



## **Title VI Plan**

**Adopted March 19, 2015**

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## INTRODUCTION

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

Mid-Columbia Economic Development District (MCEDD) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its programs and services on the basis of race, color, sex, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A

### TITLE VI COMPLAINT PROCEDURES

In order to comply with 49 CFR Section 21.9(b), MCEDD has developed procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. Complainants, or their representative, may file a written complaint with the Title VI Complaint Coordinator at any time within one hundred and eighty (180) days from the date of the alleged discriminatory act.

If you believe you have been subjected to discrimination under Title VI, you may file a complaint.

#### **How to file a Title VI Complaint**

You may file a signed, written complaint up to one hundred and eighty (180) days from the date of alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- Name, address, phone number and relationship of Representative to Complainant, if applicable
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant

A form is available at <http://www.mcedd.org/about/policies.htm>, which may be completed for this purpose. (Attachment B)

**The complaint may also be filed in writing with MCEDD at the following address:**

Mid-Columbia Economic Development District  
515 East 2<sup>nd</sup> Street  
The Dalles, OR 97058  
By phone: 541-296-2266  
By fax: 541-296-3283

*NOTE: MCEDD encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.*

#### What happens to your complaint after it is submitted to MCEDD?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by MCEDD will be directly addressed by MCEDD. MCEDD provides for staff to take complaints and forward them to the Title VI Complaint Coordinator (Office Administrator) who categorizes, tracks them, and develops responses and forwards them to the MCEDD Executive Director for approval. The Executive Director will investigate the complaint and make a determination. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Customer will be notified of resolution.

MCEDD shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, MCEDD shall make every effort to address all complaints in an expeditious and thorough manner.

In instances where additional information is needed for investigation of the complaint, MCEDD will contact the complainant in writing. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

Once sufficient information for investigating the complaint is received by MCEDD, a written response will be drafted, subject to review by the organization's attorney. If appropriate, MCEDD's attorney may administratively close the complaint. In this case, MCEDD will notify the complainant of the action as soon as possible.

#### How you will I be notified of the outcome of your complaint

MCEDD will send a final written response to the complainant and advise the complainant of his or her right to 1) appeal within seven (7) calendar days of receipt of the final written decision from MCEDD, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

An appeal request for review of a determination of unlawful denial of access or accommodation to services must be filed, in writing, within 60 calendar days of the incident. The written appeal must include the customer's name, address, and telephone

contact number. A statement of reason(s) why the applicant believes the denial of accommodation request or access to services was inappropriate is recommended.

The MCEDD Board of Directors will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within 30 days of the request. The applicant may submit documents or other information to be included with the record and considered in the review process. Anyone needing special accommodations may contact MCEDD at 541-296-2266 for assistance.

The right of the appellant to a prompt and equitable resolution of the complaint must not be impaired by the appellant's pursuit of other remedies, such as filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

In addition to the complaint process described above, a complainant may file a Title VI complaint or lawsuit with the following offices:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

Washington State Department of Transportation  
Public Transportation Division  
Attn: Title VI Coordinator  
PO Box 47387  
Olympia, WA 98504-47387

U.S. Department of Justice  
Civil Rights Division  
Coordination and Review  
Section – NWB  
950 Pennsylvania Ave, NW  
Washington, DC 20530

#### Disposition of Complaints and Resolution

***Sustained Complaints-*** If the complaint is substantiated and a probable cause of a discriminatory practice based on race, color, or national origin is found to exist, MCEDD shall endeavor to eliminate said practice by means of a Remedial Action Plan. The Remedial Plan shall include: a list of all corrective actions accepted by the agency; description of how the corrective action will be implemented; and a written assurance that the agency will implement the accepted corrective action in the manner discussed in the plan.

**Unsustained Complaints-** If there is insufficient evidence to either prove or disprove the allegation(s) both parties to the complaint will be informed of the reason(s) for this disposition.

