

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

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

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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

Date

Doug Terry, Chairperson
Region 2 Planning Commission

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**

Date

**Doug Terry, Chairperson
Region 2 Planning Commission**

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.

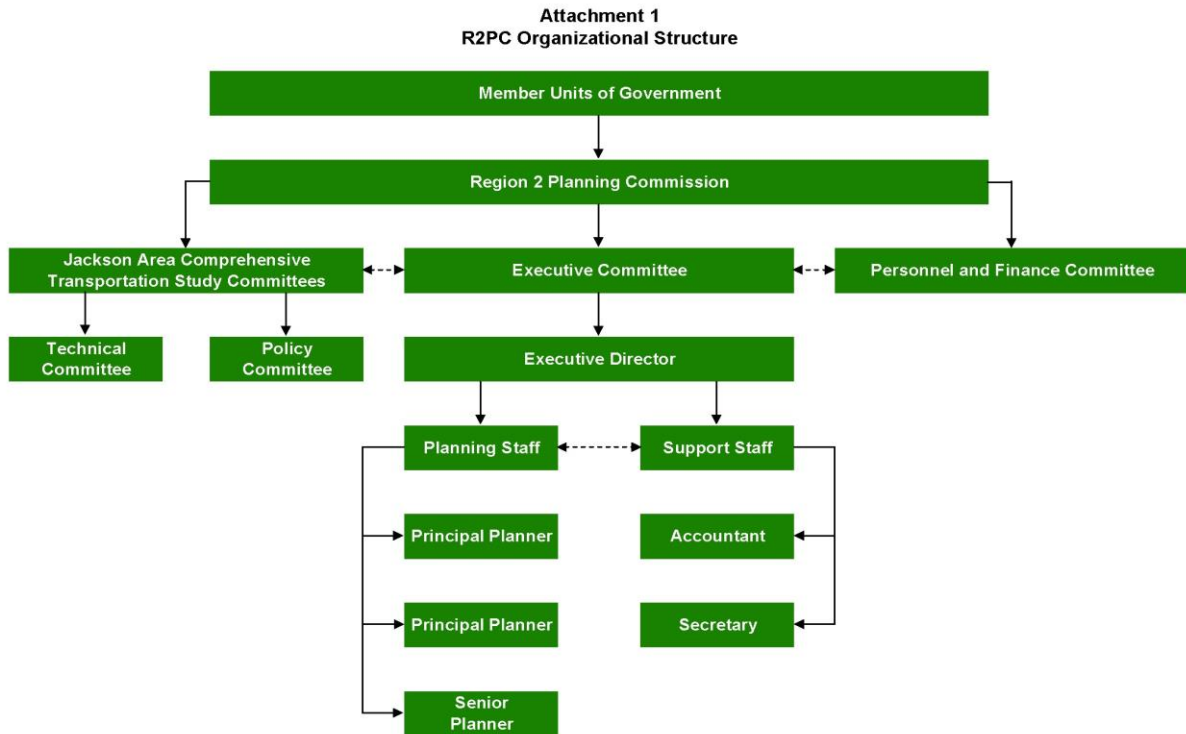
Related Laws and Statutes

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:

Tanya DeOliveira, Principal 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.