

City of Hendersonville

Title VI Plan



Adopted by Resolution #R-21-47 by the City Council on 06/03/2021

Table of Contents

Introduction..... 3

Additional Authorities in Summary..... 4

Title VI Staffing and Organization for Implementation..... 7

Title VI Plan: Areas of Practice..... 10

 Policy and Public Notice..... 10

 Elimination of Discrimination 10

 Public Dissemination of Information..... 10

 Title VI Assurances in Contracts and Grants..... 11

 Data collection 11

 Site and Facility Location 11

 Environmental Justice in Minority and Low-Income Populations 11

 Limited English Proficiency (LEP) 11

Title VI Program Review and Report..... 14

Prevention..... 14

Title VI Complaint Process..... 15

APPENDIX A: RESOLUTION TO ADOPT A TITLE VI POLICY 18

APPENDIX B: TITLE VI NON-DISCRIMINATION POLICY..... 19

APPENDIX C: NON-DISCRIMINATION NOTICE AND ACCESSIBILITY RIGHTS... 19

APPENDIX D: EQUAL EMPLOYEMENT OPPORTUNITY STATEMENT 21

APPENDIX E: DISCRIMINATION COMPLAINT FORM IN ENGLISH AND SPANISH22

Introduction

The City of Hendersonville (hereinafter referred to as the City) has adopted this Title VI Plan to ensure that the City is in compliance with the provisions of Title VI of the Civil Rights Act of 1964. This program was developed to guide the City in its administration and management of Title VI-related activities.

Title VI prohibits discrimination on the basis of race, color or national origin in programs or activities 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. Discrimination on the basis of gender, age, and disability is prohibited under related statutes. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

Federal-aid recipients, subrecipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities, and services whether these programs, activities and services are federally funded or not. The City of Hendersonville Title VI Coordinator(s) are responsible for providing leadership, direction, and policy to ensure compliance with Title VI and environmental justice principles.

Title VI is a mechanism that directs the federal financial assistance, which drives or promotes economic development. By legislative mandate, Title VI examines the following public policy issues:

- Accessibility for all persons
- Accountability in public funds expenditures
- Disparate impact
- Economic empowerment
- Environmental justice
- Infrastructure development
- Minority participation in decision making
- Program service delivery
- Public and private partnerships built in part or whole with public funds
- Site and location of facilities

Title VI was enacted to ensure equal distribution of federal funds regardless of race, color, or national origin. Because of this, Title VI:

- Encourages the participation of minorities as members of planning or advisory bodies for programs receiving federal funds.
- Prohibits discriminatory activity in a facility built in whole or part with federal funds.
- Prohibits entities from denying an individual any service, financial aid, or other benefit because of race, color, or national origin.
- Prohibits entities from providing a different service or benefit, or providing these in a different manner from those provided to others under the program.
- Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals.
- Prohibits locating facilities in any way that would limit or impede access to a federally funded service or benefit.
- Prohibits segregation or separate treatment in any manner related to receiving program services or benefits.

- Requires assurance of nondiscrimination in purchasing of services.
- Requires entities to notify the respective population about applicable programs.
- Requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English-speaking ability.

Title II of the Americans with Disabilities Act (ADA) protects qualified individuals with disabilities. It requires accessibility to protected individuals to all programs and services offered by the City of Hendersonville. Title II applies to State and local government entities, and, in subtitle A, protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. Title II extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of State and local governments regardless of whether these entities receive Federal financial assistance.

Additional Authorities in Summary

The City of Hendersonville establishes the Title VI plan not only on the adoption of a local policy, but by long standing federal law.

Title VI of the Civil Rights Act of 1964 [Pub. L. 88-352 (1964), codified as 42 U.S.C. §§2000d through 2000d-4]:

Title VI of the Civil Rights Act of 1964 prohibits the discrimination in, or the denial of benefits under, any program or activity receiving federal financial assistance on grounds of race, color or national origin.

