



NECTD Title VI Policy and Procedures

northeastern connecticut transit district
nectd.org

Introduction

The Northeastern Connecticut Transit District (NECTD) is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities and to the delivery of equitable and accessible transportation services. Northeastern Connecticut Transit assures that no person shall on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964, , as amended (42 USC Section 2000d), 49 CFR Part 21, and 23 CFR Part 200, FTA Circular 4702.1.B, 49 CFR Part 303 and other related acts and regulations¹ be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. NECTD further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

NECTD's Title VI objectives are to:

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

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.

President John F. Kennedy

¹ see Appendix A for a detail list

populations and low-income populations;

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

To ensure accordance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement, shall be fulfilled when the applicant submits its annual certifications and assurances to FTA. The text of FTA's annual certifications is available on FTA's website. NECTD complies with this instruction annually in order to receive FTA funding.

The responsibility for carrying out NECTD's commitment to this program has been delegated to the NECTD Executive Director by the Board of Directors. However, the Executive Director and all employees share the responsibility for carrying out NECTD's commitment to Title VI.

A Complaint Log will be maintained by NECTD listing 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 NECTD

This list will include the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by NECTD in response, or final findings related to the investigation, lawsuit, or complaint. This list will be included in the Title VI Program submitted to FTA every three years.

Sample Form:

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

Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with NECTD within 180 days of from the date of the alleged discrimination. These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by NECTD. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Complaints may be made by phone, in-person at our offices (125 Putnam Pike Dayville, CT. Monday -Friday 8:30 am to 4:30 pm) or filed with NECTD in writing (including electronic at: rides@nectd.org and addressed to the Northeastern Connecticut Transit District (attention: Executive Director), 125 Putnam Pike (PO Box 759), Dayville, CT 06241. Upon receipt of the complaint, the Executive Director will determine its jurisdiction, acceptability, and need for additional

information, as well as investigate the merit of the complaint. A copy of all complaints received will be forwarded to the Connecticut Department of Transportation Bureau of Public Transportation within seven (7) days of such receipt.

A complainant may also file a Title VI complaint with the U.S. Department of Transportation, Federal Transit Administration's Region I Civil Rights Officer, Transportation Systems Center - Kendall Square, 55 Broadway, Suite 920. Cambridge, MA 02142-1093 - Phone: (617) 494-2055, Fax: (617) 494-2865

NECTD will provide appropriate assistance to complainants who are limited in their ability to communicate in English. To accomplish this task, NECTD utilizes several options:

- The computer(s) operated by District dispatchers have ***AltaVista Babel Fish*** added to the Favorites Listing for easy access for the translations of blocks of texts. This will aid the NECTD staff in the interpretation of services on a one on one basis for LEP individuals visiting the NECTD Office.
- When an interpreter is needed, in person or on the telephone, and NECTD staff has exhausted the above option, staff will first attempt to determine what language is required. Staff will use the telephone interpreter service - ***Language Line Services at <http://www.language.com>***. On the Language Line home page the staff will select the Need an Interpreter Now link and follow the directions to receive and access code.
- Web site - A free on-line translation service, powered by ***Google Translate***, is available on the NECTD web site (www.nectd.org) by clicking the "Translate" link at the top right of any page on the site. Google Translate enables visitors to translate any page of text into more than 60 languages. Users should be aware, however, that Google Translate has its limitations. It is useful for getting the gist of the material on the BMC website, but it does not translate all linguistic nuances.

All complaints will be investigated promptly and every effort will be made to obtain early resolution of complaints. The option of informal mediation meeting(s) between the affected parties and the Executive Director may be utilized for resolution, at any stage of the process. Materials received will be handled in full accordance with the Connecticut Freedom of Information Act (as amended) and other applicable laws. The Executive Director will review each complaint, and when necessary, assign a neutral party to investigate. In instances where additional information is needed, NECTD will contact the complainant in writing. Failure of the complainant to provide the requested information by a certain date may result in the administrative closure of the complaint or a delay in complaint resolution.

At a minimum the Executive Director/investigating officer will:

- Identify and review all relevant documents, practices and procedures;
- Identify and interview persons with knowledge of the Title VI violation, i.e., the person making the complaint; witnesses or anyone identified by the Complainant; anyone who may have been subject to similar activity, or anyone with relevant information.

Upon completion of the investigation, the Executive Director or designated investigator will complete a final report. If a Title VI violation is found to exist, remedial steps as appropriate and necessary will be taken immediately. The Complainant will also receive the final report together with any remedial steps. The investigation process and final report should take no longer than thirty-five (35) business days (Receipt of additional relevant information and/or simultaneous filing of complaint with NECTD and an external entity may expand the timing of the complaint resolution.) If no violation is found and the complainant wishes to appeal the decision, such appeal may be made directly to the NECTD Board of Directors.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., provides that no person shall be subjected to

discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). To that end, NECTD provides translation and interpretation services free of charge upon request by calling (860) 774-3902.

For more information, please contact:

NECTD Executive Director
Northeastern Connecticut Transit District
125 Putnam Pike
Dayville, CT 06241
Phone: 860-774-3902 Fax: 860-779-2056
email: rides@nectd.org

NECTD Title VI Complaint Form

We are asking for the following information to assist in processing your complaint. This form is not mandatory – it is simply provided as a means of assistance in making a complaint. If you need help, including another language, in completing this form please let us know 860-774-3902.

If you have a complaint regarding possible discrimination on the grounds of race, color, or national origin - it will be FULLY investigated as a Title VI issue. If your complaint concerns the accessibility of our transit service, or you believe you have been discriminated against because of your disability, you can file a complaint - we will also FULLY investigate your complaint.

Please provide all facts and circumstances surrounding your issue or complaint so we can fully investigate the incident.

Please mail or return this form to: Northeastern Connecticut Transit District, 125 Putnam Pike (PO Box 759), Dayville, CT 06241
email - rides@nectd.org

1	Complainant's Name:		
	Address:		
	Town:	State:	Zip Code:
	Daytime Phone: ()		
	E-Mail Address (optional):		
	Do you prefer to be contacted via e-mail? <input type="checkbox"/> Yes <input type="checkbox"/> No		
2	Are you filing this complaint on your own behalf?		
	<input type="checkbox"/> Yes, please go to question 6 <input type="checkbox"/> No, please go to question 3		
3	Please provide your name and address		
	Name of person filing complaint:		
	Address:		
	Town:	State:	Zip Code:
	Daytime Phone: ()		

E-Mail Address:

Do you prefer to be contacted via e-mail? Yes No

4 What is your relationship to the person for whom you are filing the complaint?

5 Please confirm that you have obtained the permission of the aggrieved party to file a complaint on their behalf.

Yes, I have permission No, I do not have permission

6 I believe that the discrimination I experienced was based on (check all that apply)

Color Race

National Origin Other

7 Date of alleged discrimination (Month, Day, Year):

8 Where did the alleged discrimination take place?

- 9 Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). Use the back of this form or separate pages if additional space is required.



- 10 Please list any and all witnesses' names and phone numbers/contact information. Use the back of this form or separate pages if additional space is required.

- 11 What type of corrective action would you like to see taken?

12 Have you filed a complaint with any other federal, state, or local agency, or with any federal or state court?

No Yes, please indicate which, where and contacts

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

Signature

Date

If you completed Questions 3, 4 and 5, your signature and date is required

Signature

Date

Appendix A: Authorities

- Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d to 2000d-4);
- Federal Transit Laws, as amended (FTA C 4702.1B) - This Circular delineates the Federal Transit Administration's (FTA) Title VI requirements;
- Title VIII of the Civil Rights Act of 1968, as amended (42 USC 3601-3619)- This Act is known as the Fair Housing Act and Title VIII of this Act prohibits discrimination with respect to the sale or renting of housing;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601-4655)- This Act is known as the Uniform Act and provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and establishes uniform and equitable land acquisition policies for Federal and federally assisted programs;
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794)- No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance (cite taken from 49 CFR 27.1);
- 23 USC 109(h)- Requires the promulgation of guidelines intended to ensure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decision on the project are made in the best overall public interest;
- 23 USC 324- Prohibits discrimination on the basis of sex;
- 23 CFR 200- This part delineates the Federal Highway Administration's (FHWA) Title VI regulation;
- 23 CFR 450 & 49 CFR 613- "Planning Assistance and Standards" (October 28, 1993, unless otherwise noted);
- 23 CFR 771 -Joint FTA/FHWA regulation: "Environmental Impact and Related Procedures" (August 28, 1987);
- 28 CFR 42, Subpart F (Department of Justice regulation)- "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted);
- 49 CFR 21- "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, as amended" (June 18, 1970, unless otherwise noted);
- DOT Order 5610.2-"U.S. DOT Order on Environmental Justice to Address Environmental Justice in
- Minority Populations and Low-Income Populations" (EJ) (April 15, 1997);
- DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons (LEP) (December 14, 2005).
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131 - 12189) as implemented by Department of transportation regulations at 49 C.F.R. pmts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).