

Title VI Plan



Town of Southampton

Adopted: August 22, 2017

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INTRODUCTION¹

The Town of Southampton is committed to ensuring that no person is excluded from participation in, or denied the benefits or services delivered by the Town on the basis of race, color, national origin, income, disability, gender, age, marital status, sexual orientation, parental status, family medical history or genetic information, political affiliation, military service, Limited English Proficiency or any other non-merit based factor. This Title VI Plan was developed to guide the Town in its administration and management of Title VI related activities.

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, sex, age, disability, income status or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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.”²

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities”³ to include all programs or activities of Federal Aid⁴ recipients, sub-recipients, and contractors, whether such programs and activities are directly Federally assisted or not,⁵ so long as any part of the department, agency, special purpose district or other instrumentality of a State or local government is extended Federal financial assistance.⁶

¹ Additional authorities to reference include: Title VI of the Civil Rights Act of 1964; 23 U.S.C. § 109(h) (2012); 23 U.S.C. § 324 (1973); 42 U.S.C. §§ 2000d -2000d-4 (1964); 42 U.S.C. §§ 4601-4655 (1987); 28 C.F.R. § 50.3 (1966); DOT Order 1050.2 (1971); Executive Order No. 12250 (1980); Executive Order No. 12898 (1994).

² 42 U.S.C. § 2000d

³ See P.L. 100.259, § 557, March 22, 1988

⁴ “Federal Aid” is not limited to monies. “Although the word ‘financial’ usually indicates ‘money,’ federal financial assistance may take non-monetary form.” U.S. Dept. of Transp. v. Paralyzed Veterans, 477 U.S. 597, 607 n.11 (1986). For example, such non-monetary assistance may include the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and any other arrangements with the intention of providing assistance.

⁵ Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. See 28 C.F.R. Part 42.102(c). The Town’s Title VI Plan, as put forth herein, applies to applicable programs and activities, as defined in 42 U.S.C. § 2000d-4a(1), and in conjunction with 28 C.F.R. Part 42.102(c).

⁶ See 42 U.S.C. § 2000d-4a(1); see also New York State Department of Transportation (<https://www.dot.ny.gov/main/business-center/civil-rights/title-vi-ej>), current through March 30, 2015, whereby in response to questioning the “programs and activities” covered by Title VI, it was noted that “Title VI applies to discrimination throughout an agency, not just to actions involving the Federally assisted program. If an agency

NON-DISCRIMINATION POLICY STATEMENT

It is the policy of the Town of Southampton, hereafter referred to as “Town,” to prevent and eliminate discrimination on the basis of race, color, sex, national origin, age, marital status, disability, sexual orientation, parental status, family medical history or genetic information, political affiliation, military service, Limited English Proficiency or any other non-merit based factor, in any and all of its operations and services, as well as all aspects of employment. It is also the policy of the Town to administer all phases of its personnel activity, including recruitment, hiring, placement, upgrading, training, promotion, transfer, separation, recall, compensation, benefits, education, recreation, and all other conditions or privileges of employment without regard to the aforementioned protected groups of persons.

The Town assures that no person shall be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination or retaliation under any program or activity, as provided .⁷ The Town is a governmental agency⁸ that requires government contractors to take affirmative action to employ and advance through employment qualified minorities, women, persons with disabilities, and disabled veterans and veterans of the Vietnam Era. The Town further assures that every effort will be made to ensure non-discrimination in all of its programs and activities, regardless of whether those programs are directly receiving federal funding or assistance.

receives any Federal financial assistance for any program or activity, the entire agency is required to comply with Title VI, not just the particular program.”

⁷ See P.L. 100.259, § 557, March 22, 1988

⁸ Subject to Executive Order No. 11246, Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974.

The Town, as a “recipient,” is to include Title VI language in all applicable written agreements and will monitor⁹ for compliance when the “sub-recipient” entity is either in receipt of direct or indirect federal aid. The Town will monitor for compliance¹⁰ both pre-award¹¹ and post-award.¹²

The Town of Southampton further agrees to the following responsibilities with respect to its programs and activities:

1. To designate a Title VI Coordinator who has a responsible position within the organization, and access to and communication with the Town Supervisor and/or Deputy Supervisor.
2. The Town is to issue a policy statement (herein), to be signed by the Town Supervisor and/or Deputy Supervisor, which expresses the Town’s commitment to the non-discrimination provisions of Title VI. This policy statement shall be circulated throughout the Town’s offices and to the general public. Such information shall be published, where appropriate, in languages other than English.
3. The Town shall develop and maintain a complaint process, whereby the Town will make every effort to resolve complaints of discrimination against itself and its sub-recipients. Complaints against the Town, as a recipient, shall be immediately forwarded to the New York State Department of Transportation’s Office of Civil Rights Title VI Coordinator.

⁹ See “Title VI Monitoring and Review Process” for more information.

