



HENRICO AREA
MENTAL HEALTH &
DEVELOPMENTAL SERVICES
SERVING THE COUNTIES
OF HENRICO, CHARLES CITY AND NEW KENT

Title VI Plan and Procedures

Title VI of the Civil Rights Act of 1964

Henrico Area Mental Health and Developmental Services

August 1, 2012

TABLE OF CONTENTS

PAGE

I. Introduction 2

II. Policy Statement and Authorities 3

III. Organization and Title VI Program Responsibilities 4

IV. Procedures for Notifying the Public of Title VI Rights
and How to File a Complaint 5

V. Procedures for Handling, Tracking, Resolving and Reporting
Investigations/Complaints and Lawsuits 6

VI. Staff Training Related to the Title VI Program 7

VII. Language Assistance Plan for Persons with Limited English
Proficiency (LEP) 7

VIII. Public Outreach and Involvement 11

IX. Procedures for Ensuring Equity in Service Provision 11

X. Data Collection and Reporting Procedures 12

I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

Recipients of public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how Henrico Area Mental Health and Developmental Services (HAMHDS) incorporates nondiscrimination policies and practices in providing services to the public. HAMHDS's Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

The Title VI program referenced in this plan relates directly to a wheelchair lift van assigned to the Sherbrooke Group Home obtained through the DRPT FTA 5310 grant.

II. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

HAMHDS is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

The HAMHDS Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Michael D. O'Connor
Signature of Authorizing Official

Date

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). 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, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

Annual Nondiscrimination Assurance to the Virginia Department of Rail and Public Transportation (DRPT)

As part of the Certifications and Assurances submitted to the DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the VDRPT, HAMHDS submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA). In signing and submitting this assurance, HAMHDS confirms to VDRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

***Currently, HAMHDS does not submit an annual grant application to DRPT, the agency is aware that we must meet Title VI requirements on an ongoing basis.**

III. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

The HAMHDS's Quality Assurance Manager is responsible for ensuring implementation of the agency's Title VI program for the Sherbrooke Group Home grant vehicle. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity. **(See attached organizational chart- Attachment 1, page 5)**

Overall Organization for Title VI

- The Title VI Coordinator is responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.
- The Title VI Coordinator is responsible for public outreach and involvement. This includes development and implementation of the Limited English Proficiency (LEP) plan if required in the future for this grant. Those responsible for this area also coordinate with those who are responsible for service planning and delivery.

Detailed Responsibilities of the Title VI Coordinator

The Title VI Coordinator is responsible for implementing, monitoring, and reporting on HAMHDS compliance with Title VI regulations. In support of this, the Title VI Coordinator will:

- Identify, investigate, and eliminate discrimination when found to exist.
- Process Title VI complaints received by HAMHDS, in accordance with the agency's Nondiscrimination Complaint Procedures (presented below).
- Meet with the other staff assigned with Title VI responsibilities, including monitoring and discussing progress, implementation, and compliance issues.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.

Annual Review of Title VI Program

Each year, in preparing for the Annual Report and Updates, the Title VI Coordinator and Liaison(s) will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications to verify that Title VI language and provisions are incorporated, as appropriate.

IV. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT

HAMHDS includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on a poster in the interior of passenger service vehicle funded by DRPT.

The agency uses the following language on their website:

“Henrico Area Mental Health & Developmental Services does not discriminate on the basis of sex, age, religion, race, handicap, or national origin.”

In the agency's printed Human Rights and Responsibility brochure, provided to each client on admission and yearly thereafter contains the following language:

“Not to be denied access to services based on race, color, religion, ethnicity, sex, age, disability or ability to pay” and “To all legal, civil and personal rights guaranteed by law.”

In the printed Client Orientation Handbook provided to each individual upon intake also includes Title VI information, (listed as Human Rights information). The document includes a statement about human rights and the complaint and appeal procedure. It provides the contact number of the agency's Title VI/Human Rights Coordinator. (**Attachment 2**)

The complaint procedure is also summarized in a brochure and includes telephone contact information of the Title VI Coordinator (Human Rights Coordinator). (**Attachment 3**)

In the group home where the grant van is located, as well as publically in the agency's main location, a poster that includes Title VI information is provided to the residents in a pictorial form to further allow understanding of their rights. The poster includes telephone contact information of who to complain to. (**Attachment 4**)

In the grant vehicle the following information is posted:

Title VI -Complaint Procedures

For the

Department of Rail and Public Transportation

“Henrico Area Mental Health & Developmental Services does not discriminate on the basis of sex, age, religion, race, handicap, or national origin.”

