 N. Main, 10th floor
Wichita, KS 67202
(316) 352-4862 (teléfono)
(316)268-4390 (fax)

La queja debe ser presentada en 180 días a partir de la fecha en que ocurrió la presunta discriminación. Una copia del documento de queja puede ser obtenida del sitio web www.wampoks.org o está disponible en copia impresa con el Coordinador del Título VI. Ayuda para cualquier persona que no puede leer o escribir inglés o que requiere una copia en formato alternativo debido a una discapacidad será proporcionada para la persona que lo solicite.

La queja debe ser lo más completa posible y debe cumplir los siguientes requisitos:

- a) La queja debe ser escrita y firmada por la demandante(s).
- b) Incluya la fecha del presunto acto de discriminación.
- c) Presente una descripción detallada de los temas.
- d) Denuncias recibidas por fax o correo electrónico serán reconocidas y procesadas, una vez que se haya establecido la identidad(es) de la demandante(s) y la intención de seguir adelante con la denuncia.
- e) Denuncias recibidas por teléfono serán pasadas a escrito y presentadas a la demandante para confirmación o revisión antes de procesar. Una forma de queja será remitida a la demandante para completar, firmar y devolver para su procesamiento.

Demandantes tienen el derecho a quejarse directamente con la agencia federal apropiada. Demandantes tienen 180 días para presentar su queja con la agencia federal apropiada.

2. Queja recibida

En menos de quince (15) días después de recibir una queja, el Coordinador de Título VI a) remitirá una copia de la queja al Departamento de Transporte de Kansas o la agencia federal apropiada y designada con relación a la queja, si es necesario y b) remitirá a la demandante reconocimiento escrito que la queja será investigada.

Para ser aceptada, una queja debe incluir datos básicos como raza, color de piel u origen nacional, y la denuncia debe incluir un programa o actividad de un beneficiario, sub-beneficiario, o consultor/contratista de ayuda federal.

Una queja puede ser denegada por las siguientes razones:

- a) La demandante pide retirar la queja.
- b) La demandante no responde a repetidas peticiones para información adicional necesaria para procesar la queja.

- c) La demandante no puede ser localizado después de varios intentos razonables.

Una vez que la queja sea aceptada, el Coordinador de Título VI la pondrá en la base de datos identificando lo siguiente: el nombre de la demandante, la base, el daño presunto, la raza, el color de piel, y el origen nacional de la demandante.

3. Referencia al Oficial de Investigación

El Coordinador de Título VI, en consulta con el Director de WAMPO designará a uno o más oficiales de investigación, para investigar la queja. El oficial de investigación tiene 45 días para finalizar la investigación a partir del día que recibió la queja y ofrecerá su recomendación con respeto al merito de la queja y, si es necesario, que acciones se tomarán para resolver la queja.

4. Resolución de la Queja

El oficial(es) de investigación pasará su recomendación al Director de WAMPO para revisión y aprobación. Si el Director está de acuerdo, emitirá la respuesta de la agencia a la demandante(s) y demandado(s), si es aplicable.

5. Petición para Reconsideración

Si la persona no está de acuerdo con la respuesta, puede pedir una reconsideración dentro de 15 días después de recibir la respuesta. Cualquier persona afectada podrá presentar información y/o documentación en escrito al Coordinador de Título VI en apoyo de su petición para reconsideración de la recomendación. Después de revisar la información y documentación adicional, el Coordinador de Título VI y el Director de WAMPO tendrán diez (10) días para reafirmar o revertir la recomendación original y dar aviso a la demandante y al demandado. Si ninguna de las partes pide reconsideración, la recomendación se convierte en un final.

6. Resolución

Si la recomendación final o reconsideración apoya la acusación(es), el Coordinador de Título VI intentará negociar una resolución amistosa de los temas en disputa. Resoluciones formales en escritos requieren la revisión de un abogado de la agencia antes de la ejecución y requieren las firmas de las partes, el Coordinador de Título VI y el Director de WAMPO.

7. Presentación de la Queja al Departamento de Transporte del Estado de Kansas o a la Administración Federal de Tránsito.

La demandante también puede presentar una queja por escrito al estado o a la agencia federal según los requisitos de la agencia estatal o federal.

