

CALIFORNIA VANPOOL AUTHORITY

TITLE VI POLICY

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The California Vanpool Authority (CALVANS) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964. If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with the Executive Director, California Vanpool Authority, 1340 North Drive, Hanford, CA 93230; at (559) 852-2711; or by e-mail to ron.hughes@co.kings.ca.us.

TITLE VI PROGRAM MONITORING

The requirement to establish internal monitoring processes and methodologies is applicable to all recipients of Federal assistance. CALVANS must monitor its service once per year, or when major service changes are proposed, using the procedures outlined in this section.

a. Civil Rights Assurance

The Assurances that are signed by CALVANS' Executive Director and attested by CalVANS' attorney, assure that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI. Program monitoring is conducted to ensure that CALVANS complies with this assurance.

b. Monitoring Procedures

CALVANS must implement complaint procedures to monitor the level and quality of transit service provided to the minority community against overall system averages to determine compliance with Title VI. These comparisons will measure the actual realization of established service policies and standards.

PUBLIC INFORMATION REQUIREMENTS

CALVANS will disseminate Title VI Program information to CALVANS employees, contractors, subcontractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, and publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications

- a. CALVANS's Title VI Policy and any other related information will be available to the public upon request.
- b. More detailed information regarding complaint procedures and Title VI civil rights will be included in brochures and other materials distributed to the public by CALVANS.
- c. Multilingual Requirements. Where a significant number or portion of the population eligible to be served by CALVANS needs service information in a language other than English to participate in Federally funded programs, CALVANS shall take every reasonable step to provide information in appropriate languages. In cases where CALVANS posts signs warning the general public about dangerous situations information must be in other languages when a significant number of the population is non English speaking.

LIMITED ENGLISH PROFICIENCY (LEP) FOUR FACTOR ANALYSIS AND LANGUAGE ASSISTANCE PLAN

For all service-related planning and policy changes under consideration, CALVANS staff will analyze and conduct the four-factor framework provided in the DOT LEP Guidance.

Factor 1: Identify LEP Persons in CALVANS Service Area-The number of proportion of LEP Persons served or encountered in CALVANS's service area.

Methodology for Data Sources:

- To determine LEP population in CALVANS Service Area the most current US Census Data will be the primary base for this analysis. We will complement the Census data with other data sources available through the California Department of Education Demographics Office.

According to the 2010 census data, approximately 56% of California's population are speaks a language other than English at home with Spanish being the most used non-English speaking language (37%).

Factor 2: The frequency of contacts with LEP Individuals with CALVANS services.

Methodology:

- Conduct survey of LEP persons
- Survey and collect data from vanpool volunteer drivers and passengers to determine the frequency of contact with LEP persons, as well as the languages spoken.

Factor 3: Assessing the importance of CALVANS's services.

Methodology:

- Identify CALVANS's critical services or activities

CALVANS has identified the following services or activities:

- Public Notices regarding services or activities
- General system information

Factor 4: Resources available to CALVANS and the cost.

Methodology:

- Create and inventory of language assistance measures currently provided, along with the associated cost.
- Determine what, if any, additional services are needed to provide meaningful access.
- Analyze CALVANS's budget.

CALVANS will ensure that public notices and general information, such as the promotional material is available in Spanish and made available for viewing in places where individuals with limited English proficiency congregate.

CALVANS will also maintain a list of those staff members who speak a language other than English to provide points of contact for person needing information.

PUBLIC PARTICIPATION PLAN

The Public Participation Plan outlines the strategies that CALVANS will use to engage the public in the process of transportation decisions. This plan is utilized to cultivate relations with the community and encourage interaction with the minority and non-English speaking communities. Public Notices and general information will be provided in both English and Spanish.

a. OPPORTUNITIES FOR PUBLIC COMMENT:

CALVANS routinely provides opportunities for public comment, and continually strives to find new and innovative opportunities to solicit public comments and involve all segments of the population. Comments are accepted at any time by phone, fax, email, US mail, in person, or at any open meeting. Examples of these opportunities include:

- The public is notified of monthly CALVANS Board meetings. The public is invited to attend these meetings. Meeting announcements are posted on the website, at CALVANS office, at the meeting locations.

b. ENGAGING TITLE VI PROTECTED GROUPS

CALVANS realizes that there are large segments of the population from whom input is rarely if ever received. In an effort to hear a truly representative voice of the public, CALVANS will make all significant service-related planning and policy publications available in accessible formats.

c. PUBLIC OUTREACH

CALVANS publishes monthly memos and newsletter as an on-going, proactive dissemination of service information and to cultivate public relations. This publication contains articles and features of current issues and projects. Moreover, it services as a valuable informational tool to present transportation planning to the public.

d. STAFF ACCESSIBLE

Staff is accessible in person, on the phone, by mail, by fax, or by email. Contact information is provided on the agency's website, and public notices.

e. PROVIDE SERVICE FOR THE DISABLED AND LEP

Upon advance notice, special accommodations will be provided for public meetings. These services include translators, special assistance, and or transportation.

