*Note: The following is a suggested Title VI Plan template for Colorado Department of Transportation (CDOT) FHWA subrecipients (i.e. agencies or municipalities who receive FHWA federal financial assistance through CDOT). For specific Title VI Plan requirements, refer to CDOT’s Title VI Requirements for FHWA Subrecipients. Information is also available on the FHWA’s website at* [*https://www.fhwa.dot.gov/civilrights/programs/title\_vi/*](https://www.fhwa.dot.gov/civilrights/programs/title_vi/)*. Please delete italicized language in yellow highlights before submitting your Title VI Plan to CDOT.*

**Title VI Plan for CDOT FHWA Subrecipient**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of agency/subrecipient and department)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Date)

Prepared by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name and Job Title)

1. **Nondiscrimination Policy Statement**

It is the policy of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency Name) that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency Name) as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency Name), including its contractors and anyone who acts on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency Name). This policy also applies to the operations of any department or agency to which \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency Name) extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; and Discrimination in any activities related to highway and infrastructure or facility built or repaired.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Top Agency or Department Official) Date

1. **Standard DOT Tile VI Assurances**

*(Please include a copy of the subrecipient’s signed USDOT Standard Title VI Assurances for this section (see DOT 1050.2A), which should have been included and signed with your agency’s intergovernmental agreement with CDOT. The assurances may also be attached and referenced as an appendix to this Title VI Plan.*

*Please note that subrecipients are also responsible for ensuring that the applicable appendix of the Standard Assurances is included in each federally-assisted contract. Moreover, the Standard Assurances require specific language to be included in requests for proposals of work. A template of the Standard Assurances and its appendices are available at* [*https://www.faa.gov/about/office\_org/headquarters\_offices/acr/com\_civ\_support/non\_disc\_pr/media/dot\_order\_1050\_2A\_standard\_dot\_title\_vi\_assurances.pdf*](https://www.faa.gov/about/office_org/headquarters_offices/acr/com_civ_support/non_disc_pr/media/dot_order_1050_2A_standard_dot_title_vi_assurances.pdf)*. The Standard Assurances should also be signed annually by the subrecipient.)*

1. **Title VI Coordinator**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (top agency official) is responsible for assuring compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes, and has directed that nondiscrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) has created the position of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to perform the duties of the Title VI Coordinator and to ensure implementation of \_\_\_\_\_\_\_\_\_\_\_\_ (Agency’s) Title VI program. The position of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is located within \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of department or division).

The Title VI Coordinator is responsible for:

* Submitting an FHWA Title VI Plan and Language Assistance Plan to CDOT;
* Responding to and coordinating with any CDOT Title VI Compliance Reviews;
* Developing Title VI complaint procedures and forwarding any Title VI complaints to CDOT within three (3) business days;
* Reviewing, monitoring, and enforcing Title VI responsibilities within the agency;
* Collecting and analyzing data related to Title VI;
* Ensuring that staff is adequately trained on Title VI policies;
* Disseminating Title VI information to the public, including providing notice and opportunities for public participation;
* Reviewing local directives for Title VI implications;
* Incorporating Environmental Justice principles into programs and activities; and
* Ensuring that the Title VI Plan remains up to date.

*Add any other information about the Title VI Coordinator’s responsibilities and/or the agency’s organizational structure. An organizational chart should be attached as a supplement to this description, or, at a minimum, a description of the Title VI Coordinator’s placement in the agency and how they interact with and have easy access to management.*

**IV. Primary Program Area Descriptions**

|  |  |  |
| --- | --- | --- |
| **Program Area** | **General Description** |  **Title VI/Nondiscrimination Concerns and Responsibilities** |
| *Ex: Right of Way* |  |  |
| *Ex: Planning* |  |  |
| *Ex: Environmental* |  |  |
|  |  |  |
|  |  |  |

**V. Program Review, Compliance, and Enforcement Procedures**

*Please describe your agency’s review procedures to ensure Title VI compliance within the agency and varying program areas. This section must also include compliance and enforcement procedures that eliminate and address discrimination, and resolve deficiencies when non-compliance occurs. If your agency administers federal aid contracts, your agency must also monitor prime and subcontractors for Title VI compliance.*