If you believe you have been subjected to discrimination under Title VI based on your race, color, national origin, or any aspect of this policy, you may file a complaint up to 180 days from the date of the alleged discrimination.

The complaint should include the following information:

- *Your name, address, and how to contact you (i.e., telephone number, email address, etc.)*
 - *How, when, where, and why you believe you were discriminated against.*
 - *The location, names and contact information of any witnesses.*

*The complaint may be filed in writing or phone contact to:
Yvonne Russell, Human Rights Coordinator/Title VI Coordinator
10299 Woodman Rd.
Glen Allen, VA 23060
(804)727-8514*

V. PROCEDURES FOR HANDLING, TRACKING, RESOLVING AND REPORTING INVESTIGATIONS/COMPLAINTS AND LAWSUITS

Any individual may exercise his or her right to file a complaint with HAMHDS if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. HAMHDS will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency’s Nondiscrimination Complaint Procedures (Human Rights complaint procedures), as described below. All Title VI complaints and their resolution will be logged as described under “Data collection” and reported annually (in addition to immediately) to DRPT.

Should any Title VI investigations be initiated by FTA or DRPT, or any Title VI lawsuits are filed against HAMHDS the agency will follow these procedures:

See attached agency Human Rights reporting and complaint procedures. (Attachment 5)

VI. STAFF TRAINING RELATED TO THE TITLE VI PROGRAM

Information on the HAMHDS's Title VI (Human Rights) program is disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "public outreach and involvement" section of this document, and in other languages when needed according to the LEP plan.

HAMHDS's employees will receive training on Title VI (Human Rights) policies and procedures upon hiring and yearly thereafter. This training will include requirements of Title VI, HAMHDS's obligations under Title VI (LEP requirement included), required data that must be gathered and maintained and how it relates to the Annual Report and Update to DRPT, and any findings and recommendations from the last DRPT compliance review.

In addition, training will be provided when any Title VI (Human Rights)-related policies or procedures change or when appropriate in resolving a complaint (which may be for a specific individual or for the entire agency, depending on the complaint).

Title VI (Human Rights) training is the responsibility of Quality Assurance Manager.

VII. LANGUAGE ASSISTANCE ASSESSMENT FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

The agency has a long standing, over 19 years Cultural Awareness and Competency committee that assists the agency in adhering to Title VI requirements.

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English.

Based on the four-factor analysis a LEP plan is not required for the Sherbrooke group home.

Using 2010 and American Community Survey (ACS) Census data, HAMHDS has evaluated data to determine the extent of need for translation services of its vital documents and materials.

Assessment of Needs and Resources

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak. The agency is aware that there are LEP populations that are over the 1,000 person requirement, although the demographics at the Sherbrooke Group Home, where the vehicle is solely used does not reflect the same demographic breakdown. Should the demographic change, at the Sherbrooke Group Home, the agency will ensure their language access needs are met.

Language Use and English-Speaking Ability for the Population by County and City

	Total Pop. 5yrs+	Speak English at Home	Speak non-English at Home							
			Total Pop. Non-English	Percent Non-English	# of Pop. Not Well/Not at All	% of Pop. Not Well/Not at All	English Ability-Very Well	English Ability-Well	English Ability-Not Well	English Ability-Not at All
Henrico County	279,834	243,034	36,800	13.2%	7,538	2.7%	21,520	7,742	5,328	2,210

U.S. Census Data – American Community Survey (2006-2010)

Data from the U.S. Census Bureau’s American Community Survey (ACS) were obtained through www.census.gov by HAMHDS’s service area. The agency’s service area includes a total of 7,538 of which 2.7% persons with Limited English Proficiency (those persons who indicated that they spoke English “not well,” and “not at all” in the 2006-2010 ACS Census). However these demographics are not reflective of the population served at the Sherbrooke Group Home.

Henrico County	Total	Speak Non-English at Home	
		English Ability- Very Well	English Ability- Less than Very Well
Population 5yrs+	279,834		
Speak only English	243,034		
Speak Non-English at Home	36,800		
Spanish or Spanish Creole:	11,790	5,893	5,897
French (incl. Patois, Cajun):	1,021	682	339
French Creole:	147	118	29
Italian:	230	215	15
Portuguese or Portuguese Creole:	865	437	428
German:	639	487	152
Yiddish:	29	29	-
Other West Germanic languages:	185	185	-
Scandinavian languages:	73	73	-
Greek:	761	531	230
Russian:	752	453	299
Polish:	93	69	24
Serbo-Croatian:	1,284	573	711
Other Slavic languages:	213	126	87
Armenian:	127	93	34
Persian:	547	390	157
Gujarati:	419	267	152
Hindi:	1,996	1,593	403
Urdu:	590	425	165
Other Indic languages:	1,235	913	322
Other Indo-European languages:	501	363	138
Chinese:	2,526	1,397	1,129
Japanese:	134	59	75
Korean:	1,031	474	557
Mon-Khmer, Cambodian:	1,179	737	442

