

CONNECTICUT DEPARTMENT OF TRANSPORTATION

5310 Grantee Guide to Title VI Compliance



Prepared by: The Office of Contract Compliance
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Contents

- I. Introduction 2
- II. Title VI Program Requirements 2
 - Title VI Program FAQ 2
- III. Title VI Notice to the Public 3
 - Title VI Notice to the Public FAQ 3
- IV. Title VI Complaint Process and Procedures..... 3
 - Title VI Complaint Process and Procedures FAQ 4
- V. Title VI Complaint Form..... 4
 - Title VI Complaint Form FAQ 4
- VI. Title VI Complaint Log..... 5
 - Title VI Complaint Log FAQ 5
- VII. Public Participation Plan..... 5
 - Public Participation Plan FAQ 5
- VIII. Four-Factor Analysis & Language Assistance Plan 6
 - Four-factor Analysis and Language Assistance Plan FAQ 8
- IX. Minority Representation Table..... 9
 - Minority Representation Table FAQ..... 9
- X. Internet Resources..... 9
- XI. CTDOT Contact Information 9
- XII. Templates 9
 - Title VI Notice to the Public Template..... 9
 - Title VI Complaint Process and Procedure Template 10
 - Title VI Complaint Form Template..... 11
 - Title VI Complaint Log Template..... 12

I. Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.¹

Federal Transit Administration (FTA) primary recipients and subrecipients of FTA funds are required to comply with all applicable provisions of FTA Circular 4702.1B "[Title VI Requirements and Guidelines For Federal Transit Administration Recipients](#)" ("Circular"). While the *Connecticut Department of Transportation 5310 Grantee Guide to Title VI Compliance* sets forth the general requirements of the Circular, it is intended to be a summary of the general requirements and should not to be considered exhaustive. Subrecipients are responsible for reviewing and ensuring compliance with all applicable Circular requirements.

This document details your organization's Title VI requirements. Your organization's Title VI Program must be submitted to the Connecticut Department of Transportation (CTDOT) Office of Contract Compliance (OCC). Your program must be updated periodically (at least every three years), to incorporate changes and additional responsibilities that may arise and must be submitted to CTDOT prior to receiving funding.

II. Title VI Program Requirements

Every Title VI Program shall include the documents listed below. The specific requirements for each listed document are explained in detail throughout the document.

1. Title VI Notice to the Public
2. Title VI Complaint Process and Procedures
3. Title VI Complaint Form
4. Title VI Complaint Log
5. Public Participation Plan
6. Language Assistance Plan (including a Four-Factor Analysis)
7. A table depicting the membership of non-elected committees and councils (membership of which is selected by the recipient, broke down by race, and a description of the process the organization uses to encourage minority participation.

Title VI Program FAQ

Q: My organization only receives FTA funding through the traditional 5310 grant program, are we still required to submit all of these documents listed above?

A: Yes, all recipients (primary recipients or subrecipients) are required to submit the general requirements outlined in Chapter III of the FTA Title VI Circular.

Q: How often does my organization need to submit a Title VI Program?

A: Subrecipients shall submit their Title VI Programs to their primary recipients on a schedule to be determined by the primary recipient (CTDOT). CTDOT requires sub recipients to submit Title VI Plans at least once every three years.

Q: My organization also provides fixed route service, are there additional Title VI requirements?

¹ Specifically, Title VI provides that "no person in the United States shall, on the ground 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." (42 U.S.C. Section 2000d).

A: Yes, subrecipients who operate fixed route service have additional requirements under Title VI and should refer to the FTA Title VI Circular, or contact the Office of Contract Compliance (OCC) for guidance.

III. Title VI Notice to the Public

Recipients are required to notify the public of their obligations under Title VI and the public's right to file a Title VI complaint. A Title VI Notice to the Public template is provided on page 9. The following elements must be included in a Title VI Notice to the Public:

- A statement that the organization operates its programs without regard to race, color, or national origin.
- A description of the procedures the public should follow in order to file a Title VI complaint
- A description of the procedures the public should follow in order to request additional information on the recipient's Title VI obligations.
- A statement indicating language assistance is available upon request, along with contact information for the public to request language assistance.

At a minimum, the public notice must be posted in the following locations:

- Organization's website
- Reception desk
- Public bulletin board
- All 5310 funded vehicles

[Title VI Notice to the Public FAQ](#)

Q: Our organization already has a notice detailing our policy against employment discrimination, does this satisfy this requirement?

A: No, Title VI prohibits discrimination in how you administer your programs, benefits, or services. Many nondiscrimination policies are personnel related and the programs covered under Title VI are those for public use.

Q: Is our organization required to translate the public notice?

A: It depends. If your service area includes a Limited English Proficient population of greater than 5% of the total population, then the notice should be translated into the identified LEP language. At a minimum, this statement in the Notice – "If information is needed in another language, then contact [phone number]." – should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold (5% or 1,000 persons, whichever is less).

IV. Title VI Complaint Process and Procedures

Recipients are required to develop procedures for investigating and tracking Title VI complaints. It is a requirement that these procedures are available to members of the public and is posted on the organization's website. A Title VI Complaint Process and Procedure template is provided on page 10. The following elements must be included in the Title VI Complaint Process and Procedures:

- An explanation of which specific protected classes are covered by the procedure (race, color, and national origin).
- How to file a complaint (including timelines and access to a complaint form).

- Contact information for each of the ways the public can submit a Title VI complaint (postal address, email address, phone number, etc.).
- How and when the organization will respond to the complaint (including timelines).
- How long a complainant has to respond for requests for additional information.
- A statement indicating that the organization will forward copies of Title VI complaints to CTDOT within 10 business days of receipt.
- How the complainant will be informed of the investigation results
- Notice that the complainant may file the Title VI complaint directly with the FTA (including FTA contact information), or CTDOT (including CTDOT contact information).
- A statement indicating language assistance is available upon request, along with contact information for the public to request language assistance.

Title VI Complaint Process and Procedures FAQ

Q: Our organization already has a process for investigating service complaints, have we satisfied this requirement?

A: No, your Title VI complaint process must be specific to investigating discrimination complaints on the basis of race, color, or national origin.

Q: Should our organization specify how many days the public has to file a Title VI complaint?

A: Yes, Title VI complaints must be filed not later than 180 days after the date of the alleged discrimination, or the date the complainant was made aware of the alleged discrimination.

V. Title VI Complaint Form

Recipients must develop a Title VI complaint form, and the form must be posted on the organization’s website. A Title VI Complaint Form template is provided on page 11. The following elements must be included in the Title VI complaint form:

- Field for the complainant’s name and contact information.
- The three classes protected by Title VI (race, color, and national origin) for the complainant to check as the basis for discrimination.
- Field for the date of the alleged discrimination (or the date the complainant was made aware of the alleged discrimination).
- Field for a description of the alleged discriminatory act or behavior.
- A statement indicating language assistance is available upon request, along with contact information for the public to request language assistance.
- Instructions for submitting the Title VI complaint form.

Title VI Complaint Form FAQ

Q: My organization already has an ADA complaint form; does this fulfill my Title VI complaint form requirement?

A: No, your Title VI complaint form should be specific to complaints filed under discrimination based on race, color, or national origin.

Q: Is the public required to use the Title VI complaint form to file a Title VI complaint?

A: No, you cannot **require** the public to use your Title VI complaint form. A Title VI complaint can be filed over the phone, reduced to writing by your staff, and then mailed to the complainant to confirm the details of the complaint.

VI. Title VI Complaint Log

All recipients must prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

A Title VI Complaint Log template is provided on page 12. The following elements must be included in the Title VI Complaint Log:

- The date the Title VI investigation, lawsuit, or complaint was filed.
- A summary of the allegation(s).
- The status of the investigation, lawsuit, or complaint.
- Actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint.

Title VI Complaint Log FAQ

Q: Can I log my ADA and service complaints on the same log?

A: No, your organization's Title VI complaint log should only include Title VI complaints, investigations, or lawsuits.

Q: I have never had a Title VI complaint; do I still need to have a Title VI log?

A: Yes, all recipients must have a Title VI log prepared, even if a complaint, investigation or lawsuit related to Title VI has never been filed against the recipient.

VII. Public Participation Plan

Recipients must provide opportunities for the public to be involved in proposed transportation decisions and must have a written Public Participation Plan explicitly describing proactive strategies and procedures to inform and engage the public of the available transportation program. Efforts to reach minority and LEP populations should be explicitly detailed in the plan.

Examples of methods used in the public participation plan include, but are not limited to:

- Customer satisfaction or needs surveys
- Outreach to local employers, schools, and community or faith based organizations
- Newsletters
- Social Media
- Local newspapers

Public Participation Plan FAQ

Q: Our agency provides transportation services for clients that are referred by social service agencies – do we need a public participation plan?

A: Yes, but the plan can be as simple as contacting social service agencies and informing them of your program.

Q: We do not have a large minority or limited English proficient populations; do we still need to have a public participation plan?

A: Yes, all recipients are required to have a public participation plan. The length of your public participation plan will vary based on the size of your organization.

VIII. Four-Factor Analysis & Language Assistance Plan

Recipients must take reasonable steps to ensure meaningful access to benefits, services, information for individuals who are limited English proficient (LEP). The organization must conduct a Four Factor Analysis and the results should be included as part of a Language Assistance Plan (LAP).

Four Factor Analysis: To ensure meaningful access to programs, services, and activities, recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. The analysis is an individualized assessment that balances the following four factors:

1. Demography – what is the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient?

Tips for completing:

- Use census or American Community Survey (ACS) data (table C16001) to complete this factor.
- This factor should include the counts, and the percentage of the total population per language.
- Indicate whether the language group reaches the LEP (5% of the total population) or safe harbor thresholds (5% or 1,000 persons, whichever is less).
- An example of how this factor should be charted is provided below (results for Hartford, CT based on 2017 ACS data).

Language	Count (speaks English less than very well)	Percent of total population (total population of 116,188)	LEP or Safe Harbor threshold reached
Spanish	18,237	16%	Yes, LEP
French, Haitian, or Cajun	269	0.2%	No
German, or other West Germanic languages	30	0.02%	No
Russian, Polish, or other Slavic languages	623	0.5%	No
Other Indo-European languages	1,287	1.10%	Yes, safe harbor
Korean	63	0.05%	No
Chinese (including Mandarin, Cantonese)	301	0.25%	No
Vietnamese	76	0.06%	No
Tagalog	22	0.01%	No
Other Asian and Pacific Island languages	715	0.61%	No
Arabic	176	0.15%	No

Other and unspecified languages	374	0.32%	No
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2. Frequency – how often do LEP persons come into contact with the service or program?

Tips for completing:

- Survey front line staff (drivers, receptionists, intake staff, etc.) for past contact and requests for language assistance
- Customer surveys
- Customer service interactions
- Google translate clicks

3. Importance – How does the program, service, or activity affect people’s lives?

Tips for completing:

- Provide a brief summary of the services, benefits and activities offered by your organization.
- It may be helpful to gather input from community and faith based organizations on the importance of this service to LEP persons.

4. Resources and Costs – What funding and resources are available for LEP outreach?

Tips for completing:

- Include a brief summary of the resources available and overall costs of providing language assistance.
- Analyze your organization’s budget to identify available funding for providing language assistance

Language Assistance Plan (LAP): Once you have conducted your four-factor analysis, you should use the results to develop your LAP. Your LAP must include the following:

- Results of the four factor analysis
- Description of current language assistance measures and any plans for future measures. Examples include, but are not limited to:
 - Over the phone interpretation service
 - Bilingual staff
 - Websites in other languages
 - I Speak Cards
 - Interpreters
 - Document translation
- Description of how LEP individuals are notified of the availability of language assistance. Examples include, but are not limited to:
 - Title VI Notice to the Public
 - Website
 - Communication with CBO/FBOs
 - Newsletter
 - During the registration process

- Description of how the plan is reviewed and updated. At a minimum, the LAP should be reviewed annually and updated triennially by assessing new census data, surveying customers and community or faith based organizations, and reviewing previous requests for language assistance.
- Description of how employees are trained to provide language assistance. At minimum employees should be trained on LEP requirements and the language assistance measures available at hire and with annual refresher training, or as new measures are implemented.
- Listing of vital documents and a schedule for translation (if LEP populations exceed the 5% or 1000 persons threshold).

Four-factor Analysis and Language Assistance Plan FAQ

Q: How do I find out what LEP populations we serve?

A: The Census provides information online at the following link:

<https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

If you need additional demographic information or assistance navigating the website, the CTDOT Office of Contract Compliance can assist you.

Q: What is the threshold for whether a person is considered limited English proficient?

A: If an individual speaks English *less than very well*, they are considered LEP. The census and ACS provide data specific to this threshold.

Q: At what point is my organization required to provide proactive (prior to a request from the public) language assistance to LEP populations in our service area?

A: If specific LEP populations exceed 5% or 1,000 individuals (whichever is less), the organization must provide written document translation services.

Q. We conducted our four-factor analysis and we do not have any LEP populations that reach the thresholds of LEP or safe harbor, are we still required to develop a Language Assistance Plan?

A. Yes, even if there are no LEP populations currently present in your service area, you are required to develop a language assistance plan outlining how your organization would provide language assistance if it were requested.

Q. What are vital documents?

A. Vital documents are any documents or forms necessary for utilizing your service, or receiving information on your service. FTA defines the Title VI Notice to the Public, Title VI Complaint Form, and Title VI Complaint Process as vital documents. Other vital documents may include intake forms, registration forms, or rider policies.

Q: Title VI prohibits discrimination based on race, color, or national origin. Why is there a requirement under Title VI to provide language assistance?

