

Title VI Coordinator Program Guide

**Ensuring that the City of Portland Programs and Services are
Compliant with the Title VI of the Civil Rights Act of 1964**

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The Program Manger is responsible for ensuring the City of Portland’s compliance with Title VI of the Civil Rights Act of 1964. She is responsible for ensuring that all persons are to receive the benefits of City programs, services and activities. This includes ensuring that limited English proficient individuals are provided meaningful access to City programs, services and activities. The Title VI plan outlines the objectives on how to comply with Title VI and outlines clear procedures for filing, investigating and resolving complaints in a timely basis. An objective of the program is to avoid, minimize or mitigate disproportionate adverse environmental effects, including social and economic effects, on communities of color and low income populations as a result of City programs, services and activities. As the ADA Title II program manager, she is responsible for working to remove barriers for persons with disabilities.

Civil Rights Title VI and ADA Title II complaints are managed by the Program Manager. Complaints can be filled via the complaint procedure outlined <http://www.portlandoregon.gov/bibs/article/454176>. The full Title VI Plan is available at www.portlandoregon.gov/OMF/CivilRights.

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What is Title VI of the Civil Rights Act

The Civil Rights Act of 1964 (the Act) is a fundamental piece of federal legislation that prohibits discrimination on the basis of race, color or national origin in federally funded programs, services and activities. Title VI has also been implemented to require that persons with limited English proficiency have meaningful access to programs, services, and activities; and that decision-making processes are designed to avoid, minimize or mitigate disproportionately adverse environmental effects, including social and economic effects, on communities of color and low income populations.

Other federal, state and city legislation prohibits discrimination based on disability, religion, sex, sexual orientation, gender identity or source of income.

Compliance with Title VI of the Civil Rights Act

To be compliant with Title VI of the Civil Rights Act the City must ensure that no persons shall be denied the benefits or be subjected to discrimination in any City program, service or activity on the grounds of race, religion, color, national origin, English proficiency, sex, age, disability, religion, sexual orientation, gender identity, or source of income. The City of Portland also requires its contractors and grantees to comply with this policy.

Title VI Bureau Liaison Responsibilities

Title VI Bureau Liaisons work at the direction of the Bureau Director and the Title VI Program Manager to implement the City's Title VI Plan at the bureau level. Title VI Bureau Liaisons are responsible for:

Annual Reporting of your bureau's Title VI compliance activities, in a format directed by the Title VI Program Manager. As part of annual reports, each bureau shall report accomplishments and upcoming goals, complaints, and any remedial actions.

Assisting the Bureau Director to implement LEP requirements to help ensure compliance by serving as a resource on the requirements and how to provide access for persons with limited English proficiency.

Assisting the Bureau Director in all other Title VI compliance activities. This includes advising the Title VI Program Manager and Bureau Director of potential Title VI issues within their bureaus and possible corrective actions and, if complaints are received, working with bureau personnel to reach a resolution. Serve as a resource for Title VI compliance tools.

Serving as a Source of Title VI Information for bureau personnel. This may include disseminating materials provided by the Title VI Program Manager or providing technical assistance to coworkers or contractors.

Ensuring Dissemination of Title VI Information to the public in a manner that provides meaningful access to bureau programs and activities by all members of the community. Title VI Non-discrimination Notices should be included in all applicable bureau or project documents and public meeting materials.

Required Notice to the Public

The public has a right to notice of the protections provided by Title VI. The Title VI protections include non discrimination based on race, color and national origin. This includes discrimination based on limited English proficiency (LEP). City policy requires that persons with limited English proficiency have access to City programs, services and benefits. This includes providing translation of documents and interpretation services when necessary to ensure access for persons who have a limited ability to read, write, speak or understand English. Please review the Civil Rights Title VI Plan and the guide to providing translation or interpretation if you have any questions on what documents need to be translated. (www.portlandoregon.gov/OMF/CivilRights) Translation and interpretation services must be provided without cost to the public.

Title II protections include non discrimination based on a person's qualified disability. This includes providing reasonable modifications to policies and procedures that will remove barriers for persons with disabilities. Removing barriers can include providing auxiliary aides or alternative formats and the requirement is triggered when a person requests an accommodation. If you have any questions about providing an accommodation to a person with a disability contact your bureau's ADA coordinator (a list of coordinators is available at <http://www.portlandoregon.gov/bibs/article/454403>).

Examples of non-discrimination notices are provided for you to use. If you have any questions about what notice to use and what contact information please contact the Title VI Program Manager.

