



Title VI and ADA Program Plan

I. Policy Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

ARC XVI Fort Washington, Inc. is committed to ensuring that no person is excluded from participation in or denied the benefits of its transportation services on the basis of race, color, disability or national origin, as protected by Title VI in Federal Transit Administration (FTS) Circular 4702.1.A and the Americans with Disability Act (ADA) of 1990. This plan was developed to guide ARC XVI Fort Washington, Inc. in its administration and management of Title VI and ADA related activities.

Marlene Suculanda, Transportation Coordinator

ARC XVI Fort Washington, Inc.

WHIST Transportation

108 West 146th Street

New York, NY 10039

212-281-1349

II. Title VI and ADA Information Dissemination

Title VI and ADA information posters shall be prominently and publicly displayed in all vehicles and in the transportation department office. Additional information relating to non-discrimination obligation can be obtained from Marlene Suculanda, Transportation Coordinator.

Title VI and ADA information shall be disseminated to ARC XVI Fort Washington, Inc. employees annually via the employee handbook containing the language set forth in Appendix A. This reminds employees of ARC XVI Fort Washington, Inc. about the policy statement and of their Title VI and ADA responsibilities in their daily work and duties.

During Department Orientation, new employees shall be informed of the provisions of Title VI and the expectations of ARC XVI Fort Washington, Inc. employees to perform their duties accordingly. All



transportation employees shall be provided a copy of the Title VI and ADA Plan and are required to sign the Acknowledgment of Receipt. (Appendix B)



III. Record Keeping

The Transportation Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgments of receipts from the employees indicating the receipt of the ARC XVI Fort Washington, Inc. Title VI and ADA Plan, copies of the Title VI and ADA complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI and ADA investigations.

Title VI and ADA Complaint notices are posted all over our older adult centers, our website: www.arcseniors.org and in every vehicle.

IV. Title VI and ADA Complaint Procedures

How to file a Title VI and/or ADA Complaint

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

Complainant's name, mailing address, and how to contact them (i.e., telephone number, email address, etc.) How, when, where and why they believe they were discriminated against. Include the location, names and contact information of any witnesses.

Other information that they deem significant.

The Title VI and ADA Complaint Form (see Appendix D) may be used to submit complaint information. The complaint must be filed in writing with ARC XVI Fort Washington, Inc. at the following Address in order for ARC XVI Fort Washington, Inc. to properly investigate any complaint:

Marlene Suculanda, Transportation Coordinator
ARC XVI Fort Washington, Inc.
WHIST Transportation
4111 Broadway
New York, NY 10033
212-781-5700

NOTE: ARC XVI Fort Washington, Inc. encourages all complainants to certify any mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Transportation Coordinator as soon as possible, but no later than one hundred eighty (180) days from the alleged date of discrimination.

ARC XVI Fort Washington, Inc., 108 West 146th Street, New York, NY 10039 212-281-1349



What happened to the complaint after it is submitted?

All complaints alleging discrimination based on race, color, disability or national origin in a service or benefit provided by ARC XVI Fort Washington WHIST Transportation, will be directly addressed by ARC XVI Fort Washington, Inc. for investigation. ARC XVI Fort Washington, Inc. shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, ARC XVI Fort Washington Inc. shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven (7) days (see Appendix E). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

The Transportation Coordinator will send a final written response letter (see Appendix F or G) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix G), the complainant is also advised of his or her right to

- 1) Provide additional information to ARC XVI Fort Washington, Inc. for consideration of the complaint within seven (7) calendar days of receipt of the final written decision from ARC XVI Fort Washington, Inc. and/or
 - 2) File a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to the Title VI complaints within sixty (60) working days of receipt of such complaints.
- In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

**Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor- TCR
1200 New Jersey Ave
SE Washington DC 20590**



New York State Department of Transportation

Office of Civil Rights

50 Wolf Road, 6th Floor

Albany, NY 12232

Tel: 518-457-1129

Fax: 518-549-1273

OCR-TitleVI@dot.ny.gov

V. Language Assistance Plan (LAP)

FTA Circular 4702.1B was developed by the Federal Transit Administration (FTA) and details the administrative and reporting requirements for recipients of FTA financial assistance to comply with Title VI and related executive orders including on LEP (Limited English Proficiency) persons.

