

Northeastern Connecticut Council of Governments

Title VI Non-Discrimination and Limited English Proficiency Plans

Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret,
Putnam, Scotland, Sterling, Thompson, Union, Voluntown and Woodstock

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Introduction

This document will serve as the Title VI Nondiscrimination Plan and the Limited English Proficiency (LEP) Plan for the Northeastern Connecticut Council of Governments (NECCOG), to guide NECCOG in its administration and management of Title VI-related activities. The Limited English Proficiency (LEP) portion of the plan ensures that individuals with limited English proficiency have meaningful access to the transportation planning process and other programs provided or facilitated by NECCOG.

NECCOG is one of nine regional councils of governments in Connecticut and one of two rural councils. NECCOG is made up of the towns of Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Union, Voluntown and Woodstock. The organization is a voluntary, statutorily authorized, association of local governments providing a regional forum to discuss issues of mutual interest and develop responses to common needs. NECCOG's member towns are each represented by their respective chief-elected official. NECCOG provides a range of voluntary services and programs - depending on the collective and/or individual needs of our member towns.

Title VI of the Civil Rights Act of 1964 prohibits federal agencies and sub-recipients of federal funds from discriminating on the basis of race, color or national origin, against participants or clients of programs that receive federal funding. Succeeding laws and Presidential Executive Orders added sex, age, income status and disability to the criteria for which discrimination is prohibited. In addition to nondiscrimination, this plan provides information relative to Presidential Executive Order 13166 which mandates that federal agencies ensure that people with Limited English Proficiency (LEP) have meaningful access to federally conducted and/or funded programs and activities. Additionally, Presidential Executive Order (Order 12898) mandates that federal agencies address equity and fairness through consideration of Environmental Justice toward low-income and minority populations.

Title VI and Non-Discrimination Policy Statement

NECCOG is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. Section 601 of Title VI of the Civil Rights Act of 1964 declares it to be the policy of the United States 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”. Consistent with this policy, and in accordance with section 602 of Title VI, codified as amended at 42 U.S.C. § 2000d-1, the Department of Justice promulgated regulations prohibiting recipients of federal funds from “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.” 28 C.F.R. § 42.104(b)(2). The United States Department of Transportation later promulgated nearly identical regulations - See 49 C.F.R. § 21.5(b) (vii) (2). Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted to expand the range and scope of Title VI coverage and applicability:

- ☑ The Uniform Relocation Assistance And Real Property Acquisition Policies Act Of 1970 - which prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
- ☑ The Federal Aid Highway Act Of 1973 - which states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- ☑ Section 504 Of The Rehabilitation Act Of 1973 - which states that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.
- ☑ The Age Discrimination Act Of 1975 - which states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
- ☑ The Civil Rights Restoration Act Of 1987, P.L.100-209 Amends Title Vi Of The 1964 Civil Rights Act - which made it clear that

discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.

- The American Disabilities Act (Ada) Of 1990 - which prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency - which requires each federal agency to examine its programs and activities and to develop and to implement plans by which LEP persons can meaningfully access those programs and activities.
- 23 Cfr Part 200 – Federal Highway Administration Regulations Title Vi Program And Related Statutes – which address Implementation and Review Procedures.

NECCOG assures that no person or groups(s) of persons shall, on the grounds of race, color, sex, age, national origin, disability/handicap, and income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the NECCOG, regardless of whether those programs and activities are federally funded or not.

NECCOG also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, NECCOG will provide meaningful access to services for persons with Limited English Proficiency.

In the event NECCOG distributes federal-aid funds to a sub-recipient, NECCOG will include Title VI language in all written agreements and will monitor for compliance.

NECCOG Title VI Coordinator - current Executive Director - is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

Signature

Date

John Filchak, Executive Director

Title VI Assurances

The Northeastern Connecticut Council of Governments (NECCOG) in the State of Connecticut (hereinafter referred to as the Recipient) HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the U. S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that, in accordance with the Act, regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance through the Connecticut Department of Transportation, including the U.S. Department of Transportation and the Federal Highway Administration; and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility,” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or materials subject to the regulations and made in connection with the Federal-aid Highway Program and, in adapted form, in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, national origin, disability/handicap, or income status in

consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal-aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein, or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations, and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal-aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Recipient: Northeastern Connecticut Council of Governments

Chair

Date

Secretary

Date

Organizational Responsibilities

The general responsibility for overseeing compliance with applicable nondiscrimination authorities in each transportation planning and programming area NECCOG is involved in resides with the Executive Director of NECCOG. The Executive Director or his/her designees will perform the duties of the Title VI Coordinator and ensure compliance with provisions of the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21, administering the Title VI complaint procedures, and insuring compliance with Title VI by recipients, sub-grantees, contractors and sub-contractors of ROCOG.