Full nondiscrimination notice

The City of Portland operates without regard to race, color, national origin, religion, sex, sexual orientation, gender identity, marital status, age or disability in accordance with the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related statutes and regulations, including Title II of the ADA, ORS chapter 659A, and Portland City Code Chapter 23. Title VI of the Civil Rights Act requires that no person in the United States shall be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any City program or activity, on the grounds of race, color, or national origin, and Title II of the ADA provides similar protections for persons with disabilities. To help

ensure access to City programs, services and activities, the City will provide translations, will reasonably modify policies and procedures and will provide auxiliary aids or alternative formats to persons with disabilities. For accommodations, translations, or additional information, contact the **INSERT CONTACT PERSON** or use **Title VI/Title II Program Manager at Room 1204, 1120 SW 5th Avenue, Portland, OR 97204, by email at title6complaints@portlandoregon.gov or by telephone (503) 823-2559, City TTY 503-823-6868, or use Oregon Relay Service: 711.** Any person who believes they have been aggrieved by an unlawful discriminatory practice may file a complaint with the Bureau or the Title VI Program Manager. Any Title VI or Title II complaint must be in writing and filed within 60 (sixty) days following the date of the alleged discriminatory occurrence.

Short version or email notice 1:

Accommodation is available to ensure that individuals with disabilities can participate. Please give as much advance notice as possible by contacting **INSERT CONTACT INFORMATION**. This document can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request this form in another format or language, **INSERT CONTACT INFORMATION**.

Shorter version or email notice 2:

To help ensure equal access to City programs, services and activities, the City of Portland will provide translation, reasonably modify policies/procedures and provide auxiliary aids/services/alternative formats to persons with disabilities. For accommodations, translations, complaints, and additional information, **INSERT CONTACT INFORMATION**, use City TTY 503-823-6868, or use Oregon Relay Service: 711.

Shorter version or email notice 3 :

The City of Portland complies with all non-discrimination laws including Title VI (Civil Rights) and Title II (ADA). To request a translation, accommodation or additional information, please contact **insert name here by insert email** or use City TTY 503-823-6868, or Oregon Relay Service: 711.

Sample Translation Notices for Persons with Limited English Proficiency (should be in languages appropriate to the communication)

The Bureau of **XXXXX** is committed to providing meaningful access to the residents of Portland. If you require translation services please contact **XXXXXXX**.

Spanish Version

La Oficina de **XXXX** se compromete a proporcionar un acceso significativo a los residentes de Portland. Si necesita servicios de traducción, por favor póngase en contacto con **XXXXXXX**.

Public Involvement

It is the policy of the City of Portland to involve the public in important decisions by providing for early, open and continuous public participation in and access to key planning and project decision-making processes. This policy was reiterated throughout the Portland Plan. The City recognizes that Title VI has been implemented to ensure decision-making processes are designed to prevent disproportionate adverse human health and environmental effects, including social and economic effects, as a result of any City project or activity on minority and low-income populations.

The City has developed extensive resources and best practices to ensure that the public is meaningfully involved in the decisions it makes. Such involvement is critical to the implementation of the Title VI program. The City Council adopted the following Public Involvement Principles in August, 2010, and is committed to applying them in planning, providing services and decision-making.

- *Partnership:* Community members have a right to be involved in decisions that affect them. Participants can influence decision-making and receive feedback on how their input was used. The public has the opportunity to recommend projects and issues for government consideration.
- *Early Involvement:* Public involvement is an early and integral part of issue and opportunity identification, concept development, design, and implementation of City policies, programs, and projects.
- *Building Relationships and Community Capacity:* Public involvement processes invest in and develop long-term, collaborative working relationships and learning opportunities with community partners and stakeholders.
- *Inclusiveness and Equity:* Public dialogue and decision-making processes identify, reach out to, and encourage participation of the community in its full diversity. Processes respect a range of values and interests and the knowledge of those involved. Historically excluded individuals and groups are included authentically in processes, activities, and decision- and policy-making. Impacts, including costs and benefits, are identified and distributed fairly.
- *Good Quality Process Design and Implementation:* Public involvement processes and techniques are well-designed to appropriately fit the scope, character, and impact of a policy or project. Processes adapt to changing needs and issues as they move forward.
- *Transparency:* Public decision-making processes are accessible, open, honest, and understandable. Members of the public receive the information they need, and with enough lead time, to participate effectively.
- *Accountability:* City leaders and staff are accountable for ensuring meaningful public involvement in the work of city government.

More public involvement resources are found in Appendix 2 of the Title VI Plan.