The Civil Rights Restoration Act of 1987, [Pub. L. 100-259, Sec. 6 (1988), codified as 42 U.S.C. §2000d-4a] :

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Federal Aid Highway Act of 1973, [Pub. L. 93-87 (1973), codified as 23 U.S.C. §324]:

The Federal Aid Highway Act of 1973 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Age Discrimination Act of 1975, [Pub. L. 94-135 (1975), codified as 42 U.S.C. §6102]:

The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Americans with Disabilities Act of 1990, Subchapter 2, Part A [Pub. L. 101-336 (1990); codified as 42 U.S.C. §§12131-12134]:

The Americans with Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973 [Pub. L. 93-112 (1973), codified as 29 U.S.C. §794]:

Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

23 CFR Part 200:

23 CFR 200 are administration regulations promulgated by the Federal Highway Authority that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

49 CFR Part 21:

49 CFR 21 are administration regulations promulgated by the US Department of Transportation that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

Executive Order No. 12898:

Executive Order 12898 regards federal actions to address Environmental Justice in minority populations and low-income populations. (Environmental justice seeks equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Additionally, environmental justice means that no group of people including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies).

Executive Order No. 13166:

Executive Order 13166 regards the improvement of access to services for persons with Limited English Proficiency.

Definitions

As used in this Title VI Plan, the following mean:

Affected Parties: persons protected against discrimination because of race, color, national origin, sex, age, disability, or income by the Title VI Requirements, and the City of Hendersonville's Non-Discrimination Policy.

American Community Survey: The American Community Survey is an ongoing survey conducted by the United States Census Bureau. This ACS provides vital information on an annual basis about our nation and its people. Local communities depend on information from the American Community Survey, as well as the 2020 Census, to decide where schools, highways, hospitals, and other important services are needed. The data collected through the American Community Survey (ACS) and the 2020 Census help determine how to distribute more than \$675 billion of federal spending each year.

Contractor: a person or entity who has entered into an agreement with the City that is subject to the Title VI Requirements.

Limited English Proficiency (LEP): Limited English Proficiency (LEP) refers to individuals who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively.

Locating and siting actions: a recommendation by City staff or decision by the City staff or the City Council that will result in the construction of a public facility that could have adverse environmental impacts on the surrounding area.

Meaningful access: the provision of communicative assistance by the City necessary to allow affected persons to participate in governmental services/activities.

Proposed Project: a project that receives federal funds and is subject to the Title VI Requirements.

Subrecipient: a person or entity that receives federal funds from the City to be used by the entity to further the objectives of the federal grant. The City is the recipient of the grant, and the person or entity is a subrecipient of those grant funds. An example of a subrecipient relationship would be where the City grants federal funds to a non-profit corporation that the corporation uses to provide assistance for low-income households to pay utility bills.

Title VI Assurances: conditions imposed upon contractors or subrecipients as a result of federal funding being directly or indirectly provided to the contractor or subrecipient.

Title VI Requirements: the nondiscrimination provisions contained in Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166.

Appendices

City Council Resolution, Appendix A

The City includes in this plan, the Resolution adopting a Title VI Policy to prohibit discrimination in programs and services and in activities receiving federal financial assistance.

Non-discrimination Policy, Appendix B

The City includes in this plan, the adoption of a non-discrimination policy. This policy is referenced in Appendix B and is therefore adopted by the City as part of the Title VI Plan.

Non-discrimination Notice, Appendix C

The City uses the general non-discrimination policy to reflect the adopted policy and to support all activities and services provided by the City of Hendersonville.

Equal Employment Opportunity Statement, Appendix D

This statement is included on the City's job application forms.

Title VI Complaint Form English/Spanish, Appendix E

The City uses the attached complaint forms to receive Title VI complaints. The forms will be translated into Spanish and digitized using Cognito Forms and made available on the City's website.

Staffing and Organization for Implementation of this Title VI Plan

The City Manager is ultimately responsible for ensuring the City's compliance with Title VI Requirements, including, but not limited to, monitoring City programs, preparing required reports and undertaking such other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21 (Appendix D- Complaint Form). To ensure compliance the City Manager has appointed the City Clerk to serve as the Title VI Plan and Program Coordinator who will work in conjunction with Department Directors or his/her designee as necessary to ensure required compliance. The City Manager may designate supervised employees to be additional Title VI Coordinators for individual Departments as necessary.