Title VI Coordinator Responsibilities

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring NECCOG's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by NECCOG.
2. Collect Statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs, e.g. affected citizens and impacted communities.
3. Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of consultant contractors and other recipients of federal-aid highway fund contracts administered through the NECCOG.
5. Review NECCOG program directives. Where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI and other related statutes for NECCOG employees and recipients of federal highway funds. Post a copy of the Title VI Plan on the NECCOG web-site. Post the Title VI Plan on employee bulletin boards at NECCOG worksite. Inform all employees that a copy of the Title VI Plan is available upon request. Instruct all new employees about the Title VI Plan during orientation.
7. Prepare a yearly report of Title VI accomplishments and goals, as required.

8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Post the Title VI Plan on the NECCOG web-site.
9. Conduct post-grant reviews of NECCOG programs and applicants for compliance with Title VI requirements.
10. Identify and take corrective action to help eliminate discrimination.
11. Establish procedures to promptly resolve identified Title deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.

Title VI Complaint Procedure

Scope of Title VI Complaints

The scope of Title VI covers all external NECCOG activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with NECCOG for the furnishing of goods and/or services. Examples include advertising for bid proposals; pre-qualification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc. Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

NECCOG Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, and disability or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by NECCOG, its recipients, sub-recipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

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 NECCOG 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 NECCOG. 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. NECCOG uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by it. These procedures include but are not limited to:

1. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with NECCOG. Allegations received do not have to use the key words “complaint,” “civil rights,” “discrimination,” or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of the NECCOGs programs for it to be considered and processed as an allegation of a discriminatory practice.

2. The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. The NECCOG's Title VI Complaint Form must be used.
3. The complaint may also be filed with the Secretary, U. S. Department of Transportation, Room 4132, 400 Seventh Street, Southwest, Washington, D.C. 20590. The complaint must be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary, U. S. Department of Transportation.
4. Immediately, upon receipt of a Title VI complaint, NECCOG determines a course of action. Possible courses of action include:
 - a. Title VI complaints filed against NECCOG are referred to the Connecticut Department of Transportation (CONNDOT) for processing. CONNDOT notifies the Federal Highway Administration (FHWA) Division Office and/or Federal Transit Administration (FTA) Regional Office of the complaint.
 - b. Title VI complaints filed against NECCOG recipients and sub-recipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, etc.) are processed by NECCOG in accordance with FHWA and/or FTA approved complaint procedures, as required under 23 Code of Federal Regulations Part 200. CONNDOT is available to provide assistance.
 - I. A copy of the complaint, together with a copy of NECCOG report of the investigation and recommendations, are forwarded to the FHWA Division Office and/or FTA Regional Office, within sixty (60) days of the date the complaint was received by the NECCOG.
 - II. A copy of the complaint, together with a copy of NECCOG report of the investigation and recommendations, are provided to CONNDOT, for informational purposes only.
 - III. The FHWA and/or FTA Headquarters Office of Civil Rights makes the final agency decision.
5. NECCOG reviews and determines the appropriate action regarding every complaint. NECCOG will recommend to the FHWA Division Office and/or FTA Regional Office, with a copy to CONNDOT, not to proceed with or continue a complaint investigation if:
 - a. The complaint is, on its face, without merit.
 - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous

federal court decisions.

- c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
6. If an investigation is to be initiated, NECCOG determines the method of investigation and who will conduct the investigation.
 7. The entire investigation process, including the submission of the final report of the investigation and recommendations to the FHWA Division Office and/or FTA Regional Office, with a copy to CONNDOT, is to be carried out in a period not to exceed sixty (60) calendar days from the date the original complaint was received by NECCOG.
 8. NECCOG shall acknowledge receipt of the allegation(s) within ten (10) working days. The complainant is notified of the proposed action to be taken to process the allegation(s). The notification letter contains:
 - a. The basis for the complaint.
 - b. A brief statement of the allegation(s) over which NECCOG has jurisdiction.
 - c. A brief statement of NECCOG jurisdiction over the recipient to investigate the complaint; and
 - d. An indication of when the parties will be contacted.

