



Title VI & ADA Title III Program Forms

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Title VI Policy and Complaint Process

AVENUES grants equal access to its programs and services to all individuals with developmental and/or acquired disabilities. This document serves to make individuals aware of their rights to such access, and serves to educate individuals so that they may understand the civil rights laws that protect their receipt and benefit of such services as defined by Title VI of the Civil Rights Act of 1964.

WHAT IS TITLE VI? Title VI is a section of the Civil Rights Act of 1964 requiring that "No person in the United States shall on the grounds 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." Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination.

AVENUES TITLE VI COMPLAINT AND INVESTIGATION PROCEDURES

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 for alleged discrimination in any program or activity administered by the AVENUES Transportation dept. 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. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and AVENUES may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file separate complaints.

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. An AVENUES Title VI complaint form can be obtained from the AVENUES main office. AVENUES encourages individuals to submit Title VI complaints in writing using this form and mailing it to:

**Office of Human Resources, Title VI Coordinator
AVENUES Human Resource Dept.
2 Park Street
Pottsville, PA 17901**

2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the AVENUES Office of Human Resources Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the AVENUES Office of Human Resources Title VI Coordinator will assist the complainant in completing a written statement.

*** PROTECTED CLASSES

3. When a complaint is received, the Office of Human Resources Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) business days by registered mail or hand delivery.
4. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
5. Within 15 business days from receipt of a complete complaint, AVENUES will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Executive Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail or hand delivery informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of AVENUES's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. When AVENUES does not have sufficient jurisdiction, the Executive Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
7. If the complaint has investigative merit, the Executive Director or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Executive Director within 60 days from receipt of the complaint. The report will include a description of the incident, summaries of all persons interviewed, and a finding with recommendations and proposed resolution where appropriate. If the investigation is delayed for any reason, the Office of Human Resource Title VI Coordinator will notify the appropriate authorities, and an extension will be requested
8. The Executive Director or his/her authorized designee will issue letters of finding to the complainant and Respondent within 90 days from receipt of the complaint.
9. If the Complainant is dissatisfied with AVENUES's resolution of the complaint, he/she has the right to file a complaint in the time allotted by law with:

**Federal Transit Administration Region 3
1760 Market Street Suite 500
Philadelphia, PA 19103-4124
(215) 656-7100 (telephone)
(215) 656-7260 (fax)**

POSTING OF PUBLIC NOTICE

Public notice of Title VI Policy and Complaint Procedures is posted in each vehicle; at all AVENUES programs and at the AVENUES Administrative Offices, 2 Park St. Pottsville PA 17901

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires 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.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint:

Please print CLEARLY:

Section I:	
Name:	
Address:	
City, State, Zip Code:	
Telephone Number: (home)	(cell)
Accessible Format Requirements? Large Print TDD Audio Tape	
Other:	

Section II:	
Are you filing this complaint on your own behalf? YES* NO	
If you answered YES to this question-go to Section III	
If not, please supply the name and relationship of the person for whom you are complaining:	
Please explain why you have filed for a third party:	
Please confirm you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:	

Section III:		
I believe the discrimination I experienced was based on (check all that apply):		
_____ race	_____ color	_____ National Origin
What was the date of the alleged discrimination (Month, Day, Year)?		
Explain as clearly as possible what happened and why you believe you were discriminated		

against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form:

Section IV:

Have you previously filed a Title VI complaint with this agency?

Section V:

Have you filed a Title VI complaint with any other Federal, State, or local agency, or with any Federal or State Court? YES NO

If YES, check all that apply:

_____ Federal Agency: _____

_____ Federal Court: _____

_____ State Court: _____

_____ State Agency: _____

_____ Local Agency: _____

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

Name:

Title:

Agency:

Address:

Phone: _____

Section VI:

Name of agency complaint is against:

Contact person:

Title:

Phone:

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

Signature and date required below:

Your Signature

Date

Print your name

Please submit this form in person at the address below, or mail this form to:
Office of Human Resources, Title VI Coordinator
AVENUES
2 Park St
Pottsville PA 17901

Private non-profit Public Participation Plan

AVENUES strives to sustain the delivery of quality transportation service to the individuals it serves in Schuylkill & Northumberland Counties.

The Board of Directors review all transportation services, including fixed route and exclusive services to determine that each program area is meeting acceptable service standards and make recommendations for improvements.

In addition, when route changes are proposed, AVENUES creates, collects, and evaluates input provided by Supports Coordinators and Program Specialists to aid in the decision making process. MapQuest is utilized to plan the most efficient route.

Any Schuylkill and Northumberland county residents may serve as a Board Member. AVENUES does not appoint its board members nor any other committee members. Participation is on a volunteer basis. The committee strives to maintain a broad-based mix of members from the public and private sectors. Membership is encouraged from consumers as well as agencies and organizations serving the elderly & disabled.

Limited English Proficiency Policy Plan

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide 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, and;

Executive Order 13166

Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination against Persons with Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as the Crawford Area Transportation Authority (AVENUES) and governments, private and non-profit entities, and sub recipients.

Plan Summary

AVENUES has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to AVENUES services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates. In developing the plan while determining AVENUES's extent of obligation to provide LEP services, AVENUES considers the following: 1) The number or proportion of LEP persons eligible in the AVENUES service area who may be served or likely to encounter an AVENUES program, activity, or service; 2) the frequency with which LEP individuals come in contact with AVENUES services; 3) the nature and importance of the program, activity or service provided by the AVENUES to the LEP population; and 4) the resources available to the AVENUES and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

Four Factor Analyses

1. The number or proportion of LEP persons eligible in the AVENUES service area who may be served or likely to encounter a AVENUES program, activity, or service.

Using data from the AVENUES service area was able to determine that approximately 1 person within AVENUES's serviced age spoke Spanish with the primary language of English.

2. The frequency with which LEP individuals come in contact with a AVENUES program, activity, or service.

AVENUES staff and drivers have had very little to no contact with LEP individuals.

3. The nature and importance of the program, activity, or service provided by the AVENUES to LEP community.

There is no large geographic concentration of any one type of LEP individuals served by Avenues. The overwhelming majority of the population, 96.1% of residents speaks English as their primary language. Therefore, for the most part, LEP individuals do not use AVENUES's services. AVENUES's services are very important to IDD individuals and senior citizens in order to provide access to programs.

4. The resources available to AVENUES and overall costs

AVENUES assessed its available resources that could be used for providing LEP assistance. This included identifying costs associated with additional translation services such as a professional interpreter on an as needed basis, which documents would be the most valuable to be translated if and when the populations supports, taking an inventory of available organizations that AVENUES could partner with for outreach and translation efforts, and what level of staff training is needed. After analyzing the four factors, the AVENUES developed the plan outlined in the following section for assisting persons of limited English proficiency at a low cost.

Limited English Proficiency Plan Outline

How to Identify a LEP Person Who Needs Language Assistance-

Below are tools to help identify persons who may need language assistance:

- During an intake of a potential new participant; the Program Specialist will document if they have limited English proficiency.
- When AVENUES sponsored meetings are held, a staff member greets and briefly speaks to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;

Language Assistance Measures

AVENUES 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 the AVENUES service area:

- When an interpreter is needed, in person or on the telephone, a family member is welcomed to assist.

AVENUES Staff Training

All AVENUES staff will be made available a copy of the LEP Plan and will be educated on procedures to follow. This information will also be part of the AVENUES staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint

Outreach Techniques

AVENUES 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 AVENUES will incorporate when and/or if the need arises for LEP outreach:

- 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 geographic 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.
- Key print materials will be translated and made available at the AVENUES Administration facility 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, AVENUES will follow the Title VI Program update schedule for the LEP Plan.

Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?

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

As part of the monitoring and update plan, AVENUES will track the activity of usage of its services by LEP persons and requests for assistance from Customer Service and Operator staff, and record information from passenger surveys which will identify the language spoken by passengers and their need for assistance.

Dissemination of the AVENUES Limited English Proficiency Plan

Copies of the LEP Plan will be provided upon request. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the AVENUES Title VI Coordinator/Human Resource

AVENUES Human Resources
 Title VI Coordinator
 2 Park Street
 Pottsville PA 17901

Phone: 570-622-7920 x104
 Fax: 570-622-9271

Non-elected committees and councils

AVENUES has a Board of Directors.