The United States Department of Transportation (DOT) published guidance that directed its recipients to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP customers. ARC XVI Fort Washington, Inc. Language Assistance Plan (LAP) includes a four factor analysis and implementation plan that complies with the requirements of the DOT LEP guidance.

1. Identifying LEP (Limited English Proficiency) Individuals

LEP Individuals are those individuals speaking a language other than English or using sign language that request assistance. ARC XVI Fort Washington, Inc. does not currently have any individuals that require any other help other than English, Sign Language or Prompts.

2. Providing Services

ARC XVI Fort Washington, Inc. does not currently have an on-going need for professional translation services; however, ARC XVI Fort Washington Inc. has an ongoing contract through New York State with Language Line for translation for any person who does not speak the languages available within the staff.

3. Monitoring

Satisfaction Surveys offer an opportunity for individuals served and their care givers to provide input or suggest additional services.

The Title VI and ADA Plan will also be reviewed every three years.



4. Employee Training

As part of the Accessibility Plan, ARC XVI Fort Washington, Inc. encourages staff interest and education in learning to more effectively communicate with individuals served.



VI. Safe Harbor Provision

The federal Transit Authority Circular 4702.1B states

"DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered. Then such action will be considered strong evidence of compliance with the recipient's written translation obligation. Translations of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provision apply to the translation of written documents only. The do not affect the requirement to provide access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factors Analysis, that even though a language meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program."

VII. Membership of Non-elected Committees and Councils

ARC XVI Fort Washington, Inc. does not have a non-elected transit related advisory council at this time.

VIII. Title VI Equity Analysis

ARC XVI Fort Washington, Inc. does not have transit related facilities.



Appendix A: Employee Annual Education Form Title VI and ADA Policy

No person shall, on the grounds of race, color, disability 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.

All employees of ARC XVI Fort Washington, Inc. are expected to consider, respect, and observe this policy in their daily work and duties. If a participant or family member approaches you with a question or complaint relating to Title VI, ADA, or discrimination of any kind based on race, color, disability, or national origin, direct him or her to ARC XVI Fort Washington Inc. Transportation Coordinator.

In all dealings with anyone in the community, use courtesy titles (i.e. Mrs., Mrs., Ms., or Miss) to address them without regard to race, color, disability or national origin.



Appendix B: Employee Acknowledgement of Receipt of Title VI and ADA Plan

I hereby acknowledge the receipt of the ARC XVI Fort Washington Inc. Title VI and ADA Plan. I have read the plan and am committed to ensuring that no participant is excluded from or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Administration (FTA) Circular 47002.1.A.

Employee signature

Print name

Date



Appendix C: Public Participation Plan

- Use locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities;
- Coordinating with individuals, institutions, or organizations and implementing community based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- Placing public notices of activities in all stations and in all vehicles; provide alternative language notices for LEP communities in your service area
- Provide opportunities through means other than written communication. Consider personal interview or use of video or audio to capture community feedback from LEP populations;
- Use different meeting sizes and formats that are tailored to your particular communities or populations;
- Utilize social media, such as Facebook and You Tube to complement, but not replace, other involvement strategies;
- Consider non-traditional methods such a posting notices in hair salons, street fairs, faith-based institutions, libraries, etc.
 - Attend community fairs and do tabling during conference to bring our services out to the community.
 - Located in all vehicles and website.
 - www.arcseniors.org



Appendix D: Title VI and ADA COMPLAINT FORM

Name _____

Address _____ **City** _____ **Zip** _____

Telephone: Home _____ **Work** _____ **Cell** _____

Basis of Complaint: (place checkmark)}

- Race
- Color
- Sex
- National Origin
- Age
- Disability

Type of Complaint (place checkmark)

Program	Service	Benefit	Activity
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Who allegedly discriminated against you?

