



TOWN OF HUNTINGTON TITLE VI COMPLIANCE PROGRAM

I. Purpose

The Town Board resolves to take all necessary steps to promote equal access to the services, programs and activities of the Town of Huntington and ensure that no person is subject to discrimination with respect thereto as set forth in Title VI of the Civil Rights Act of 1964 and subsequent Federal, State and Local law, regulation and executive orders (collectively “Title VI legal safeguards”) requiring non-discrimination in public services, programs and activities. (See Attachment A: Non-Discrimination Authorities).

II. Policy

In accord with Title VI legal safeguards, no Person shall be denied on the grounds of race, color, national origin, sex, age, disability, low income or Limited English Proficiency (LEP) the status the benefits of or be subjected to discrimination with respect to any service, program and activity of the Town of Huntington.

III. Procedure

A. Applicability

The provisions of the Title VI Policy shall apply to all aspects of services, programs and activities subject to Title VI legal safeguards against non-discrimination and to the officials, directors, agents and employees of the Town required to carry out the town’s Title VI Policy.

B. Responsibility

1. Town Board

- Adopting Title VI Policy
- Identifying staff with primary responsibility for carrying out the Policy
- Requiring compliance with Title VI Policy objectives by all officials, directors, agents and employees of the Town
- Allocating resources for Policy implementation

2. Title VI Coordinator

In order to facilitate this adherence with this Policy, the Town Board shall appoint a Title VI Coordinator, who shall report directly to the Town Supervisor and be responsible for overall management of Title VI Policy compliance.

3. Title VI Specialists

Departments offering services, programs and activities sensitive to Title VI shall designate at Title VI Specialist who will work with the town’s Title VI coordinator to carry out the elements of the Title VI Policy.

C. Implementation

The Town of Huntington considers the implementation of the town's Title VI Policy to be responsibility and duty of all officials, directors, agents and employees and directs all officials and department directors, and supervisory personnel in the Town's management hierarchy to carry out the steps necessary to comply with Title VI legal safeguards.

D. Training

The Title VI Coordinator will arrange for and provide regular and full training in Title VI compliance for staff responsible for civil rights review, including Title VI specialists, department directors and divisional supervisors, as well as employees who deal directly or plan services, programs and activities used by the public. Training will cover compliance and enforcement of Title VI policies and procedures.

In addition, advance training for Title VI specialists and administrative personnel should provide an understanding of relationship between Title VI and other civil rights statutes and how those laws function in unison, as well as nexus between program objectives of federally funded projects and civil rights obligations of awardees. Advance training should also cover legal developments affecting Title VI that explain and interpret new statutes or case law in the arena of civil rights. Training should also be used enhance the ability of specialists and administrators to collect data, monitor program implementation and conduct compliance reviews and investigations that can identify subtle and unintended violations.

E. Monitoring

Title VI monitoring and review will apply to sensitive service, program and activity areas such as research, planning, project development, design, construction, records, reports and complaints to ensure that Huntington properly applying its own Title VI compliance efforts. The Title VI Coordinator will, therefore, as part of this process:

1. Develop a program to conduct Title VI reviews of program areas, including the preparation of annual reports by departmental Title VI Specialists
2. Conduct annual Title VI reviews of areas identified as sensitive to determine the effectiveness of the compliance program
3. Monitor the performance of consultants and contractors doing business with the Town under federally funded contracts for Title VI compliance.

F. Data Collection

The collection and analysis of data is a key element of a Title VI compliance strategy that can provide a means to measure the extent to which federally supported programs reach communities and individual who need assistance. Data and data analysis should be designed to provide insight into the various stages of the compliance process and assist with development of strategies for case analysis and Title VI testing.

The Title VI Coordinator will develop data and information collection processes including but not limited to:

1. Analysis of race, color, national origin of populations eligible to be served
2. Location of existing/proposed facilities and information and assessment of its ease of access by those protected by Title VI
3. The manner in which services, programs and activities are provided
4. Request, on a voluntary basis, that demographic data relevant to Title VI be collect as part of services, programs and activities if useful or appropriate.
5. Inventory of bilingual employees capable of assisting LEP residents;
6. Record race, color, and national origin information for members of planning and advisory committees involved in the disposition of federal funds
7. List of any lawsuits alleging discrimination filed or found against the Town over previous three years.
8. Statistical compilation of Title VI workshops, trainings, complaints, compliance reviews conducted in the prior two years.

G. Public Participation

The Title VI Coordinator will develop and implement a plan to notify and inform the general public in an effective and cost efficient manner their under Title VI legal safeguards and how the public can request additional information about services, programs and activities available to them and how to file complaints in the case they believe their Title VI legal safeguards have been violated. The public participation may be effected though digital and multimedia technology, print, signage or any other format or combination of formats that can readily deliver information and elicit the inclusion of communities protected under Title VI.

H. Limited English Proficiency (LEP) Plan

The Town of Huntington will utilize an LEP Plan, as set forth in this section, to take reasonable steps to provide assistance to persons who do not speak English as their primary language and have limited ability to read, speak, write or understand English, per the directive in Executive Order 13166.

Assistance shall include, as necessary, the oral transfer of a message from one language into another language (Interpretation) or the written transfer of such message (Translation) and shall be based on a 4-Factor LEP Access Analysis (see Attachment B). All contractors or subcontractors performing work for the Town of Huntington will be required by contract to follow the Title VI/LEP guidelines.

1. The LEP Plan elements shall include Identification, Methods, Training and Notification:
 - a. Identification: Identifying persons requiring LEP assistance shall include but not be limited to:
 - i. Post notice of LEP Plan and the availability of interpretation/translation services free of charge for languages identified by the 4-Factor Analysis.
 - ii. Provide “Language Identification Cards” for use by staff that alerts

- LEP residents that they may request interpretation services.
- iii. Survey staff periodically on contact with LEP persons.
 - iv. Use “greeters” at informational meetings trained to engage participants and informally assess the ability of a participant to speak and understand English. Those identified as LEP can be directed to a bi-lingual staff member. Aggregate LEP data can be used for analysis and assessment and to judge the need for interpreters at other events.
- b. Methods: LEP services shall include but not be limited to:
- i. A directory of bi-lingual staff who can serve as interpreters on short-notice.
 - ii. Make arrangement for telephone interpretation services for lower concentration LEP populations. .
 - iii. Build translation functionality into Town’s Internet website.
- c. Training: Staff training scheduled by the Title VI Coordinator shall include but not be limited to:
- i. Information on the Title VI Policy and LEP responsibilities.
 - ii. Description of language assistance services available to the public.
 - iii. Proper use of language identification cards.
 - iv. Need to document all language assistance requests.
 - v. How to handle a Title VI and LEP related complaints.
- d. Notification: Notice of availability of LEP assistance shall include but not be limited to:
- i. Post signs in Town Hall and major facilities notifying the public how to access language services.
 - ii. Publish agendas and public notices in languages identified in 4-Factor Analysis.
 - iii. Publicize that interpretation and translation services are available on request Huntington.
 - iv. Post the LEP Plan on the Town website with directions for accessing language services.
 - v. Issue Press Releases about the Town’s LEP Plan and send copies of the LEP plan and other releases to advocacy groups and agencies serving LEP populations.
2. Translation of Documents
- a. The Town will weigh the cost and benefit of translating documents, inclusive of the likelihood of frequent changes and other relevant factors and translate documents for LEP populations as often as necessary.
 - b. Town will assess all requests for translation of documents based on the possible impacts and known LEP populations.

- c. Preparation of documents, schedules and agenda for meetings where target audiences are expected to include identified LEP populations shall be printed and publicized based on the needs of the known LEP population.

3. Monitoring and Updating the LEP Plan

The Town will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are utilizing Town services.

Data pertaining to updates will measure:

- a. The number of documented LEP person contacts encountered annually.
- b. How the needs of LEP persons have been addressed.
- c. Calculation of the current LEP population in the service area.
- d. Document any changes in need for translation services.
- e. Assess effectiveness of Town program in meeting LEP needs.
- f. Determine whether the Town's financial resources are sufficient to fund language assistance resources needed.
- g. Measure Town compliance with LEP Plan goals.
- h. Analysis of complaint history to identify deficiencies/corrective actions to meet needs of the LEP population.

I. Filing Complaints

Title VI Complaints against the Town of Huntington, its divisions, departments, affiliate corporations, and their current and former officers, public officials, elected officials, directors, agents and employees, arising out of or in connection with the provision of a program, service and/or activity may be submitted for administrative resolution pursuant to the procedures set forth in this section.

1. Form: Title VI complaints shall be filed in writing with the Town's Title VI Coordinator, using the town's [Title VI Complaint Form](#) or other document in which the Complainant provides the following information:
 - Full Name of the Complainant
 - Home Address (and Mailing Address if different)
 - Phone Number
 - Clear and concise statement of the facts constituting the Complaint
 - Citation of Title VI legal safeguards believed to have been violated
2. Timeliness: Title VI Complaint must be filed within 180-days of the incident giving rise to the Complaint
3. Jurisdiction: A Complaint filed with and only with the Town of Huntington shall proceed in accordance with the Complaint Resolution Process below. Otherwise the following exceptions shall apply:
 - A Title VI Complaint filed with the Town of Huntington that is thereafter

filed with an outside Federal, State or Local agency stayed further action on the Town complaint until outside Complaint is resolved.

- Where a Title VI Complaint filed with an outside Federal, State, or Local agency and a Complainant attempts to file the same Complaint with the Town, review and disposition will be determined by Town Attorney.

In either instance where an outside Complaint is filed, the outcome of such outside Complaint may bar redress under this Policy.

J. Complaint Resolution

1. Processing Phase

- a. **Delivery:** A Complaint filed in a timely manner will be addressed to the Title VI Coordinator and may be delivered in person during normal business hours or delivered via the United States Postal Service, as regular, registered or certified mail.
- b. **Optional Preliminary Interview:** A Complainant may request a Preliminary Interview, which shall be conducted as a private, informal meeting between the Complainant and Title VI Coordinator.
 - i. These two may jointly agree that either (i) the incident fails to rise to the level of an equal rights violation or that (ii) it may rise to such level but a satisfactory solution is achievable without further proceedings. The Title VI Coordinator shall have fourteen (14) days to memorialize such an agreement and begin implementing any solution resulting therefrom.
 - ii. If no agreement is achieved, the Complaint shall proceed directly to the Complaint Review Phase and the Preliminary Interview shall not prejudice further proceedings nor shall either party be allowed to use the Optional Preliminary Interview or any portion thereof to advance or defend the Title VI Complaint.

2. Hearing & Findings Phase

- a. **Hearings:** The Title VI Coordinator shall as quickly as possible but within not more than sixty (60) days from receipt, set a date, time and place for a Hearing on the Complaint. Notice of the Hearing must be provided in writing and provided to the Complainant at least ten (10) days in advance. The director of the department or departments involved shall also be notified of date, time and place of the Hearing, as shall the Town Attorney and Town Personnel Officer. The Title VI Coordinator may schedule as many follow up hearing sessions as may be necessary, subject to the notice requirement in this paragraph with the exception that upon written consent by the Complainant, the ten (10) days minimum notice requirement may be waived.
- b. **Adjournments:** The Title VI Coordinator may consider any reasonable written request to adjourn and reschedule a Title VI Hearing or follow up

hearing.

- c. Records: Title VI hearings are designed to elicit facts and information relevant to the instant Complaint. The hearing will be conducted in an informal, non-adversarial manner. The Title VI Coordinator, or designee, will take non-verbatim minutes. Other parties present may, likewise, take written notes, but no other recordings will be permitted.
- d. Involved Parties: In addition to the Title VI Coordinator, the Complainant and any involved department directors or staff, the Title VI Coordinator may request other persons with direct knowledge of the incident to be present and/or provide information or documentation. Any information deemed relevant and used by the Coordinator as a finding shall be made available to the Complainant.
- e. Legal Representation: None of the parties present at the Hearing shall be represented by a lawyer, employment advisor, union representative or other second party advocate. Such information and advice may be ascertained by the Coordinator, Claimant or any involved party prior to or after the Hearing, but counsel shall not be permitted to attend the Hearing or any follow up hearings. (The Town Attorney and Personnel Officer may if the Title VI Coordinator identifies them as an involved department attend a hearing in the capacity of department director.)
- f. Additional Information/Documentation:
 - i. At the conclusion of a Title VI Hearing or follow up hearing, the Title VI Coordinator may request additional information and/or documentation to assist in making a determination.
 - ii. Any party present at the Hearing may, likewise, submit to the Title VI Coordinator additional information and/or documentation they believe relevant by forwarding it within ten (10) days of the Hearing or follow up hearing. Submissions deemed relevant and used by the Title VI Coordinator as a finding shall be made available to the Complainant.
- g. Open Meetings Law: Hearings pursuant to this Policy will be considered and treated as personnel matters and shall not be subject to the New York State Open Meetings Law and shall not be open to the general public or to the media.

