



SCOTT COUNTY ENGINEER'S OFFICE

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MEMO

TO: Dee F. Bruemmer
County Administrator

FROM: Jon Burgstrum
County Engineer

SUBJ: General Policy 40, Title VI – Non-Discrimination

DATE: July 18, 2013

Mary Thee and I have worked together to write a policy for Scott County that contains all the Federal and IA DOT requirements for Title VI of the Civil Rights Act. The IA DOT has initiated a program to audit all counties that receive federal funds and having this policy approved by the Board of Supervisors is required in order for the county to receive federal dollars for projects. The requirement is for the County not just Secondary Roads. We are adding the required plan to our General Policies so it will cover all county departments.

40. TITLE VI - NON-DISCRIMINATION

POLICY

Scott County assures that no person shall, on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financing assistance. Scott County further assures every effort will be made to ensure nondiscrimination in all of its committees, programs, and activities, regardless of the funding source.

Scott County will include Title VI language in all written agreements and bid notices and will monitor compliance where federal funds are distributed to another entity.

The Department Administrator (Department Head/Elected Official) and Title VI Coordinator (Human Resources Director) are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

SCOPE

This policy is applicable to all County offices, departments and authorized outside agencies funded, in whole or in part, by the County where federal funds are used.

OBJECTIVES

The County affirms its commitment to providing meaningful contracting when utilizing federal funds. Employment and accessibility practices are more fully defined in other County policies.

ADMINISTRATIVE PROCEDURES

Department Administrator - The Department Administrator is authorized to ensure compliance with provisions of the Department's policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Department's grants compliance function and Title VI coordination shall be performed under the authority of the Department Administrator.

Title VI Coordinator - The Title VI Coordinator is the County's EEO Officer and is responsible for initiating, monitoring, and ensuring Scott County's compliance with Title VI requirements pursuant to this policy.

TITLE VI AUTHORITIES

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

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

COORDINATOR RESPONSIBILITIES

A. Public Dissemination

Scott County will disseminate Title VI Program information to county employees, sub-recipients, and contractors, as well as the general public. Public dissemination will include posting of public statements, inclusion of Title VI language in contracts, and announcements of hearings, and meetings in minority newspapers when determined necessary and funding is available.

B. Prevention of Discrimination

Work with the Department Administrator to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any County processes. Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to, issues of accessibility of training to all qualified county employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement, and material acquisition.

C. Annual Reports

The Human Resources Department will be responsible for insuring an annual report is prepared by August 1 of each year and submitted to the Iowa Department of Transportation (Iowa DOT) by September 1 of each year or other relevant state or federal agency upon request. The report will review Title VI accomplishments and goals for the upcoming year.

D. Remedial Action

Scott County will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance through a program review with the program administrative requirements. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues and reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.

The Iowa DOT or other relevant agency will be notified of any complaint filed at Scott County involving Title VI issues, as well as any resolution.

FILING A COMPLAINT

Applicability

The complaint procedures apply to the beneficiaries of Scott County's programs, activities, including but not limited to: the public, contractors, sub-contractors, consultants, employees, and other sub-recipients of federal and state funds.

Eligibility

If any individual, group of individuals, or entity believes that they or any other program beneficiaries have been subjected to discrimination prohibited by Title VI nondiscrimination provisions as a recipient of benefits and/or services, or on the grounds of race, color, national origin, or sex, they may exercise the right to file a complaint with Scott County. Every effort will be made to resolve complaints informally at the department, recipient, and/or contractor level.

Time Limitation on Filing Complaints

Title VI complaints may be filed with

- Scott County
- Iowa Department of Transportation or other relevant agency
- Federal Highway Administration or other relevant agency
- U.S. Department of Transportation or other relevant agency

In all situations, Scott County employees must contact the Human Resources Department immediately upon receipt of a Title VI or related statutes complaint.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

A Title VI complaint form is available at the Human Resources Department during normal business hours or online at <http://www.scottcountyiowa.com/roads/>.

INTERNAL COMPLAINT PROCESSING

1. The Human Resources Director acting as the Title VI Coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180 day filing deadline, and falls within the jurisdiction of the county.
2. The Title VI Coordinator will then investigate the complaint. If the complaint is against the Title VI Coordinator, then the Chairperson and/or Board of Supervisors will designate an individual to investigate the complaint. Additionally, a copy of the complaint will be forwarded to the County Attorney.
3. If the complaint warrants a full investigation, the complainant will be notified in writing. This notice will name the investigator and/or investigating department. The county will also notify the Iowa Department of Transportation Office of Equal Opportunity of the Investigation or other relevant agency.
4. The party alleged to have acted in a discriminatory manner will also be notified in writing as to the complaint. This letter will include the investigator's name and will request that the party be available for an interview.
5. Any comments or recommendation from legal counsel will be reviewed by the Title VI Coordinator.
6. Once Scott County is notified of the findings of the Iowa Department of Transportation Office of Equal Opportunity or other relevant agency investigative report, the county will adopt a final resolution.
7. All parties will be properly notified of the outcome of the Iowa Department of Transportation Office of Equal Opportunity report or other relevant agency.
8. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal the Iowa Department of Transportation Office of Equal Opportunity or other relevant agency decision. Appeals must be filed within 180 days after Scott County's final resolution. Unless new facts not previously considered come to light, reconsideration of the county's determination will not be available.