**VI. Data Collection and Analysis**

*Describe your agency’s process for collecting and analyzing data of participants and beneficiaries of your agency’s programs and activities. Examples include tracking the race/ethnicity of participants or beneficiaries of your programs or activities; tracking the race/ethnicity of members of the public participating in public meetings; and collecting U.S. Census data on populations impacted by your agency’s projects. For more information on U.S. Census data, visit* [*https://www.fhwa.dot.gov/civilrights/programs/title\_vi/data\_collection\_analysis.cfm*](https://www.fhwa.dot.gov/civilrights/programs/title_vi/data_collection_analysis.cfm) *or* [*https://www.fhwa.dot.gov/civilrights/programs/docs/Title%20VI%20Data%20collection.pdf*](https://www.fhwa.dot.gov/civilrights/programs/docs/Title%20VI%20Data%20collection.pdf)*.*

*Please also provide an analysis of this data, including how it relates to the subrecipient’s programs and activities.*

**VII. Staff Training**

*Please describe how and when agency staff is trained on Title VI related policies and procedures.*

**VIII. Complaint Procedures**

*Title VI Plans must include Title VI complaint procedures for how individuals may file a Title VI complaint. FHWA Title VI complaints must be forwarded to CDOT within three (3) business days. CDOT will then forward any Title VI complaints to FHWA for processing. Title VI complaint procedures must be posted on an agency’s website and translated into any language that meets the Limited English Proficient (LEP) Safe Harbor threshold (e.g., LEP language groups that constitute five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served by the subrecipient). Agencies are encouraged to use the following template:*

**FHWA Title VI Complaint Procedure for \_\_\_\_\_\_\_\_\_\_\_ (Agency)**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities that receive Federal financial assistance (*See* 23 CFR Part 200 and 49 CFR Part 21).

Who is eligible to file an FHWA Title VI complaint?

The Federal Highway Administration (FHWA) requires that \_\_\_\_\_\_\_\_\_\_ (Agency) report Title VI discrimination complaints. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any \_\_\_\_\_\_\_\_\_\_ (Agency) program or activity related to road and highway transportation programs because of their race, color, or national origin may file an FHWA Title VI complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

How do you file a complaint?

Title VI complaints must be filed within 180 days from the last date of the alleged discrimination, unless the time for filing is extended by the processing agency.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency’s Title VI Coordinator).

Complaints should be filed in writing and signed, and may be submitted via mail, email, fax or in person to:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (agency contact information)

**Complaints may also be filed directly with the following agencies:**

Colorado Department of Transportation

Civil Rights & Business Resource Center

2829 W. Howard Place, Suite 139

Denver, CO 80204

dot\_civilrights@state.co.us

Phone: (800) 925-3427

Fax: (303) 952-7088

Federal Highway Administration, Colorado Division

12300 West Dakota Avenue, Suite 180

Lakewood, Colorado 80228

Phone: (720) 963-3000

Fax: (720) 963-3001

Federal Highway Administration

U.S. Department of Transportation Office of Civil Rights

1200 New Jersey Avenue, SE

8th Floor E81-105

Washington, DC 20590

Civilrights.fhwa@dot.gov

Phone: (202) 366-0693

Fax: (202) 366-1599

What happens after a complaint is filed?

\_\_\_\_\_\_\_\_\_ (Agency) must forward any Title VI complaint related to a Federal-aid highway program to the Colorado Department of Transportation (CDOT) within three (3) business days. CDOT will then forward the Title VI complaint to the appropriate FHWA Division Office for further processing.

Once an FHWA Title VI complaint is received, \_\_\_\_\_\_\_\_\_\_ (Agency) will log the complaint information in its records. After forwarding the complaint to CDOT, \_\_\_\_\_\_\_\_\_\_\_\_ (Agency) will provide the complainant with the name and contact information of the CDOT employee responsible for coordinating the complaint.

FHWA Headquarters Office of Civil Rights (HCR) will determine whether a Title VI complaint is accepted or dismissed, as well as whether FHWA or CDOT will investigate the complaint. FHWA HCR will notify the complainant, as well as appropriate agencies, on its decision. For more information, please visit the FHWA website at <https://www.fhwa.dot.gov/civilrights/programs/title_vi/titleviqa.cfm>.

