

**Title VI Non-Discrimination Plan
for the
REGION 2 PLANNING COMMISSION
The Metropolitan Planning Organization for the
Jackson Urbanized Area**

September 2012

Jackson County Tower Building
120 W. Michigan Avenue
Jackson, Michigan 49201
Phone (517) 788-4426
FAX (517) 788-4635
Web Site: www.region2planning.com

**REGION 2 PLANNING COMMISSION
TITLE VI NON-DISCRIMINATION PLAN**

TABLE OF CONTENTS

	<u>Page</u>
Introduction	4
Discrimination Under Title VI	5
Non-Discrimination Policy Statement	6
Title VI Assurance	7
State Contract Assurances for Non-Discrimination	9
Regulatory Requirements	9
Related Laws and Statutes	9
Structure for Organizational Oversight and Compliance	10
R2PC Organizational Structure	10
Programmatic Roles and Responsibilities	11
Title VI Plan Distribution	11
Accomplishments Report	11
Annual Work Plan	11
Complaint Procedures	13
Introduction	13
Purpose	13
Roles and Responsibilities	13
Filing Complaints	13
Applicability	13
Eligibility	12
Time Limitations and Filing Options	13
Complaint Processing	14
Initial Contact	14
The Complaint Process/Investigation	14
Retaliation	14
Complaint Form	15

Limited English Proficiency Plan (LEP)	20
Four Factor Analysis	20
Factor 1	20
Population Breakdown for Jackson County	21
Ability to Speak English for Population Over 5 Years of Age	21
Factor 2	22
Factor 3	22
Factor 4	22
Providing Notice to LEP Persons	23
Proposed Actions	23
LEP Complaint Procedures	23
Appendix A – Title VI Contract Language	24
Appendix B – Transfer of Property	25
Appendix C – Permits, Leases, and Licenses	26
Appendix D – Prohibition of Discrimination in State Contracts	28
Appendix E – Definitions	30
Appendix F – Reporting Form	34
Appendix G – Equal Opportunity Policy	35

INTRODUCTION

The Region 2 Planning Commission (R2PC) is the designated Metropolitan Planning Organization (MPO) for the Jackson urbanized area. Known as the Jackson Area Comprehensive Transportation Study (JACTS), the MPO was established to provide the citizens in Jackson County with a safe, efficient, environmentally sound, comprehensive, and cost-effective transportation system. The Jackson County transportation program serves all people of the County, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse our County. R2PC recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation related to transportation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures 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 benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires agencies utilizing federal funds to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, R2PC must provide access to individuals with limited ability to speak, write, or understand the English language. The Commission must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or religion. Therefore, the primary goals and objectives of R2PCs Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;

2. To ensure that people affected by R2PC's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in R2PC programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance in all program areas within R2PC; and
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in any R2PC service, program or activity.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

R2PC's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning and project development.

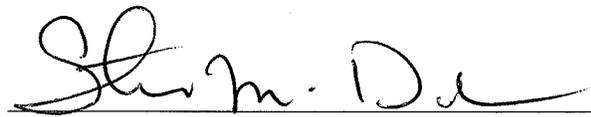
R2PC has developed this Title VI Plan to assure that services, programs, and activities of the Commission are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

REGION 2 PLANNING COMMISSION
NON-DISCRIMINATION POLICY STATEMENT

The Region 2 Planning Commission (R2PC) is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (P.L. 100.259), and related regulations and directives. R2PC assures that no person shall, on the grounds of race, color, national origin, religion, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any R2PC service, program, or activity, whether or not the service, program, or activity receives federal financial assistance. R2PC further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs, policies, and activities on any person, including minority populations, low-income populations, the elderly, persons with disabilities, all interested parties, and affected Title VI populations.

Title VI is a condition of receipt of federal funds. In the event R2PC distributes federal funds to a sub-recipient, the sub-recipient will include Title VI assurances in all written agreements and will monitor for compliance. Assurance of compliance therefore falls under the proper authority of the recipient (R2PC), pursuant to this budgetary authority and responsibility. The Executive Director is authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

R2PC will comply with all federal regulations and report complaints of discrimination to MDOT. Complaints will be reported to and investigated by the MDOT Equal Employment Opportunity/Title VI Specialist.



Steven M. Duke, Executive Director
Region 2 Planning Commission

Oct. 25, 2013
Date



James Wonacott, Chairperson
Region 2 Planning Commission

11/14/13
Date

REGION 2 PLANNING COMMISSION

TITLE VI ASSURANCE

The Region 2 Planning Commission (R2PC), (hereinafter referred to as the "Recipient"), **HEREBY AGREES THAT** as a condition to receiving any federal financial assistance from the Michigan Department of Transportation (MDOT), it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (herein after referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the U.S. Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (herein after referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, 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 for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and

HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7 (a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its entire Regional Transportation Program:

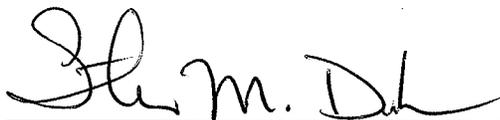
1. The Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(a) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to the Regulations.
2. The Recipient shall insert the following notification in solicitations for bids for work or material subject to the Federal Regulations made in connection with all Regional Transportation Programs, and in adapted form, in all proposals for negotiated agreements:

The Region 2 Planning Commission, in accordance with Title VI of the Civil Rights Acts of 1964, 78 Stat. 252, 42 U.S.C. 2000d-2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, national origin, or disability in consideration of this award.

3. The Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Federal Regulations.
4. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, this assurance shall extend to the entire facility and facilities operated in connection therewith.

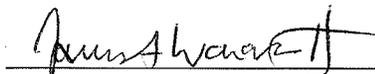
5. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance shall extend to the right to space on, over, or under such property.
6. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program except where the Federal financial assistance is to provide, or is in the form of personal property, or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
7. The Recipient shall provide for such methods of administration for the program as are found by the Michigan Department of Transportation, or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, the Regulations, and this assurance.
8. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Michigan Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, transferees, successors in interest and other participants in the Federal-Aid Transportation Program. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Recipient.



**Steven M. Duke, Executive Director
Region 2 Planning Commission**

Oct 25, 2013
Date



**James Wonacott, Chairperson
Region 2 Planning Commission**

11/14/13
Date

STATE CONTRACT ASSURANCES FOR NON-DISCRIMINATION

The assurances required to be included in all contracts are included in Appendices A-D of this document.

REGULATORY REQUIREMENTS

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability, 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 Region 2 Planning Commission, as a recipient of federal funds, must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b)(3)** – Develop procedures for prompt processing and disposition of Title VI complaints.
2. **23 CFR 200.9(b) (11)** – Submit updated Title VI implementing plan to the Michigan Department of Transportation (MDOT) for approval.
3. **23 CFR 200.9(b) (12)** – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
4. **23 CFR 200.9(b) (14)** – Establish procedures to identify and eliminate discrimination where found.
5. **Executive Order 12898** – Ensure that Environmental Justice principles are integrated into procedures and programs.
6. **Executive Order 13166** – Ensure that appropriate Limited English Proficiency (LEP) processes and procedures are implemented.

