



TOWN OF NORTH HEMPSTEAD TITLE VI POLICY

I. TITLE VI NONDISCRIMINATION STATEMENT

The Town of North Hempstead (“Town”) seeks to ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, Part 21; and related statutes and regulations to the end that no person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color, or national origin.

Toward this end, it is the Town’s objective to:

- A. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- B. Identify and address, as appropriate, disproportionately high and adverse effects of programs and activities on minority populations and low-income populations;
- C. Promote the full and fair participation of all affected populations in transportation decision making;
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- E. Ensure meaningful access to programs and activities by persons with limited English proficiency.

The responsibility for carrying out the Town’s commitment to this program has been delegated to the Title VI Coordinator by the Town Board and is responsible for the day-to-day operations of this Program.

The Town Attorney’s Office shall maintain overall authority for enforcement of the Town’s Title VI policies instituted and carried out by the Town. The Town Attorney shall exercise all powers delegated by the Supervisor, including, but not limited to, the receipt, acknowledgement, investigation, review, final disposition, and reporting of Title VI complaints. However, all managers, supervisors and employees share in the responsibility for making the Town’s Title VI Program a success.

Additional information concerning the Town’s Title VI obligations and the complaint procedure can be found on the Town’s web site www.northhempsteadny.gov or by calling (516) 869-6311.

II. COMPLAINT PROCEDURES

a. PURPOSE

This complaint procedure is designed to provide guidance on the identification, reporting and investigation of complaints asserting claims arising under Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations “Title VI”. Title VI prohibits discrimination on the basis of race, color, and national origin, and provides that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any federally-funded program or activity, including the services and other transit-related benefits provided by the Town. Title VI does not cover employment-related discrimination complaints arising under Title VII of the Civil Rights Act of 1964 and other statutes, which are governed by Policy/Code entitled Equal Employment Opportunity Policy (EEO)/ Anti-Discrimination Law.

b. SCOPE

This procedure applies to all Town departments responsible for receiving, identifying, reporting, processing, and resolving complaints of discrimination asserted under Title VI.

c. DEFINITIONS

1. Administrative Closure: A complaint that is closed without an investigation.
2. Complainant: An individual who files a Title VI complaint.
3. Discrimination: Any act or any failure to act, which has the effect of excluding or denying a person from participation in benefits, or has otherwise subjected a person to unequal treatment under any program or activity, including transit services and other benefits, because of race, color, or national origin.
4. Title VI Complaint: A written complaint alleging a violation of Title VI made by a Complainant, usually a customer, and filed with the Town Attorney’s office. Only complaints alleging discrimination in transit services and benefits provided by the Town on the basis of race, color, or national origin will be considered Title VI complaints for purposes of this Policy.
5. Title VI Program: The system of requirements, procedures, and actions adopted by the Town, and approved by the Federal Transit Administration (FTA), which are deemed necessary and appropriate to comply with Title VI.

d. RESPONSIBILITIES

1. Town Attorney’s office- Maintains overall authority for enforcement of the Town’s Title VI policies instituted and carried out by the Town Attorney’s office. The Town Attorney shall exercise all powers delegated by the Supervisor, including,

but not limited to, the receipt, acknowledgement, investigation, review, final disposition, and reporting of Title VI complaints.

2. Title VI Coordinator: Reports to the Town Attorney and is responsible for the coordination, development, implementation, and monitoring and training of and for the Town's Title VI Program. The Coordinator will reside in the Department of Finance.
3. Town Responsibilities: Any department, division, or office may receive a complaint alleging what might arguably be construed as a Title VI violation. For those complaints it receives, the department or division is responsible for responding in the same fashion as it would respond to any other service-related complaint. However, if the complaint appears to allege a Title VI violation, the receiving department should also notify the Complainant of his or her right to follow up by filing a written Title VI complaint. With respect to each such response, the receiving department should advise the Complainant of the following:

“The Town is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its services on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964 (“Title VI”). If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with the Town Attorney’s office at 220 Plandome Road, Manhasset, NY 11030”.

The department or division shall report all complaints it receives that might arguably be construed as asserting allegations of Title VI discrimination to the Town Attorney’s office within a reasonable time after receiving such complaint.

e. PROCEDURES

1. How to File a Title VI Complaint (using the Title VI complaint form)

Title VI complaints must be filed within 180 days of the most recent allegation of discrimination. The complaint must include the following information:

- A written statement of facts supporting the allegation of discrimination, including the date of the alleged discrimination, the location and the names, addresses, and telephone numbers of any witnesses;
- The Complainant’s name, address, telephone number, electronic mail address or other method of communicating with the Complainant;
- The type of discrimination alleged, i.e., race, color, or national origin;
- The name or other identifying information of the individual alleged to have engaged in the discrimination;
- The transit service or other benefit that the Complainant was allegedly denied.

A complaint must be filed in writing with the Town as follows:

Town Attorney's Office
Town of North Hempstead
220 Plandome Road
Manhasset, NY 11030

An individual who alleges a violation of Title VI either by telephone or e-mail will be advised that such a complaint must be made in writing to the Town Attorney's office.

For assistance to complainants, a sample Complaint Form is included for filing a Title VI complaint with the Town.

2. Assignment of Title VI Complaint Number

All complaints alleging race, color, or national origin discrimination in a service or benefit provided by the Town should be immediately assigned a complaint number by the Town Attorney's office. However, only when a written complaint is received should the Town Attorney's office assign a Title VI complaint number.

3. Acknowledgement of the Complaint

The Town Attorney's office should send written confirmation to the Complainant within a reasonable time, advising the Complainant that the Town has received the complaint and is reviewing its allegations.

4. Processing the Complaint

The Town Attorney's office should provide appropriate assistance to Complainants, including those persons with disabilities, or who speak a language other than English, or who may need assistance in submitting their complaints to the appropriate department.

In instances where additional information is needed for assessment or investigation of the complaint, the Town Attorney's office shall contact the Complainant in writing within a reasonable time. The Town Attorney's office should explain in the letter to the Complainant that the failure to provide the requested information by a certain date may result in the administrative closure of the complaint.

5. Complaint Investigation

The Town Attorney's office should prepare a draft written response or, if appropriate, administratively close the complaint. The Town Attorney's office should use best efforts to respond to Title VI complaints within 60 working days of its receipt of such complaints. The Town Attorney's office will send a final written response to the Complainant and advise the Complainant of his or her right to file a complaint externally.

6. External Redress

In addition to the complaint process within the Town, a Complainant may file a Title VI complaint with the U.S. Department of Transportation, Federal Transit Administration, Office of Civil Rights, One Bowling Green, Room 429, New York, NY 10004-1415.

7. Freedom from Reprisal or Interference

Reprisal against or interference with a Complainant's right to file a Title VI complaint, testify, assist, or participate in any manner in an investigation constitutes a violation of the Town's Title VI Program.

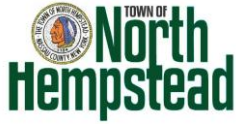
8. Title VI Training

The Coordinator is responsible for the coordination of Title VI Awareness Training. Personnel in Town departments who manage and supervise the handling of customer complaints will periodically attend such Title VI Awareness Training.

9. Monitoring and Reporting

The Coordinator shall monitor the implementation of the Title VI complaint procedure and shall annually develop a report of alleged Title VI complaints and the disposition of such complaints. The Coordinator will also ensure that the public is made aware of the avenues for filing Title VI complaints.

Approved by North Hempstead Town Board on May 24, 2011/Resolution #346-2011



TOWN OF NORTH HEMPSTEAD (THE TOWN)

TITLE VI COMPLAINT FORM

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. 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.”

The Environmental Justice component of Title VI guarantees fair treatment for all people and provides for the Town, to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations, such as undertaking reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to the programs, services, and information the Town provides.

The Town works to ensure nondiscriminatory transportation in support of our mission to provide effective and efficient management and delivery of public, specialized, and coordinated transportation services in North Hempstead. The Town’s Title VI Coordinator is responsible for civil rights compliance and monitoring to ensure non-discriminatory provision of transit services and programs.

Complaint No.: _____

Complainant’s Name _____

Home Number: _____ Email Address: _____

Work Number: _____

Address: _____

City: _____ Zip Code: _____

List type of discrimination (please check all that apply):

Race ()

National Origin ()

Color ()

Other _____

Please indicate your race/color, if it is a basis of your complaint: _____

Please describe your national origin, if it is a basis of your complaint: _____

Location where incident occurred: _____

Time and date of incident: _____

Name/Position title of the person who allegedly subjected you to Title VI discrimination:

Briefly describe the incident (use a separate sheet, if necessary): _____

Did anyone else witness the incident? Yes () No ()

List witnesses (Use a separate sheet, if necessary):

Name: _____

Address: _____

Telephone No.: _____

Name: _____

Address: _____

Telephone No.: _____

Have you or the person identified in section 6 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 _____ Federal court _____ State agency _____ State court

_____ Local agency

Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Signature

Date