Access for Persons with limited English Proficiency (LEP)

A person with limited English proficiency (LEP) is one who does not speak English as her or his primary language and has a limited ability to read, write, speak or understand English. It is the policy of the City of Portland to ensure that LEP persons have full access to its programs, services and activities. The City recognizes that language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with regulations, or understanding other information provided by its programs and activities. For purposes of this plan translation refers to translating written communication and interpretation refers to interpreting spoken communication.

The City of Portland's LEP policy is intended to ensure that all people, regardless of their proficiency in English, have meaningful access to the benefits of municipal programs and services. Persons interacting with the City should be notified in their language about the availability of language assistance and critical service information. City bureaus should assess the language proficiency of the persons to be served in determining how to provide meaningful access to their services, programs and activities. Additionally, each bureau should identify which documents (if any) are vital to the public's interaction with that bureau, and translate those documents.

In making translation decisions, the following factors should be considered:

1. How many LEP individuals live in the service area or municipality?
2. The frequency with which LEP individuals come in contact with or try to access the program, service or activity.
3. The nature and importance of the program, service or activity.
4. Available resources and costs.

All City staff have access to a contractor that can provide telephonic, written and in-person meeting translation and interpretation services. The City will monitor the services provided and update the translation and interpretation service contract as needed. The *Guide to Providing Translation and Interpretive Services* and the instructions to access translation and interpretation services are attached to this document and should be used in evaluating what services are reasonably necessary to provide meaningful access for LEP persons.

What to do if you encounter a person with limited English proficiency in person?

If you need an over-the-phone interpreter immediately, please call our contractor Language Fusion toll-free **855.899.9696** and you'll be connected to the interpreter

within 30 seconds. Your access code is **844295**. This service is only available between the hours 8-5.

You can also go to www.LanguageFusion.us and click on 'Telephonic Interpretation' button and select '**Schedule a Call Now**' enter the City of Portland **Contract number 30002731 and Task Order number** in "Additional Instructions."

If you need assistance determining the language spoken by the person you can use the "I speak" card attached to this document. You can also schedule an appointment with a translator and the person requiring service through our contract. To do this: go to www.LanguageFusion.us and click on 'Onsite Interpretation' button and select '**Schedule an Interpreter Now**' Enter the City of Portland **Contract number 30002731** followed by a Task Order Number in the "Job Reference #", for example: 30002731-ABC12. Enter all the required information, including any specific needs (time of the appointment, equipment, attire, mileage, audience, etc.). If you don't have your user account set up, the system will ask you a few additional questions. Your password will be emailed to you.

Surcharges

The City of Portland can not charge for the translation of documents or providing interpreter services.

The City of Portland will not place a surcharge on an individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or for the reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs. The ADA does not require The City of Portland to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Environmental Justice Decision Making

It is the policy of the City of Portland to consider whether any City decision, service, program, or benefit results in a potential disproportionate adverse human health and environmental effect, including social and economic effects, on communities of color, tribal communities and other communities underrepresented in public processes.

Environmental justice is predicated on the notion of fair treatment and equal protection, meaning a just distribution of the benefits and burdens of decisions and actions. No group of people should bear a disproportionate share of the negative environmental consequences resulting from the execution of governmental policies and programs.

Self-determination is also a fundamental principle of environmental justice. All stakeholders must have an opportunity for meaningful involvement in all decisions that

may affect their immediate lives. The City of Portland and its bureaus should strive to provide more than the minimum notice and comment particularly where barriers to participation exist. To ensure fair treatment and involvement in decision-making, the City must identify potentially impacted communities and work to build capacity around the pertinent issues so the opportunities to participate are accessible and genuine. Guidelines for analyzing and addressing potential environmental justice impacts may be found in attached to this document and in the Title VI Plan.

Principles of environmental justice analysis and decision-making include:

- Early identification and engagement of affected communities.
- Clear articulation of the problem, and solutions that fit both the problem and the needs of the community affected by the project. Creative solutions that reduce impact are encouraged.
- Consideration of the accumulation of the environmental hazards in the impact area.
- Documentation of why decisions were made and analysis of the impact on the community of that decision.
- Determination if the impacts disproportionately burden or benefit a community.
- Any additional considerations such as mitigation, environmental assessment, and supplemental benefits that support the decision.

Complaint Process under City of Portland’s Civil Rights Title VI Plan

Any person who believes she or he has been the object of unequal treatment or discrimination on the grounds of race, color, or national origin may file a complaint with the City of Portland’s Title VI Program Manager. This process applies to all complaints filed under Title VI of the Civil Rights Act of 1964, arising from any program, service of or activity of the City of Portland or its subrecipients.

This is an administrative process that does not provide for compensatory or punitive damages. The City’s process is not exclusive. A person filing a complaint with the City may also file a complaint with other state or federal agencies or the courts. Other agencies will have time limits for filing complaints. Generally, federal agencies require Title VI complaints to be filed within 180 days of the date of the discrimination.

Complaint Process for Other Claims of Discrimination:

The Title VI complaint process does not cover complaints based on protections afforded under other civil rights statutes, such as sex, sexual orientation, gender identity, age or source of income. If a complaint is filed alleging such discrimination, the complainant will be notified that it cannot be processed as a Title VI complaint. However, the City will

review complaints of discrimination based on sex, sexual orientation, gender identity, age or source of income to determine if they can be informally resolved.

Complaints of discrimination based on disability will be handled under the City's ADA Title II complaint process which is substantially similar to this Title VI complaint process.

To be accepted, a Title VI complaint must:

- a) involve discrimination on the basis of race, color or national origin;
- b) allege that the discrimination was committed by the City of Portland, a City of Portland employee or a subrecipient (contractor or sub contractor) of the City of Portland; and
- c) be filed within 60 days of the alleged discrimination (or when the complainant knew, or should have known, of it).

Filing a Title VI Complaint:

Complaints should be filed with Title VI Program Manager, in the Office of Management and Finance. Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Program Manager or may have another person write and acknowledge the complaint on his or her behalf.

Complaints should include:

- a) the name, address and phone number of the person who experienced the discriminatory action;
- b) the date of the alleged act of discrimination or the date when the complainant(s) became aware of the alleged discrimination; and
- c) a brief but specific description of the discriminatory practice or action and any relevant facts.

The complaint should include names and contact information of any witnesses, including City employees or contractors.

Allegations may be faxed or e-mailed and will be acknowledged and processed once the identity of the complainant and the intent to proceed with the complaint have been established. The complaint form must be signed or acknowledged, and returned to the Program Manager for processing.

The original copy may be sent, faxed or emailed to:

Title VI Program Manager
1120 SW 5th Avenue, Room 1204
Portland, Oregon 97204
Fax 503-823-6924
title6complaints@portlandoregon.gov

Allegations received by telephone or TDD will be reduced to writing on a complaint form and provided to complainant for confirmation or revision before processing.

Processing A Title VI Complaint:

Upon receipt of the complaint, the Title VI Program Manager will determine:

- a) If the complaint is complete;
- b) If additional information is needed;
- c) If the City has jurisdiction; and
- d) If the complaint is timely.

The Program Manager will notify the complainant in writing within 5 working days either that the complaint is accepted or the complaint is not accepted. If the complaint is not accepted, the Program Manager will state why. If the complaint is not accepted because additional information is needed, the complainant will be notified what information is needed.

If the Complaint is accepted, the City will investigate the merits of the complaint and will attempt to resolve it at the lowest level possible. Complaints submitted directly to City bureaus will be forwarded to the Title VI Program Manager for intake.

In cases where the complaint is against one of the City of Portland's subrecipients, the City will assume jurisdiction and will investigate the complaint. In some instances the City will have a legal obligation to notify a state or federal agency of a Title VI complaint, and in such instances that agency may investigate the complaint.

Dismissal of Complaints:

The City of Portland may dismiss a complaint for any of the following reasons:

- The complainant withdraws the complaint.
- The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- The complaint is untimely.
- The complainant cannot be located.
- The complaint is determined to be legally insufficient.

Investigating and Tracking Title VI Complaints:

The Program Manager will notify the complainant in writing within 5 working days of the decision to accept or reject the complaint. Notification will include a case number. In cases in which the complaint is against the City, the Title VI Program Manager will work with the involved Bureau and the complainant to attempt to resolve the complaint. The option of informal mediation meetings may be used at any stage. If the parties are unable to resolve the complaint, the Title VI Program Manager will investigate the complaint. The complainant will be provided a written decision on the complaint within 60 working days of the acceptance of the complaint for investigation.

Appealing the Program Manager's Written Decision:

The Title VI Program Manager will only re-consider a complaint if new facts come to light. If the complainant is not satisfied with the written decision of the Program Manager, the complainant has 14 working days from the date of the decision to provide the Program Manager with written notice of intent to appeal.

The appeal shall be to the Director of the involved City Bureau.

The involved Bureau Director shall issue a decision on the appeal within 30 working days of the notice of intent to appeal, which shall be the final decision of the City.

Resources Attached:

"I Speak" Handout

Language Fusion How to Access Translation and Interpretation Services

Title VI Complaint Form

Environmental Justice Policy and Analysis Guidelines