

**TOWN OF NEWFIELD
TITLE VI COMPLIANCE**

Title VI Plan

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Title VI/Nondiscrimination Policy Statement

The Town of Newfield assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Town of Newfield further assures every effort will be made to ensure nondiscrimination in all its programs and activities, whether those programs and activities are federally funded or not.

If the Town of Newfield distributes federal aid funds to another governmental entity, the Town of Newfield will include Title VI language in all written agreements and will monitor for compliance. The Town of Newfield's Contract Compliance Office is responsible for initiating and monitoring Title VI activities, preparing required reports and other Town of Newfield responsibilities as required by 23 CFR 200 and 49 CFR 21.

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3; EO 13166.

Town of Newfield
Title VI Reporting Relationships

The Town of Newfield has appointed the Bookkeeper to the Supervisor, Blixly Taetzsch, as the Town's Title VI Coordinator.

The Town of Newfield is required to appoint a Coordinator under 23 CFR 200.9(b)(1) with easy access to the head of the agency. The Bookkeeper to the Supervisor, a direct appointee of the Town Board has such access pursuant to the Town's Charter:

The contact information for the Town's Title VI Coordinator is as follows:

Blixly Taetzsch
Title VI Coordinator
166 Main Street, Newfield, NY 14867
607-564-0654
accounting@newfieldny.org

Title VI Program Specialists

In addition to appointing a Title VI Coordinator, the Town of Newfield has Title VI Program Specialists who monitor the Town's program areas. The program areas are: Planning, Environment, Design, Right-of-Way, Construction, Contract Compliance, and Maintenance. The mailing address for all such contacts is 166 Main Street, Newfield, NY 14867. The personal contact information for each is as follows:

Town Supervisor
Phone: 607-564-0654
Email: supervisor@newfieldny.org

Town Highway Superintendent
Phone: 607-327-2840
Email: highway@newfieldny.org

Program Administration and Title VI Coordinator's Responsibilities

As authorized by the Town Supervisor, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the Town of Newfield's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the Town of Newfield in accordance with the name of sub recipient's Complaint Procedures. If any individual believes they or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin, or gender, they may file a complaint with the Town of Newfield. It is the goal of the Town to resolve complaints informally at the lowest managerial level.
2. Conduct Title VI reviews when necessary of contractors and other recipients of federal aid highway funds.
3. Work with program staff to ensure the fundamental principles of Environmental Justice outlined below:
 - Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
 - Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
 - Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.
4. Develop, as needed, Title VI information for Public Dissemination. Ensure dissemination to the public and, where appropriate, in languages other than English. The Town will disseminate Title VI Program information to Town employees, contractors, subcontractors, consultants, and subconsultants as well as the public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI/Nondiscrimination Policy Statement will be published in newspapers having a general circulation near proposed projects and announcements of hearings and meetings in minority publications.
5. Conduct pre-grant and post-grant approval reviews of Town of Newfield and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the Town of Newfield.

6. Schedule training for Title VI related statutes for Town of Newfield employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all sub recipients, and program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.
7. Identify and eliminate discrimination when found to exist. Work with all Town of Newfield Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.
8. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. The Town of Newfield will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days.

Sub recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. The Town of Newfield will seek the cooperation of the sub recipient in correcting deficiencies found during the Title VI compliance reviews. The Town will also provide the technical assistance and guidance needed to aid the sub recipient to comply voluntarily.

When a sub recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the Town will submit a copy of the case file to NYSDOT's Office of Civil Rights or the FHWA and a recommendation that the sub recipient be found in noncompliance. A follow-up review will be conducted within 180 days of the initial review to ensure that the sub recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

9. Maintain updated legislative and procedural information regarding the Town of Newfield's Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, the name of sub recipient Plan and updates, and other resource information pertaining to Title VI issues.

Complaint Procedures for Federally Assisted Programs and Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, relating to any transportation or Public Works program or activity administered by the Town, as well as to sub recipients, consultants, and contractors. These procedures apply to complaints filed against a program or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA).

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

The 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.

These procedures are part of an administrative process, which does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest managerial/administrative level possible. The option of informal mediation meeting(s) between the affected parties and the investigator may be used for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, sex, age, national origin or disability may file a written complaint with the Town of Newfield.

Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person became aware of the alleged discrimination; or
- There has been a continuing or the latest instance of the discriminatory conduct.

Form of Complaints

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant's name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail. A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.

- Must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complained of incident.

Upon receipt of the complaint, the Town of Newfield will acknowledge receipt of complaint, determine jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In cases where the complaint is against one of the Town's sub recipients of federal highway funds, the Town will assume jurisdiction and will investigate and adjudicate the case. Complaints against the Town of Newfield will be referred to the New York State Department of Transportation's Office of Civil Rights for proper disposition. In special situations warranting intervention to ensure equity, the NYSDOT Office of Civil Rights may assume jurisdiction and either complete or obtain services to review or investigate matters.

Acceptance of a complaint will be determined by

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation;
- Whether the allegations involve a program or activity of a Federal-aid recipient
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority;

A complaint may be dismissed for the following reasons

- The complainant requests the withdrawal of the complaint;
- The complainant fails to respond to repeated requests for additional information needed to process complaint;
- The complainant cannot be located after reasonable attempts.

The Town of Newfield has sole authority for accepting complaints for investigation. Once the Town decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) calendar days. The complaint will receive a case number and be logged into the Town of Newfield's records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).

In cases where the Town of Newfield assumes investigation of the complaint, the Town will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of the Town's written notification of acceptance of the complaint to furnish their response to the allegations.

Within 40 calendar days of the acceptance of the complaint, the Town of Newfield or NYSDOT investigator will prepare an investigative report for the Town's Title VI Coordinator and the Town Supervisor. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The Town of Newfield's Title VI Coordinator and Town Supervisor will have 10 calendar days to review and provide comments to the investigator.

Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the Town's Legal Counsel for review. Legal Counsel will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the Town's Legal Counsel will be reviewed by the Town Supervisor. There will be a period of 10 calendar days for the Town Supervisor to discuss the report and any recommendations with the Town's Title VI Coordinator, and to have the Title VI Coordinator address any modifications before the report's release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

The Town of Newfield's final investigative report and a copy of the complaint will be forwarded to either NYSDOT, FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

The Town of Newfield will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's concurrence.

The corresponding USDOT modality will issue the final decision to the Town of Newfield based on the investigative report.

A log of complaints will be maintained in the Office of the Town Supervisor at 166 Main Street, Newfield, NY 14867. The complaint log (if there are any complaints) will be submitted to the NYSDOT quarterly.

**Title VI of the 1964 Civil Rights Act
Discrimination Complaint Form**

Instructions: Please fill out this form in black ink or type. Sign and return to the address on the next page. Alternate means of filing a complaint, such as a personal interview or audio recording, will be made available upon request.

Name: _____

Home phone: _____ Mobile Phone: _____

Address: _____

Department/Departments you believe have discriminated:

Where did the alleged discrimination take place?

When did the alleged discrimination occur? (Date/Time) _____

Describe the acts of discrimination providing the name(s) where possible of the individuals who allegedly discriminated (if applicable) or services in violation of the 1964 Civil Rights Act or its amendments. Attach additional pages if necessary.

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 ____

If yes, with what agency or court? _____

Contact Person: _____

Address: _____

Telephone Number: _____

Date Filed: _____

Do you intend to file with another agency or court?

Yes _____ No _____

Agency or Court: _____

Address: _____

Telephone Number: _____

Signature: _____

Date: _____

Return To:

Town of Newfield
Attn: Blixxy Taetzsch
166 Main Street
Newfield, NY 14867