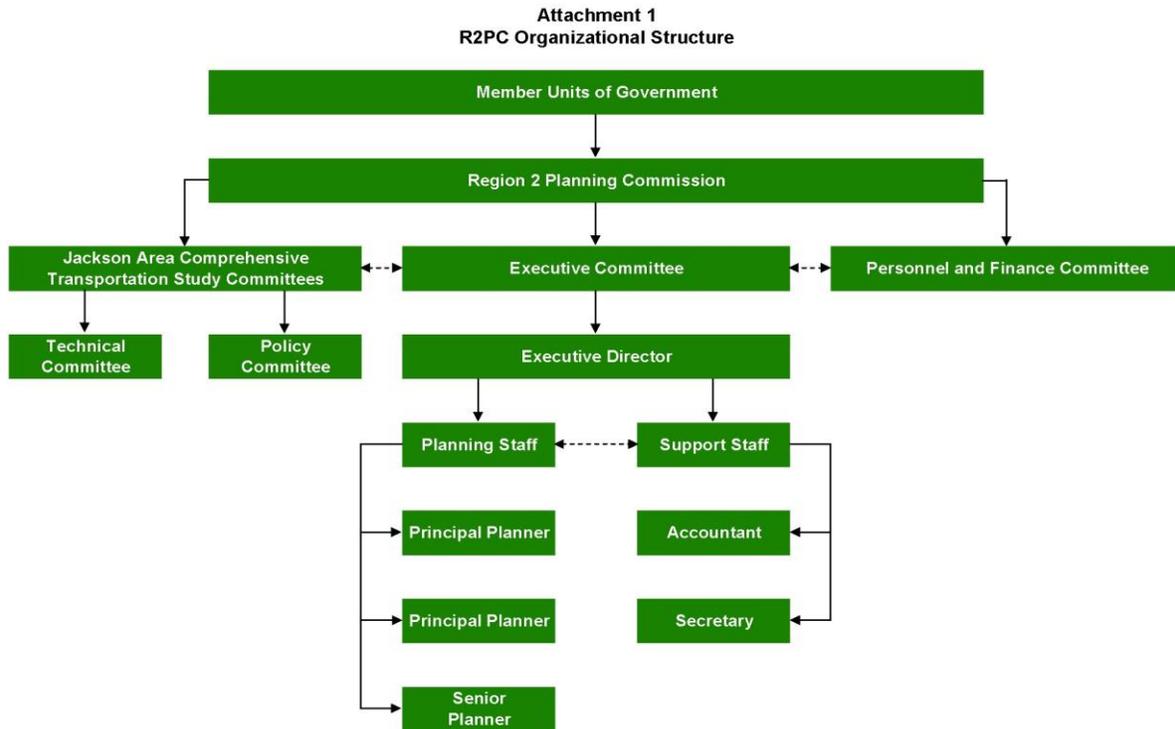
Related Laws and Statutes

7. **Civil Rights Restoration Act of 1987** – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
8. **Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of a disability.
9. **American’s With Disabilities Act of 1990** – Prohibits discrimination on the basis of a disability.
10. **Section 324 of the Federal-Aid Highway Act** – Prohibits discrimination on the basis of sex.
11. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970.**
12. **42 USC 6101** – Prohibits Age discrimination in any program receiving federal financial assistance.
13. **49 CFR Part 21 and 23 CFR Part 200** - Describes U.S. DOT and FHWA prohibitions against discrimination.
14. **Title VII of the Civil Rights Act of 1964** – Prohibits discrimination on the basis of race, color, religion, sex, and national origin.
15. **Michigan’s Elliott-Larsen Civil Rights Act** – Prohibits discrimination on the basis of race, color, religion, sex, national origin, height, weight, and marital status

STRUCTURE FOR ORGANIZATIONAL OVERSIGHT AND COMPLIANCE

The Region 2 Planning Commission’s Organizational Chart is shown below. The Executive Committee is the governing body of R2PC, with a Policy Committee consisting of local elected officials and the Technical Committee providing advice and support to the Committees and staff. The Title VI Coordinator for R2PC is responsible for ensuring the implementation of the Title VI Plan. The R2PC Senior Transportation Planner is responsible for the overall day-to-day management, administration, and coordination of the Title VI Plan for Jackson County. The current information for this individual is as follows:

Susan Richardson, Senior Planner
 Region 2 Planning Commission
 120 W. Michigan Avenue
 Jackson, MI 49201
 Ph: (517) 768-6705
 Fax: (517) 788-4635
 Email: srichard@co.jackson.mi.us



PROGRAMMATIC ROLES AND RESPONSIBILITIES

The Title VI Coordinator is responsible for implementing, monitoring, and ensuring R2PC's compliance with the Title VI regulations. Title VI responsibilities are as follows:

1. Process Title VI complaints received by R2PC.
2. Compile and collect, as needed, statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of R2PC Long Range Transportation Plan and Transportation Improvement Programs TIP), examples being citizens, impacted populations, and affected communities
3. Conduct a review of Title VI program areas as necessary following Long Range Transportation Plan and Transportation Improvement Program adoption to determine effectiveness of the program at all levels.
4. Review internal policies and, where applicable, incorporate procedures to ensure compliance with Title VI.
5. Submit sub-recipient annual certification form to MDOT.
6. Attend training on Title VI, as made available.

TITLE VI PLAN DISTRIBUTION

The Title VI Coordinator is responsible for ensuring that the MDOT-approved Title VI Plan is distributed and made available on the R2PC website, www.region2planning.com. The plan shall serve as the basis for awareness training for R2PC compliance. The availability of the plan will be highlighted at public meetings and attendees will be encouraged to review the Plan. This will provide notice to community groups, tribal governments, and a wide range of organizations, as well as the general public.

ACCOMPLISHMENTS REPORT

The R2PC Title VI coordinator will complete and submit the annual certification form to MDOT each year along with any other material requested by MDOT as it relates to accomplishments for the year.

ANNUAL WORK PLAN

Completion of Title VI work is included as part of the annual Unified Work Program (UWP) which is developed by R2PC.

The R2PC Title VI Coordinator shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan, and assurances. The Region 2 Planning Commission has also developed a Public Participation Plan (PPP) which is used in conjunction with the Title VI program and is included by reference. In addition, R2PC conducts Environmental Justice Analysis for both its 20-year Metropolitan Transportation Plan and its Transportation Improvement Program when those projects are in

development. There will only be Title VI compliance reviews on sub-recipients when R2PC contracts with consultants and/or contractors directly to carry out a portion of its program.

Title VI Plan Updates will be completed when conditions change which impact the provisions of the adopted Plan, or when MDOT requires an update. Updates will be submitted to the Michigan Department of Transportation. R2PC develops the metropolitan planning organization's (MPO's) input into the State Transportation Improvement Program (STIP) and the State's 5-year Plan. The MPO is also responsible for developing a 20-Year Transportation Plan and the 4-year Transportation Improvement Program (TIP), as noted above, to meet present and future needs for safe, adequate, and efficient transportation. Planning activities also encompass clean air issues, safety, pavement management, transportation analysis, transportation reporting, inventory, research, mapping, major project studies, and training and technical assistance for communities. The planning area for R2PC encompasses: the City of Jackson, the villages of Brooklyn, Cement City, Concord, Grass Lake, Hanover, Parma, and Springport, and the townships of Blackman, Columbia, Concord, Grass Lake, Hanover, Henrietta, Leoni, Liberty, Napoleon, Norvell, Parma, Pulaski, Rives, Sandstone, Spring Arbor, Springport, Summit, Tompkins, and Waterloo.

COMPLAINT PROCEDURES

Introduction

The Title VI and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Region 2 Planning Commission's (R2PC's) programs and activities, as required by statute.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by R2PC for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964, and related statutes.

Roles and Responsibilities

The R2PC Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Filing Complaints

Applicability

The complaint procedures apply to the beneficiaries of R2PC's programs, activities, and services, including but not limited to: the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.

