

TITLE VI / NONDISCRIMINATION	POLICY	
	Document Number:	AS-HR-PL-2580
	Version Number:	01

#### 1.0 Purpose:

To communicate VTA's policy prohibiting discrimination on the basis of race, color, national origin, sex, age, disability, income level, and Limited English Proficiency.

#### 2.0 Scope:

This policy applies to VTA employees, contractors, and non-employees who utilize any VTA service, program, or activity. This policy complements VTA policy AS-HR-PL-2120 (Sexual and Other Forms of Harassment or Discrimination) which also applies to VTA employees, as well as non-employees who conduct business or interact with VTA employees, on or off duty. The two policies shall apply in conjunction with one another.

#### 3.0 Responsibilities:

VTA's Office of Civil Rights is responsible for maintaining a log of all complaints and responding to complaints in violation of this policy. Complaints against VTA or its third party contractors may be filed using the Title VI Complaint Form or by contacting the Title VI Coordinator located in the Office of Civil Rights. Employees making complaints under VTA policy AS-HR-PL-2120 (Sexual and Other Forms of Harassment or Discrimination) may also utilize the complaint options set forth therein.

#### 4.0 Policy:

As a federal grant recipient, VTA is committed to ensuring nondiscriminatory access to its services and to promote and engage the participation of all people regardless of race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964.

As the result of the Civil Rights Restoration Act of 1987, this policy is further expanded to include the scope of other nondiscriminatory regulations and statutes. These statutes include section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex); Age Discrimination Act of 1975 (age); and section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability).

In addition, VTA is required by the Federal Transit Administration (FTA) to comply with Presidential Executive Order 12898, *"Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"*; and Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency.*"

With respect to Title VI and other related nondiscriminatory regulations and statutes, VTA will:

- Ensure that the level and quality of transportation service is provided without regard to race, color, national origin, sex, age, or disability;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations;

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- Promote full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low income populations; and
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

Any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any VTA service, program, or activity, and believes the discrimination is based upon race, color, national origin, sex, age, disability, income level, or English proficiency may file a formal complaint. This anti-discrimination protection also extends to activities and programs of VTA third party contractors.

## **5.0 Complaint Process:**

Within 10 working days of receipt of the formal complaint, the Title VI Coordinator will notify the complainant and begin an investigation (unless the complaint is filed with an external entity first or simultaneously).

The investigations will address complaints against any VTA department(s). The investigation may include discussion(s) of the complaint with all affected parties to determine the problem. The complainant may be represented by an attorney or other representative of his/her own choosing and may bring witness and present testimony and evidence in the course of the investigation.

The investigation will be conducted and completed within 60 days of the receipt of the formal complaint.

The complainant will receive a letter stating the final decision by the end of the 60 day time limit. The complainant shall be notified of his/her right to appeal the decision.

## **6.0 Definitions:**

### **6.1 Title VI of the Civil Rights Act of 1964**

Title VI is a section of the Civil Rights Act of 1964 requiring that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

### **6.2 Discrimination**

Discrimination refers to any act, or any failure to act, whether intentional or unintentional, which has the purpose or effect of limiting, excluding, or denying a person the ability to participate in

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activities, programs, or services because of race, color, national origin, sex, age, disability, income level, or English proficiency.

6.3 Civil Rights Restoration Act of 1987

This Act specifies that recipients of federal funds must comply with civil rights laws in all areas of their operation, not just the particular programs or activities that received direct funding. The Act also requires any company or institution receiving federal funding to comply with all federal anti-discrimination laws.

6.4 Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324)

This section prohibits exclusion from participation in, denial of benefits of, or subsection of discrimination under any program or activity receiving Federal assistance on the grounds of sex or gender.

6.5 Age Discrimination Act of 1975 (42 USC sections 6101-6107)

This Act prohibits discrimination on the basis of age in federally assisted programs.

6.6 Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990

These two Acts prohibit discrimination on the basis of disability.

6.7 Executive Order 12898 (Environmental Justice)

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* directs agencies to develop strategies to address disproportionately high and adverse health or environmental effects of their programs on minority and low-income populations.

6.8 Limited English Proficiency (LEP)

Persons who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English may be Limited English Proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

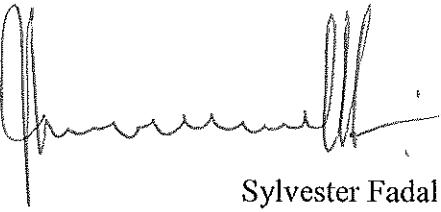
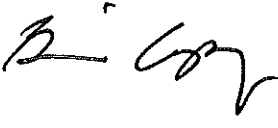
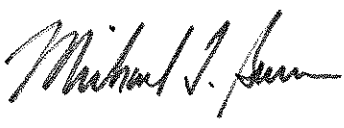
6.9 Executive Order 13166 (Limited English Proficiency)

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, directs agencies to evaluate services provided and implement a system that ensures that Limited English Proficiency persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of the agency.

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**7.0 Summary of Changes:**  
Initial release of this policy.

**8.0 Approval Information:**

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Sylvester Fadal Civil Rights and Organizational Development Program Manager	 Bill Lopez Chief Administrative Officer	 Michael T. Burns General Manager

01/04/13  
Date Signed

<b>Original Date:</b>	<b>Revision Date:</b>	<b>Page 4 of 4</b>
12/18/12	N/A	