



City of Charleston

TITLE VI

&

LIMITED ENGLISH PROFICIENCY

PLAN

2020

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Authorities

Title VI Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, national origin, income, gender, age, or disability, be excluded from participation in, be denied the benefits of or otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [2.557] March 22, 2988).

Environmental Justice (EJ) (Executive Order 12898) addresses disproportionate adverse environmental social and economic impacts that may exist in communities, specifically minority and low income populations.

Limited English Proficiency (LEP)(Executive Order 13166) addresses access to services for persons whose primary language is not English who have limited ability to read, write, speak or understand English.

Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities and transportation.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 324) prohibits discrimination based on handicap/disability.

City of Charleston Title VI Policy Statement

It is the policy of the City of Charleston to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). The City of Charleston does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, or national origin.

All Federally-assisted programs will be administered in a manner to guarantee that the City of Charleston, other recipients, sub-recipients, contractors, subcontractors, transferees, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations. The City of Charleston's Office of Equity, Inclusion, and Racial Conciliation is responsible for initiating and monitoring Title VI activities, preparing required reports as required by 23 Code of Federal Regulation (CFR) Part 200 and 49 Code of Federal Regulation Part 21.

*Those requiring information in alternative formats or in a language subject to the Limited English Proficiency (LEP) Plan, should contact the Title VI Coordinator.

Mayor John J. Tecklenburg

Date

Organization and Staffing

The Equity, Inclusion, and Racial Conciliation Manager is responsible for ensuring implementation of the City's Title VI Plan. The Title VI Coordinator, on behalf of Corporate Counsel, is responsible for the overall management of the Title VI programs, and serves as the LEP Coordinator. The day to day administration of the plan lies with the Title VI Coordinator under the direct supervision of Corporate Counsel.

Program Administration

Complaints

If any individual believes they or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, sex, disability or age, they may exercise their right to file a complaint with the City of Charleston. Every effort will be made to resolve complaints informally. See Appendix for the procedures on how to file a complaint.

Data Collection

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of federally funded programs, (e.g., impacted citizens and affected communities), will be gathered and maintained by the Office of Equity, Inclusion, and Racial Conciliation. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

Title VI Program Reviews

The City's Title VI Program will be performed by the Coordinator to assess the office's administrative procedures, staffing, and resources available for Title VI compliance. The Coordinator will conduct reviews of contractors, subcontractors, consultants, suppliers and all other sub-recipients of City's federal funds to ensure compliance with Title VI provisions.

Training Programs

Title VI training will be made available at least annually to employees and contractors where applicable. The training will provide comprehensive information on Title VI provisions, application to program operations, and identification of Title VI issues and resolution of complaints. A summary of the training conducted will be maintained in an annual report.

Annual Reports

An annual report will be submitted to Corporate Counsel by the Coordinator. The summary will overview Title VI accomplishments achieved during the year and will also include goals and objectives for the upcoming year where applicable.

Title VI Plan Updates

Title VI plan will be updated as needed.

Public Dissemination

The Coordinator will ensure Title VI Program information is disseminated to city employees, contractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, and publishing the Title VI Policy Statement on the city's website, social media pages, and can be mailed out upon request.

Remedial Action

The City, through the Title VI Coordinator, 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 deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it in writing may not exceed 90 days from the date the deficiencies are found.

Title VI Coordinator Responsibilities

The Coordinator is charged with the responsibility for implementing, monitoring and ensuring the City's compliance with Title VI Regulations. Title VI responsibilities are as follows:

1. Prepare an annual report of City Title VI accomplishments and upcoming goals including an annual update to the Title VI Program Plan that reflects organizational, policy and implementation changes.
2. Conduct Title VI compliance reviews of department program area activities of federal financial assistance.