A: Limited access to your organization’s programs based on a potential participant’s limited English proficiency may be considered a form of national origin discrimination. Executive Order 13166, “*Improving Access to Services for Persons with Limited English Proficiency*” requires recipients to take reasonable steps to ensure meaningful access to benefits, services, information or other important portions of their programs and activities for individuals who are LEP.

IX. Minority Representation Table

Recipients with transit-related, non-elected planning boards, advisory councils, or committees selected by the recipient must provide a table depicting the membership of those organizations broken down by race. Recipients must also include a description of efforts made to encourage participation of minorities on these boards, councils, and committees.

Minority Representation Table FAQ

Q: We have numerous boards and committees; do we need to collect this data for each?

A: The table is only required for transportation related boards and committees.

X. Internet Resources

The following links may provide additional guidance or tools to assist in completing your Title VI Plan.

[FTA Circular 4702.1B](#)

[Connecticut Department of Transportation Title VI Webpage](#)

[Department Of Transportation LEP Guidance](#)

[American Community Survey: Factfinder](#)

XI. CTDOT Contact Information

For additional questions on your Title VI requirements, please contact the Office of Contract Compliance.

CTDOT Title VI Coordinator: Debra Goss

Email Address: Debra.Goss@ct.gov

Phone: (860) 594-2169

Or

CTDOT Associate Title VI Coordinator: Tiffany Garcia

Email Address: Tiffany.Garcia@ct.gov

Phone: (860) 594-2243

XII. Templates

The following templates and guidance documents are also available electronically at <https://portal.ct.gov/DOT/Business/Contract-Compliance/Title-VI-Page>.

Highlighted text should be updated to reflect your organization.

Title VI Notice to the Public Template

Notifying the Public of Rights under Title VI

[Organization Name]

- The [organization name] operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or

he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the [organization name].

- For more information on the [organization name] civil rights program, and the procedures to file a complaint, contact [phone number], TRS 711; [email address]; or visit our administrative office at [physical address]. For more information, visit [web address].
- A complainant may file a complaint directly with the Connecticut Department of Transportation by filing a complaint with the Office of Contract Compliance, Attention: Title VI Coordinator, 2800 Berlin Turnpike, Newington, CT 06111
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact [phone number].

[MAKE SURE THE SENTENCE ABOVE IS ALSO PROVIDED IN ANY LANGUAGE(S) SPOKEN BY LEP POPULATIONS THAT MEET THE SAFE HARBOR THRESHOLD]

Title VI Complaint Process and Procedure Template

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the [organization name] may file a Title VI complaint by completing and submitting the [organization name] Title VI Complaint Form. The [organization name] investigates complaints received no more than 180 days after the alleged incident. The [organization name] will process complaints that are complete.

Once the complaint is received, the [organization name] will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office. The [organization name] will notify the Connecticut Department of Transportation's Title VI Coordinator of any Title VI complaints filed, within 10 business days of receipt.

The [organization name] has [XX] days to investigate the complaint. If more information is needed to resolve the case, [organization name] may contact the complainant. The complainant has [XX] business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within [XX] business days, the [organization name] can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or any other action will occur. If the complainant wishes to appeal the decision, she/he has [XX] days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Connecticut Department of Transportation, Office of Contract Compliance, Attn: Title VI Coordinator, 2800 Berlin Turnpike, Newington, CT 06111; or directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

Title VI Complaint Form Template

[Organization Name] Title VI Complaint Form

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Email Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other:
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
* If you answered "yes" to this question, go to Section III			
If not, please provide the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply):	Race	Color	National Origin
Date of alleged discrimination (Month, day, year):			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of witnesses. If more space is needed, please use additional sheets.			
Section IV:			
Have you previously filed a Title VI complaint with this agency?		Yes	No
Section V:			
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		Yes	No
If yes, check all that apply:			
Federal Agency:		State Agency:	
Local Agency:		State Court:	
Federal Court:			
Please provide information about a contact person at the agency/court where the complaint was filed:			
Name:		Title:	
Agency:		Address:	

Telephone:	Email:
Section VI:	
Name of agency complaint is against:	
Contact Person:	
Title:	
Telephone Number and Email Address:	
Signature	Date

You may attach any written materials or other information that you think is relevant to your complaint
Please submit this form in person at the address below, or mail this form to:

- [Organization Name and Address]; or
- Connecticut Department of Transportation, Office of Contract Compliance, Attn: Title VI Coordinator, 2800 Berlin Turnpike, Newington, CT 06111; or
- Federal Transit Administration, FTA Civil Rights Office, 1200 New Jersey Avenue SE, Washington, DC 20590

Title VI Complaint Log Template

[Organization Name] Title VI Complaint Log

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