Eligibility

Any person who believes that s/he has been excluded from participation in, or denied benefits or services of, any program or activity administered by R2PC or its sub-recipients, consultants, and/or contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI and Related Statutes.

Time Limitation and Filing Options

Title VI complaints of discrimination may be filed with:

- the Region 2 Planning Commission;
- the Michigan Department of Transportation;
- the U.S. Department of Transportation
 - Federal Highway Administration
 - Federal Transit Administration

In all situations, R2PC employees and/or members must contact the R2PC Title VI Coordinator immediately upon receipt of a Title VI or related statutes complaint.

- Complaints should be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know the act was discriminatory within the 180 day period, an additional sixty (60) days is allotted to file the complaint after the complainant became aware of the alleged discrimination.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to an R2PC employee, or other person authorized to receive complaints on behalf of R2PC, that person shall interview the person. If necessary, the authorized person will assist the person in writing out the complaint for the person, or the person's representative, to sign.

Complaint Processing

Initial Contact

The Title VI Coordinator and other R2PC staff serve as R2PC resources for members of the public who wish to file a discrimination complaint under Title VI and related statutes. As resources, they will provide complainants with:

- an explanation of their filing options, and
- Title VI and Related Statutes Discrimination Complaint Form.

Use of the Complaint Form is not necessary for the complainant. Rather, it is intended to help the complainant provide enough information to begin processing the complaint.

The Complaint Process/Investigation

The R2PC Title VI Coordinator, or her/his designee, reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdictional requirements. The complaint is then forwarded to the Michigan Department of Transportation Civil Rights Program Unit EEO Officer. Additionally, a copy of the complaint will be forwarded for review to both the legal counsel and liability insurance provider contracted by the Region 2 Planning Commission. If a Title VI complaint is received on a Michigan Department of Transportation (MDOT) related contract against the Region 2 Planning Commission, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a complaint filed against R2PC, the complaint and any pertinent information should immediately be forwarded to MDOT, Office of Civil Rights Programs.

When the complaint is forwarded to the Michigan Department of Transportation Civil Rights Program Unit Equal Employment Opportunity (EEO) Officer, the Title VI Coordinator will notify the individual, group of individuals, or entity (that believes they have been subjected to discrimination) of the forwarding of the complaint within five business days of the day the complaint is sent to MDOT. It is the responsibility of the Title VI Coordinator to maintain files of all correspondence regarding any complaints filed.

Once R2PC is notified of the report findings from the Michigan Department of Transportation Civil Rights Program Unit regarding a complaint, R2PC will determine its response to the findings. All parties will be properly notified of the outcome and their right to appeal the Michigan Department of Transportation Civil Rights Program Unit EEO Officer's findings report.

Retaliation

Retaliation against any individual or group for filing a complaint, acting as a witness, or participating in an investigation is illegal, and a subsequent investigation may arise out of a retaliation claim even though the original complaint may be without merit.

COMPLAINT OF TITLE VI DISCRIMINATION
Formulario de queja de discriminación por el Título VI

The MPO, as a recipient of federal financial assistance, is required to ensure that its services and related benefits are distributed in a manner consistent with Title VI of the Civil Rights Acts of 1964, as amended.

Any person who believes that he or she, individually or as a member of any specific class of persons, has been subjected to discrimination under Title VI, on the basis of race, color, or national origin, may file a written complaint with the MPO.

We are asking for the following information to assist us in processing your complaint. If you need help in completing this form, please let us know.

The Region 2 Planning Commission (MPO), como recipiente de ayuda financiera federal, es requerida a asegurar que el servicio de transporte público y sus servicios relacionados son distribuidos de una manera consistente con el Título VI del Acta de Derechos Civiles del 1964, con sus enmiendas.

Si usted cree que, individualmente o como parte de una clase específica de personas, ha sido discriminado bajo el Título VI, basado en su raza, color, o nacionalidad, puede presentar una queja por escrito al Region 2 Planning Commission.

Le pedimos la siguiente información para poder tramitar su queja. Si necesita ayuda para llenar este formulario, póngase en contacto con el Jackson MPO.

1. Complainant
Reclamante

NAME Nombre

STREET ADDRESS Dirección

CITY Ciudad

STATE Estado

ZIP CODE Código Postal

HOME TELEPHONE N° de teléfono

Email Address Dirección de Correo Electrónico

2. Person discriminated against (if someone other than the complainant):
Persona que fue discriminada, si no es la misma que el reclamante:

NAME Nombre

STREET ADDRESS Dirección

CITY Ciudad

STATE Estado

ZIP CODE Código postal

HOME TELEPHONE N° de teléfono

Email Address Dirección de Correo Electrónico

3. Are you represented by an attorney for this complaint?

¿Tiene usted representación de un(a) abogado(a) con relación al asunto de su queja?