Depending on the nature of the complaint, the complaint will be referred to the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) U.S. Department of Justice (USDOJ)

9. NECCOG also notifies the FHWA Division Office and/or FTA Regional Office, with a copy to CONNDOT, within ten (10) calendar days of receipt of the allegations. The following information is included in the notification to FHWA and/or FTA:
 - a. Name, address, and phone number of the complainant.
 - b. Name(s) and address(es) of persons alleged to have been involved in the act.
 - c. Basis of alleged discrimination (i.e., race, color, sex, age, national origin, disability/handicap, or income status).

- d. Date of alleged discriminatory act(s).
 - e. Date complaint was received by the NECCOG.
 - f. A brief statement concerning the nature of the complaint.
 - g. Other agencies (federal, state, or local) with which the complaint has been filed.
 - h. An explanation of the actions NECCOG proposes to take to resolve the issues raised in the complaint.
10. The investigation consists of an in-depth, personal interview with the complainant(s). Information gathered in this interview includes but is not limited to: identification of each complainant by race, color, sex, age, national origin, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, dates, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigator(s) feels is relevant to the complaint. The interview(s) is recorded, either on audio tape or by an investigator taking notes. The investigator(s) arranges for the complainant to read, make necessary changes to, and sign the interview transcript or interview notes.
 11. Following the interviews, the investigator(s) develops a report of the investigation and recommendations based on the facts. The report contains the investigator's(s') findings, conclusions concerning each issue raised in the complaint, and recommendations for corrective action. The report is the last document prepared by the investigator(s). Any other actions taken as a result of the investigator's(s') findings and conclusions are the responsibility of NECCOG management.
 12. The complainant receives a letter from NECCOG detailing the findings and any recommendations for corrective action to be taken based on the facts. All issues in the complaint are addressed. The complainant is informed that the final determination is made by the FHWA and/or the FTA Headquarters Office of Civil Rights.
 13. NECCOG forwards the report of the investigation and recommendations to the FHWA Division Office and/or FTA Regional Office, with a copy to CONNDOT. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, and any other pertinent information.
 14. The FHWA and/or FTA Headquarters Office of Civil Rights makes the final agency decision.

Informal Title VI Complaint Procedure

1. Title VI complaints may be resolved by informal means. When informal means are used, the complainant is informed of his or her right to file a formal written complaint.
2. Any complaint received in writing is considered to be a formal complaint and is handled under the formal complaint procedure outlined above.
3. NECCOG periodically informs CONNDOT of the status of all informal complaints.
4. When a complaint has been directly filed with another federal or state agency, NECCOG is to be informed by the agency where the complaint has been filed and is to take whatever action is needed to resolve the complaint.

Formal Title VI Complaint Procedure

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 NECCOG 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 NECCOG.

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 filed with NECCOG in writing (including electronic at necogoffices@necog.com) and addressed to the Northeastern Connecticut Council of Governments (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 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 NECCOG will provide appropriate assistance to complainants who are limited in their ability to communicate in English.

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, NECCOG 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; NECCOG Title VI Complaint Form *Note: We are asking for the 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.*
- ▶ 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 NECCOG 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 NECCOG 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, NECCOG provides translation and interpretation services free of charge upon request by calling (860) 774-1253.

For more information, please contact NECCOG Executive Director at 860-774-1253.

Title VI Complaint Form

Complainant's Information:

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Home): _____ Telephone Number (Work): _____

Person Discriminated Against (if someone other than complainant):

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Home): _____ Telephone Number (Work): _____

Which of the following best describes the reason you believe the discrimination took place?

Race/Color (specify): _____

Sex (specify) _____

National Origin (specify): _____

On what date (s) did the alleged discrimination take place? _____

Describe the alleged discrimination. Explain what happened and who you believe was responsible (if additional space is needed, add a sheet of paper).

List names and contact information of persons who may have knowledge of the alleged discrimination.

Have you filed this complaint with any other federal, state or local agency, or with any federal or state court? Check all that apply.