Nota: Quejas deben ser presentadas a las agencias federales en un periodo de 180 días después de que ocurrió la presunta discriminación. Acción rápida es necesaria para asegurar la revisión por las agencias estatales y federales, independientemente de la respuesta de WAMPO.

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

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

Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave., S.E.
8th Floor E81-314
Washington, DC 20590

8. Confidencialidad

A la medida de lo posible y permitido por la ley, se mantendrá confidencialidad durante el proceso de investigación formal e informal.

9. Archivos de Investigación

Registros se mantendrán según las reglas federales aplicables o, en su ausencia, las reglas estatales aplicables.

WAMPO
Título VI Solicitud de Queja de Discriminación

Esta solicitud de queja puede ser utilizada para presentar una queja con el Wichita Area Metropolitan Planning Organization (WAMPO) conforme a las leyes, reglas y regulaciones de discriminación incluyendo, pero no limitado, al Título VI del Acto de Derechos Civiles de 1964, Orden Ejecutiva 12898, "Acciones Federales para Abordar a Justicia Ambiental en Poblaciones de Minorías y Poblaciones de Ingresos Bajos", o Orden Ejecutiva 13166 "Mejor Acceso a Servicios para Personas con Conocimientos Limitados en el Idioma Inglés".

Si usted necesita ayuda para completar esta solicitud o la requiere en un idioma alternativo o en un formato alternativo debido a una discapacidad, por favor contáctenos por teléfono a (316)352-4862 o por fax a (316)268-4390 y hable con el Coordinador de Título VI.

Quejas de discriminación deben ser presentadas en 180 días a partir de la fecha en que ocurrió la discriminación presunta. Esta solicitud debe ser completada por la demandante o un representante designado por la demandante. Añada páginas adicionales si es necesario.

Información Personal de la Demandante:

Nombre: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código Postal: _____

Teléfono: _____

Nombre de la persona completando esta forma, si es diferente de la anterior:

Su relación a la demandante indicada anteriormente:

Presunta Discriminación – Detalles de la Queja:

I. Identifique la agencia, el departamento o el programa que hizo la discriminación:

Nombre de agencia y/o departamento: _____

Nombre del individuo, si lo sabe: _____

Ciudad: _____

Estado: _____

Código Postal: _____

Teléfono: _____

Correo electrónico: _____

Fecha del presunto incidente(s): _____

Fecha cuando empezó la presunta discriminación: _____

Fecha última o más recién de la presunta discriminación: _____

II. ¿Cual es la base para esta queja?

Si su queja es en respeto a discriminación en la entrega de servicios o discriminación en el tratamiento de usted o otras personas por la agencia o departamento indicada, por favor indique abajo la base en la cual usted cree que las acciones fueron discriminatorias.

Por ejemplo: Si usted cree que fue discriminado porque eres Afro-Americano, marca la caja "Raza/Color de Piel" y escriba Afro-Americano en el espacio.

Indique todos que aplican:

Raza/Color de Piel _____

Origen Nacional _____

III. Explique lo que pasó:

Por favor explique lo más claramente posible lo que pasó. Incluye los nombres de testigos, compañeros del trabajo, supervisores, y otros incluidos en la presunta discriminación. Por favor incluye toda la información que pertenece a la investigación. (Adjunte hojas adicionales si es necesario e incluye copias de materiales escritos que pertenecen a su queja.)

IV. ¿Cómo se puede resolver este(os) problema(s) a su satisfacción?

V. ¿Cuál es la más conveniente hora y lugar para comunicarnos con usted acerca de esta queja?

VI. Si no podemos comunicarnos con usted directamente, por favor denos el nombre y teléfono de una persona que puede contactarle y/o proveer información de su queja:

Nombre: _____

Teléfono: _____

VII. Si usted tiene representación con un abogado sobre los asuntos en esta queja, por favor proporcione lo siguiente:

Nombre del Abogado: _____

Dirección: _____

Teléfono: _____

Firma

Fecha

Nota: Las leyes impuestas por esta agencia prohíben actos de represalia o intimidación en contra de nadie porque el individuo ha actuado o participado en acciones para asegurar los derechos protegidos por estas leyes. Si usted experimenta represalia o intimidación separada de la discriminación presunta en esta queja, o si usted tiene preguntas sobre como completar esta forma, por favor póngase en contacto con:

Wichita Area Metropolitan Area Planning Organization (WAMPO)

Title VI Coordinator

455 N. Main – 10th Floor

Wichita, Kansas 67202

(316) 352-4862 (phone)

(316) 268-4390 (fax)

Title VI Plan/Program

FTA requires that all recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program.