3. Resolution Phase

- a. Resolution Period: The Title VI Coordinator shall within forty-five (45) days of concluding the Hearing and/or submission of additional information or documents (whichever is later) issue in writing to the Complainant a Letter of Determination stating whether a violation of the town's Title VI Policy has been found.

- b. Determination of No Violation: If there is a Determination of No Violation, no further action shall be required.
- c. Determination of Violation: If there is a Determination of Violation, the Title VI Coordinator shall, within that same forty-five (45) day period, issue a Recommendation for Resolution, a copy of which shall be forwarded to the Complainant, the Town Supervisor, the Town Attorney, the Town Personnel Officer and the directors of all involved or affected departments.
- d. Findings/Recommendations: The Findings and Recommendations of the Title VI Coordinator shall not be binding on the involved department or departments. However, any department director refusing to accept the Determination and Recommendation shall submit the basis for such refusal in writing to the Title VI Coordinator setting forth the basis therefor. The Title VI Coordinator shall forward to the Town Supervisor, Town Attorney and Personnel Officer.
- e. A department director who fails to acknowledge and/or without just cause effect the Recommendations for Resolution is subject to disciplinary action.

K. Confidentiality

All Complaints and/or claims will be treated as confidential to the extent permitted by law.

L. Non-Retaliation

Retaliation against employees who make good faith efforts to assist in the Title VI Complaint resolution process is prohibited. The Town of Huntington prohibits retaliation against any individuals who reports, testifies in a case or otherwise opposes unlawful discriminatory practices which violate Title VI legal safeguards within the Civil Rights Act of 1964 and subsequent laws, regulations and executive orders.

M. Violations

Those found to have violated the town's Title VI Policy shall be subject to disciplinary action which, depending on the severity of the violation, can include termination of Town employment.

Attachment A

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. Related statutes, which prohibit discrimination based on sex, disability and age are also covered in the agency's programs, services and activities in accordance with the following list of related statutes and executive orders:

Non-Discrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq)
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324)
- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Americans With Disabilities Act of 1990
- Civil Rights Restoration Act of 1987
- 49 CFR Part 21
- 23 CFR Part 200
- USDOT Order 1050.2
- Executive Order #12898 (Environmental Justice)
- Executive Order #13166 (Limited-English-Proficiency)

Attachment B

4-Factor Limited English Proficiency Analysis

1. The number/proportion of LEP persons in the service area likely to require Town services

The Town of Huntington staff reviewed the 2008-2012 American Community Survey 5-Year Estimates for New York State and determined that 34,333 individuals in our service area (17.8% of the population) speak a language other than English. Of those, 16,314 individuals have limited English proficiency—they speak English less than “very well” or “not at all.” This represents 8.5% of the overall population in the service area. In Town of Huntington service area, of those persons with limited English proficiency, 4.9% speak Spanish, 2% speak Indo-European languages, 1.5% speak Asian/Pacific languages. (Only 0.1% of LEP residents speak other languages.)

2. The frequency with which LEP persons contact the Town for services

The Town of Huntington reviewed the frequency with which office staff in the departments of Transportation & Traffic Safety, Highway, Public Safety, Building & Housing, Parks & Recreation, Human Services, Community Development, the Town Attorney, Town Clerk and Receiver of Taxes have, or could have, contact with LEP persons. This includes phone inquiries or office visits. To date, the **Town** has documented ____ requests for interpreters and ____ requests for translated program documents.

3. The nature and criticality of services provided by the Town to its LEP population

The Town of Huntington _____ staff are most likely to encounter LEP individuals through office visits, phone conversations, notifications from _____ department staff of impacts on service area services and attendance at meetings.

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

The **Town of Huntington** reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and contacted local citizens that would be willing to provide voluntary Spanish translation if needed within a reasonable time period. Other language translation if needed would be provided through bilingual staff or a telephone interpreter line for which the Town of Huntington would pay a fee.