3. Collects statistical data (race, color, national origin, sex disability, and age) on the City's relevant boards, commission, and committees, and participants in the beneficiaries of the City's programs, activities, and services.
4. Review pre-grant and post-grant awards for compliance with Title VI requirements.
5. Coordinate the development and implementation of a training program and conduct training programs on Title VI and other related statutes for City employees and recipients of federal grant funds.
6. Process and maintain log of Title VI complaints.
7. Ensure that Title VI requirements are included in policy directives and that the procedures used have built in safeguards to prevent discrimination.
8. Assist program personnel to correct Title VI problems or discriminatory practices or policies found when conducting self-monitoring and compliance review activities.
9. Manage the City's Limited English Proficiency (LEP) Program ensuring that City information and services are accessible to customers. Develop Title VI information for public dissemination, where appropriate, in languages other than English.

Education and Training

The Coordinator will seek all opportunities to participate in education and training. Title VI training will be made available to Title VI Committee members, employees, contractors, sub-recipients, and program planning area liaisons. The training will provide comprehensive information on Title VI provisions, application to program operations, identification of Title VI issues, resolution of complaints, as well as any updates and changes. A summary of the training conducted will be reported in the annual report.

Public Participation

The goal of the City's communications and public participation program is to ensure early and continuous public notification about, and participation in, major actions and decisions by the City of Charleston. In seeking public comment and review, the City makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. The City advertised its public meetings calendar on its website at <https://www.charleston-sc.gov/>.

Environmental Justice

The concept of environmental justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on the minority and low-income population groups. When the City of Charleston adopts new planning documents, or substantively amends existing documents, the City may be required to comply with federal environmental justice requirements. When this occurs, a systemic process is used to study and evaluate all necessary environmental aspects of the proposed action(s). Depending on the scope, complexity, and impacts of the project, the City's Title VI Coordinator oversee the process, and ensures all federal and state requirements are met, and that the public has been invited to participate.

Contract Procedures

Appropriate Title VI text will be included in City Request for Proposals (RFP) and contracts.

Standard U.S. DOT Title VI Assurances

The **City of Charleston (LPA)** (hereinafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through the **Federal Highway Administration (FHWA)** or the **Federal Transit Administration (FTA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (§42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (*entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964),

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations", respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that

"No person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the Department of Transportation, including the **FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA)**.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted programs:

1. The Recipient agrees that each "activity", "facility", or "program", as defined in §§21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated, or will be (with regard to a facility (operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and, the Regulations.
2. That the Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"City of Charleston(LPA), in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon, or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition or real property or an interest in real property, the Assurance will extend to the rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

(b) for the construction or use of, or access to, space on, over or under real property acquired, or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under any program or activity and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

Name of Recipient

by _____
Signature of Authorized Official

Dated _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations:** The contractor (Hereinafter includes consultants) will comply with the Acts and the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21. This includes FHWA or FTA specific program requirement.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. This includes FHWA or FTA specific program requirements.
- (4) Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the **City of Charleston (LPA), the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** to be pertinent to ascertain compliance with such Acts, Regulations, instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the City of Charleston (LPA), FHWA or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, the *City of Charleston (LPA)* will impose such contract sanctions as it or **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontractor procurement as the *City of Charleston (LPA)* **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with, litigation with a subcontractor, or supplier because of such direction, the contractor may request the *City of Charleston (LPA)* to enter into any litigation to protect the interests of the City of Charleston (LPA). In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **City of Charleston (LPA)** will accept Title to the lands and maintain the project constructed thereon, in accordance with the appropriate legislative authority, the Regulations for the Administration of its programs and activities, and the policies and procedures prescribed by **the FEDERAL HIGHWAY ADMINISTRATION or the FEDERAL TRANSIT ADMINISTRATION** of the U.S. Department of Transportation in accordance with and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SCDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto City of Charleston (LPA) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Charleston (LPA), its successors and assigns.