Yes _____

No _____

Sí

No

If yes, please complete the following:

Si tiene abogado(a), provea la siguiente información:

ATTORNEY'S NAME Nombre del abogado(a)

STREET ADDRESS Dirección

CITY Ciudad

STATE Estado

ZIP CODE Código Postal

TELEPHONE N° de teléfono

4. Date of the alleged discrimination: _____
Fecha de la supuesta discriminación:

Complaints should be filed within **180 days** of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180 days period, you have **60 days** after you became aware to file your 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.

*Las denuncias deben presentarse dentro de los **180 días** de la presunta discriminación. Si usted no podía razonablemente esperarse conocer que la ley es discriminatoria en el plazo de 180 días, tiene **60 días** después de que tuvo conocimiento a presentar su queja.*

Si su queja está en relación con la discriminación en la prestación de servicios o la discriminación que el tratamiento de usted u otros usuarios por el organismo o departamento indicado, sírvase indicar a continuación de la base en que crees que se tomaron estas medidas discriminatorias.

5. Which of the following best describes the reason you believe the discrimination took place:
Según lo que cree usted, ¿en qué se basaron esas acciones discriminatorias?

Race Raza / Color Color

Religion Religión

National Origin Nacionalidad

Sex Sexo

Disability Incapacidad/medimento

Age Edad

Please sign below. You may attach any additional information you think is relevant to your complaint.

Por favor, firme el formulario. Adjunte cualquier información adicional usted cree que es pertinente con su queja.

Signature of Complainant

Firma del reclamante

Date

Fecha

NOTE: The laws enforced by the U.S. Department of Transportation prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by Title VI. 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:

NOTA: Las leyes impuestas por el departamento de transporte de los Estados Unidos prohíben represalias o intimidación contra nadie porque ese individuo ha tomado medidas o participado en acción segura derechos protegidos por el título VI. Si tiene represalias o intimidación separada de la discriminación alegada en esta queja o si tiene preguntas acerca de la realización de esta forma, póngase en contacto con:

Susan Richardson, Senior Planner

Region 2 Planning Commission

120 W. Michigan Avenue

Jackson, MI 49201

Phone: (517) 768-6705

FAX: (517) 788-4635

E-Mail: srichard@co.jackson.mi.us

LIMITED ENGLISH PROFICIENCY PLAN (LEP)

Compliance with Title VI includes consideration of Limited English Proficient (LEP) persons. Language barriers can prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP are not able to read instructions or correspondence written in English, and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek.

It is essential that R2PC personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about diverse clientele in the service area. U.S. DOT guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The recipient has to take “reasonable steps” to remove barriers for LEP individuals.

The U.S. Department of Justice, Civil Rights Division, has developed a set of elements that may be helpful in evaluating the need for designing an LEP policy or plan. These elements are:

1. Identifying LEP persons who need language assistance;
2. Identifying ways in which language assistance will be provided;
3. Training of staff and others;
4. Providing notice to LEP persons; and
5. Evaluating accessibility to available transportation services in the Four-Factor Analysis identified by the USDOT (see below).

The DOT guidance outlines four factors recipients 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:

Four Factor Analysis:

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 grantee or recipient;
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; and
4. The resources available to the recipient and overall costs.

The intent of the 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. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient.

Information is available from the 2000 U.S. Census which defines the number of persons who speak languages other than English, including their proficiency with English as well as their native language. In 2000, the Census Bureau had a range of four classifications of how well people speak English. The classifications were “very well”, “well”, “not well”, and “not at all.” For the purposes of this analysis,

persons that speak English “not well” or “not at all” are considered as Limited English Proficient (LEP) persons. The information below indicates the 2000 data available to determine the numbers of persons falling in these categories.

Population Breakdown for Jackson County

(Source 2000 U.S. Census)

	#	Percent
Total:	158,422	100.0
White:	140,267	88.5
Black or African American:	12,543	7.9
American Indian and Alaska Native:	641	0.4
Asian:	840	0.5
Native Hawaiian and Other Pacific Islander:	62	0.0
Some other Race:	1,315	0.8
Two or More Races:	2,754	1.7
Hispanic or Latino:	3,493	2.2

Ability to Speak English for Population over 5 years of age – Jackson County

(Source 2000 U.S. Census)

Speaking English “Not Well” or “Not at all”

	Age 5-17	Age 18-64	Age 65 +	Total	%
Spanish speakers:	266	715	150	1,131	0.76%
Other Indo-European speakers:	83	328	93	504	0.34%
Asian and Pacific Island speakers:	43	222	18	283	0.19%
All Other speakers:	<u>41</u>	<u>35</u>	<u>6</u>	<u>82</u>	<u>0.06%</u>
TOTAL:	433	1,300	267	2,000	1.35%

Overall percent of persons in Jackson area with limited English proficiency - **.1%**

The threshold for addressing Limited English Proficiency is 1,000 population or 5% of total population per language group. Within the Jackson area, these thresholds were not met based on the 2000 Census figures, the only ones currently available regarding language.. Although the thresholds were not met for any language group, R2PC will continue to monitor the possible LEP needs of various groups.

