

COUNTY OF SAN DIEGO TITLE VI PROGRAM PLAN



JOSEPH A. CORDERO
DIRECTOR, OFFICE OF ETHICS AND COMPLIANCE
JULY 1, 2016

For individuals with sensory disabilities, this document can be made available in alternative formats. To obtain a copy of this document in an alternative format, please call or write to:

County of San Diego
Office of Ethics and Compliance
1600 Pacific Highway, Room 400
San Diego, CA 92101

(619) 531-5174 – Voice
711 – TTY

TABLE OF CONTENTS

Title VI Non-Discrimination Statement.....	4
Introduction.....	5
Title VI of the Civil Rights Act of 1964 and Related Authorities.....	6
Organization, Staffing and Responsibilities.....	7
Designation of Title VI Coordinator.....	8
Title VI Implementation.....	9
A. Public Participation/Outreach Activities.....	9
B. Programmatic Activities.....	10
1. Limited English Proficiency Program.....	10
2. Environmental Justice in Minority and Low-Income Populations.....	10
3. Site and Facility Location.....	11
4. Data Collection.....	11
5. Complaint Process.....	11
6. Training.....	12
C. Program Assessment.....	12
D. Annual Work Plan.....	12

TITLE VI AND RELATED STATUTES NON-DISCRIMINATION STATEMENT

In accordance with Board of Supervisors Policy C-17, the County of San Diego, under Title VI of the Civil Rights Act of 1964 and other related statutes, ensures that no person shall, on the basis the basis of race, color, national origin, sex, disability or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs or activities it administers.

JOSEPH A. CORDERO
Director, Office of Ethics and Compliance

INTRODUCTION

The County of San Diego is a recipient and sub-recipient of financial assistance from Federal-aid programs. Recipients and sub-recipients of Federal-aid are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 forbids discrimination against anyone in the United States because of race, color, or national origin by any program receiving Federal-aid. Subsequently, various other statutes, including the Federal-Aid Highway Act of 1973, added prohibitions against discrimination based on sex, age, disability, or socioeconomic status. The Civil Rights Restoration Act of 1987 defines the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal financial assistance.

The County strives to ensure that none of its activities or programs treats any part of the community differently than any other part. The County expects every manager, supervisor, employee, contractor and vendor sub-recipient of Federal-aid funds to be aware of and apply the intent of Title VI of the Civil Rights Act of 1964 and related statutes in performing assigned duties.

Federal statutes require recipients of Federal-aid programs to prepare and implement a program to clarify roles, responsibilities, and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The County of San Diego’s Title VI Program Plan provides the policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED 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, 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 (as implemented through 23 CFR 200.9 and 49 CFR 21).

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) prohibits discrimination on the basis of sex by recipients and sub-recipients of Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability by recipients and sub-recipients of Federal financial assistance.

The Age Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination on the basis of age by recipients and sub-recipients of Federal financial assistance.

The Civil Rights Restoration Act of 1987 (Public Law 200-209) clarifies that the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973 was to apply the non-discrimination statutes to **all** programs and activities of Federal-aid recipients, sub-recipients, contractors and vendors, whether all such programs are federally assisted or not.

Executive Order 12898 (issued February 11, 1994) addresses Environmental Justice regarding minority and low-income populations and requires agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations; promote nondiscrimination in federal programs substantially affecting human health and the environment; and 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.

Executive Order 13166 (issued August 16, 2000) addresses improved access to services for persons with limited English proficiency. Agencies are directed to evaluate services provided and implement a system that ensures that Limited English Proficiency (LEP) persons are able to meaningfully access the services provided consistent with, and without unduly burdening, the fundamental mission of the local agency. Agencies are directed to ensure that recipients of federal financial assistance provide meaningful access to program, services and information to their LEP applicants and beneficiaries free of charge.

ORGANIZATION, STAFFING AND RESPONSIBILITIES

The County of San Diego Title VI Coordinator is responsible for the overall program implementation of Title VI and performs a lead and participatory role in the development and implementation of Title VI Program compliance. The Title VI Coordinator is appointed by, and reports to, the Director of the Office of Ethics and Compliance. The Title VI Coordinator provides guidance and technical assistance on Title VI matters and has overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures and monitoring for:

- Promptly processing and resolving Title VI complaints;
- Ensuring the collection of statistical data (race, color, national origin, sex, age, and disability) of participants in and beneficiaries of the County's Federal-aid programs, activities and services;
- Identification and resolution of discrimination when found to exist;
- Resolving areas of deficiency;
- Pre- and post-grant reviews for compliance with Title VI requirements;
- Ensuring Title VI reviews of the County's Federal-aid program areas;
- Ensuring that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination;
- Coordinating the development and implementation of a Title VI and related statutes training program;
- Providing an annual report of Title VI activities goals, including an annual review of the Title VI Program Plan;
- Assisting program personnel to correct Title VI issues or practices that arise as a result of complaints or self-monitoring and review activities;
- Developing Title VI information for public dissemination, when appropriate, in languages other than English.