Hmong:	12	12	-
Thai:	205	54	151
Laotian:	135	24	111
Vietnamese:	1,862	725	1,137
Other Asian languages:	2,555	1,745	810
Tagalog:	616	600	16
Other Pacific Island languages:	42	11	31
Navajo:	9	9	-
Other Native North American languages:	60	-	60
Hungarian:	123	107	16
Arabic:	1,656	912	744
Hebrew:	60	60	-
African languages:	991	633	358
Other and unspecified languages:	107	46	61

Factor 2: Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System

HAMHDS reviewed the relevant benefits, services, and LEP information and determined there is currently no contact with LEP persons.

The funding obtained from DRPT was used to purchase a 2009 Chevrolet Supreme, 14 passenger body on chassis (BOC) with lift for the sole use of one group home in which 6 individuals reside and are all English speaking. The vehicle is not part of a fleet, used solely for the agency’s group home and is not accessible to the general public. HAMHDS does not consider itself a transit system.

Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population

HAMHDS provides an array of services and programs for individuals with mental health, substance and developmental disabilities (**Attachment 6- Agency Brochure**).

This vehicle is the sole use of one residential group home for English speaking individuals with Developmental Disabilities (**Attachment 7-Group home Program Description**). This vehicle is used specifically for six English speaking individuals that live at the Sherbrooke group home. Examples of use include: doctor appointments, recreational activities, grocery store, etc.

Factor 4: Assessment of the Resources Available to the Agency and Costs

Currently there is not a need to provide language assistance to the six individuals that live at the Sherbrooke group home. The agency has provisions for language assistance for other services not related to the DRPT grant.

LEP Implementation Plan

Through the four-factor analysis, **HAMHDS** has determined that a written Language Implementation Plan is not required at this time which is permissible under FTA Circular C 4702.1A. **HAMHDS** understands that the absence of a written LEP plan for the Sherbrooke Group Home does not obviate the underlying obligation to ensure meaningful access by LEP persons to our program or activities. When appropriate, **HAMHDS** will provide translation of vital documents, provide access to language assistance services and provide staff training on policies and procedures related to assisting LEP persons.

VIII. PUBLIC OUTREACH AND INVOLVEMENT

This van is not accessible to the public. It has been assigned directly to one group home and they are the sole users of this van. There are not charges to the individuals living at the group home for the use of this vehicle. This section is not applicable.

IX. PROCEDURES FOR ENSURING EQUITY IN SERVICE PROVISION

HAMHDS is required to plan and deliver transportation services in an equitable manner. This means the distribution of service levels and quality is to be equitable to all of the six low income individuals with developmental disabilities that live in the Sherbrooke group home

Monitoring Title VI Complaints

As part of the complaint handling procedure, the Title VI Coordinator investigates possible inequities in service delivery as related to the one grant van.

In addition to the investigation following an individual complaint, the Title VI Coordinator periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update for submission to the DRPT.

X. DATA COLLECTION AND REPORTING PROCEDURES

Data collection

To ensure that Title VI reporting requirements are met, HAMHDS maintains:

- A log and database of Title VI complaints received. The investigation of and response to each complaint is tracked within the database
- Maintenance of these records is the responsibility of Quality Assurance Manager

Annual Report and Triennial Updates

Annual Reporting

As a sub recipient providing service in an area with less than 200,000 populations, submits an annual report to the DRPT that documents any Title VI investigations/complaints/lawsuits during the preceding 12 months.

Triennial Reporting-

Every three years, the HAMHDS submits to DRPT, a complete list of the investigations/complaints/lawsuits received in the prior three years, and any updates to this Title VI plan.

Updates to the Title VI Plan

As noted above, every three years, HAMHDS submits to DRPT an update to this Title VI Plan. The triennial Title VI update includes the following items, or a statement to the effect that these items have not been changed since the previous submission, indicating date.

- A copy of any compliance review report for reviews conducted in the previous three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- HAMHDS procedures for tracking and investigating Title VI complaints
- A complete list of Title VI investigations, complaints or lawsuits filed with the HAMHDS since the last submission
- A copy of HAMHDS's agency's notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint