

TITLE VI PLAN ADMINISTRATION

The Title VI/Nondiscrimination Coordinator shall have lead responsibilities for coordinating the administration of the Title VI and related statutes program, plan and assurances for the sub-recipient.

Dissemination of the City's Title VI Policy:

The City of Harlingen disseminates its Title VI Nondiscrimination Policy Statement, Title VI Nondiscrimination Plan, and complaint procedures internally and externally, to the general public, by including the policy statement on the City's website. The website also provides access to forms to file external discrimination complaints under Title VI.

Title VI information posters shall be sent to all City Department Heads and Elected Officials to post in a conspicuous location in their department or building.

Title VI Nondiscrimination information disseminated to City employees via the City website, www.myharlingen.us, and through an annual notice. New City employees hired on or after October 1, 2017, are informed of the provisions of Title VI, provided a copy of the Title VI Nondiscrimination Policy Statement, and are required to sign an Acknowledgement of Receipt during New Employee Orientation.

All subcontractors and vendors who receive payments from the City of Harlingen, where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 and 49 CFR Part 21. Written contracts shall include nondiscrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

The name of and contract for the Title VI/Nondiscrimination Coordinator is available on the City website, at www.myharlingen.us. Additional information relating to nondiscrimination obligations and information on filing complaints can be obtained from the City's Title VI/Nondiscrimination Coordinator.

Complaints:

If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City's Title VI/Nondiscrimination Coordinator. Every effort will be made to resolve complaints informally and at the lowest level first.

Data Collection & Analysis:

Statistical data on race, color, national origin, English language proficiency and sex of participants in and beneficiaries of federally funded programs, e.g. impacted citizens and affected communities, will be gathered and maintained by the City on a project-by-project basis.

City of Harlingen department heads will use surveys, questionnaires, and/or Census data and maps to perform the following:

1. Analyze the population benefitting from a project, including analyzing the benefits to traditionally underserved populations, if any;
2. Identify the population burdened by the projects, including traditionally underserved populations;
3. Perform a language needs assessment;
4. Determine how best to disseminate information to the affected populations;
5. Determine how best to prioritize investments; and
6. Analyze the impact of the investment.

The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews:

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and issues. The reviews will be conducted by the Coordinator to assure effectiveness in their compliance with Title VI provisions. The Title VI/Nondiscrimination Coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels. The City will conduct reviews annually by the end of the calendar year.

TXDOT Annual Reporting Form:

The Title VI/Nondiscrimination Coordinator will be responsible for coordination, compilation, and submission of the Annual Work Plan and Accomplishments Report to the Texas Department of Transportation, Office of Civil Rights via TXDOT's Title VI/Nondiscrimination Annual Work Plan & Accomplishments Report Development Guide, as presented in TXDOT's Title VI/Nondiscrimination Technical Assistance Guide for Sub-Recipients.

TXDOT Title VI Plan Updates:

If this plan is updated, a copy of the Title VI/Nondiscrimination Plan will be submitted to the Texas Department of Transportation within 90 days from date of approved update. The City will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change of Commissioners' Court members.

Remedial Action:

The City, through the Title VI/Nondiscrimination Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When deficiencies are identified, procedures will be promptly implemented to correct the deficiencies and establish written corrective action(s). The period to determine corrective action(s) and respond in writing to ensure compliance may not exceed 90 days from the date the deficiencies are identified.

Record Keeping:

Any records related to the Title VI/Nondiscrimination Plan shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer; however, should records be the subject of a grievance, administrative action, litigation or other formal complaint, said records must be maintained for the minimum retention period and thereafter until the final disposition or resolution of the complaint.

Complaint Procedures

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subject to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with TxDOT. A complaint may also be filed by a representative on behalf of such a person or group.

Complaints submitted shall be in writing and must be signed by the complainant and/or the representative. Complainants can complete TxDOT's External Discrimination Complaint Form available on TxDOT's website in English and Spanish. Additionally, information on how to file a discrimination complaint is included in TxDOT's "Title VI and You" brochure, also available on TxDOT's website in English and Spanish.

Roles and Responsibilities

Title VI/Nondiscrimination Coordinator is charged with the primary responsibility of processing Title VI external discrimination complaints received by TxDOT. All discrimination complaints received by DDs must be referred to the Title VI/Nondiscrimination Coordinator for review and action. The Title VI/Nondiscrimination Coordinator processes complaints consistent with FHWA's External Discrimination Complaint Handling Procedures, which includes maintaining a complaint log, using form letters, and its investigative process.

Timeframe for Filing Complaints

In order to have the complaint considered under Title VI, the complaint must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person(s) became aware of the alleged act(s) of discrimination; or
- Where there has been a continuing course of conduct, the date on which that conduct was discovered.

In either case, TxDOT may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

Processing Complaints

Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the alleged discrimination. In the event that a person makes a verbal complaint to a TxDOT employee, that person shall be interviewed by the Title VI/Nondiscrimination Coordinator. If necessary, the Title VI/Nondiscrimination Coordinator will assist the person in documenting the complaint in writing and submitting the written version to the person for signature.

Within 10 days of receipt of the complaint, the Title VI/Nondiscrimination Coordinator will acknowledge receipt, inform the complainant of action proposed or taken, and advise the complainant of other avenues of redress available, such as filing with the Investigation and

Adjudications Unit at FHWA Headquarters Office of Civil Rights and the U.S. DOT. Complainants are also provided a copy of TxDOT's Title VI informational brochure, "Title VI and You."

Title VI complaints filed directly with TxDOT against its subrecipients will be processed in accordance with the FHWA approved complaint procedures as required under 23 CFR 200.9(b)(3). However, FHWA has the authority for making all final decisions, including dismissing complaints and issuing letters of findings. All complaints are investigated unless:

- The complaint is withdrawn by the complainant;
- The complainant fails to provide required information after numerous attempts;
- The complaint is not filed timely; or
- The complaint is involving an issue other than discrimination or if the complaint is not based on a protected class.

Complaints filed under Title VI with TxDOT in which TxDOT is named as the respondent will be forwarded to FHWA within 10 days of receipt of the allegation for processing. The following information will be provided to FHWA:

- Name, address, and phone number of the complainant;
- Name(s) and address(es) of alleged discriminating official(s);
- Basis of complaint (i.e., race, color, national origin, sex, age, disability);
- Date of alleged discriminatory act(s);
- Date of complaint received by TxDOT;
- A statement of the complaint;
- Other agencies (state, local or federal) where the complaint has been filed; and
- An explanation of the actions TxDOT has taken or proposed to resolve the issue raised in the complaint.

Investigative Process

Within 60 days of receipt of the complaint, the Title VI/Nondiscrimination Coordinator will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to FHWA. FHWA will issue final decisions in all cases, including those complaints investigated by the Title VI/Nondiscrimination Coordinator. The complaint will be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings. No information is disclosed with TxDOT personnel or any other party not involved in the investigative process.

Developing an Investigative Plan

An Investigative Plan (IP) will be prepared to define the issues and lay out the blueprint to complete the investigation. The IP is used to keep the investigation on track and focused on the issues and sources of evidence or corroboration. The IP outline is as follows:

- Complainant name and contact information, and that of their attorney, if applicable;

- Respondent name and contact information, and that of their attorney, if applicable;
- Applicable laws and regulations;
- Basis of complaint (i.e., race, color, national origin, sex, age, disability);
- Allegation(s)/Issue(s);
- Theory(ies) of discrimination (for Title VI only);
- Background;
- Interviewee(s) name and contact information;
- Questions for the complainant, respondent, and interviewee(s);
- Evidence to be obtained;
- Estimated investigation time line;
- Remedy sought by the complainant(s).

Complaint Log

The Title VI/Nondiscrimination Coordinator maintains a complaint database to document all activity related to the complaint. Screen shots of the database are included as Attachment 6. Information captured includes:

- Complainant's name and if provided, race, color, age, gender, disability, and national origin;
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.

Preparing the Report of Investigation

A Report of Investigation (ROI) will be prepared setting forth all the relevant facts obtained during the investigation. The ROI will include a finding for each issue and recommendations, where necessary. Documentation regarding any attempts and outcomes that were made to resolve the complaint prior to the initial receipt of the written complaint will be summarized in the ROI. The ROI and recommended decision will be forwarded to the FHWA for a final decision.