

COMMITMENT TO SERVING THE PUBLIC WITHOUT DISCRIMINATION (Title VI)

Objective:	To demonstrate compliance with obligations under Title VI of the Civil Rights Act.	Policy Number:	11-39 (previously 01-39)
Reference:	Title VI, Civil Rights Act of 1964; Executive Order 13166, "Improving Access to Services for Persons with limited English proficiency (LEP)"; Americans with Disabilities Act (ADA) of 1990; ADA Amendments Act of 2008 (PL110-325); Section 504 of the Rehabilitation Act of 1973; Article 15-A of New York State Executive Law; Tompkins County Title VI Program Plan.	Effective Date:	June 15, 1993
		Responsible Department:	County Administration
		Modified Date (s):	Sept. 2016
Legislative Policy Statement:	Tompkins County government is committed to equally serving all persons in a customer-friendly and culturally sensitive manner and without discrimination on the basis of race, color, sex, gender identity and expression, sexual orientation, religion, age, national origin, alienage, disability, medical condition, military status, familial status, ex-offender status, or any other status or category protected by law (federal, state, or Tompkins County local law).	Resolution No.:	2016-182
		Next Scheduled Review:	Sept. 2021
General Information:	<p>Title VI, a federal statute enacted by Congress, provides that no person shall, on the grounds 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 funds or other federal financial assistance.</p> <p>Under Title VI, programs that receive federal funds/assistance cannot distinguish among individuals on the basis of race, color or national origin, either directly or indirectly, in the types, quantity, quality, or timeliness of program services or benefits that they provide or the manner in which they provide them. This prohibition applies to intentional discrimination as well as to procedures, criteria, or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin.</p> <p>Title VI applies to recipients and subrecipients of federal funding/assistance. As a recipient of federal funding/assistance, Tompkins County is required to have a Title VI Program. Although contractors and subcontractors are not required to have their own Title VI Programs, as funding subrecipients, they are responsible for complying with the County's Title VI Program.</p> <p>Under Title VI, any person has the right to file a formal complaint with the County if he or she has been aggrieved by an unlawful discriminatory practice on the basis of race, color, or national origin. Complaint procedures are outlined in the Tompkins County Title VI Program Plan and are also available via the County Compliance Program Website.</p>		
I. Definitions	<p>Discrimination—In the context of civil rights law, discrimination refers to the unjust or prejudicial treatment of a person or group because of appearance, race, ethnicity, national origin, religion, age, gender, marital status, veteran status, sexual orientation, or disability.</p> <p>Minority-owned business enterprise—A business enterprise, including a sole proprietorship, partnership, or corporation, that has been certified as minority-owned by the Empire State Development's Division of Minority and Women-Owned Business Development.</p> <p>Public—All members of the community, including clients, inmates, patients, probationers, or anyone who receives County services.</p>		

Subrecipient—A non-Federal entity that receives funding/assistance from a pass-through entity to carry out a project. A subrecipient relationship exists when funding/assistance from a pass-through entity is provided to perform a portion of the scope of work or objectives of the pass-through entity's award agreement with the awarding agency.

Title II of the Americans with Disabilities Act (ADA) of 1990—Covers programs, activities, and services of public entities for individuals with disabilities. Title II provides protections that are at least equal to those provided by the nondiscrimination provisions of Title VI. Under Title II, public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures, including barriers to accessibility.

Women-owned business enterprise—A business enterprise, including a sole proprietorship, partnership, or corporation, that has been certified as women-owned by the Empire State Development's Division of Minority and Women-Owned Business Development.

II. Policy:

- A. All County departments are responsible for identifying and eliminating discriminatory practices that prevent equal access to County programs, services, and activities. Efforts to prevent such discrimination must address, but not be limited to, program participation; access to treatment and other related services; contractor or vendor opportunities for minority-owned and women-owned businesses; proactive investigation of Title VI and Title II complaints; allocation of funds; prioritization of projects; as well as the overarching functions of research, planning, project development and delivery, use of right-of-way, and construction.
- B. Each County department must:
 1. Post the County's *Title VI Notice to the Public* that indicates County compliance with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI.
 2. Provide instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the Complaint Form.
 3. Maintain a list of any Title VI complaints filed against the department and provide this information annually or upon request to the County Compliance Officer. Complaint details will include: date of complaint; name and contact information of the complainant; protected category of the complainant; summary of the allegation; actions taken by the department to address the current complaint or prevent similar complaints in the future; and name of department representative who received the complaint.
 4. Develop and maintain Public Participation Plans for engaging minority populations, low-income persons, persons with disabilities, and limited English proficient (LEP) populations. Department Plans will include a summary of annual outreach efforts.
 5. Monitor the department's utilization of the County's LEP language assistance services, and supply data, as requested, to help improve the efficiency and responsiveness of the LEP services.
 6. Document efforts used by the department to ensure that contractor subrecipients are complying with Title VI, as well as a schedule of subrecipients' Title VI program submissions, and provide this information upon request to the County Compliance Officer.
- C. Whenever the County locates, constructs, renovates, or modifies a facility, including infrastructure, entrance ways, and other access points, the County shall conduct a Title II accessibility analysis during the planning stage.

III. Procedure:

Tompkins County's Title VI Program assures that all County government services, programs, and activities are offered, conducted, and administered fairly and without discrimination. The Title VI Program is a component of the comprehensive County Compliance Program. All County departments will act in accordance with Title VI requirements. For details on Program implementation, please refer to the Tompkins County Compliance Program Website.