*Complainants are encouraged, but not required, to use the following complaint form when filing a complaint with \_\_\_\_\_\_\_\_\_ (Agency) or CDOT. At a minimum, each complaint should contain a written explanation of the alleged discrimination, complainant’s contact information, the basis of the complaint (e.g., race, color, national origin), the names of specific individuals or agencies involved, sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance, and date(s) of the alleged discrimination.*

**FHWA Title VI Complaint Form**

*Contact information of person completing this complaint:*

Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_City\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Zip\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Basis of Complaint (circle all that apply):*

|  |
| --- |
| Race |
| Color  |
| National Origin |

*Who discriminated against you?*

Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Organization\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Zip\_\_\_\_\_\_\_\_

Phone\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*How were you discriminated against? (Please provide specific details - attach additional pages if more space is needed)*

*Where did the discrimination occur?*

*Dates and times discrimination occurred?*

*Were there any other witnesses to the discrimination?*

|  |  |  |  |
| --- | --- | --- | --- |
| Name  | Organization/Title  | Work Telephone | Home Telephone |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

*How would you like to see this situation resolved?*

*Have you filed your complaint, grievance, or lawsuit with any other agency or court?*

Who \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ When \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Status (pending, resolved, etc.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Result, if known \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Complaint number, if known \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Do you have an attorney in this matter?*

Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Zip\_\_\_\_\_\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IX. Dissemination of Title VI Information**

*Title VI Plans must include community outreach and public education procedures relating to nondiscrimination under Title VI. At a minimum, Title VI Plans must include a Notice of Rights and a Public Participation Plan.*

 **a. Title VI Notice**

*The Title VI Notice must inform members of the public of their rights against discrimination based on race, color, and national origin under Title VI and how they can file a Title VI complaint. The Notice must include information on how to file a complaint directly with FHWA. The Notice must be made available on the agency’s website and be posted in locations accessible to the public. The Notice must also be translated into any language that meets the Limited English Proficient (LEP) Safe Harbor threshold (e.g., LEP language groups that constitute five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served by the subrecipient)). Agencies may use the following template:*

## Your Rights against Discrimination under Title VI of the Civil Rights Act of 1964

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) operates its programs and services without regard to race, color, or national origin. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) program or activity related to road and highway transportation programs because of their race, color, or national origin may file a Title VI discrimination complaint.

To file an FHWA Title VI discrimination complaint, contact:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency contact)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title VI complaints related to Federal-aid highway programs may also be filed directly with the following agencies:

Colorado Department of Transportation

Civil Rights & Business Resource Center

2829 W. Howard Place, Suite 139

Denver, CO 80204

dot\_civilrights@state.co.us

Phone: (800) 925-3427

Fax: (303) 952-7088

Federal Highway Administration, Colorado Division

12300 West Dakota Avenue, Suite 180

Lakewood, Colorado 80228

Phone: (720) 963-3000

Fax: (720) 963-3001

Federal Highway Administration

U.S. Department of Transportation Office of Civil Rights

1200 New Jersey Avenue, SE

8th Floor E81-105

Washington, DC 20590

Civilrights.fhwa@dot.gov

Phone: (202) 366-0693

Fax: (202) 366-1599

 **b. Public Participation Plan**

*Agencies should also provide a public participation plan that describes the agency’s procedures for eliciting and soliciting participation by minority communities.* *The Title VI Plan must identify how the subrecipient communicates with and conducts outreach to minority and Limited English Proficient (LEP) individuals. The process must also address how input from minority populations is considered during agency decision-making.*

**X. Review of Local Directives**

*Title VI Plans must include an assurance by subrecipients that they will review local city and county directives for Title VI implications, and if needed, will provide an interpretation of how those directives that implicate Title VI impact program areas.*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) will review local city and county directives for Title VI implications. If directives are identified as implicating Title VI, \_\_\_\_\_\_\_\_\_\_\_ (Agency) will provide an interpretation of how those directives impact program areas. \_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) will include such information in its Title VI Plan.

**XI. Language Assistance Plan**

*Limited English Proficient (LEP) individuals are those individuals for whom English is not their primary language and have a limited ability to speak, read, write, or understand English. Failure to provide language assistance for LEP persons may result in national origin discrimination. Therefore, pursuant to Executive Order 13166, FHWA subrecipients are required to perform an LEP analysis of their service area and develop a plan for providing language assistance and outreach to LEP populations.*

*The following is the four-factor analysis which must be used to determine what measures are necessary to provide meaningful access for LEP individuals:*

* 1. ***Identify the number or proportion*** *of LEP persons eligible to be served or likely to be encountered by the subrecipient.*
	2. ***Determine the frequency*** *with which LEP persons come into contact with the subrecipient.*
	3. ***Determine the nature and importance*** *of the program, activity, or service provided by the subrecipient.*
	4. ***Identify the resources*** *available to the subrecipient and the costs.*

*After analyzing these four factors, subrecipients must establish an outreach plan for providing language assistance to LEP individuals.* *For more information on the Language Assistance Plan, please refer to the USDOT’s LEP Guidance at* [*https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance*](https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance)*.*