The City of Charleston (LPA), in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the City of Charleston (LPA) will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will thereon revert to and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of Charleston (LPA) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all other requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of a breach of any of the above Non-discrimination covenants, City of Charleston (LPA) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, City of Charleston (LPA) will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of City of Charleston (LPA) and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of Charleston (LPA) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that:
 - (1) no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,
 - (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, and
 - (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Charleston (LPA) will have the right to terminate the (license, permit, etc., as appropriate) and enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Charleston (LPA) will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of City of Charleston (LPA) and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the 1964 Civil Rights Act (42 U.S.C. 2§000 *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601) Prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- The Federal-aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (42 U.S.C. §47123), as amended, (prohibits discrimination on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (P.L. 100-209), (Broadened, the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendment of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

Title VI Public Notice

The paragraph below is to be inserted in all relevant publications that are distributed to the public for the City of Charleston. The text will remain permanently on the City’s website, <https://www.charleston-sc.gov/>, and available to all employees. The version below is the preferred text, but where space is limited or in publications where cost is an issue an abbreviated version can be used in its place.

Title VI Notice: City of Charleston fully complies with Title VI of the Civil Rights Act of 1964 and related statutes, executive orders, and regulations in all programs and activities. The City operates without regard to race, color, national origin, income, gender, age, and disability. Any person who believes they have been subjected to discrimination prohibited by Title VI may by themselves or by representative file a written complaint with the City of Charleston, Title VI Coordinator. A complaint must be filed no later than 180 days after the date of the alleged discrimination.

The following shortened version of the above paragraph can be used in publications where space or cost is an issue as in classified newspaper announcements.

Title VI Notice: City of Charleston fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form call or Title VI Coordinator at (843) 720-2391.

Public Meeting Notices

The paragraph below is to be inserted in all notices and agendas for public meetings related to federal grant projects. The version below is the preferred text, but where space is limited or in publications where cost is an issue an abbreviated version can be used in its place.

City Meetings are conducted in accessible locations and materials can be provided in accessible formats and in languages other than English. If you would like accessibility or language accommodation, please contact Janet Schumacher at (843) 577-1389. If you wish to attend a City function and require special accommodations, please give City of Charleston one week's notice in advance.

If special accommodations are needed to participate in this public meeting, contact the City of Charleston at (843) 577-1389 at least five business days prior to the scheduled meeting date

Title VI Complaint Procedures

Introduction

These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by the City of Charleston or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

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. These procedures are part of an administrative process that 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 possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. The City of Charleston will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

Filing

Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, or national origin may file a written complaint to the City of Charleston's Title VI Program Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

- Complaints must be in writing and signed by the complainant(s).
- Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct).
- Complaint must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.
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Receipt and Acceptance

Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction and any need for additional information. The complaint will be forwarded to Corporate Counsel for a determination of acceptability. The Title VI Coordinator will notify the complainant, in writing within ten (10) business days of receipt of the complaint.

In order to be accepted, a complaint must meet the following criteria:

- a. The complaint must be filed within 180 calendar days of the alleged occurrences or when the alleged discrimination became known to the complainant.
- b. The allegation(s) must involve a covered basis such as race, color, gender, age, income, disability, or national origin.
- c. The allegation(s) must involve a program or activity that receives Federal financial assistance.

Dismissal

A complaint may be recommended for dismissal for the following reasons:

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

Investigation of Complaints

In cases where City of Charleston assumes responsibility for investigation, the City will provide the respondent with the opportunity to respond to the allegations in writing. The Corporate Counsel will designate an investigative team responsible for evaluating the complaint, developing an investigative plan, conducting interviews, collecting and analyzing evidence, and preparing an investigative report.

The final investigative report will be submitted to the appropriate federal agency, within 90 days of receipt of the complaint. Corporate Counsel will issue a final agency decision (FAD) and provide written notification of the decision to the complainant and respondent.

Appeals

If Corporate Counsel concludes that the respondent is in compliance with laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.

LIMITED ENGLISH PROFICIENCY PLAN

I. INTRODUCTION

This Limited English Proficiency Plan has been prepared to address the City of Charleston's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

Plan Summary

The City of Charleston has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the system used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the City of Charleston.
2. The frequency with which LEP persons come in contact with the City of Charleston services.
3. The nature and importance of services provided by the City of Charleston to the LEP population.
4. The interpretation services available to the City of Charleston and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the fol

II. FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require City of Charleston services.

The City of Charleston staff reviewed the U.S. Census Report and determined that 154,069 persons in Charleston, South Carolina, 8.7% of the population speak a language other than English. Of those 154,069 persons, 2.2% have limited English proficiency; that is, they speak English "not well" or "not at all". In the City of Charleston of those persons with limited English proficiency, 33% speak Spanish, 14.5% speak other Indo-European Languages and 22.3% speak Asian and Pacific Languages.

2. The frequency with which LEP persons come in contact with the City of Charleston services.

The City of Charleston staff reviewed the frequency with which the City staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the City of Charleston has had less than five requests for interpretation or translation services.

3. The nature and importance of services provided by the City of Charleston to the LEP population.

The City of Charleston staff members are most likely to encounter LEP individuals through office visits, phone conversations, notifications from public works staff of impacts on services and attendance at City Council meetings.

4. The resources available to the City of Charleston and overall costs to provide LEP assistance.

City of Charleston reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise and contacted local citizens that would be willing to provide voluntary Spanish translation if needed within a reasonable time period.

III. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the City of Charleston services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

Language Assistance Measures-Although there is a very low percentage in the City of Charleston of LEP individuals, that is, persons who speak English "not well" or "not at all", it will strive to offer the following measures:

1. The City of Charleston staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - i. Volunteer interpreters are available and will be provided within a reasonable time period.

IV. STAFF TRAINING

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities; upon hire
- Description of language assistance services offered to the public; in person and telephone
- Documentation of language assistance requests

V. TRANSLATION OF DOCUMENTS

When staff prepares a document, advertisement or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

VI. MONITORING

Monitoring and Updating the LEP Plan- the City of Charleston will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the U.S. Census when available; or when it is identified a higher concentration of LEP individuals are present in the service area. Updates will include:

- Determination of the current LEP population in the service area.
- The number of documented LEP person contacts experienced annually.
- How the needs of LEP persons have been addressed.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the City of Charleston’s financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of Charleston fully complies with the goals of this LEP Plan.

VII. DISSEMINATION OF CITY OF CHARLESTON LEP PLAN

Information will be posted on the City of Charleston’s website notifying LEP persons of the LEP Plan and how to access language services.

**CITY OF CHARLESTON
DISCRIMINATION COMPLAINT FORM**

Last Name	First Name	<input type="checkbox"/> Male <input type="checkbox"/> Female
Mailing Address	City/State	Zip
Home Telephone	Other Telephone	E-mail Address
Type of Discrimination <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
Race/Ethnicity of Complainant <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Alaska Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____		
How were you discriminated against? Please explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheet(s), if necessary. Attach supporting documents if available.		
Date and place of the alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date(s) of discrimination.		
The law prohibits intimidation or retaliation against anyone because they have either taken action, or participated in action, to secure rights protected by the laws. If you feel that, you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Describe the action you took which you believe was the cause for the alleged retaliation.		
Name(s) of individual(s) responsible for the discriminatory action(s).		

Name(s) of person(s) who may be contacted for additional information to support or clarify your complaint. (Attach additional sheets, if necessary).

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

What action(s) have you or your representative done to attempt to resolve this complaint? Please include filing dates or other dates as applicable.

<u>Action</u>	<u>Date</u>
<input type="checkbox"/> Filed with the Federal Highway Administration _____	
<input type="checkbox"/> Filed with the U.S. Department of Transportation _____	
<input type="checkbox"/> Filed with Federal Transit Administration _____	
<input type="checkbox"/> Filed with another Federal agency _____	
<input type="checkbox"/> Filed in Federal Court _____	
<input type="checkbox"/> Other action _____	

Please provide any additional information you feel would be helpful in investigating this matter.

Briefly explain what action you are seeking.

