

**Vermont Association for the Blind
and Visually Impaired
Title VI Program
April, 2020**

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I. Statement of Policy

The Vermont Association for the Blind and Visually Impaired (VABVI), as a subrecipient of federal grant money through the Vermont Agency of Transportation, is required by the FTA to conform to Title VI of the Civil Rights Act of 1964 and its amendments. Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination, under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency.

VABVI is committed to enforcing the provisions of Title VI and protecting the rights and opportunities of all persons associated with VABVI or affected by its programs. VABVI's commitment includes vigorously enforcing all applicable laws and regulations that affect VABVI and those organizations, both public and private, which participate and benefit through our programs.

VABVI will take positive and realistic affirmative steps to ensure that all persons and/or firms wishing to participate in its programs are given an equal and equitable chance to participate. Any sub-recipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services.

Any person(s) who feels that they have been discriminated against is encouraged to report such violations in writing to the VABVI office as described in section III.

Steven Pouliot, Executive Director

II. Notification to Beneficiaries

VABVI's notice to beneficiaries of protection from discrimination on the basis of race, color, or national origin is provided below.

This notification is posted in the following means and locations:

- On all vans operated by VABVI
- On the agency website (see <https://www.vabvi.org/title-vi-program>)
- On all public meeting notices
- At VABVI's administrative offices in South Burlington, Berlin, Brattleboro and Rutland, VT

Title VI of the Civil Rights Act

VABVI operates its program and service without regard to race, color and national origin as stipulated in the Title VI of the Civil Rights Act of 1964. If you feel you have been discriminated against based on your race, color or national origin, you may file a complaint with the VABVI Title VI Officer at (800) 639-5861. You also have the right to file a complaint with the Vermont Agency of Transportation at (802) 249-9291. For more information about your Title VI rights, please visit <http://vtranscivilrights.vermont.gov> or call (802) 249-9291.

III. Title VI Complaint Procedure and Form

Receiving and Documenting Complaints

Complaints via Phone Call, Email/Website or in Person: When a member of the public contacts VABVI and states that s/he wishes to file a Title VI complaint, the person will be directly referred to the Title VI officer who will document the complaint using the Complaint Form (attached). Should the Title VI officer be unavailable, the staff member assisting the complainant shall complete the Complaint Form and forward to the Title VI Officer. The Title VI Officer shall contact the complainant within five business days of receiving the complaint.

In the event that an individual calls in a complaint but does not specifically state that s/he wishes to file a Title VI complaint, the staff member taking the complaint shall follow the normal (non-Title VI) complaint documentation procedures. If the complaint **may** involve Title VI, the staff member taking the complaint shall forward the person's contact information and the complaint form to the Title VI officer.

Interim Title VI Officer: If the Title VI officer will be out of the office longer than five business days, an interim Title VI officer shall be selected and he/she shall be forwarded the Title VI complaint phone calls and emails until the permanent Title VI officer returns.

Using the Complaint Form (see below)

1. The Complaint Form is used for all complaints and is initiated by the staff member receiving the complaint or the Title VI officer as described above.
2. Essential information on the form includes the following:
 - a. Date of the incident that is the subject of the complaint
 - b. Time of the incident
 - c. Location of the incident
 - d. Circumstances of the incident in as much detail as is available, including description of the issues, and the names and job titles of those individuals perceived as parties in the complaint.
3. The completed form, along with any other communication, will be submitted to the Executive Director. For complaints not deemed to be Title VI, the Executive Director will determine the jurisdiction and acceptability of complaint and any need for additional information. After any additional information is procured, the Executive Director will determine appropriate action.
4. All Title VI complaints and possible Title VI complaints will be sent to the Title VI officer for review and if necessary, investigation.
5. The Title VI complainant will be provided with written notification of VABVI's determination of whether the complaint falls under Title VI jurisdiction. If the complaint is not Title VI, standard complaint procedure will be followed.
6. A complaint may be rejected for the following reasons:
 - a. More than 180 days passed between the alleged incident and the filing of the initial complaint.

- b. The allegation does not involve a basis covered under Title VI, such as race, color, or national origin.
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - d. The complainant cannot be located after reasonable attempts.
7. A complaint determined to be Title VI will be assigned a case number and be logged in a database maintained by the Title VI Officer identifying the complainant's name, date of incident, alleged harm, and the race, color, or national origin of the complainant.
8. The Title VI officer will initiate an investigation of the complaint, assisted by other members of VABVI staff as necessary, and complete a report within 90 days of the Title VI determination. The report shall include a description of the incident, identification of those interviewed, findings, and recommendations for disposition.
9. The Title VI Officer will refer the report to VABVI's legal counsel, if deemed appropriate. The Title VI Officer will accept or reject the recommendation for disposition, in consultation with legal counsel, and if the individuals involved are found to be in noncompliance with Title VI, remedial actions will be determined.
10. The results of the investigation and the determination will be mailed to the complainant. Notice shall include information regarding appeal rights of the complainant and instructions for initiating such an appeal. Notice of appeals are as follows:

- a. The first level of appeal is to the Executive Director of VABVI. Complainant will be advised to contact:

VABVI
60 Kimball Ave
South Burlington, VT 05403
(800) 639-5861 ext 224

- b. If the complainant is still dissatisfied with the determination and/or resolution set forth by VABVI, the result may be appealed to VTrans. Complainant will be advised to contact:

Vermont Agency of Transportation
Office of Civil Rights & Labor Compliance
219 North Main Street
Barre, VT 05641

Appeals may also be submitted by telephone or fax. Contact numbers are as follows:

Phone: (802) 249-9291
Fax: (802) 479-5506

- c. If the complainant is dissatisfied with the determination and/or resolution set forth by VTrans, the same complaint may be submitted to FTA for investigation. Complainant will be advised to contact the Federal Transit Administration, Office of Civil Rights, Transportation Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093.