**Unfounded Complaint-** If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

**Exonerated Complaints-** If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

#### Recording Title VI Investigations, Complaints and Lawsuits

In order to comply with 49 CFR Section 21.9(b), MCEDD prepares and maintains a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming MCEDD that allege discrimination on the basis of race, color, or national origin. This list includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. The MCEDD Title VI Complaint Coordinator (Office Administrator) maintains these files until closed. The MCEDD Title VI Complaint Coordinator will also maintain a log of all complaints received. Records will be stored according to state and federal record retention requirements. Tracked information will be reported to WSDOT as the grantor of the funds as required in the WSDOT “Guide to Managing Public Transportation Grants.”

#### Additional Information Upon Request

At the discretion of FTA, information other than that required by the referenced circular may be requested, in writing, from MCEDD in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements. The MCEDD Title VI Complaint Coordinator is available to provide additional information as needed and to respond to any inquiry.

### **RECORD OF TITLE VI OR OTHER CIVIL RIGHTS INVESTIGATIONS, COMPLAINTS OR LAWSUITS**

To date, there have been no Title VI investigations, complaints or lawsuits.

### **BOARD COMPOSITION**

At this time, the Mid-Columbia Economic Development District does not have a transit-related, non-elected planning board, advisory council, or committee. MCEDD is overseen

by a Board of Directors, and the table depicting the membership of this Board as of March 2015 is depicted in the table below.

	Caucasian	Hispanic or Latino (of any race)	Black or African American	Asian	Native Hawaiian	American Indian or Alaskan Native	Two or more races	Other
Region Population (2010 Census)	70,005	13,154	307	732	213	1,981	2,379	5,091
MCEDD Board of Directors	20	1	0	0		0		

**LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

MCEDD is committed to breaking down language barriers by implementing consistent standards of language assistance across its service area.

Census. The United States is home to millions of national origin minority individuals with Limited English Proficiency (LEP). That is, their primary language is not English and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with recipients of Federal financial assistance.

Because of language differences and the inability to effectively speak or understand English, persons with LEP may be subject to exclusion from programs or activities, experience delays or denials of services. These individuals may be entitled to language assistance with respect to a particular type of service. The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to establish creative solutions to address the needs of this ever-growing population of individuals, for whom English is not their primary language.

**ANALYSIS OF FACTORS**

**Factor No. 1:** The number or proportion of LEP persons in the service area.

MCEDD's jurisdiction covers Klickitat and Skamania counties in Washington, and Sherman, Wasco, and Hood River counties in Oregon, which are largely English speaking. The vast majority of the population with which we do business (individuals wishing to ride transit, transit agencies, and employers in the region) is Proficient in English. According to the 2007-2011 American Community Survey, 84% of the district's population age five and up speaks English only, while 14% have Spanish as the language spoken at home. Those who speak English less than very well make up 8.74% of the district's population, 96% of which speak Spanish.

**Factor No. 2. The frequency with which LEP individuals come into contact with the service.**

Contacts with MCEDD are made through its office in The Dalles, its websites ([www.mcedd.org](http://www.mcedd.org) and [www.gorgetranslink.com](http://www.gorgetranslink.com)), its Facebook pages, its officers, and its staff who make presentations and build networks among public agencies and private employers in the Columbia River Gorge region. MCEDD serves LEP persons daily via: Spanish content on the Gorge TransLink website and Facebook page that is available online at all times.

We have an average of zero calls a month that require translations, however, MCEDD utilizes translation services from partner organizations in the region, such as The Next Door, Inc. and La Clinica, to produce publications to distribute in Spanish.

**Factor No. 3: The nature and importance of service provided by MCEDD.**

MCEDD provides important mobility management and transportation coordination services to the public through the Gorge TransLink Alliance Mobility Manager.

**Factor No. 4. The resources available to the recipient of the federal funds to assure meaningful access to the service by LEP persons.**

MCEDD's current in-house language capabilities are English, with very limited Spanish. MCEDD partners with The Next Door, Inc. and La Clinica who provide experienced staff fluent in Spanish to assist as needed. MCEDD has not encountered a need to have language services in other languages besides Spanish.