COMPLAINTS OF DISCRIMINATION PROCEDURE

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by CALVANS as to consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. The 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. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Complaint Procedure

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a complaint with

CALVANS. The complaint form is available in hard copy from CALVANS (Appendix 1). A formal complaint must be filed within 180 days of the alleged occurrence.

2. In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Title VI Coordinator will interview the complainant and if necessary assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.
3. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
4. CALVANS will provide the complainant or his/her representative and any contractor (respondent) with a written acknowledgement that CALVANS has received the complaint within five (5) working days of receipt.
5. A copy of the complaint will be forwarded to CALVANS's legal council for review.
6. The Executive Director will assign an investigator to the complaint (this may be the Title VI Coordinator or other designated staff).
7. The Investigator will determine if the complaint has investigative merit:
 - a. It was received within 180 days of the alleged occurrence.
 - b. It does not appear to be frivolous or trivial.
 - c. It involves CALVANS or CALVANS contractors and not another entity.
 - d. A complaint against a contractor involves a CALVANS Federally Funded contract.
8. The complainant and contractor or other party to the complaint will be notified of the status of the complaint within 10 days of receipt of the complaint, *by registered mail*:
 - a. That the complaint will not be investigated and the reasons why the complaint does not have investigative merit.
 - b. That the complaint will be investigated and a request for additional information needed to assist the investigator.
9. The complainant or contractor must submit the requested information within 60 working days from the date of the original request. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit. Failure of the contractor to submit additional information within the designated timeframe may be considered good cause for a determination of noncompliance under the contract.
10. The internal investigator and/or contractor must within 15 working days, supply the Executive Director with status report of their investigation and/or resolution of the complaint.
11. Within 60 working days of the receipt of the complaint, the investigator will prepare a written report for the Executive Director.

The report shall include:

 - a. A narrative description of the incident. Including persons or entities involved.
 - b. A statement of the issues raised by the complainant and the respondent's reply to each of the allegations.

- c. Citations of relevant Federal, State and local laws, CALVANS policy etc.
 - d. Description of the investigation, including list of the persons contacted and a summary of the interviews conducted.
 - e. A statement of the investigator's finding and recommendations for disposition.
12. The investigative report and findings of the complaint will be sent to legal counsel for review.
13. The Executive Director shall, based on the information before him or her and in consult with legal counsel, make a determination on the disposition of the complaint. Determination shall be made within 10 days from Executive Director's receipt of the investigator's report.

Examples of disposition are as follows:

- a. Complainant is found to have been discriminated against. CALVANS or Contractor is therefore in noncompliance with Title VI regulations. Reasons for the determination will be listed. Remedial actions that CALVANS or the Contractor must take will be listed.
 - b. Complaint is found to be without merit. Reasons why will be listed.
14. Notice of the Executive Director's determination will be mailed to the complainant and contractor. Notice shall include information regarding appeal rights of complainant and instructions for initiating such an appeal.

Example of a notice of appeal follows:

- a. CALVANS will only reconsider this determination, if new facts, not previously considered.
 - b. If the complainant is dissatisfied with the determination and/or resolution set forth by CALVANS, the same complaint may be submitted to the Federal Transit Administration (FTA) for investigation. For more information, please contact the Federal Transit Administration, Office of Civil Rights, 201 Mission Street, Suite 1650; San Francisco, CA 94105 / (415) 744-3133.
15. A copy of the complaint and CALVANS's investigation report/letter of finding and Final Remedial Action Plan will be issued to FTA within 90 days of the receipt of the complaint.
16. After receiving FTA's comments, briefings may be scheduled with all relevant parties to the complaint.
17. A summary of the complaint and its resolution must be included in the annual report to the FTA.

RECORD KEEPING REQUIREMENTS

The Title VI manager shall ensure that all records relating to CALVANS's compliance to Title VI are maintained for a minimum of seven years.

Records must be available for compliance review audits.

Copies of the following material will be kept available by the Title VI Coordinator for dissemination to the public upon demand:

- CALVANS's Title VI policy.
- Audit report findings and recommendations.
- Summaries of actions taken by CALVANS to remedy audit findings.
- Complaints received and a summary of their disposition.
- Annual report to Executive Director regarding Title VI compliance.

Appendix 1
CALIFORNIA VANPOOL AUTHORITY
TITLE VI COMPLAINT FORM

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone No: (_____) _____

Work Telephone No: (_____) _____

Were you discriminated against because of:

Race National Origin

Color

Other

Date of Alleged Incident: _____

Explain as clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include the names and contact information of any witnesses. If more space is needed please use the back of the form.

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 _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

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

Signature

Date

Please mail this form to:

CALVANS
Title VI Coordinator
P.O. Box 209
Hanford CA 93232