Name _____

Address _____ **City** _____ **Zip** _____

Telephone _____

If an organization what is its name?

Name of Organization _____

Address _____ **City** _____ **Zip** _____

Telephone _____

Name of Contact _____



How were you discriminated against?

Dates and times discrimination occurred?

Were there any other witnesses to the discrimination?

Name	Title	Work Phone	Home Phone
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Have you filed your complaint with anyone else?

Who _____

When _____

Do you have an Attorney in this matter?

Name _____

Address _____ City _____ Zip _____

When did you acquire _____

Signed _____ Date _____

Mail to: Marlene Suculanda, Transportation Coordinator
ARC XVI Fort Washington, Inc.
WHIST Transportation
4111 Broadway
New York, NY 10033
212-781-5700



APPENDIX E: Letter Acknowledging Receipt of Complaint

Date

Name

Address

City, State Zip

Dear Name:

This letter is to acknowledge receipt of your complaint against ARC XVI Fort Washington, Inc. WHIST Transportation Department alleging

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by contacting our office at:

Marlene Suculanda, Transportation Coordinator
ARC XVI Fort Washington, Inc.
WHIST Transportation
4111 Broadway
New York, NY 10033
212-281-1349

Sincerely,

Marlene Suculanda

Transportation Coordinator



APPENDIX F: Letter Notifying Complainant that the Complaint Is Substantiated

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your letter dated _____ against ARC XVI Fort Washington, Inc., alleging Title VI and/or ADA violation has been investigated. (An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act of 1990, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. (If a hearing is requested, the following sentence may be appropriate.) You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Marlene Suculanda

Transportation Coordinator



APPENDIX G: Letter Notifying Complaint and that the Complaint Is Not Substantiated

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your complaint dated _____ against the ARC XVI Fort Washington, Inc. alleging _____ has been investigated. The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

ARC XVI Fort Washington Inc. has analyzed the materials and facts pertaining to your case of evidence of the Department's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated and that I am closing the matter in our files.

You have the right to 1) provide additional information to this office for reconsideration of your complaint within seven (7) calendar days of receipt of this final written decision from ARC XVI Fort Washington, Inc. and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

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

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Marlene Suculanda
Transportation Coordinator



APPENDIX H: Sample of Narrative to be included in Posters to be displayed in Participants Transport Vehicles and Facilities

ARC XVI Fort Washington Inc. is committed to ensuring that no person is excluded from participation in, denied the benefits of, or be subjected to discrimination in the receipt of its services on the basis of race, color, disability or national origin, as protected by Title VI of the Civil Rights Act of 1964.

If you feel you are being denied participation in or being denied benefits of the services provided by ARC XVI Fort Washington, Inc. or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at 212-781-5700.



**APPENDIX I: NYSDOT Public Transportation Programs
Title VI Investigations, Complaints & Lawsuits Log**

AGENCY: ARC XVI Fort Washington, Inc.

TITLE VI OFFICER: Marlene Suculanda, Transportation Coordinator

E-MAIL: marlene@arcseniors.org

CONTACT: 212-281-1349

FISCAL YEAR FY:

REPORTING PERIOD (check appropriate box):

1ST Half
(July-December)

2ND Half
(January-June)

Complete Fiscal Year
(July-June)

1. Were any investigations, lawsuits or complaints filed during this time period?
2. If YES, please provide the following information for each investigation, lawsuit or complaint received during this time period:

Date the investigation, lawsuit or complaint was filed, and Summary of the allegation(s) and status if resolved.
3. Based on the investigations, lawsuits or complaints filed during the Fiscal Year, please provide a status of each allegation. **(Report on separate paper at the end of the Fiscal Year).**
4. Please indicate if or what actions were taken by the sub recipient in response to the investigation, lawsuit or complaint. **(Report on separate paper at the end of the Fiscal Year).**