Management of the Title VI Plan

The City Clerk or his/her designee, serving as the Title VI Plan and Program Coordinator is responsible for the overall management of the Title VI Plan, under the direct supervision of the City Manager to include the following responsibilities:

- Process and research complaints regarding compliance with the Title VI Plan that are received by the City.

- Maintain permanent records, which include, but are not limited to copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.
- Work with Department Directors or his/her designee to review City programs or projects receiving federal funding for matters regarding Title VI compliance and reporting and coordinate with relevant and appropriate staff and/or the City Attorney to compile statistical data related to race, color, national origin, sex, age, disability, and income of participants in, and beneficiaries of, federally funded programs to ensure compliance with the Title VI Plan Requirements. e.g. relocates, affected citizens, and impacted communities.
- Coordinate training with Department Directors related to Title VI Requirements for City staff who are responsible for Title VI Plan compliance.
- Make recommendations to the City Manager on ways to achieve compliance with Title VI Plan requirements.
- Develop information regarding this Title VI Plan for dissemination to the general public and, where appropriate, use the LEP Program to ensure dissemination of the information to affected populations.
- Ensure that individuals who will be affected by locating and siting actions obtain meaningful access to the public awareness/involvement process.
- Identify deficiencies in complying with the Title VI Plan Requirement and make recommendations to the City Manager for remedial actions to be taken to promptly resolve such deficiencies.
- Annually prepare a Title VI Plan Compliance Report that documents progress, accomplishments, impediments, and goals in fulfilling this Title VI Plan.
- Disseminating the City of Hendersonville Title VI Plan to City employees and publishing on the City's website.
- Identify and promote opportunities for City staff to receive Title VI training.

Departmental Responsibility

Each Department Director is responsible for Title VI compliance, with support from the Title VI Coordinator, for individual projects. Compliance activities include, but are not limited to:

- Ensuring that all aspects of a project's planning process and operations comply with the Title VI Plan Requirements.
- Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid highway fund contracts administered through the City.
- Ensuring that Affected Parties have meaningful access to a project's planning processes.
- Assisting the Title VI Coordinator in gathering and organizing data and reviewing programs or projects receiving federal funding for the Title VI Plan Report.
- Reviewing the Department work programs, policies, and other directives to ensure compliance with the Title VI and ADA Compliance Plan Requirements.
- Verifying the level of participation of Affected Parties at public outreach meetings.
- Maintaining a list of Interpretation Service Providers.

- Reviewing the City of Hendersonville Title VI Plan with Department employees and coordinate with appropriate federal and state transportation agencies to periodically provide staff with training opportunities regarding nondiscrimination.
- Maintaining a list of employees who have received Title VI training.
- Ensuring that City contractors and sub-recipients are aware of the City’s Title VI Policy.
- Working with staff involved with consultant contracts and the sub-recipients found to be noncompliant to resolve the deficiency status.
- Familiarizing themselves and staff with Federal and state nondiscrimination regulations and procedures in respective subject areas.
- Work with the City Attorney to ensuring proper Title VI Language is in all contracts.
- Supervising staff activities pertaining to nondiscrimination regulations and procedures set forth in federal guidance and in accordance with the City’s Title VI Plan.
- Reviewing important issues related to nondiscrimination with the Title VI Coordinator, as needed.

Title VI information Dissemination

Title VI information posters shall be prominently and publicly displayed at City of Hendersonville offices. The name of the Title VI Coordinator and supporting information is available on the City’s website at <https://www.hendersonvillenc.gov/>. Additional information relating to nondiscrimination obligations can be obtained from the Title VI Coordinator.

Title VI and Limited English Proficiency Training

Title VI information shall be disseminated to City of Hendersonville employees via the Policies and Procedures and/or Employee Handbook. This document will be given at this time as a reminder to employees of the City of Hendersonville Title VI policy statement and of their Title VI responsibilities in their daily work and duties.

The City of Hendersonville staff and agency members will be trained to understand their obligations to provide meaningful access to information and services for LEP persons to ensure that staff knows about LEP policies and procedures and is able to implement the LAP. The City will include training as part of Title VI training and refresh procedures and policies prior to conducting public outreach for any project or program in likely LEP areas. For staff with more frequent contact with LEP persons, in-depth training will be provided. All staff, even if they do not interact regularly with LEP persons, will be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation.

The following training will be provided, but not limited to, all City’s staff:

- | | |
|---|---|
| • Information on Title VI Policy and LEP responsibilities | • Use of the Language Identification Placards |
| • Description of language assistance services offered to the public | • Documentation of language assistance requests |

- Use of the City’s Language line service
- How to handle a potential Title VI/LEP complaint

Subcontracts and Vendors

All subcontractors and vendors who receive payments from the City of Hendersonville, where funding originates from any federal assistance, are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

Title VI Plan: Areas of Practice

Policy and Public Notice

The City adopts within this plan a Non-Discrimination Policy. **Appendix B.**

The City adopts within this plan a Non-Discrimination Notice. **Appendix C.**

The City adopts within this plan an Equal Employment Opportunity Statement. **Appendix D.**

The City adopts within this plan a Discrimination Complaint Form. **Appendix E.**

Elimination of Discrimination

The City will continue its practice of identifying discrimination based on race, color, religion, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, and where such discrimination is found to exist, implementing programs or practices to eliminate the discrimination.

Public Dissemination of Information

The Title VI Plan and Program Coordinator or his/her designee shall assist City staff in the creation and dissemination of Title VI Program information and materials to City employees, subrecipients, contractors, Affected Parties, and the general public. Public dissemination efforts may include posting public statements setting forth the City's non-discrimination policy; inclusion of Title VI Assurances in City contracts and grants; and publishing the City’s Non-Discrimination Policy Statement on the City’s website; including the notice and policy into all adopted plans and program documents.

Title VI Assurances in Contracts and Grants

Contracts and procurement are integrated into each department. Department Directors in conjunction with the City Attorney will ensure that all federally funded contracts administered by the City contain Title VI Assurances. In the event that the City distributes federal funds to another entity through grants or other agreements, the Department Director administering the grant or agreement will ensure that such grants and agreements contain the Title VI Assurances. The Department's project administrator or grant administrator, or his or her designee will monitor the performance of the contract or grant for compliance. The Department Director will coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting and grant performance process.

Data collection

Statistical data on Affected Parties will be compiled by each Department Director or his/her designee and provided to the Title VI Plan and Program Coordinator or his/her designee. The data compilation process will be reviewed regularly to ensure the data is sufficient to meet the requirements of this Title VI Plan.

Site and Facility Location

The City shall not make selection of a site or location of a facility for participants in and beneficiaries of the City's federal aid programs if that selection could exclude individuals from participation in, or deny them benefits of, or subject them to discrimination on grounds of race, color or national origin, or could substantially impair the accomplishment of the objectives of the non-discrimination policy.

Environmental Justice in Minority and Low-Income Populations

In accordance with Executive Order 12898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," the City will develop strategies to review, consider, and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, and will provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

Limited English Proficiency (LEP)

Title VI of the Civil Rights Act of 1964 and its implementing regulations require that recipients of federal funds take responsible measures to ensure meaningful access to benefits, services, information and other important portions of programs and activities are available for individuals who are LEP.

Authority

Executive Order (EO) 13166 -Improving Access to Services or Persons with LEP (August 11, 2000) sets forth the compliance standards that recipients of federal funds must follow to ensure that the program and activities they normally provide in English are accessible to LEP persons and

thus does not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implemented regulations. Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Limited English Proficiency (LEP) Policy Statement

It is the policy of the City of Hendersonville to take reasonable steps to provide meaningful access to its programs, activities, and services for persons with Limited English Proficiency (LEP). The City is committed to complying with federal requirements in providing meaningful access to its programs, activities, and services for LEP individuals who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively.

Purpose of the Limited English Proficiency (LEP) Plan

The purpose of this Limited English Proficiency (LEP) Plan is to demonstrate compliance with Title VI of the Civil Rights Act of 1964, and to fulfill the requirements of Executive Order 13166. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the grounds of race, color, or national origin by any entity receiving federal financial assistance. The purpose of Executive Order 13166 is to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. The purpose of the LEP Plan is to address access needs of persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

Limited English Proficiency Assessment- Persons Served

Approximately [8.8% of residents](#) in Hendersonville primarily speak a language other than English. About 5.8% of these residents speak Spanish and of that percentage, 35.3% speak English less than “very well”. The City of Hendersonville will review demographic data and solicit data from the LEP community to identify language assistance needs within its service areas, utilizing the [American Community Survey](#) (ACS).