The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled, "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at:

<http://www.usdoj.gov/crt/cor/Pubs/manuals/complain.html>.

TITLE VI ASSUARANCES

Scott County (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Act”), and 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 Department of Transportation - Effectuation of the Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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 received federal financial assistance, and;

HEREBY GIVES ASSURANCE THAT, it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

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 Federal Highway or Transit Program, and is binding on it, other recipients, sub-grantees, contractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

**SCOTT COUNTY
TITLE VI COMPLAINT FORM**

This form may be used to file a complaint with Scott County based on a violation of Title VI of the Civil Rights Act of 1964. You are not required to use this form. A letter providing the same information may be submitted to file your complaint.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) allegedly discriminated against if different than above (use additional pages if needed):

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of department that allegedly discriminated:

Department Name: _____

Name of Individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began: _____ Last or most recent date: _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or

discrimination that involved the treatment of you by others by the department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

Race/Color _____
 National Origin _____
 Gender _____

Religion _____
 Age _____
 Disability _____

Explain:

Please explain as clearly as possible what happened. Provide the name(s) or witness(es) and others involved in the alleged discrimination. Attach additional sheets if necessary and provide a copy of written material pertaining to your case.

Signature: _____ Date: _____

Note: *Scott County prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the County. Please inform the Human Resources Department if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

TITLE VI CONTRACT LANGUAGE

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 Regulation

The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to DOT), Title 49, Code of Federal Regulations, Part 21 (hereinafter referred to as the Regulations), as they may be amended from time to time, herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection of and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitation for Subcontracts, including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including the procurement of material for leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

Contractors shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Scott County, Iowa Department of Transportation or appropriate federal agency to be pertinent to ascertain compliance with such Regulation, orders and instructions. Where any information required of a contractor is in exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Iowa Department of Transportation or the appropriate federal agency as needed, and shall set forth what efforts is has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Scott County shall impose such contract sanctions as the Iowa Department of Transportation or other relevant agency may determine to be appropriate, including but not limited to:

- Withholding of payments to the contractor under contract until the contractor complies, and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as Scott County, Iowa Department of Transportation, or appropriate federal agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

APPENDIX A

Sample Letter Acknowledging Receipt of Complaint

[Date]

[Complainant Name]

[Address]

[City, State, Zip]

Dear [Name]:

This letter is to acknowledge receipt of your complaint against Scott County alleging [insert allegations here].

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning (563) 326-8767, or write to me at this address.

Sincerely,

Mary J. Thee
Title VI Coordinator
Assistant County Administrator/Human Resources Director
Scott County
600 W. 4th Street
Davenport, IA 52801

APPENDIX B

Sample Letter Notifying the Complainant that the Complaint is Substantiated

[Date]

[Complainant Name]

[Address]

[City, State, Zip]

Dear [Name]:

The matter referenced in your letter of [insert date of complaint] against Scott County alleging a violation of Title VI has been investigated.

[An/Several] apparent violation[s] of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter [was/were] identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. **[If a hearing is requested, the following may be appropriate.]** You may be hearing from this office, or from federal authorities, if your assistance should be needed during the administrative hearing process.

Sincerely,

Mary J. Thee

Title VI Coordinator

Assistant County Administrator/Human Resources Director

Scott County

600 W. 4th Street

Davenport, IA 52801

APPENDIX C

Sample Letter Notifying Complainant that the Complaint is Not Substantiated

[Date]

[Complainant Name]

[Address]

[City, State, Zip]

Dear [Name]:

The matter referenced in your complaint of [date] against Scott County alleging [insert summary here] has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

Scott County has analyzed the materials and facts pertaining to your allegation(s) for evidence of the county's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to (1) appeal within seven calendar days of receipt of this final written decision from Scott County, and/or (2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Avenue SE
Washington, DC 20590

Thanks you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Mary J. Thee
Title VI Coordinator
Assistant County Administrator/Human Resources Director

Scott County
600 W. 4th Street
Davenport, IA 52801

APPENDIX D

Samples of Narratives to be included in Posters to be Displayed in Revenue Vehicles and Facilities when applicable

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).

Scott County is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. **If you feel you are being denied participation in or being denied benefits of the transit services provided by Scott County, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at:**

**Mary J. Thee
Title VI Coordinator
Assistant County Administrator/Human Resources Director
Scott County
600 W. 4th Street
Davenport, IA 52801**

For more information, visit the county’s website:

www.scottcountyiowa.com/roads

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE

SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

July 18, 2013

APPROVAL OF THE TITLE VI - NON-DISCRIMINATION POLICY FOR SCOTT COUNTY

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

SECTION 1. That the Board of Supervisors approve the Title VI-
Non-Discrimination Policy for Scott County.

SECTION 2. That this resolution shall take effect immediately.