For all recipients (including subrecipients), the Title VI Plan/Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA.

Subrecipients shall submit their Title VI Plan/Programs to WAMPO.

Subrecipients may choose to adopt the WAMPO's Title VI Program/Plan where appropriate. Operational differences between WAMPO and each subrecipient may require, in some instances, that the subrecipient tailor portions of its Title VI program.

Contents

Every Title VI Program shall include the following information:

- (1) A copy of the recipient's Title VI Nondiscrimination Statement/Notice to the Public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted.
- (2) A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form and procedures.
- (3) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others. (See additional handout for more information.)
- (4) A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance. (See additional handout for more information.)
- (5) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient over the last three years. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the subrecipient submitting the report, not necessarily the larger agency or department of which the recipient is a part. The list should include the following:
 - Active investigations conducted by FTA and entities other than FTA
 - Lawsuits
 - Complaints naming the recipient.

This list shall include the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint.

The sample below is provided for the purposes of guidance only.

SAMPLE List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

PUBLIC PARTICIPATION PLAN SECTION OF THE TITLE VI PLAN/PROGRAM

The public participation plan section of the sub-recipient's overall Title VI Plan/Program simply describes the proactive strategies, procedures, and desired outcomes that underpin the sub-recipient's public participation activities.

PROMOTING INCLUSIVE PUBLIC PARTICIPATION

The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process. Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process.

FTA has developed a [Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients,"](#) that includes many examples of effective strategies for engaging minority and low-income populations. FTA encourages recipients to review that Circular for ideas when developing their public engagement strategy. Some of those effective practices include:

- a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- b. Employing different meeting sizes and formats.
- c. Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- e. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) and 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service).

LIMITED ENGLISH PROFICIENCY (LEP) PLAN SECTION TITLE VI PLAN/PROGRAM

PROVIDING MEANINGFUL ACCESS TO LEP PERSONS

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take **reasonable steps** to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP).

Recipients are encouraged to review DOT's LEP guidance for additional information (70 FR 74087, Dec. 14, 2005) <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>.

The LEP section of the Title VI Program/Plan includes two parts.

PART 1 – FOUR FACTOR ANALYSIS

In order to ensure meaningful access to programs and activities, recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. A careful analysis can help a recipient determine if it communicates effectively with LEP persons and will inform language access planning. The Four Factor Analysis 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 recipient.**

This population will be program specific. In addition to the number or proportion of LEP persons served, the recipient's analysis should, at a minimum, identify:

- (a) How LEP persons interact with the recipient's agency
- (b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group
- (c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice
- (d) Whether LEP persons are underserved by the recipient due to language barriers

(2) **The frequency with which LEP persons come into contact with the program.**

Recipients should survey key program areas and assess major points of contact with the public, such as:

- (a) Use of bus and rail service
- (b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone
- (c) Participation in public meetings
- (d) Customer service interactions
- (e) Ridership surveys
- (f) Operator surveys

(3) The nature and importance of the program, activity, or service provided by the program to people's lives.

Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. The provision of public transportation is a vital service, especially for people without access to personal vehicles. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

(4) The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

PART 2 – LANGUAGE ASSISTANCE PLAN

After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves.

Recipients have considerable flexibility in developing a Language Assistance Plan, or LEP Plan. An LEP Plan shall, at a minimum:

- (a) Include the results of the Four Factor Analysis, including a description of the LEP population(s) served.
- (b) Describe how the recipient provides language assistance services by language.
- (c) Describe how the recipient provides notice to LEP persons about the availability of language assistance.
- (d) Describe how the recipient monitors, evaluates and updates the language access plan.
- (e) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

After completing the Four Factor Analysis, a recipient may determine that an effective LEP plan for its community includes the **translation of vital documents** into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's programs and services. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; and notices advising LEP individuals of free language assistance services. Examples of vital documents include an ADA complementary paratransit eligibility application, a Title VI complaint form, notice of a person's rights under Title VI, and other documents that provide access to essential services. Failure to translate these vital documents could result in a recipient

denying an eligible LEP person access to services and discrimination on the basis of national origin.