11. A copy of the complaint and VABVI's investigation report, letter of finding and remedial action plan will be submitted to VTrans within 120 days of the initial receipt of the complaint.

Enter the Complaint into the VABVI Title VI Complaint and Lawsuit Log

Any Title VI complaint received by VABVI shall be entered into the VABVI Title VI Complaint and Lawsuit Log. The following information must be included in the log:

- Date the complaint was filed
- A summary of the allegations
- The status of the investigation
- Actions taken by the recipient in response

VABVI TITLE VI COMPLAINT FORM

Date Complaint Received: _____

Name of Complainant: _____

Phone Number of Complainant: _____

Address of Complainant (if given): _____

Email Address of Complainant (if given): _____

Date of Alleged Incident _____

Location of Alleged Incident _____

Name(s) of VABVI Staff/Driver Involved _____

Summary of the Allegations/Nature of the Complaint: _____

Update of Complaint Status:

<u>Date</u>	<u>Status of the Complaint</u>	<u>Actions Taken, if any</u>

IV. Complaint and Lawsuit Log

There have been no Title VI related lawsuits or investigations in the past for VABVI. This is VABVI's first official Title VI program.

V. Public Involvement and Outreach Plan/Process

Public participation is an essential component of the planning process. VABVI conducts public outreach efforts regarding programs, services, and community needs. VABVI has a statewide scope, and thus the demographic profile of VABVI's potential constituents is the same as that presented in VTrans' Title VI program. That demographic analysis is incorporated here by reference.

According to the 2013-2017 American Community Survey 5-year estimates, Vermont is overwhelmingly Caucasian and native born. Only 6.8% of residents are either Hispanic or of some race other than White. More than 95% of Vermont residents were born in the United States. People in poverty are a little more prevalent, with 10.9% of residents having incomes below the federal poverty line.

The highest concentrations of minority and foreign-born individuals are in Chittenden County, particularly in the cities of Burlington and Winooski. In some of the census tracts in these cities, up to 42% of residents are non-white and 33% are foreign born. There are concentrations of low-income individuals in all parts of Vermont, though the highest concentrations are in Burlington, Barre, Winooski, Bennington and Bellows Falls.

As VABVI carries out public involvement activities, the detailed figures in the VTrans Title VI Program will inform staff about where additional outreach is needed to encourage minorities and low-income individuals to participate in the process.

Engaging Members of Protected Classes in the Planning Process

VABVI employs many techniques to ensure all passengers, including minority and low income passengers, have meaningful access to community and Board of Directors meetings and/or have the opportunity to comment outside of specific hearings or meetings. VABVI is, of course, focused on people with visual impairments, but communication with community organizations that serve minority individuals and agencies such as the US Committee for Refugees and Immigrants (USCRI – Vermont) can help to ensure that minority and foreign-born individuals with visual impairments have equal access to VABVI's service as other Vermonters.

VABVI's current outreach techniques include:

- 1) **Place notices in local papers** –VABVI will place notices of public hearings and meetings in local papers as well as its own newsletter. These include hearings or meetings for new or changed services.
- 2) **Notify existing VABVI clients** – VABVI will notify existing VABVI clients of an upcoming public meeting by telephone or electronic means.

- 3) **Make meetings accessible by transit** – VABVI realizes that for many passengers, transit is their only transportation option. VABVI will provide transportation to and from any public meeting or hearing with a volunteer driver or through cooperation with a local transit provider.
- 4) **Accept phone/email public comment** – If a passenger or member of the public is unable to attend a public hearing or meeting for any reason, VABVI accepts comments and feedback via phone call and email. These comments are included at the end of the public hearing/meeting minutes and are therefore incorporated into the public record.
- 5) **Publish contact information widely** – VABVI provides contact information on all publications (brochures, posters, annual reports, newsletters, web site, etc.) with language encouraging public to make contact.

The Vermont Agency of Transportation published a Public Involvement Guide in June 2017. See <http://vtrans.vermont.gov/sites/aot/files/highway/documents/publications/VTransPublicInvolvementGuide2017.pdf>. The Guide contains some specific language regarding outreach to Title VI populations in chapters 2 and 4. VABVI is incorporating the guidance in this document into its public outreach activities.

VABVI has not held any public meetings or hearings in the last three years.