¹⁰ If the Town believes that an applicant is not in compliance with Title VI, the Town has three potential remedies: (1) resolution of the non-compliance (or potential non-compliance) by “voluntary means”, which entails the Town entering into an agreement with the applicant, and whereby that agreement becomes a condition of the contract for receiving federal assistance; (2) where voluntary compliance efforts are unsuccessful, the Town can opt to refuse to grant or continue the assistance; or (3) where voluntary compliance efforts are unsuccessful, the Town can refer the violation to the Department of Justice for judicial action. (See 42 U.S.C. § 2000d-1 for procedure in pursuing these options.) Furthermore, the Town may defer the decision on whether to grant the assistance pending completion of a Title VI investigation, negotiation, or other action to obtain remedial relief. In considering options for enforcement, the Town is best suited to consult 28 C.F.R. Part 50.3, which provides an overview of guidelines for the enforcement of the Title VI Civil Rights Act of 1964.

¹¹ Pursuant to Federal statute, Federal agencies are required to monitor recipients, such as the Town, for compliance with pre-award Title VI requirements. See 28 C.F.R. Part 42.407(b). Thus, in turn, the Town, subject to such audit, is to be responsible for ensuring that its sub-recipients are in pre-award compliance as well. See generally 28 C.F.R. Part 42.107(a). See Footnote 9 for means of pursuing voluntary compliance; where voluntary compliance is achieved, the agreement must be in writing and specify the action necessary for the correction of the Title VI deficiencies [28 C.F.R. Part 42.411(b)].

¹² Pursuant to Federal statute, Federal agencies are required to monitor recipients, such as the Town, for compliance with post-award Title VI requirements. See 28 C.F.R. Part 42.407(c). Thus, in turn, the Town, subject to such audit, is to be responsible for ensuring that its sub-recipients are in post-award compliance as well. See generally 28 C.F.R. Part 42.107. Compliance reviews can vary, and can range from large and complex investigations to those more limited in scope. Post-award reviews may be limited to a simple “desk audit”, whereby the Town could demand the production of or access to records and a review is conducted of documentation submitted, or may even involve an on-site review.

4. The Town shall participate in training offered on Title VI matters and other non-discrimination requirements.
5. If the Town is subject to a review by the New York State Department of Transportation and/or the U.S. Department of Transportation, and any deficiencies are identified, then the Town agrees to take affirmative action to correct any and all deficiencies within a reasonable time period, not to exceed ninety (90) calendar days.
6. The Town maintains that it has a process to collect racial and ethnic data on persons impacted by Town programs.

In the Town of Southampton, Virginia Bennett is designated to be the Title VI Coordinator and is responsible for coordinating the Title VI requirements for the municipality.¹³ The Town's Title VI Coordinator is also responsible for initiating and monitoring Title VI activities, preparing reports and related responsibilities.¹⁴

December 11, 2018

Jay Schneiderman, Supervisor
Town of Southampton

[dated]

¹³ Pursuant to 23 C.F.R. § 200.9(a)(3)

¹⁴ As required by 23 C.F.R. § 200 and 49 C.F.R. § 21

TOWN OF SOUTHAMPTON’S TITLE VI ASSURANCES

The Town of Southampton agrees that as a condition to receiving any Federal financial assistance from the United States Department of Transportation, Federal Highway Administration, or from the State of New York, through the New York State Department of Transportation, it is subject to, and must comply with, the statutory and regulatory authorities and requirements as detailed and put forth in this document.

The Title VI Assurances provision requires the Town to include specific language in all of its solicitations, contracts, permits, licenses, leases, and documents transferring real property. In some cases, the language and Assurances required by Title VI supplements the Town's existing equal opportunity and nondiscrimination provisions.

This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal aid and Federal financial assistance as extended after the date hereof to the Town, as a recipient, by the Department of Transportation under the Federal Highway Program, and is binding on the recipient, sub-recipients, sub-grantees, contractors, subcontractors and any of their subcontractors (if applicable), transferees, successors in interest, and any other participants in the Federal Highway Programs. The person whose name and signature appears below is authorized to sign this assurance on behalf of the Town, as a recipient.

December XX, 2018

Jay Schneiderman, Supervisor
Town of Southampton

[dated]

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications. Thus, the ADA prohibits discrimination and ensures equal opportunity for persons with disabilities. It also mandates the establishment of teletype devices or telephone relay services and encourages the involvement of people with disabilities in the development and improvement of transportation plans and para-transit plans and improvement services. The ADA was originally enacted in public law format and later rearranged and published in the United States Code.

The purpose of this section is to ensure that the Town creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The Town has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The Town continues to make transportation investments in projects that address the safety of pedestrians consistent with the ADA Transition Plan.¹⁵ In consideration of the recommendations put forth in the Transition Plan, the Town is working to ensure that sidewalks, curb ramps, crosswalks, and signage within the Town are compliant with ADA guidelines.

The public complaint process is an integral part of the Transition Plan, which the Town has adopted. Public complaints or requests may often drive the prioritization of improvements. To file a complaint or a request regarding accessibility of a sidewalk or curb ramp, contact the Town's ADA Coordinator in writing and describe the issue in detail, including the location. The ADA Coordinator will route this information to the appropriate Town department for inspection and possible action. If the roadway and signage are designated to be Town property, the Town will work to ensure that any such issues are remedied and brought into ADA compliance.¹⁶ In the event

¹⁵ The Transition Plan describes the existing policies and programs to enhance the overall pedestrian accessibility. Moreover, the Transition Plans provide a method for a public entity to schedule and implement ADA required improvements to existing streets and sidewalks. Before a Transition Plan can be developed, an inventory of the current curb ramps and sidewalks must be developed.