## IMPLEMENTATION PLAN

MCEDD currently has implemented its plan and will review it annually, including any contacts with LEP persons to determine the frequency of contacts, the language used, and how the contacts were handled.

MCEDD identifies LEP persons in the service area by telephone contacts and regional demographics. MCEDD's Title VI policy and Complaint Form are available on our

website. Bus schedules for Gorge TransLink Alliance agencies that are distributed by the Mobility Manager contain Title VI language.

In order to comply with 49 CFR 21.9(d), MCEDD and its sub-recipients must provide information to beneficiaries regarding their Title VI obligations and inform beneficiaries of the protections against discrimination afforded them by Title VI. MCEDD has established a policy statement (Attachment A).

MCEDD provides materials relevant to FTA funded programs, such as outreach materials and policy documents, the Title VI and Anti-Discrimination policies in particular, as translated into Spanish on the MCEDD website and on the Gorge TransLink website. These materials are also available in the MCEDD office upon request. MCEDD partners with local non nonprofits to provide translation services as necessary.

### **NOTIFYING BENEFICIARIES OF THEIR RIGHTS UNDER TITLE VI**

Our website includes our Title VI policy and complaint form. The website also states the Anti-Discrimination Statement listed on page 10 of this plan. MCEDD's Title VI policy and complaint form are also posted at MCEDD's office (located at 515 East 2<sup>nd</sup> Street, The Dalles, OR). Individuals who believe they have been discriminated against may request a complaint form from the Office Administrator at MCEDD's office.

### **ANALYSIS OF CONSTRUCTION PROJECTS**

Over the last three years MCEDD has not completed a construction project requiring an environmental assessment (EA) or environmental impact statement (EIS).

### **INCLUSIVE PUBLIC PARTICIPATION**

Community Outreach is a requirement of Title VI. MCEDD and its sub-recipients shall seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach. Recipients have wide latitude to determine what specific measures are most appropriate and should make this determination based on the composition of the affected population, the public involvement process, and the resources of MCEDD. MCEDD has engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities. MCEDD also follows public notification regulations as required by any federal funds received by MCEDD.

## ANTI-DISCRIMINATION STATEMENT / TITLE VI POLICY

**Anti-Discrimination Statement:** Mid-Columbia Economic Development District and Gorge TransLink Alliance members are affirmative-action, equal-opportunity employers. Public Transportation services are available to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status or veteran status.

**Declaración de Anti-discriminación:** Mid-Columbia Economic Development District y los miembros de la alianza de empleados. Servicios de transporte públicos son disponibles a todos sin importar raza, color, origen nacional, genero, identidad de genero, religión, edad, altura, peso, incapacidad, creencias políticas, orientación sexual, estado de matrimonio , estado familiar o si es veterano de guerra.

MCEDD's Title VI policy and complaint form are posted on the MCEDD website (<http://www.mcedd.org/about/policies.htm>) and at MCEDD's office (located at 515 East 2<sup>nd</sup> Street, The Dalles, OR). Individuals who believe they have been discriminated against may request a complaint form from the Office Administrator at MCEDD's office.

**Ref:** FTA Circular 4702.1A Title VI and Title VI Dependent Guidelines for Federal Transit Administration Recipients

### **Purpose**

The purpose of this policy is to establish guidelines to effectively monitor and ensure that the Mid-Columbia Economic Development District (MCEDD) is in compliance with all FTA Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21.

### **Authorities**

Title VI of the Civil Rights Act of 1964, as amended, provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

### **Policy Statement**

MCEDD assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, as amended, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MCEDD is committed to creating and maintaining programs and services that are free of all forms of discrimination.

### **Responsibilities**

All employees of MCEDD shall follow the intent of these guidelines in a manner that reflects the organization's policy. Employees receiving information regarding violations of this order shall determine if there is any basis for the allegation and shall proceed with

resolution as stated in the sections *Employee Responsibility* and/or *Investigation of Complaints and Appeal Process*.