VI. Language Assistance Plan

A. Introduction

The purpose of this policy is to assess the need for, and develop material for, those citizens of the area served by VABVI who are limited in their English language proficiency. On August 11, 2000, President Clinton signed United States Executive Order 13166, ‘Improving Access to Services to Persons With Limited English Proficiency’ (hereafter referred to as LEP). On the same day, the Assistant Attorney General for the Civil Rights Division of the United States Department of Justice (DOJ) issued a Policy Guidance Document titled “Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency.” This Guidance Policy was prepared to help clarify Executive Order 13166. This action was prompted by an increase in the LEP population and recognition at the highest levels that for LEP individuals, language can be a barrier to accessing important services. Executive Order 13166 contains two major initiatives. The first is designed to better enforce and implement an existing obligation: Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient. Secondly, the Executive Order requires federal agencies that provide federal financial assistance to develop guidance to clarify those obligations for recipients of such assistance.¹

¹ Department of Justice - Civil Rights Division, Coordination and Review Section: Commonly Asked Questions Regarding Executive Order 13166 (<http://justice.gov/crt/cor/Pubs/lepqa.htm>).

B. Four Factor Analysis

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to VTrans and overall cost.

Factor 1 – Prevalence of LEP Persons

As a statewide agency, the analysis of Factor 1 is the same as it is for VTrans. That analysis from the VTrans Title VI Program is incorporated here by reference and is provided in the appendix to this document.

Factor 2. The frequency with which LEP individuals come in contact with the service.

VABVI would most likely have contact with an LEP individual if there was a request for a ride from such a person through VABVI's volunteer driver program. VABVI has had infrequent contact with LEP individuals, due to their overall scarcity in Vermont. When such contact has occurred, a family member of the individual typically provides translation services. In a given year, there are fewer than ten instances when VABVI comes into contact with an LEP individual.

Factor 3. The nature and importance of the service provided by the program.

The vast majority of VABVI's clients are unable to drive themselves. Thus, providing mobility to these individuals, including any with LEP, is critical. A visually-impaired LEP person's inability to effectively utilize public transportation may adversely affect his or her ability to obtain health care, or education, or access to employment. Denial or delay of access to VABVI services to LEP individuals has never been a problem.

Factor 4. The resources available to the recipient and costs.

VABVI, like many rural not-for profit agencies throughout the country, has a very limited budget. For VABVI to directly provide for language services for the few individuals in its service area who may need it to provide their transportation needs is not, at this time, a practical solution, given other options as described earlier. Translation of VABVI's written materials and/or signs into a variety of languages cannot be justified at this time due to the very small numbers of the potential benefactors.

Fortunately, the services offered by many community-based organizations in the service area have proved more than adequate in providing meaningful access to LEP persons utilizing VABVI services. Where oral translation has been needed by various individuals, family members have provided the services. USCRI – Vermont is also available for cases where there

may be no family members at hand. When USCRI – Vermont services are not available, VABVI has the capacity to utilize the statewide telephone translation service listed below. This service is available 24 hours per day, 7 days per week. It is not foreseen that the resources available or the cost of translation services will hinder the accommodation of the needs of VABVI’s LEP population.

Telelanguage

514 SW 6th Ave
Portland, OR 97204
Phone: 1-888-983-5352

Email: info@telelanguage.com

Web: telelanguage.com

D. Monitoring

VABVI believes that the public transportation needs of all of its clients are being met without regard to ability to speak English. The data indicate that at this point in time, VABVI does not need to take any further actions to assist LEP individuals.

DOT acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process, and that a system will evolve over time as it is implemented and periodically reevaluated. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.²

In light of this, VABVI will continue to monitor its service population on an ongoing basis, and will be prepared to implement the appropriate accommodations should that need be assessed.

This annual monitoring process will include the following steps:

- Monitor current LEP populations in its service area,
- Track interactions with LEP individuals on the part of drivers and dispatchers,
- Have “I Speak” cards available at public meetings and hearings,
- Ascertain whether existing procedures are meeting the needs of LEP persons,
- Continue to maintain awareness among management and staff of the regulations implementing Title VI of the Civil Rights Act of 1964, and
- Update the LEP assessment as necessary.

VII. Board Membership

The VABVI board of directors consists of twelve members. All of the members of the present board are Caucasian. Given that the non-white population of Vermont is only 6.8% of the total, the lack of minority representation is not unexpected.

When VABVI seeks new Board members, it will:

² DOT Docket OST-2001-8696: Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (Federal Register: December 14, 2005 – Volume 670, Number 239), § VIII.

- post openings in media stating specifically that minorities are encouraged to apply,
- post openings with other human-service agencies that serve minorities stating specifically that minorities are encouraged to apply.

When allowing citizens to be on committees, planning boards or advisory councils, VABVI will make an effort to reach out to minorities.

VIII. Monitoring of Subrecipients

VABVI has no subrecipients.

IX. Transit Facility

VABVI does not have a transit facility. It currently rents space for its administrative offices and van parking.

X. Service Standards and Policies

VABVI does not operate any fixed or deviated bus routes. All of its service is demand responsive, operated either by volunteer drivers or by agency vans. Service is available to any visually-impaired resident of Vermont. As there is no scheduled bus service, the service standards and policies in the FTA circular do not apply.