List of Title VI Investigations/Complaints/Lawsuits

FY10/11 - None
 FY11/12 - None
 FY12-13 - None
 FY13-14- None
 FY14-15 - None
 FY15-16- None
 FY16-17- None

ADA Complaint Form

* How to File a Complaint and Complaint Form

Title III prohibits discrimination based on disability in public accommodations. Private entities covered by title III include places of lodging, establishments serving food and drink, places of exhibition or entertainment, places of public gathering, sales or rental establishments, service establishments, stations used for specified public transportation, places of public display or collection, places of recreation, places of education, social service center establishments, and places of exercise or recreation. Title III also covers commercial facilities (such as warehouses, factories, and office buildings), private transportation services, and licensing and testing practices.

If you feel you or another person have been discriminated against by an entity covered by title III, send a letter to the Department of Justice, at the address below, including the following information:

- Your full name, address, and telephone number, and the name of the party discriminated against;
- The name of the business, organization, or institution that you believe has discriminated;
- A description of the act or acts of discrimination, the date or dates of the discriminatory acts, and the name or names of the individuals who you believe discriminated; and
- Other information that you believe necessary to support your complaint. Please send copies of relevant documents. Do **not** send original documents. (Retain them.)

Sign and send the letter to the address below: OR use Form provided.

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights - NYAVE
Washington, D.C. 20530

The Disability Rights Section will consider your complaint and inform you of its action. The office will investigate the complaint and determine whether to begin litigation. We will not necessarily make a determination on each complaint about whether or not there is an ADA violation. If we believe there is a pattern or practice of discrimination, or the complaint raises an issue of general public importance, we may attempt to negotiate a settlement of the matter or we may bring an action in U.S. District Court. Any such action would be taken on behalf of the United States. We do not act as an attorney for, or representative of, the complainant.

Please complete this form. Fields marked with an asterisk (*) are required.

Person filling out this form

First Name * _____ Middle _____

Last Name * _____

Address * _____

City * _____ State * _____ ZIP * _____

Telephone * (preferred) (_____) _____

Email * _____

Person(s) Discriminated Against (if other than the complainant)

Discriminatory incident Government, organization, institution or business which you believe has discriminated against you.

Name * _____

Address _____

City * _____

State * _____ ZIP _____

Telephone Number; (_____) _____

When did the discrimination occur?

Date: _____

Primary type of disability * _____

Describe the acts of discrimination *

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, institution or business? *

Yes No

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court? * Yes No

Agency or Court ; _____

You also have the option of filing your own case in U.S. District Court.

Depending on the nature of your complaint, other information would also be helpful to our investigation:

1. Small businesses have limited protection from lawsuits. Except with respect to new construction and alterations, no lawsuit can be filed concerning acts or omissions that occur before --
 - 1) July 26, 1992, by businesses with 25 or fewer employees and gross receipts of \$1,000,000 or less.
 - 2) January 26, 1993, by businesses with 10 or fewer employees and gross receipts of \$500,000 or less.
2. The name or names of the individuals or entities who have an ownership and/or managerial interest in each facility or business that is the subject of your complaint, with phone numbers and addresses, including zip codes, if you have them.
3. Information specifying whether the facility is owned and/or operated by a private entity or a state or local government.
4. The nature of the activity or service provided by the business.
5. If you are alleging failure to remove architectural barriers, a description, including as much detail as possible, of the barriers. If possible, please provide pictures, videotapes, diagrams, or other illustrations that accurately set forth the alleged violation.
6. Any suggestions for remedying the alleged violations of the ADA.
7. Information about whether you have filed a related complaint with a U.S. Attorneys Office, or any other Federal, State, or local agency, or any court, or whether you intend to file such a complaint.

Privacy Act Statement

The authority for collecting this information is contained in 42 U.S.C. 12188(b). We need this information in order to investigate your complaint. The personal information will be used primarily for authorized civil rights compliance and enforcement activities conducted by the Department of Justice. The Department will not disclose the name of, or other identifying information about, an individual unless it is necessary for enforcement activities against an entity alleged to have violated federal law, or unless such information is required to be disclosed under the Freedom of Information Act, 5 U.S.C. 552, or as is allowed through the publication of a routine use in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. To further the Department's enforcement activities, information we have about you may be given to appropriate Federal, State, or local agencies. Additional disclosures of information may be made: to Members of Congress or staff; to volunteer student workers within the Department of Justice so that they may perform their duties; to the news media when release is made consistent with the Freedom of Information Act and 28 C.F.R. 40.2; and to the National Archives and Records Administration and General Services Administration to perform records management inspection functions in accordance with their statutory responsibilities. Furnishing of the requested information is voluntary except that the failure to provide such information may result in our being unable to process your complaint.