The language proficiency data is now being collected under the “American Community Survey” (ACS) program. The criteria for identifying an individual as having limited English proficiency has also changed under this alternative data collection program. Instead of only including those who speak English “not well” and “not at all” (as was the case with the 2000 Census), the ACS now includes anyone who responds that they speak English anything less than “very well” as not being proficient in English. The implication is that those who answered that they spoke English “well” on the 2000 Census are now being classified with the less proficient speakers. This very well may dramatically increase the number of persons reported with “limited English proficiency” but may actually over-represent the true need for language assistance.

Factor 2: The frequency with which LEP persons come in contact with a program, activity, or service.

The Region 2 Planning Commission's programs and projects are evaluated in relationship to the number of persons who are within the program or project area and the number of times they frequent the activities. For public meetings, a sign-in sheet has traditionally been used to determine public participation. Since R2PC has had no history of individuals requiring language assistance with its activities, a new step is being taken to track any such individuals. An additional sign-in sheet has been added for R2PC sponsored meetings in order to track the demographic characteristics of public participation. A copy of the added form is included in Appendix F (Forms).

Programs, services, and activities of R2PC that have the potential to impact LEP persons in the Jackson area include, but are not limited to:

- development activities for the 20-year transportation plan and Transportation Improvement Program, including public engagement meetings and/or hearings;
- R2PC website presence;
- development activities for the Public Participation Plan and other programs of R2PC;
- phone communications with the R2PC office; and
- in-person interaction with the R2PC staff.

Factor 3: The nature and importance of the program, activity, or service by R2PC to the LEP population.

The Region 2 Planning Commission supports cooperative, comprehensive, and continuing transportation planning as outlined regarding the responsibilities of a Metropolitan Planning Organization (MPO) in federal transportation acts. In doing so, R2PC develops three (3) main documents: the Long Range Transportation Plan (LRP), the Transportation Improvement Program (TIP), and the Unified Work Program (UWP), and as needed, other plans and programs. The LRP provides direction for Jackson area transportation improvements out to twenty (20) years in the future. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding. The UWP outlines tasks to be performed in the upcoming year.

The plans and programs of R2PC are important to all residents in the Jackson area (including LEP persons) in that the federally funded transportation services they can expect to utilize in the future are selected for implementation and funding through the R2PC program.

Factor 4: The resources available to R2PC and the overall cost to provide LEP assistance.

Funds available for LEP services would be derived from the existing federal planning grants and associated local matching funds which are utilized to conduct the current metropolitan planning program. Since the Jackson area does not meet the LEP population thresholds, R2PC is not committing to a specific level of LEP assistance at this time. According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*, December 14, 2005 (Volume 70, Number 239), "*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*"

The Region 2 Planning Commission will review and address (as needed) the Limited English Proficiency section in the Public Participation Plan with the acknowledgement that current Census data shows no populations that meet the thresholds for special consideration.

Providing Notice to LEP Persons

USDOT LEP guidance states: “Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.”

The four factor analysis R2PC has conducted indicates that the Commission meets the “Safe Harbor” stipulation and therefore is not required to translate any vital documents into a foreign language. If requested, R2PC will provide language interpretation services or written translation for any individual on a case-by-case basis, within its available resources.

Proposed Actions

The Region 2 Planning Commission will publish the LEP Review as part of the approved Title VI document on its website for public information. Included on this website will be links to interpretation services provided by the Michigan Department of Transportation and Jackson County.

R2PC will include an article about the development of the Title VI Plan (including the LEP Review) in its Annual Report that reaches community organizations, governmental entities, neighborhood groups, and other interested persons.

R2PC includes a non-discrimination notice in its documents, materials, and on its website. When available and reasonable, R2PC staff will attend training sessions addressing services to LEP persons.

LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will all be handled using the same complaint procedures and process as outlined in the Title VI Plan Complaint Procedures (see pages 13-14). Questions or comments regarding the LEP Plan/Title VI Plan should be directed to:

Title VI Coordinator
Region 2 Planning Commission
120 W. Michigan Avenue
Jackson MI 49201
Phone: 517/768-6705
FAX: 517/788-4635
E-mail: srichard@co.jackson.mi.us

APPENDIX A

TITLE VI CONTRACT LANGUAGE

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, “DOT” Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, disability, or national origin in the selection, retention, of sub-contractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Sub-contractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a sub-contract, including procurements of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, disability, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by MDOT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to MDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Non-compliance:** In the event the contractor’s non-compliance with the non-discrimination provisions of this contract, MDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - 1) Withholding of payments to the contractor under the contract until the contractor complies and/or
 - 2) Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every sub-contract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as MDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request MDOT to enter into such litigation to protect the interests of MDOT, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Michigan Department of Transportation, will accept title to the lands and maintain the project constructed thereon, in accordance with State of Michigan, the Regulations for the Administration of the State Transportation Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the Michigan Department of Transportation, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Michigan Department of Transportation, its successors and assigns.

The Michigan Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed [,] [and]* (2) that the Michigan Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

**** Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.***

APPENDIX C

PERMITS, LEASES, AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add, “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Michigan Department of Transportation pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and assigns.

**Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.*

APPENDIX D

PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.
7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes or

investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

APPENDIX E

DEFINITIONS

(As used in Title 32 of the Code of Federal Regulations, Highways, part 200.5)

1. **Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority and low-income individuals within a given community or from the broader community; and the denial of , reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.
2. **Affirmative Action:** A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the underrepresentation of minorities and females.
3. **Beneficiary:** An individual and/or entity that directly or indirectly receive an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the federal government where compliance with Title VI is a condition of receiving such assistance.
4. **Citizen Participation:** An open process in which the rights of the community to be informed, to provide comments to the Government, and to receive a response from the Government are met through a full opportunity to be involved, and to express needs and goals.
5. **Compliance:** The satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.
6. **Deficiency Status:** The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.
7. **Disparate Impact:** Discrimination which occurs as a result of a neutral procedure or practice and such practice, lacks a "substantial legitimate justification." The focus is on the consequences or impact of a recipient's practices rather than the recipient's intent.
8. **Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently intentionally, because of their race, color, national origin, sex, disability, or age, and the decision maker was aware of the complainant's race, color, national origin, sex, disability, or age, and decisions were made (at least in part) because of one or more of those factors.
9. **Disproportionately High and Adverse Effect on Minority and Low-Income Populations** means an adverse effect that:

Is predominantly born by a minority population and/or a low-income population will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population.

10. **Facility:** Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.
11. **Low Income:** a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services guidelines.
12. **Low-Income Populations:** Any readily identifiable group of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who may be similarly affected by a proposed DOT program, policy, or activity. Low income is defined by the poverty threshold stipulated by the U.S. Department of Health and Human Services.
13. **MPO:** Metropolitan Planning Organization (considered a sub-recipient).
14. **Minority:**
 - Black:** a person having origins in any of the black racial groups of Africa.
 - Hispanic:** a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
 - Asian or Pacific Islander:** a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands.
 - American Indian or Alaskan Native:** a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
 - White:** a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
15. **Minority Populations:** Identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons, i.e., migrant workers, Native Americans, and others, who will be similarly affected by a proposed DOT program, policy, or activity.
16. **Non-compliance:** A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.
17. **Persons:** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin", "Hispanic", "Asian or Pacific Islander", "American Indian or Alaskan Native." Additional sub-categories based on National origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.
18. **Program Area Officials:** The officials in the FHWA who are responsible for carrying out technical program responsibilities.

19. **Programs, Policies, and/or Activities:** All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FHWA. These include, but are not limited to, permits, licenses, and financial assistance provided by FHWA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of this Order. In addition, it includes any highway project or activities for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other agreements with the recipient.
20. **Recipient:** Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.
21. **Regulations and Guidance:** Means regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by FHWA.
22. **State Transportation Agency:** That department, commission, board, or official of any state charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to the State Transportation Agency if the context so implies.
23. **STIP:** A five-year, Statewide Transportation Improvement Program (STIP) that includes MDOT's program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Michigan.
24. **Sub-recipient:** A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other federal awards directly from a federal awarding agency. [Cities, counties, universities, contractors, sub-contractors, and consultants]
25. **TIP:** A three-year, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

APPENDIX F
REPORTING FORM

**REGION 2 PLANNING COMMISSION
TITLE VI PUBLIC INVOLVEMENT SURVEY**

Completing this form is voluntary but encouraged.

You are not required to provide the information requested in order to participate in this meeting.

Title VI of the Civil Rights Act of 1964 requires the Region 2 Planning Commission (R2PC) to provide opportunity for everyone to comment on transportation programs and activities that may affect their community. *Title VI specifically states 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 benefit of, or otherwise be subjected to discrimination under any program, service, or activity receiving federal financial assistance."*

By filling out the information on this form, you will assist R2PC in complying with its reporting obligations under Title VI. All information will be handled confidentially.

Any questions or concerns about this record sheet may be addressed to Susan Richardson, Title VI Coordinator, R2PC, at (517) 768-6705, or e-mail: srichard@co.jackson.mi.us.

Meeting Type: _____ Location of Meeting: _____

Date of Meeting: _____ Staff in Attendance: _____

Please provide zip code, gender, check one race/ethnic preference, and indicate any difficulty with, or limited use of, the English language

	List Zip Code	Indicate M = Male F = Female	White	African American	Hispano/ Latino	Asian	Native American	2 or More Races	Other
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									

THANK YOU FOR YOUR PARTICIPATION!

APPENDIX G
REGION 2 PLANNING COMMISSION EQUAL OPPORTUNITY POLICY

REGION 2 PLANNING COMMISSION
EQUAL OPPORTUNITY POLICY
OCTOBER 2011

EQUAL OPPORTUNITY POLICY

The Region 2 Planning Commission shall not discriminate against any employees or applicant for employment because of race, color, national origin, region, sex, or age and will take action to ensure applicants that are employed and current employees are treated, during employment, without regard to their race, color, national origin, religion, sex, or age. This requirement shall apply to, but not be limited to the following:

- employment;
- promotion or demotion;
- recruitment or recruitment advertising;
- layoff or termination;
- rates of pay or other forms of compensation; and
- selection for training and participation in education activities.

The R2PC shall comply with all applicable statutes and agency requirements on equal opportunity and shall be governed by the provisions of such statutes and rules including enforcement pursuant to the provisions of Title VI of the Civil Rights Act of 1964. An employee or volunteer of the R2PC whose job or participation requires direct involvement in its projects must be willing to follow those operational procedures established as policy.

In addition, the R2PC shall, as part of its formulation of any goal, policy, or plan, which as a relationship to discrimination, address the elimination of the past effects of discrimination based upon race, color, national origin, religion, sex, or age. Further, that the R2PC will work to ensure continued representation of minority groups on the Commission and its Executive Committee.

A. Management

The R2PC assigns the Executive Director the responsibility to take action necessary to implement the policies contained herein with regard to staff. In terms of the Commission, the Executive Director shall monitor and report on existing and possible needs and recommend actions necessary to initiate corrective measures concerning the Commission and Executive Committee.

A copy of this Policy Statement shall be distributed to all Commissioners and to each employee and shall be discussed in staff meetings. New employees shall receive as part of their initial orientation, a copy of the Policy Statement as contained in the Staff Administrative Policy Manual. Current personnel policies, employee benefits, and compensation programs shall be administered without regard to race, color, national origin, religion, sex, or age.

B. Recruiting

It is the responsibility of the Executive Director to post all position vacancies for refilling a vacated position or hiring additional personnel. Such vacancies shall be posted on the employee bulletin board at the R2PC Office, forwarded to the local MESC offices in the region, and notice shall be published in major newspapers of general circulation in the regional planning area at a minimum.

Any vacant position shall be posted for a minimum of 10 working days before the position may be filled. All posting notices and advertising shall indicate that the R2PC is an Equal Opportunity Employer. In determining an applicant's eligibility for employment, the applicant shall submit a resume of past and present experiences, educational background, names and addresses of former and present employers and personal references. The R2PC shall comply with the regulations.

Interviews shall be primarily concerned with the applicant's background, general training, and experience, relative to the job, job description, and position needs, and shall include a reference check. The applicant who most satisfactorily meets all the job requirements, as specified, shall be employed.

C. Promotions

Vacancies shall be posted on the bulletin board at the R2PC Office, as well as forwarded to other agencies and media. Such vacancies shall be posted for a minimum of ten working days before the position may be filled.

The R2PC shall consider all employees who apply for job promotion. Such promotion shall be decided based upon the employee applicant's general training experience and knowledge relative to the job description of the position.

D. Contracts and Consultants

All persons of firms contracting in any manner with the R2PC shall be required to file an affidavit of Equal Employment Opportunity and so state in any executed contract.

E. Complaints of Discrimination

So employees of the R2PC are aware of the Equal Opportunity policies of the Commission, each employee shall be issued a copy of the policies as contained in the Staff Administrative Policy Manual. It shall be the responsibility of the Executive Director to give a full explanation of the plan and have a discussion of the plan at least annually. Those employees who feel that they have been discriminated against because of race, color, national origin, religion, sex, or age, shall provide, in writing, to the Executive Director a statement of the alleged problem.

It shall be the responsibility of the Executive Director to complete an investigation of each complaint submitted and report the result of the investigation to the R2PC Personnel and Finance Committee. Should the investigation show discriminatory practices, the Executive Director shall be charged with the responsibility of correcting the discriminatory practice. All complaints, supporting materials, investigative notes, and corrective measures shall be submitted to the R2PC Personnel and Finance Committee to monitor each complaint submitted.

At the time a complaint is filed, the Complainant is to be advised in writing of their right to file a complaint, or appeal the finding on a complaint filed with R2PC, by contacting the Michigan Department of Transportation Civil Rights Officer, the U. S. Department of Transportation, and the U. S. Department of Justice.

F. Implementation and Evaluation

It shall be the responsibility of the Executive Director to ensure implementation of the R2PC Equal Opportunity Policies. The Executive Director shall follow all necessary steps to be certain that no person shall, on the grounds of race, color, national origin, religion, sex, or age, be excluded from employment; and be responsible for the receiving, investigating, and processing of all complaints of discrimination.

To ensure compliance with the Equal Opportunity policy, the R2PC Personnel and Finance Committee shall, in addition to its other duties and as part of its responsibilities, approve, monitor, and evaluate the Commission's Equal Opportunity Policy. The additional functions of the committee shall include:

1. Identification of problems to be solved by the Equal Opportunity Policy.
2. Development of strategies to solve the problem.
3. Establishment of goals to be accomplished.
4. Definition of specific tasks to be performed with a timetable to begin and complete them.
5. Oversight of the implementation of the Equal Opportunity Policy.
6. Arrangement of an annual evaluation of all facets of the Equal Opportunity Policy to determine modifications necessary to improve the policy.

In an effort to assess the value of the Equal Opportunity Policy, it shall be the responsibility of the Executive Director to maintain statistical data on the employment of individuals as to race, color, national origin, religion, age, and sex and to report information relating to the employment of minority and female persons to the R2PC Personnel and Finance Committee.