DESIGNATION OF TITLE VI COORDINATOR

In complying with Title VI of the Civil Rights Act of 1964, and related statutes, I hereby designate Robert Borntrager, Chief Compliance Officer, Office of Ethics and Compliance, County of San Diego, Title VI Coordinator.

JOSEPH A. CORDERO

Director, Office of Ethics and Compliance

FEDERAL-AID TITLE VI IMPLEMENTATION

A. Public Participation/Outreach Activities

1. The County will develop and post a Notice to the Public that, as a recipient/sub-recipient of Federal-aid funds, its Federal-aid programs are equal opportunity programs and that federal law prohibits discrimination.
2. The County will develop and disseminate a Title VI and related statutes information brochure to its customers that informs the customers that the County administers programs subject to the nondiscrimination requirements of Title VI, summarizing those requirements, noting the availability of Title VI information, stating persons' rights under the law, and briefly explaining the procedures for filing a complaint. This brochure will be available to members of the general public and other parties or individuals participating in or otherwise benefitting from Federal-aid programs. In accordance with County policy for providing election materials, the brochures will be provided in Spanish, Filipino, Vietnamese and Chinese.
3. The brochure will be made available in mediums other than the written word upon request and will be periodically reviewed and revised as appropriate. Where feasible, the brochure and other materials relevant to Title VI and related statutes will be prominently displayed in reasonable numbers and places.
4. Where a significant number or proportion of the population eligible to be served or likely to be directly affected by a Federal-aid program needs service or information in a language other than English in order to be effectively informed of or to participate in the program, the County will take reasonable steps, considering the scope of the program and the size and concentration of such population, to provide information in appropriate languages to such persons. This procedure will apply to written material of the type which is ordinarily distributed to the public.

5. Upon request from persons served by or participating in Federal-aid programs administered by the County, the County will provide sign language interpreters and make information available to the public in alternate formats such as Braille.
6. A County of San Diego Civil Rights Title VI page will be maintained on both the intranet (for County staff use) and the internet (for public use) containing information relevant to the Title VI program

B. Programmatic Activities

1. Limited English Proficiency Program

In accordance with Executive Order 13166, “Improving Access to Services For Persons with Limited English Proficiency”, the County will develop an evaluation and implementation program to ensure that Limited English Proficiency (LEP) persons who are served by Federal-aid programs administered by the County are provided, free of charge, meaningful access to programs, services, and information without unduly burdening the fundamental activities of the County.

As appropriate, and absent any existing federal or State requirements, the County will conduct an LEP Needs Assessment using a Four Factor Analysis to identify the need to provide reasonable steps to ensure meaningful access by Limited English Proficiency (LEP) persons to Federal-aid programs administered by the County.

2. Environmental Justice in Minority and Low-Income Populations

In accordance with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, the County will develop strategies to address disproportionately high and adverse health or environmental effects on minority and low-income populations to promote nondiscrimination in Federal-aid programs substantially affecting human health and the environment, and to 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.

3. Site and Facility Location

The County will not make a selection of a site or location of a facility for participants in or beneficiaries of the County's Federal-aid programs if that selection could intentionally exclude individuals from participation in, or deny them the benefits of, or subject them to discrimination on the grounds or race, color, or national origin, or could substantially impair the accomplishment of the objectives of nondiscrimination on the aforesaid grounds.

4. Data Collection

The County will gather, analyze, and maintain statistical data on race, color, national origin, sex, age, and disability of participants in, and beneficiaries of, the County's Federal-aid programs. Data gathering procedures will be reviewed and analyzed regularly to ensure the effectiveness of outreach methods in meeting the objectives of the Title VI program to ensure that no group is intentionally excluded in the decision-making process or is not given the opportunity to voice their opinions or concerns.

5. Complaint Process

The County will take appropriate steps to ensure that no employee, agent, contractor, or vendor of the County intimidates, retaliates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege to file a complaint, or because an individual has filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing arising thereunder. If any Federal-aid program beneficiary believes that they have been discriminated against on the basis of race, color, national origin, sex, age, or disability, they may exercise their right to file a complaint with the County Office of Ethics and Compliance. The County will develop and maintain

procedures for prompt processing and disposition of complaints that allege discrimination on the basis of race, color, national origin, sex, age, or disability. The County will maintain records of each such complaint that includes the identification of the complainant by race, color, national origin, sex or disability; the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition of the complaint; the date of disposition; and other relevant information.

6. Training

The County will provide training on Title VI and its related statutes, including the Executive Order on Limited English Proficiency, for managers, supervisors and staff with frequent public contact in the administration of Federal-aid programs.

C. Program Assessment

The County will perform a periodic assessment of each of the Public Participation/Outreach and Programmatic Activity areas in relation to the major Federal-aid Programs to determine the County's effectiveness in ensuring that no person is, on the basis of race, color, national origin, sex, disability, or age, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination under any Federal-aid program or activity it administers. If Title VI compliance issues are identified, they will be addressed by immediate action and/or revision to the Title VI plan as appropriate.

D. Annual Work Plan

The County will develop an annual report of Title VI accomplishments and upcoming goals, including an update to the Title VI Program that reflects organizational policy changes, and a Work Plan outlining Title VI monitoring and review activities planned for the upcoming County fiscal year.