Federal agency _____ State agency _____ Local agency _____ Federal court _____ State court

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

Name: _____

Address: _____

City/State/Zip Code: _____ Telephone Number (Work): _____

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

Complainant Signature

Date

Attachments: Yes ____ No ____

Submit form and any additional information to:

Executive Director
NECCOG
125 Putnam Pike
Dayville, CT 06241
Phone: (860) 774-1253
Fax: (860) 779-2056
[Email: neccogoffices@neccog.com](mailto:neccogoffices@neccog.com)

Limited English Proficiency Plan

Introduction

This Limited English Proficiency Plan has been prepared to address NECCOG responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including NECCOG which receives and administers federal grant funds.

Plan Summary

NECCOG has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, NECCOG used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the NECCOG.
2. The frequency with which LEP persons come in contact with NECCOG services.
3. The nature and importance of services provided by NECCOG to the LEP population.
4. The interpretation services available to NECCOG and overall cost to provide LEP assistance.

Meaningful Access: Four Factor Analysis

1. The number or proportion of LEP persons in the service area who may be served or are likely to require NECCOG services.

Language Spoken at Home, 2012 Estimates

Town	Population 5 Years and Over	Speak Only English	Speak a Language Other than English	Speak English "very well"	Speak English less than "very well"	Spanish	Other Indo-European languages	Asian and Pacific Island languages	Other
Ashford	4,052	84.8%	15.2%	96.6%	3.4%	8.7%	6%	0%	0.5%
Brooklyn	7,737	87.8%	12.2%	97.6%	2.4%	7.8%	4.3%	0.1%	0%
Canterbury	4,957	94.9%	5.1%	99.3%	0.7%	1.3%	3.4%	0.4%	0%
Chaplin	2,310	93.5%	6.5%	99%	1%	2.2%	3.8%	0.5%	0%
Eastford	1,612	94.3%	5.7%	98.5%	1.5%	1.9%	2.4%	1.4%	0%
Hampton	1,706	94%	6%	99.1%	0.9%	2.6%	3.1%	0%	0.2%
Killingly	16,425	90.6%	9.4%	96.4%	3.6%	1.4%	4.6%	2.7%	0.6%
Plainfield	14,445	92%	8%	98.6%	1.4%	2.9%	4.7%	0.2%	0.2%
Pomfret	4,033	92.9%	7.1%	97.7%	2.3%	2.5%	1.6%	2.8%	0.2%
Putnam	9,011	92.9%	7.1%	97%	3%	3.1%	3.5%	0.4%	0.2%
Scotland	1,690	96.2%	3.8%	99.9%	0.1%	0.6%	3.3%	0%	0%
Sterling	3,555	95.1%	4.9%	99.1%	0.9%	1.4%	3%	0.5%	0%
Thompson	8,990	94.7%	5.3%	99.3%	0.7%	0.9%	4.3%	0.1%	0%
Union	920	94.7%	5.3%	96.8%	3.2%	2.5%	2.8%	0%	0%
Voluntown	2,467	94.3%	5.7%	99.1%	0.9%	1.2%	3.8%	0.4%	0.3%
Woodstock	7,628	97.2%	2.8%	99.9%	0.1%	0.8%	1.9%	0.1%	0%

Source 2008-2012 American Community Survey 5-Year Estimates

2. The frequency with which LEP persons come in contact with NECCOG services.

NECCOG has no record of any request for LEP services. NECCOG has, however, developed an LEP Plan for the Northeastern Connecticut Transit District - that NECCOG Administers and which is overseen by local chief-elected officials from NECCOG. This plan can be found at the District's website: nctd.org The site also includes direct translation services of AltaVista Babel Fish and telephone interpreter service - Language Line Services at <http://www.language.com>. The translation services for NCTD have not yet been requested or utilized.

3. The nature and importance of services provided by NECCOG to the LEP population.

There is no significant geographic concentration of any type of LEP individuals in NECCOG region.

4. The resources available to the NECCOG, and overall costs to provide LEP assistance.

NECCOG has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least "well," and the lack of resources available in NECCOG service area:

- a. Census Bureau's "I Speak Cards" are to be located at NECCOG Office - personnel will receive training in their proper use.
- b. NECCOG receptionist has AltaVista Babel Fish added to the favorites listing for easy access for the translations of blocks of texts. This will aid the staff in the interpretation of services on a one on one basis for LEP individuals visiting NECCOG Office.
- c. When an interpreter is needed, in person or on the telephone, and staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall 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.
- d. All NECCOG staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of NECCOG staff orientation process for new hires and will be part of annual staff training updates. Training topics are listed below:
 - I. Understanding the Title VI policy and LEP responsibilities;