Safe Harbor Provision

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 obligations.**

WAMPO has determined that the only LEP language group that meets this criteria in the WAMPO planning area (e.g., all of Segwick County, the Andover area of Butler County, and the Mulvane area of Sumner County) is Spanish.

Translation 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 written 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 provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful 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 Factor Analysis, that even though a language group 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.

WICHITA AREA METROPOLITAN PLANNING ORGANIZATION (WAMPO)

SUB-RECIPIENT TITLE VI QUESTIONNAIRE

PRE-CONTRACTING STAGE QUESTIONNAIRE

As a recipient of Federal grant funding, the Wichita Area Metropolitan Planning Organization (WAMPO) is required to ensure that all of its sub-recipients on each of its projects are in compliance with Title VI and the rules, regulations, and executive orders that govern Title VI on federally funded projects. In order to ensure that the sub-recipients receiving funding from WAMPO are in compliance, your organization must complete the following questionnaire in its entirety. If you have any questions regarding this questionnaire please contact WAMPO's Title VI Coordinator at the address or phone number provided below. Please submit your completed questionnaire and all additional materials to WAMPO's Title VI Coordinator.

Title VI Coordinator
Wichita Area Metropolitan Area Planning Organization (WAMPO)
455 N. Main - 10th Floor
Wichita, Kansas 67202
316-268-4457 (phone)
316-268-4390 (fax)

Table with 3 columns: Date of Report, Name of Organization, Project Name

Please answer the following questions completely. If the question asks you to provide additional information please include it in the space provided or attach additional sheets. Attach all requested additional materials to this questionnaire.

TITLE VI PLAN & COMPLAINT PROCEDURE

Does your organization have a Title VI Plan? [] Yes [] No

Does your organization's Title VI plan include:

- (i) A Public Participation Plan (PPP)? [] Yes [] No
(ii) A Limited English Proficiency (LEP) Plan? [] Yes [] No
(iii) A Title VI complaint procedure? [] Yes [] No

Have you attached a copy of your Title VI plan and complaint form to this questionnaire? [] Yes [] No
(If you have previously provided a copy of these documents to WAMPO then please make a note of that).

If your organization does not have its own Title VI Plan and/or Title VI Complaint Procedure, it is required to follow WAMPO's Title VI Plan and Complaint Procedure. Do you have a copy of WAMPO's Title VI Plan and Complaint Procedure? [] Yes [] No

If No, do you know who to contact to obtain a copy or where you can find a copy of WAMPO's Title VI Plan and Complaint Procedure? [] Yes [] No

In the past three (3) years has your organization had a Title VI complaint filed against it? [] Yes [] No

If Yes, in the space provided below, please describe for EACH complaint: the date, the nature of the complaint, who was involved, what action was taken, and the outcome.

NON-DISCRIMINATION POLICY AND STATEMENT

Does your organization have a nondiscrimination policy that is incorporated into a Statement of Nondiscrimination? [] Yes [] No

If Yes, did you provide a copy of this policy/statement to WAMPO? [] Yes [] No

If your organization does not have its own nondiscrimination policy/Statement of Nondiscrimination, it is required to follow WAMPO's policy and use WAMPO's Statement of Nondiscrimination. Do you have a copy of WAMPO's nondiscrimination policy/statement of nondiscrimination? [] Yes [] No

If No, do you know who to contact to obtain a copy or where you can find a copy of WAMPO's nondiscrimination policy/statement of nondiscrimination? [] Yes [] No

CIVIL RIGHTS AND/OR TITLE VI COORDINATOR

Does your organization have a person employed for it that is responsible for handling civil rights issues and/or a Title VI Coordinator?

Yes No

If Yes, then please provide the name, title, and contact information for that employee.