### **Certification and Assurance**

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 and assurances is available on FTA's Web site. MCEDD complies with this instruction annually in order to receive FTA funding.

### **Providing Meaningful Access to Limited English Proficient (LEP) Persons**

Title VI and its implementing regulations require that recipients of federal funds 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. MCEDD partners with local nonprofits to provide translation services as necessary.

### **Employee Responsibility**

Each employee shall:

- A. Ensure that there are no barriers to service or accommodation that would prevent usage or access to services.
- B. Train subordinates as to what constitutes discrimination and barriers to access.
- C. Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination.
- D. Notify the Executive Director in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

## TITLE VI COMPLAINT FORM

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year):				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
<hr/> <hr/>				
<b>Section IV:</b>				
Have you previously filed a Title VI complaint with this agency?			Yes	No

<b>Section V:</b>			
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	Yes		No
If yes, check all that apply:			
[ ] Federal Agency: _____			
[ ] 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:	Agency:		
Title:	Telephone:		
Address:			
<b>Section VI:</b>			
Name of agency complaint is against:			
Contact person:			
Title:			
Telephone number:			

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

Signature and date required below:

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

Please submit this form in person at the address below, or mail this form to:

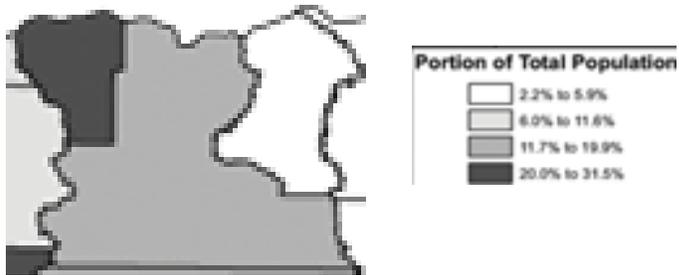
MCEDD  
 515 East 2<sup>nd</sup> Street  
 The Dalles, OR 97058

**2010 ETHNIC DIVERSITY MAP: HOOD RIVER, WASCO, SHERMAN,  
Klickitat, Skamania Counties**

**Washington's Hispanic Population by Census Tract**



Source:  
<http://www.newgeography.com/content/002220-stories-2010-census-race-and-ethnic-change-washington-state>



Source:  
<http://www.qualityinfo.org/olmisj/ArticleReader?itemid=00006700>

**Oregon's Hispanic Population by County, 2010**

## NOTIFICATION OF COMPLIANCE WITH TITLE VI

In order to comply with 49 CFR Section 21.9 (d) MCEDD has posted information for the public regarding the Title VI obligations and protections against discrimination afforded to the public by Title VI on the MCEDD website. MCEDD has also posted the following notice of compliance with Title VI, which is visible to the public at the MCEDD office and directs the public to the MCEDD website and to the appropriate phone number to inquire for more information. Additionally, this information is available upon request.



### **Notification of Compliance with Title VI**

Mid-Columbia Economic Development District (MCEDD) complies with Title VI and Title VI Dependent Guidelines for Federal Transit Administration Recipients.

Title VI obligations and protections against discrimination afforded to the public by Title VI can be found on the MCEDD website at <http://www.mcedd.org>. This information is also available upon request, please inquire inside office or contact Title VI Complaint Coordinator at (541) 296-2266.

### **Notificación de la conformidad con Title VI**

El Distrito del Desarrollo Económico de Mid-Columbia (MCEDD) se conforma con las pautas dependientes del Title VI y del Title VI para los recipientes federales de la administración del tránsito.

Las obligaciones y las protecciones del Title VI contra la discriminación producida al público por Title VI se pueden encontrar en el Web site de MCEDD en <http://www.mcedd.org>. Esta información está también disponible a petición, investiga por favor dentro de oficina o entra en contacto con a coordinador de la queja del Title VI en (541) 296-2266.