- II. What language assistance services NECCOG offers;
 - III. Use of LEP “I Speak Cards”;
 - IV. How to access Alta Vista Babel Fish via NECCOG computers in NECCOG Office;
 - V. How to use the Language Line interpretation and translation services;
 - VI. Documentation of language assistance requests;
 - VII. How to handle a Title VI and/or LEP complaint
- f. As of the institution of the LEP Plan, NECCOG does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that NECCOG will incorporate when and/or if the need arises for LEP outreach:
- I. If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
 - II. When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available.”
 - III. Key print materials will be translated and made available at NECCOG Office and in communities when a specific and concentrated LEP population is identified.

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. At a minimum, NECCOG will follow the Title VI Program update schedule for the LEP Plan. However, major updates most likely will not occur until the next Census in 2010 unless NECCOG finds it necessary for an update before such time. Each update shall examine all plan components such as:

1. How many LEP persons were encountered?

2. Were their needs met?
3. What is the current LEP population in NECCOG service area?
4. Has there been a change in the types of languages where translation services are needed?
5. Is there still a need for continued language assistance for previously identified NECCOG programs?
6. Are there other programs that should be included?
7. Have the NECCOG's available resources, such as technology, staff, and financial costs changed?
8. Has NECCOG fulfilled the goals of the LEP Plan?
9. Were any complaints received?

Appendix A - Required Contract/Agreement Clauses

1. All contractors or subcontractors performing work for NECCOG will be required to follow the Title VI/LEP guidelines. This will include the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees as follows:
 - ▶ Compliance with Regulations: The Contractor shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
 - ▶ Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
 - ▶ Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, age, national origin, disability/handicap, or income status.
 - ▶ Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by NECCOG or the Connecticut Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to NECCOG or the Connecticut Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.
 - ▶ Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, NECCOG and the Connecticut Department of Transportation shall impose such contract sanctions as it or the

Federal Highway Administration may determine to be appropriate, including but not limited to: withholding of payments to the Contractor under the contract until the Contractor complies, and/or cancellation, termination, or suspension of the contract, in whole or in part.

- ▶ Incorporation of Provisions: The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as NECCOG or the U.S. Department of Transportation, Federal Highway Administration and/or Federal Transit Administration, may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request NECCOG enter into such litigation to protect the interests of the NECCOG; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

2. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Northeastern Connecticut Council of Governments (NECCOG) as authorized by law and upon the condition that NECCOG will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation, and also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation (hereinafter referred to as the Regulations), pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim, and convey unto NECCOG all the right, title, and interest of the U.S. Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto NECCOG and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, and shall be binding on NECCOG, its successors, and assigns.

NECCOG, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land, for itself, its successor, and assigns that (1) no person shall, on the grounds of race, color, sex, age, national origin, disability/ handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and] (2) that NECCOG shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land; and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assignees as such interest existed prior to this instruction¹.*

- 3.** The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by NECCOG, pursuant to the provisions of Assurance 7(a)².

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add “as a covenant running with the land”] that in the event facilities are constructed, maintained, or

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

² Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended. [Include in licenses, leases, permits, etc.]

That in the event of breach of any of the above nondiscrimination covenants, NECCOG shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed.]

That in the event of breach of any of the above nondiscrimination covenants, NECCOG shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of NECCOG and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the NECCOG, pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add "as a covenant running with the land"] that (1) no person, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]

That in the event of breach of any of the above nondiscrimination covenants, NECCOG shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds.]

That in the event of breach of any of the above nondiscrimination covenants, NECCOG shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of NECCOG and its assigns.

Appendix B

The following is made part of all meeting notices by NECCOG:

NECCOG and NECTD meetings are conducted in accessible locations and materials can be provided in accessible formats. If you would like special accommodations, such as an interpreter, please contact the NECCOG/NECTD at: (860)774-1253, or neccogoffices@neccog.org at least 3 days prior to the meeting. The NECCOG/NECTD fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. The NECCOG/NECTD does not discriminate on the basis of race, color, national origin, English proficiency, income, religious creed, ancestry, disability, age, gender, sexual orientation, military service, or gender identity or expression. Any person who believes himself/herself or any specific class of persons have been subjected to discrimination prohibited by Title VI or related statutes or regulations may, himself/herself or via a representative, file a complaint with the NECCOG/NECTD.