¹⁶ Title II specifically applies to "public entities" (state and local governments) and the programs, services, and activities they deliver. Title II, Article 8, requires public entities to take several steps designed to achieve compliance. The plan shall, at minimum, include: (a) a list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities; (b) a detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible; (c) the schedule for taking the

that such roadways and signage are privately owned and maintained, then the Town will investigate further and send compliance officers to assist with ADA compliance and/or issue tickets for such existing violations.

ADA provisions have also been incorporated into design manuals and processes to ensure that ADA issues have been taken in to consideration and are part of project development. In order to ensure the correct design of curb ramps, sidewalks, and crosswalks in new construction and alterations, the Town follows ADA guidelines for pedestrian facilities in the public right-of-way. Whenever there is an intersection improvement project or new construction project, any affected curb ramps, sidewalks, and crosswalks will be rebuilt to these ADA design guidelines, where feasible and reasonable.

ENVIRONMENTAL JUSTICE

The 1994 Environmental Justice Executive Order No. 12898 (EJ) supplements the existing requirements of Title VI of the Civil Rights Act, whereby it directs federal agencies to identify and address the disproportionately high and adverse human, health, or environmental effects of its actions on minority and low-income populations, to the greatest extent practicable and as permitted by law. The order also directs each agency to develop a strategy for implementing such EJ policies. Additionally, the order is also intended to promote non-discrimination in federal programs that both affect human health and have an impact on the environment.

The Town of Southampton makes a concerted effort to understand community demographics, avoid potentially negative impacts to specific populations, which encompass such groups as aforementioned, and ensure equal opportunity for all to participate in the planning process through public hearings and public participation, as well as other mechanisms used to gather community feedback. Also, all projects with the potential for significant adverse environmental outcomes include a social impact analysis, and EJ considerations are analyzed to that effect.

necessary steps to achieve compliance with Title II; and (d) the name of the official responsible for the plan's implementation.

LIMITED ENGLISH PROFICIENCY

The 2000 Limited English Proficiency Executive Order No. 13166 (LEP) requires recipients of federal funding, such as the State and Metropolitan Planning Organizations, to examine the services that it provides, to assess whether there is a need for additional LEP services, and to develop and implement a system to provide LEP individuals with meaningful access¹⁷ to the appropriate services.

A person who does not speak English as their primary language, and who has a limited ability to read, write, speak or understand English, may be a LEP person and therefore may be entitled to language assistance with respect to Town and sub-recipient services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language, and/or translation, which means the written transfer of a message from one language into another language, and/or the translation of documents, which means written transfer of a formal document or notice from one language into another language.

Presently, the Town uses the company, Language Line Services,¹⁸ which provides a variety of LEP services to the Town, upon request and free to LEP persons who wish to access the Town's programs and activities. The current contract term is valid through October 24, 2020,¹⁹ and such services include telephone interpretation assistance as well as document translation.²⁰

With proper advance notice, typically through contacting the Town's Title VI Coordinator at least two business days prior to the program or activity for which translation services are being requested, such as in the case of Town Board meetings, hearings, or other Town business, LEP

¹⁷ "Meaningful Access" is assessed by employing a four factor analysis. Considerations include (1) the number or proportion of LEP persons in the service area who may be served or are likely to require recipient or sub-recipient services; (2) the frequency with which LEP persons come in contact with recipient or sub-recipient services; (3) the nature and importance of services, as provided by the recipient or sub-recipient to the LEP population; and (4) the resources available to the recipient and sub-recipient, and overall costs to provide LEP assistance.

¹⁸ Language Line Services provided the Town with a "Quick Reference Guide" and an "11 Helpful Tips for Working with an Over-the-Phone Interpreter" guide to facilitate the Town's access to translation services.

¹⁹ See State of New York Contract # PS65923

²⁰ Noted languages include, but are not limited to, Spanish, Chinese, Italian, French and French Creole.

persons can request translation services. The Town also proactively employs different measures for identifying LEP persons who require language assistance through the use of posting notices,²¹ utilizing language identification cards, and the Town requesting employee feedback about employee interaction with the public and the need for LEP services.²²

In addition to utilizing the aforementioned company, the Town also offers staff training, with regards to providing information about the Title VI Policy and LEP responsibilities. Such training would also include a description of language assistance services that are offered to the public, the use of language identification cards, documentation of language assistance requests, and how to handle a potential LEP (and any other Title VI) complaint.

ORGANIZATION AND STAFFING

Virginia Bennett serves as the Town of Southampton's Title VI Coordinator and is charged with coordinating the Town's external Civil Rights program activities to ensure equal opportunity for all. The implementation of the Town's external Civil Rights program includes monitoring and implementing the Town's Title VI programs and activities in compliance with following: The Americans with Disabilities (ADA) Act guidelines; Executive Order No. 12898, regarding Environmental Justice; and Executive Order No. 13166, regarding Persons with Limited English Proficiency.