Available Resources

Given the small population of LEP individuals, the City does not have specified language resources. The City does have access to a language line, if needed. The City also collaborates with federal, state, and local agencies to provide language translation and interpretation services. Spanish language outreach materials from organizations such as federal, state, and local transportation agencies are used when possible. Users of the City of Hendersonville’s website have online access to Google Translate, an online language translation service which allows users to translate to and from Spanish and 56 other languages.

At a minimum, the following documents will be translated into Spanish and posted on the City’s website:

- Title VI Public Notice
- Title VI & ADA Complaint Form
- Title VI Plan

- Customer Service Forms
- All Development Permits
- Notification of Language Assistance

Language Assistance Measures

The City of Hendersonville utilizes [Relay North Carolina](#), a free telecommunication service that enables people who are Deaf, Hard of Hearing, or DeafBlind to place and receive phone calls. The City also utilizes [LanguageLine Solutions](#) for translation of written documents and materials and for interpretation services. The City may also utilize other interpretation services. Staff will continue to monitor and evaluate the City's LEP Plan based on requests for LEP assistance and frequency of contact with LEP Persons, and will make adjustments or changes as needed. There are several measures that can be taken to identify persons who may need language assistance in our service area which include the following recommendations:

- City staff will utilize the services of the language line when encountering an LEP person on the telephone.
- City staff will continue to seek partner organizations proficient in Spanish to provide information about the City plans and programs. Translation and/or interpretation services, for Spanish and other languages, will be considered upon request and in coordination with partner agencies in the area.
- The City will include this statement when running general public meeting/hearing notices: "The City of Hendersonville will strive to provide reasonable accommodations and services for persons who require special assistance to participate in this public involvement opportunity. Contact the City Clerk at 1-828-697-3005 for more information."
- When the City of Hendersonville sponsors an event, it will have a staff person greet participants as they arrive. By informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English. In addition, during the first encounter of a LEP individual in a face-to-face situation, the City staff plans to use language identification "I Speak" flashcards developed by the U.S. Census Bureau. These cards have the phrase, "Mark this box if you read or speak 'name of language,'" translated into 38 languages. The Census Bureau's Language Identification Flashcard can be downloaded for free at <http://www.lep.gov/ISpeakCards2004.pdf>. The City plans will make the "I Speak" cards available at public meetings and other community input events. Once a language is identified, a relevant point of contact will be notified to assess feasible translation or oral interpretation assistance. Staff may not be able to provide translation assistance at the time but will utilize the cards as a tool to identify language needs for future events/meetings.
- Examine record requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings.
- Translate vital documents in languages other than English.
- Train staff
- Monitor and update the LEP Plan.

Planning-specific activities:

The City is committed to gathering input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible. The impacts of transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the planning process. As a result of the long-range transportation planning process, selected projects receive approval for federal funding and progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies to ensure LEP individuals can participate in processes, how and when a specific transportation project is implemented.

Title VI Program Review and Report

Department Directors or his/her designee will conduct Title VI Program Reviews to assess the Department's effectiveness in ensuring compliance with the Title VI Requirements which shall be submitted to the Title VI Plan and Program Coordinator on or before November 30th of each year. The Title VI Program review shall include a list of Departmental programs or projects subject to the Title VI Requirements; a summary of any complaints of violations of the Title VI requirements and how each complaint was resolved; a summary of the statistical data, a summary of any Title VI training provided; and a general assessment of the Title VI compliance by the Department.

The Title VI Plan and Program Coordinator shall prepare a Title VI Annual Report to be submitted to the City Manager on or before December 31st of each year. The Report will be based on the Title VI Program Reviews and shall include an executive summary; a list of programs subject to the Title VI Requirements; a summary of any complaints of violations of the Title VI requirements and how each complaint was resolved; a summary of the statistical data, a summary of any Title VI training provided; a general assessment of the Title VI compliance by the Department; an evaluation of administrative procedures and staffing; review of operational guidelines for Department staff, contractors and subrecipients; and assessment of resources available to ensure compliance with the Title VI Requirements.