Complainant's Signature

Date

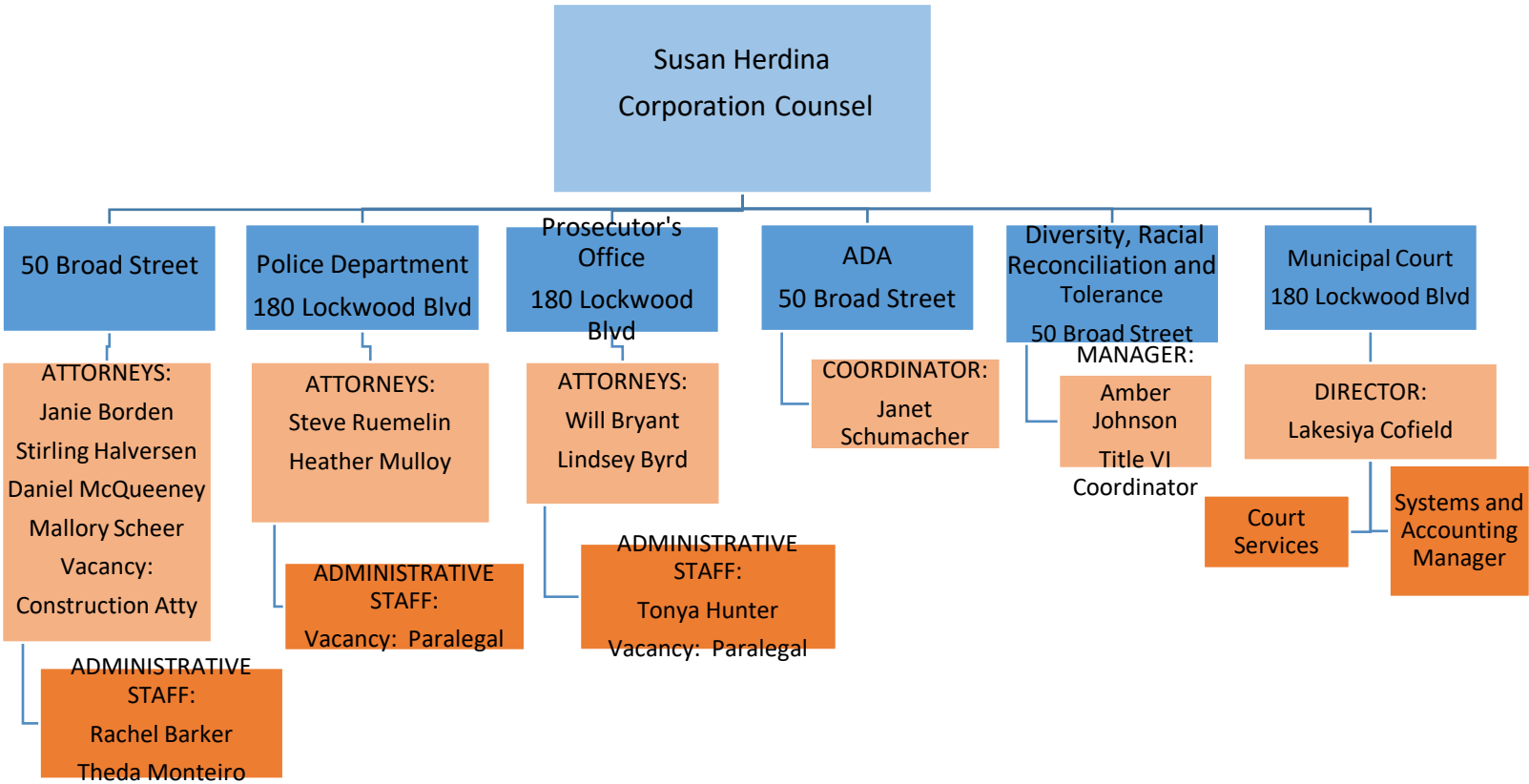
Mail Complaint Form To: City of Charleston
50 Broad St., Charleston, SC 29401
Attention: Title VI Coordinator

Date Complaint Received: _____

For Official Use Only

Referred to: _____ **Date Referred:** _____

Organizational Chart



Current as of February 1, 2020