SUBCONTRACTING, LEASING, PURCHASING

Does your organization have a federally compliant, competitive procurement process? Yes No

If Yes, have you provided WAMPO a copy of your organization's written procurement procedures? Yes No

If your organization does not have its own federally compliant, competitive procurement process, it is required to follow WAMPO's procurement procedures. Do you have a copy of WAMPO's procurement procedures? Yes No

If No, do you know who to contact to obtain a copy or where you can find a copy of WAMPO's procurement procedures? Yes No

Does your organization plan to enter into subcontracts on this project? Yes No

If Yes, have you provided WAMPO with a copy of your proposed competitive procurement documents? Yes No

If Yes, have you provide WAMPO with a copy of your proposed subcontract(s) for the project? Yes No

SIGNATURE OF AUTHORIZED REPRESENTATIVE

By signing below, I certify that I am authorized to sign this report and that the information contained in this report is accurate and complete.

Signature

Date

Printed Name

Title

WICHITA AREA METROPOLITAN PLANNING ORGANIZATION (WAMPO)

SUB-RECIPIENT TITLE VI QUESTIONNAIRE

POST-CONTRACTING STAGE QUESTIONNAIRE

As a recipient of Federal grant funding, the Wichita Area Metropolitan Planning Organization (WAMPO) is required to ensure that all of its sub-recipients on each of its projects are in compliance with Title VI and the rules, regulations, and executive orders that govern Title VI on federally funded projects. In order to ensure that the sub-recipients receiving funding from WAMPO are in compliance, your organization must complete the following questionnaire in its entirety. If you have any questions regarding this questionnaire please contact WAMPO's Title VI Coordinator at the address or phone number provided below. Please submit your completed questionnaire and all additional materials to WAMPO's Title VI Coordinator.

Title VI Coordinator
Wichita Area Metropolitan Area Planning Organization (WAMPO)
455 N. Main - 10th Floor
Wichita, Kansas 67202
316-268-4457 (phone)
316-268-4390 (fax)

Table with 3 columns: Date of Report, Name of Organization, Project Name

Please answer the following questions completely. If the question asks you to provide additional information please include it in the space provided or attach additional sheets. Attach all requested additional materials to this questionnaire.

TITLE VI COMPLAINTS

During the course of the project, did your organization have a Title VI complaint filed against it? [] Yes [] No

If Yes, in the space provided below, please describe for EACH complaint: the date, the nature of the complaint, who was involved, what action was taken, and the outcome.

PUBLIC ENGAGEMENT / OUTREACH

Did your organization conduct any public engagement, community outreach, or similar public events as part of its work under the Agreement? [] Yes [] No

If Yes, did you submit to WAMPO, the information regarding those public events as required by the Agreement? [] Yes [] No
If No, please attach the required information about EACH public event to this questionnaire.

If Yes, did your organization coordinate or conduct the public event(s) with a member of WAMPO's staff? [] Yes [] No

If Yes, then in the space provided below provide the name of the WAMPO staff member that your organization worked with.

SUBCONTRACTING, LEASING, PURCHASING

Did your organization enter into any subcontracts, leases, or other sub-agreements regarding the work under the Agreement? [] Yes [] No

If Yes, are/were any of the subcontractors on the project DBE? [] Yes [] No

If Yes, did you complete and return to WAMPO the required DBE Reporting Form? [] Yes [] No
If No, please attach the required reports to this questionnaire.

If any of the subcontractors on the project are/were DBEs, did your organization ensure that the DBE subcontractors were certified and registered with the Kansas Department of Transportation or the Kansas Department of Commerce? [] Yes [] No

If Yes, please attach the relevant documentation to demonstrate that your organization verified the subcontractors' DBE status.

Is/was there a DBE contract goal on the project? [] Yes [] No

If there is/was a DBE contract goal on the project, is your organization on track to meet the DBE contract goal or did it meet the DBE contract goal? [] Yes [] No

If No, please explain in the space provided below the reasons your organization is not on track to meet the DBE contract goal and the steps your organization has taken to rectify the situation or the reasons why it did not meet the contract goal and the steps taken by the organization.

SIGNATURE OF AUTHORIZED REPRESENTATIVE

By signing below, I certify that I am authorized to sign this report and that the information contained in this report is accurate and complete.

Signature

Date

Printed Name

Title