Reports and shall contain an assessment of the accomplishments during the preceding year; a list of recommended changes to the programs subject to the Title VI Requirements; and a list of recommended goals and objectives for the upcoming year.

Prevention

The City will actively seek to prevent Title VI deficiencies or irregularities. In taking such action, the Department Director will work with the Title VI Plan and Program Coordinator or designee to create an action plan within 90 days of the date that the need for preventive or remedial action is identified by City staff. A copy of the action plan will be provided to the Department Director and the City Manager and retained by the Title VI Plan and Program Coordinator. When the Department Director reasonably believes a contractor or subrecipient has violated a Title VI Requirement, the Department Director will follow the following process:

The project or grant administrator and the Department Director will meet with the contractor or subcontractor to conduct an initial review of the facts supporting a finding that a violation of the Title VI Requirements has occurred or is occurring.

If, after the initial review, the Department Director in conjunction with the City Attorney concludes that the contractor or subrecipient has violated the Title VI Requirements, the contractor or subrecipient will be given a reasonable time, not to exceed 90 days from the date notice is provided to the contractor or subrecipient, to voluntarily correct noncompliance.

The City will seek to obtain the cooperation of the contractor or subrecipient in correcting non-compliance and will offer to provide technical assistance needed by the contractor or subrecipient to obtain voluntary compliance with the Title VI Requirements.

A follow-up review will be conducted within 180 days of the date notice is provided to the contractor or subrecipient to ensure that the violation of the Title VI Requirements has been corrected. If after the review, the contractor or subrecipient has failed to correct the violation, the City Manager may take appropriate action (e.g., withhold funds, cancel contract) required to comply with the City's obligation under the federal grant.

When a contractor or subrecipient has failed or has refused to comply with Title VI requirements within the 180-day period after the initial review, the Department Director will submit two copies of the file to the appropriate state or federal agency, along with a recommendation that the file be reviewed for a determination of whether the contractor or subrecipient has violated the Title VI Requirements.

Title VI Complaint Process

Any person who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services from the City, or on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, may file a complaint. The complaint form is included in **Appendix E** of this document and will be made available on the City's website and in paper form at City facilities.

Every effort will be made to obtain early resolution of complaints. The option of information mediation meeting(s) between the Title VI Plan and Program Coordinator or his or her designee, City staff, contractors, subrecipients and Affected Parties may be utilized for resolution.

The following procedures cover all complaints filed under Title VI. These procedures do not deny the right of the complainant to file a complaint with state or federal agencies or to bring private action based on the complaint.

1. Any person, group of persons, or entity that believes they have been subjected to discrimination under the Title VI requirements may file a written complaint using the form provided in **Appendix E** of this document with the Title VI Plan and Program Coordinator. The complaint must be filed within 180 days of the alleged discriminatory act or occurrence.

2. Upon receipt of the complaint, the Title VI Plan and Program Coordinator will confer with the City Attorney to determine whether the City has jurisdiction over the complaint, whether the complaint contains the necessary information, what additional information is needed, and whether further investigation is needed.
3. Upon finding the City has jurisdiction over the complaint the City Clerk will forward to the City Manager, Department Director or his or her designee and any relevant staff.
4. The Title VI Plan and Program Coordinator will provide the respondent the opportunity to respond in writing to the allegations of the complaint. The respondent shall have fifteen working days from receipt of notification to provide a response to the allegation in the complaint.
5. If the complaint is against a contractor or subrecipient, the City shall have fifteen days from receipt of the complaint to advise the appropriate state or federal agency of the receipt of complaint and statutes of the investigation.
6. Within sixty days of the receipt of the complaint the Title VI Plan and Program Coordinator, or Department Director shall prepare a written investigative report. The report shall include narrative description of the incident, identification of persons interviewed, findings, and recommendations for resolution and corrective action. The written report will be sent to the City Attorney.
7. The City Attorney will review the report and meet with the City Manager, Title VI Plan and Program Coordinator, Department Director or his or her designee to determine the appropriate action.
8. When the investigative report is complete and appropriate action has been determined, the complainant and respondent shall receive a copy of the report, statement of appropriate action, and notification of appeal rights.
9. Within fifteen working days of the complainant and respondent receiving a copy of the report and determination of appropriate action, the Title VI Plan and Program Coordinator, Department Director or his or her designee will meet with each party to discuss the determination of appropriate action as well as the findings made in the investigative report.
10. Within sixty working days of receipt of the original complaint, a copy of the complaint and the City's investigative report and determination of appropriate action will be provided to the appropriate federal or state agency for comments.
11. Within fifteen working days of receiving comments from the federal or state agency, the Title VI Plan and Program Coordinator, Department Director or his or her designee will meet with all parties to discuss comments provided by the responding agencies.
12. After receiving comments from the federal or state agency, the City Manager shall review the comments and adopt a final decision that includes taking appropriate actions to address any comments provided by a federal or state agency. The final decision shall be provided to all parties of the proceedings and shall include a statement that a party has a right to appeal the decision if the party produces evidence of new facts that were not previously considered and could not have been reasonably discovered during the investigation.

13. If a party is not satisfied with the results of the investigation or the resolution of the complaint, the party may appeal the City Manager's decision to the appropriate federal or state agency, by filing a request for an appeal no later than 180 days after the date of the City Manager's final decision.

APPENDIX A: RESOLUTION TO ADOPT A TITLE VI POLICY

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ADOPTING A TITLE VI PLAN TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

- WHEREAS,** in 1964, Congress enacted the Civil Rights Act of 1964, which included that section labeled Title VI which prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and
- WHEREAS,** since the adoption of Title VI, additional federal regulations and court decisions have further refined the definition of "federal financial assistance" and what entities are affected and controlled by Title VI; and
- WHEREAS,** the City of Hendersonville has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and
- WHEREAS,** the interpretation and application are not intuitive or readily understood, requiring an understanding of what "federal financial assistance" might be in any particular situation and what persons or entities must comply with Title VI; and
- WHEREAS,** a policy and procedure for reporting violations will provide guidelines for the City, City Departments and private persons and companies doing business with the City and receiving federal financial assistance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that:

1. The attached "Title VI Policy" is hereby adopted as the official policy of the City of Hendersonville for applying, reporting and enforcing Title VI of the Civil Rights Act of 1964
2. That the City Manager shall have authority to amend this policy as necessary to comply with applying, reporting and enforcing Title VI of the Civil Rights Act of 1964.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of June 2021.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form: _____
Angela S. Beeker, City Attorney

APPENDIX B: TITLE VI NON-DISCRIMINATION POLICY

It is the policy of the City of Hendersonville to ensure that no person shall, on the grounds of race, color, national origin, Limited English Proficiency, income-level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City of Hendersonville program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the City of Hendersonville to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause.
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program.
- Subjecting a person to segregation or separate treatment in any part of a program.
- Restricting in the enjoyment of any advantages, privileges, or other benefits enjoyed by others.
- Using methods of Administrations, which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination.
- Applying different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities.
- Using acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.
- Allowing discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

APPENDIX C: NON-DISCRIMINATION NOTICE AND ACCESSIBILITY RIGHTS

The City of Hendersonville complies with Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities, and will not exclude from participation in, deny the benefits of, or subject to discrimination any person based on **race, color, national origin, limited English Proficiency, income-level, sex, age, or disability (or religion, where applicable)**, under any programs or activities conducted or funded by the City of Hendersonville.

ATTENTION: If you speak a language other than English, the North Carolina Relay service is available to you, free of charge by calling 711 or toll free 888-825-6570

Anyone with a hearing or speech impairment may use Relay NC, a free telecommunications relay service that enables people who are Deaf, Hard of Hearing or DeafBlind to place or receive phone calls. This service may be used to call the City of Hendersonville. [Relay NC](#) can be accessed by dialing 1-800-735-2962 (TTY) or 1-800-735-8200 (Voice), Voice Carry-Over:711 or 877-735-8260, Hearing Carry-Over:711 or 800-735-2962, Speech-to-Speech:711 or 877-735-8261, Spanish Relay:711 or 888-825-6570. For more information, please visit the Relay NC website at: <https://relaync.com/>

Any person who believes they have been wronged by a discriminatory act (action or inaction) of the City of Hendersonville or its funding recipients, has the right to file a complaint with the City of Hendersonville. For instructions on how to file a complaint, or additional information regarding the City of Hendersonville's nondiscrimination obligations, please contact:

The Discrimination Complaint Form is included in **Appendix D** of this document and will be made available on the City's website. You can file a complaint in person or by mail, fax, or email. The City Clerk will assist persons requesting accommodation in filling out the form.