The Office of Civil Rights, hereafter referred to as "OCR," is primarily tasked with promoting compliance with the U.S. Department of Transportation regulations, hereafter referred to as "USDOT," and the Federal Highway Administration's Title VI policies and mandates, hereafter referred to as "FHWA." Specifically, OCR is responsible for developing procedures and guidance documents to assist the Town, and therefore its sub-recipients, to comply with the USDOT and

²¹ Such posted notices would advise of the Town's LEP Plan and the availability of interpretation or translation services that are offered free of charge in languages that LEP persons would understand.

²² Town employees and sub-recipients are to be periodically, and informally, surveyed on their experience concerning any contacts with LEP persons. One example suggested by the OCR on how to gather such information is when the Town or a sub-recipient holds a program or activity, a staff member can be available to greet participants as they arrive. The theory, as put forth by the OCR, is that by informally engaging participants in conversation, it is possible to gauge each attendee's availability to speak and understand English; even though translation services may not be available at that time or event, it will help identify the need for future events.

FHWA policies and mandates. Therefore, when the Town is providing training to ensure compliance with Title VI requirements, such training should encompass the following: the identification and elimination of discriminatory activities and practices, or the absence or neglect of certain activities and practices that could have a discriminatory outcome.

PROCESS TO IDENTIFY AND ELIMINATE DISCRIMINATION

The Town has appointed an Affirmative Action Committee to review practices and policies of equal opportunity for minorities, women, people with disabilities and other protected classes. At the Town, the **Director of Human Resources, Sandra Cirincione**, is responsible for administering the Affirmative Action Programs. This person is also responsible for conducting an analysis of all personnel actions to ensure equal opportunities and for submitting reports on the progress of the Town's equal opportunity efforts. Sexual harassment, or any other kind of harassment, including harassment based on sexual orientation, will not be tolerated.

The Town's Title VI discrimination complaints procedure is still the primary vehicle by which it pursues allegations of discrimination. The Town makes a concerted effort, through training and program oversight, to eliminate discrimination when found to exist. The Town investigates such allegations, and if proven to exist, will take the appropriate corrective action. Thus, training and education are primary deterrents of discrimination, which underscores how personal and organizational attitudes and behaviors can shape and/or deter allegations of discrimination.

TITLE VI TRAINING

OCR continues its coordination, facilitation and delivery of Title VI related training for internal and external partners, including the Town's program areas and Federal aid sub-recipients. In this regard, OCR utilizes both classroom and on-line training methods. Also, OCR staff and Title VI Coordinators receive training and are able to attend presentations, workshops, and access on-line resources to expand its knowledge and understanding of Title VI issues. To further the Town's goals and ensure the training of its employees, Town employees are provided with an "Employee

Annual Education Form” (as attached hereto in Appendix A), which provides an overview of the Town’s Title VI Policy. Furthermore, each Town employee is to complete an “Employee Acknowledgment of Receipt of the Title VI Plan” (as attached hereto in Appendix B), whereby the employee is to sign and date the form, which is then kept on file with the Town.

TITLE VI MONITORING AND REVIEW PROCESS

The Title VI Program Review is a mechanism to monitor how program areas and sub-recipients are complying with Title VI provisions.²³ To ensure compliance, the Town engages in ongoing monitoring and provides direction, training and technical assistance to internal and external sub-recipients.²⁴

The Title VI Program Review for internal Town program areas includes a desk review by OCR, in which documentation is collected, compiled and examined. If necessary, OCR staff will meet with responsible program personnel to discuss specific processes and procedures, such as reviewing data collection and complaints.²⁵

²³ See 23 C.F.R. § 200.9(b)(7)

²⁴ These are examples of means that the Town can use to monitor and ensure compliance, but the Town is not limited to such measures. The terms “monitor” and “monitoring” are used broadly in the Title VI Plan, as there is no authority that concretely defines these terms or the associated obligations of non-Federal recipients. Thus, the Town will uphold its obligation to monitor its sub-recipients, but will do so in a manner deemed appropriate by the Town and in compliance with all Federal, state, town and local laws and ordinances.

²⁵ OCR employs several strategies for ensuring that the Town, as a recipient, and its sub-recipients are in Title VI compliance. A Title VI Program Review process for recipients focuses on documentation of the following major components of a Title VI Program: developing Title VI Assurances, developing a Title VI Policy Statement, appointing a Title VI Coordinator, developing procedures for processing external discrimination complaints, providing the Town with a list of external discrimination complaints, providing accommodations for LEP persons, ensuring nondiscrimination in local projects and the public participation process, collecting and analyzing data to ensure nondiscrimination in the recipient’s programs and activities, ensuring that Title VI training is provided to staff and sub-recipients, and promoting nondiscrimination in the award of contracts. When monitoring the Town’s program areas, OCR will typically outline the Title VI, ADA, LEP and EJ aspects of the program area to be reviewed. Program reviews examine specific program elements and activities, such as data collection and public outreach. Further action on the part of the Town program area or sub-recipient is not required if the program area or sub-recipient has demonstrated, and documented, compliance. In the event that the Town’s program area or sub-recipient cannot demonstrate compliance with Title VI, ADA, LEP or EJ requirements, then OCR will notify the Town in writing and then the Town is required to develop a corrective action plan within ninety (90) days. OCR would monitor the corrective action plan and provide technical assistance to the Town’s program area or sub-recipient to ensure that corrective actions are in place. Program monitoring is approached via several methods, including self-monitoring, internal program reviews, and external monitoring.

In accordance with Title VI requirements, state transportation agencies are required to have procedures in place to ensure nondiscrimination during both pre-award and post-award activities. Given that it is impossible to examine every possible project or activity, the Town agrees to take the initiative and self-monitor and analyze the specific procedures and actions being taken to ensure that such pre-award and post-award decisions are made in a non-discriminatory fashion.

SUB-RECIPIENT REVIEW PROCEDURES

All sub-recipients, which includes but is not limited to subcontractors and vendors, who receive payments from the Town where funding originated from any federal source, are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package that becomes an associated and incorporated component of the contract.

INVESTIGATION OF COMPLAINTS

The Title VI complaint procedures are intended to provide aggrieved persons with an avenue to raise complaints of discrimination with regards to Town programs, activities and services, as required by statute. Thus, any person who believes that they or as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination as prohibited by Title VI of the Civil Rights Act of 1964, may file a complaint.²⁶ A complaint may also be filed by a representative on behalf of such a person.

The Town provides a Title VI Complaint Form, as attached hereto in Appendix C, which may be used by such persons to submit the complaint information. Nevertheless, if complainants would prefer to date and sign a letter, such means will be accepted by the Town, so long as it includes the same information as requested in the Complaint Form.

²⁶ As stated in 49 C.F.R. § 21.11(b) (1973)

The complaint must be filed in writing with the Town at the following address in order for the Town to properly receive and investigate any complaints of alleged discrimination:

Town of Southampton
Attn: Virginia Bennett
Title VI Coordinator
Community Services
116 Hampton Road
Southampton, New York 11968

The Town also encourages all complainants to certify all mail that is sent through the U.S. Postal Service to ensure that all written correspondence can be tracked. However, the Town also has a form letter to forward to complainants to acknowledge receipt of their complaint and to indicate that it is currently being reviewed and investigated, a sample of which is attached hereto in Appendix E, which is to be mailed within seven (7) days of receipt of the initial complaint.

Submission of a Complaint

All complaints alleging discrimination based on race, color, sex, national origin, age, disability, or income status, in a service or benefit provided by the Town will be directly addressed by the Town for investigation. The Town shall also provide the appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Also, the Town shall make every effort to address all complaints in an expeditious and thorough manner.

In all situations, the Town's employees must contact the same immediately upon receipt of Title VI related statute complaints. An employee's failure to follow-up may result in disciplinary action.

Investigation of the Complaint

The Town's Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at her discretion, assign a capable person to investigate the complaint. The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the course of the investigation.

The investigator assigned shall prepare a written plan, which includes, but is not limited to, the following: names of the complainant(s) and respondent(s); the basis for the complaint; issues, events or circumstances that caused the person to believe that he or she has been discriminated against; information needed to address the issue being alleged; criteria and sources necessary to obtain the information; the identification of key people; the estimated time needed to properly investigate the issues being alleged; and the remedy sought by the complainant.

In conducting the investigation, the investigation will only address those issues relevant to the allegations made in the complaint. Furthermore, confidentiality will be maintained to the extent reasonably possible. Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint, and the investigator will ask questions to elicit such information about these aspects of the case. A chronological contact sheet is to be maintained throughout the investigation.

As complaints are being investigated, it may be determined that the Town will have to follow-up with the complainant for additional information. The complainant shall make himself or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth. Note that any failure on the part of the complainant to provide the requested information will result in the administrative rejection of the complaint.

Once the investigator concludes the investigation, the investigator is to prepare an investigative report and submit said report, along with any supporting documentation, to the Department of Community Services, for the Town's Title VI Coordinator's review.

Time Limitations on Filing Complaints

Complaints must be filed within 180 (one-hundred eighty) days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the prescribed 180 (one-hundred eighty) day timeframe, then the complainant will have an additional 60 (sixty) days after becoming aware of the illegal discrimination to file the complaint.

The complaint itself must set forth, as fully as possible, the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, then the complainant will be assisted in converting the verbal complaint in to a written complaint. However, all complaints must be signed and dated by the complainant and/or the complaint's representative, before such complaint will be considered.

Notification of the Outcome of the Complaint

Once the complaint is fully investigated by the Town, the Title VI Coordinator will send a final written response letter to the complainant, stating that the complaint was either substantiated (see a sample letter in Appendix E) or that the complaint was unsubstantiated (see a sample letter in Appendix F). The Title VI Coordinator shall make such a determination based on the totality of the aforementioned processes.

In the letter notifying the complainant that their complaint was not substantiated, the complainant will also be advised of his or her right to: (a) provide additional information to the Town for further consideration and investigation within 7 (seven) calendar days of receipt of the Town's final written decision; and/or (b) file a complaint externally with the New York State Department of Transportation, the U.S. Department of Transportation, and/or the Federal Transit Administration. The contact information for each of these organizations is provided below:

New York State Department of Transportation
Office of Civil Rights, Title VI Unit
50 Wolf Road, 6th Floor
Albany, New York 12232

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue
Washington, D.C. 20590

Federal Transit Administration
Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Finally, the Town prohibits the retaliation against, or intimidation of anyone, that either takes action or participates in action to secure the rights protected by these laws.²⁷

Town Maintenance of a Complaint Log

The Town maintains a designated Title VI Complaint Log. Through the use of this log, the Town assigns an identifying case number to the complaint, notes the complainant's name and address, the date that the complaint was filed, the alleged basis of the complaint, allows for notes on the status of the complaint, and keeps a record of the final disposition. The information in the Title VI Complaint Log is used to streamline the Town's information and for internal office purposes only.

DATA COLLECTION AND REPORTING

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed "Acknowledgments of Receipt" from the employees indicating receipt of the Town's Title VI Plan, copies of the Title VI complaints or lawsuits and such related documentation, and records of correspondence to and from complainants and Title VI investigations.

With regard to the investigations of complaints of alleged discrimination, all such records and investigative files are maintained in a confidential area and are kept for a minimum 3 (three) years. Copies of any and all complaints, together with a copy of the investigation report and final decision letter will be forwarded to the New York State Department of Transportation, Title VI Coordinator, Office of Civil Rights, within 60 (sixty) days of the receipt date of the complaint.

In addition, state and local transportation agencies are required to have procedures in place to collect and analyze statistical data (including, but not limited to, race, color, national origin, age, sex, and disability). Such data can help inform decision making and avoid inadvertent discriminatory practices.

Most program areas are responsible for collecting and analyzing data in some capacity, and they share the data information collected as part of the annual Title VI reporting process. Data collection and utilizing the information in this manner allows the Town and OCR to better understand how

²⁷ Pursuant to 49 C.F.R. Part 21.11(e), the statute prohibits any form of intimidation, threats, coercion, or discrimination against any person who makes a complaint, testifies, assists, or participates in any manner of the investigation. Also, the statute provides for the identity of the complainant to remain confidential, except to the extent necessary to effect the purpose of investigating and/or resolving the complaint.

the programs are successful and what strategies could be employed to better leverage data tools and resources.

In addition, data is also collected at public meetings, events and activities. By having participants sign-in, which records the participant's name and other contact information, the information collected is used for Town and department purposes, including but not limited to developing future projects or influencing other department initiatives.

At these meetings, along with a sign-in sheet, the "Title VI Public Involvement Survey" is also made available to participants (see Appendix G for a sample survey form). This survey is voluntary, however the biographical and demographic information collected is analyzed to ensure that affected communities and interested persons are provided with equal access to programs and activities.²⁸

The Town's Title VI Coordinator is responsible for collecting and maintaining the data. The data, which is collected formally and informally throughout the year, is to be compiled on an annual basis. The subsequent report will be available to the public, upon request, by contacting the Title VI Coordinator and Department of Community Services, for which such contact information is provided herein.

TITLE VI INFORMATION DISSEMINATION

In order for the Town to adequately disseminate information about Title VI of the Civil Rights Act of 1964, as well as its policy of nondiscrimination, a narrative explaining as much is included in posters that are displayed in Town facilities. An example of such language and information is attached hereto in Appendix H.

Furthermore, the Title VI informational posters shall be prominently and publicly displayed on the Town's website as well as in physical locations associated with applicable sub-recipients, as deemed appropriate. The name of the Title VI coordinator is available on the Town's website, at

²⁸ Federal regulation 23 C.F.R. Part 200.9(b)(4) requires that all state departments of transportation develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of, state transportation programs, such as relocatees, impacted citizens, and affected communities.

<http://www.Southamptontownny.gov>. Additional information relating to the Town's nondiscrimination obligations can be obtained from the Town's Title VI Coordinator.

Title VI information shall be disseminated to the Town's employees annually via the Employee Education form (as aforementioned, see Appendix A) in payroll envelopes. This form reminds employees of the Town's policy statement, and of their Title VI responsibilities in their daily work and duties. During New Employee Orientation, new employees shall be informed of the provisions of Title VI and the Town's expectations for them to perform their duties accordingly. All employees shall be provided a copy of the Title VI Plan and are required to sign and return the Acknowledgment of Receipt (as aforementioned, and as attached hereto in Appendix B).

ADDITIONAL RESOURCES

To access the authorities that were compiled to create the aforementioned Title VI Plan, reference the following leading legal resources:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.)
- Section 162(a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. § 324)
- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Civil Rights Restoration Act of 1987
- 49 C.F.R. Part 21
- 23 C.F.R. Part 200
- USDOT Order 1050.2
- Executive Order No. 12898 (Environmental Justice)
- Executive Order No. 13166 (Limited English Proficiency)

Note that while an Executive Order has the force of a law, a lawsuit may not be brought under an Executive Order. For additional guidance and useful links, reference the following website: <http://www.fhwa.dot.gov/civilrights/programs/tvi.cfm>

Appendix A

EMPLOYEE ANNUAL EDUCATION FORM

Town of Southampton's Title VI Policy

It is the policy of the Town of Southampton, hereafter referred to as "Town", to prevent and eliminate discrimination on the basis of race, color, sex, national origin, age, marital status, disability, sexual orientation, parental status, family medical history or genetic information, political affiliation, military service or any other non-merit based factor, in any and all of its operations and services, as well as all aspects of employment. It is also the policy of the Town to administer all phases of its personnel activity, including recruitment, hiring, placement, upgrading, training, promotion, transfer, separation, recall, compensation, benefits, education, recreation, and all other conditions or privileges of employment without regard to the aforementioned protected groups of persons.

All employees of the Town are expected to observe this policy in their daily work and duties. If a citizen approached you with a complaint, direct him or her to Virginia Bennett, Title VI Coordinator.

Appendix B

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT OF THE TITLE VI PLAN

I hereby acknowledge the receipt of the Town of Southampton's Title VI Plan. I have read the Plan and I am committed to ensuring that no person is excluded from participation in, or denied the benefits of, the Town of Southampton's services on the basis of race, color, sex, national origin, age, marital status, disability, sexual orientation, parental status, family medical history or genetic information, political affiliation, military service or any other non-merit based factor, as provided by Title VI via either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Aviation Administration (FAA), or the Federal Railroad Administration (FRA).

Employee Signature

Print Name

Date

Please return the completed form to:

Town of Southampton
Attn: Virginia Bennett, Title VI Coordinator
Department of Community Services
116 Hampton Road
Southampton, New York 11968

Appendix C

TITLE VI COMPLAINT FORM

If you feel that you have been discriminated against by the Town of Southampton, please provide the following information in order to assist us in processing your complaint and send it to the address provided:

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, sex, national origin, age, marital status, disability, sexual orientation, parental status, family medical history or genetic information, political affiliation, military service or any other non-merit based factor, be excluded from participation in or be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

1. Your Name and Address:

Name: _____

Address: _____

Telephone No.: Home _____ Mobile _____ Work _____

2. Person(s) Discriminated Against, if different from above:

Name: _____

Address: _____

Telephone No.: Home _____ Mobile _____ Work _____

Please Explain your Relationship to this Person: _____

_____.

Check off the appropriate category as to which your complaint pertains, and then provide a description, explaining as clearly as possible, what occurred and why you believe it happened and how you were discriminated against. Provide the name(s) of and witness(es) or other person(s) involved in the alleged discrimination.

3. Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the department or agency in its treatment of you or others?

_____ Race/Ethnicity

_____ Income Status

_____ Sex

_____ Disability

_____ National Origin

_____ Age

Explain: *(If necessary, attached additional sheets of paper)*

Please list below any persons (witnesses, employees or others), if known, whom we may contact for additional information to support or clarify your complaint. Include name, address, and a phone number.

4. What is the most convenient time and place for us to contact you about this complaint?

5. To the best of your recollection, on what date(s) did the alleged discrimination take place?

Earliest Date of Discrimination: _____

Most Recent Date of Discrimination: _____

6. Complaints of discrimination must be filed within 180 (one-hundred eighty) days of the alleged discrimination. If the most recent date of discrimination, as noted above, is more than 180 (one-hundred eighty) days ago, then you may request a waiver of the filing requirement. If you wish to request a waiver, please use the space below to explain why you waited until now to file your complaint.

7. Do you have any other information that you think is relevant to our investigation of your allegations?

8. What remedy are you seeking for the alleged discrimination?

9. Have you, or the person allegedly discriminated against, filed the same or any other complaints with other governmental offices (including, but not limited to, the Federal Transit Administration, Federal Highway Administration, or the Department of Civil Rights)?

_____ Yes _____ No

If yes, please state the name, address, and contact information of the agency where the complaint was filed and the current status of that complaint:

Agency: _____

Contact Person: _____

Address: _____

Telephone Number: _____

10. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following information:

Attorney Name: _____

Address: _____

Office Telephone No.: _____

11. We cannot accept a complaint if it has not been signed. **Please sign and date the complaint form below.**

Signature

Date

Print Name

Please return the completed form to:

Town of Southampton
Attn: Virginia Bennett, Title VI Coordinator
Department of Community Services
116 Hampton Road
Southampton, New York 11968

The Town encourages all persons to certify their complaints for all mail being sent through the U.S. Postal Service as to ensure that all written correspondence can be tracked.

This form may be used to file a complaint with the Town of Southampton based on Title VI of the Civil Rights Act of 1964. However, you are not required to use this form; a letter that provides the same information may be submitted to file your complaint.

Note: The Town of Southampton prohibits retaliation or intimidation against anyone who takes action or participated in action to secure the rights protected by the Town's policies. Please inform the Town of Southampton's Personnel Department if you feel you were intimidated or experience perceived retaliation with regards to filing this complaint.

Appendix D

TITLE VI COMPLAINT FORM ACKNOWLEDGMENT

[Date]

[Complainant's Name]
[Address]
[City, State, Zip Code]

Dear Mr./Mrs. [Complainant's Name]:

This letter is to acknowledge receipt of your complaint against the Town of Southampton alleging acts of discrimination.

An investigation is underway. If you have any additional information that you wish to convey or questions concerning this matter, please feel free to contact the Department of Community Services at 631-702-2423, or in writing to the Town of Southampton, 116 Hampton Road, Southampton, New York 11968.

Thank you.

Sincerely,

Virginia Bennett
Department of Community Services
Title VI Coordinator

Appendix E

LETTER TO NOTIFY THAT COMPLAINT IS SUBSTANTIATED

[Date]

[Complainant's Name]
[Address]
[City, State, Zip Code]

Dear Mr./Mrs. [Complainant's Name]:

Previously you contacted the Town of Southampton in your letter dated _____, whereby you filed a complaint against the Town alleging a Title VI violation.

Upon further investigation, a violation of Title VI of the Civil Rights Act of 1964 appears to exist. Efforts are underway to correct the deficiencies that were identified.

Thank you for calling this important matter to the Town's attention. If an administrative hearing is necessary you may be contacted by this office, or from federal authorities.

Thank you.

Sincerely,

Virginia Bennett
Department of Community Services
Title VI Coordinator

Appendix F

LETTER TO NOTIFY THAT COMPLAINT IS UNSUBSTANTIATED

[Date]

[Complainant's Name]

[Address]

[City, State, Zip Code]

Dear Mr./Mrs. [Complainant's Name]:

The matter referenced in your complaint, dated _____, which alleges Title VI violations against the Town of Southampton, has been investigated.

The outcome of the investigation indicates that the provisions of Title VI of the Civil Rights Act of 1964 have not been violated. As you know, Title VI prohibits discrimination based on race, sex, income status, disability, age, or national origin in any program receiving federal financial assistance.

The Town of Southampton has analyzed the materials and facts pertaining to your case as potential evidence of the Town's failure to comply with any of the Civil Rights laws. However, upon further investigation, there was no indication that any of these laws have been violated.

Therefore, at this time, your complaint has been deemed to be unsubstantiated, and the file on this matter will be closed.

You have the right to (a) provide additional information to this office within seven (7) calendar days of receipt of this final written decision from the Town, which would enable the Town to reconsider your complaint, and/or (b) file a complaint externally with the U.S. Department of Transportation, the New York State Department of Transportation and/or the Federal Transit Administration at:

New York State Department of Transportation
Office of Civil Rights, Title VI Unit
50 Wolf Road, 6th Floor
Albany, New York 12232

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue
Washington, D.C. 20590

Federal Transit Administration Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Thank you for taking the time to contact us. If I can be of any assistance to you in the future,
please do not hesitate to contact me.

Sincerely,

Virginia Bennett
Department of Community Services
Title VI Coordinator

Appendix G

TITLE VI PUBLIC INVOLVEMENT SURVEY

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 New York State Department of Transportation (NYSDOT) and the Town of Southampton to provide opportunities 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 completing this form, you are assisting NYSDOT and the Town of Southampton to comply with all Title VI and related statutes, which require the collection of statistical data to aid in assessing the Town's outreach efforts among those who are affected or interested in this project.

The Town's Title VI Coordinator will handle all information confidentially. Please contact Virginia Bennett Title VI Coordinator, at 631-702-2423, if you have any questions or concerns regarding this form.

Meeting Purpose: _____

Location: _____ **Date:** _____

Please check all that apply. Indicate Gender and Race/Ethnicity.

	List Zip Code	Sex: M/F	White	African American	Hispanic/ Latino	Asian	Native American	2 or More Races	Other
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

THANK YOU FOR YOUR PARTICIPATION!

Appendix H

**SAMPLE NARRATIVE FOR INCLUSION IN POSTERS TO BE DISPLAYED IN
TOWN OF SOUTHAMPTON FACILITIES**

Town of Southampton Nondiscrimination Public Notice

Title VI of the Civil Rights Act of 1964

The Town of Southampton hereby gives public notice of its **Nondiscrimination Policy** to ensure compliance with Title VI of the Civil Rights Act of 1964, as amended, and as supplemented by all related statutes and regulations, which applies to any and all Town services, programs, and activities that are Federally funded.

Any person who believes that he or she has individually, or as a member of any specific class of persons, been excluded from participation in, been denied the benefits of, or otherwise been subjected to discrimination under any Town service, program or activity, and believe that the discrimination is based on race, color, national origin, gender, age, income, disability or limited ability to speak English, has the right to file a formal complaint.

Complaints will be accepted in writing and may be filed with the Town’s Title VI Coordinator within 180 days from the date of the alleged act of discrimination.

For more information and for a Title VI Complaint Form and instructions on how to file a discrimination complaint, access our website at www.Southamptontownny.gov, or write to the address below. If this notice is needed in another language, contact our office at:

Town of Southampton
Attention: Virginia Bennett, Title VI Coordinator
Department of Community Services
116 Hampton Road, NY 11968
Telephone: 631-702-2423

{DATE}

Jay Schneiderman, Supervisor
Town of Southampton