Angela Reece
City Clerk
160 Sixth Ave. East
Hendersonville, NC 28792

828-697-3005
828-697-3014 (Fax)
areece@hvlnc.gov |
<https://www.hendersonvillenc.gov/>

You can also **file a civil rights complaint** with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the [Office for Civil Rights Compliant Portal](#), at the following link: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf> or by mail or phone at:

U.S. Department of Health and Human
Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201

1-800-368-1019
800-537-7697 (TDD)

APPENDIX D: EQUAL EMPLOYEMENT OPPORTUNITY STATEMENT

The City of Hendersonville is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, age, sexual orientation, gender identity, national origin, veteran status, or genetic information. The City of Hendersonville is committed to providing access, equal opportunity, and reasonable accommodation for individuals with disabilities in employment opportunities.

APPENDIX E: DISCRIMINATION COMPLAINT FORM IN ENGLISH AND SPANISH

Hendersonville, North Carolina

Discrimination Complaint Form

<p>RETURN COMPLAINT FORM TO: The City of Hendersonville Title VI Plan and Program Coordinator 160 6th Ave E. Hendersonville, NC 28792 828-697-3005</p>
--

FOR OFFICE USE ONLY
Date Complaint Received: _____
Processed by: _____
Case #: _____
Date Referred: _____

<p>Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with the City of Hendersonville, within 180 days after the discrimination occurred.</p>			
Last Name:	First Name:	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Mailing Address:	City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address	
<p>Identify the Category of Discrimination:</p> <p> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> SEX <input type="checkbox"/> CREED (RELIGION) <input type="checkbox"/> DISABILITY <input type="checkbox"/> LIMITED ENGLISH PROFICIENCY <input type="checkbox"/> AGE </p> <p><small>*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.</small></p>			
<p>Identify the Race of the Complainant</p> <p> <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____ </p>			
<p>Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.</p>			
<p>Names of individuals responsible for the discriminatory action(s):</p>			
<p>How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).</p>			

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

Name

Address

Telephone

1. _____
2. _____
3. _____
4. _____

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation _____
- Federal Transit Administration _____
- US Department of Transportation _____
- US Department of Justice _____
- Federal or State Court _____
- Other _____

Have you discussed the complaint with any Hendersonville representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

Formulario de reclamación de discriminación

RETURN COMPLAINT FORM TO:
 The City of Hendersonville
Title VI Plan and Program Coordinator
 160 6th Ave E.
 Hendersonville, NC 28792
 828-697-3005

FOR OFFICE USE ONLY

Date Complaint Received: _____
 Processed by: _____
 Case #: _____
 Date Referred: _____

Cualquier persona que crea que ha sido objeto de discriminación por motivos de raza, color, credo, sexo, edad, origen nacional o discapacidad puede presentar una queja por escrito con Hendersonville, dentro de los 180 días siguientes a la discriminación.

Apellido:		Nombre de pila:		<input type="checkbox"/> Macho
				<input type="checkbox"/> Fémينا
Dirección Postal:		Ciudad	Estado	Código de Area
Teléfono de Casa :	Teléfono de Trabajo :	Dirección de Correo Electrónico		

Identificar la Categoría de Discriminación:

RAZA COLOR ORIGEN NACIONAL SEXO
 CREDO (RELIGIÓN) DISABILITY/ADA Complaint LIMITED ENGLISH PROFICIENCY AGE

**NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.*

Identify the Race of the Complainant

Black White Hispanic Asian American
 American Indian Alaskan Native Pacific Islander Other _____

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary).**

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

Name

Address

Telephone

1. _____
2. _____
3. _____
4. _____

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation _____
- Federal Transit Administration _____
- US Department of Transportation _____
- US Department of Justice _____
- Federal or State Court _____
- Other _____

Have you discussed the complaint with any Hendersonville representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE