



**Federal Financial Assistance
Nondiscrimination Compliance
Program
(Title VI Program)**

Approved by Fort Worth City Council

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Introduction and Purpose

The City of Fort Worth (City) receives federal financial assistance from multiple federal entities which require compliance by the City and by its subrecipients with various nondiscrimination authorities, including Title VI of the Civil Rights Act of 1964. It is essential that services provided using federal funds comply with the legal guidelines and requirements stipulated in the grants given by the various federal entities.

This document is the City's Program for addressing compliance with Federal and State nondiscrimination requirements outlined under Title VI (prohibition of discrimination based upon race, color, and national origin) and other authorities (for example: Environmental Justice (Executive Order #12898) and limited English proficiency (LEP) (Executive Order #13166). The City expects every subrecipient of federal assistance and City employee to be aware of and apply the intent of this Program in performing their duties.

In addition, the City's own code of ordinances prohibits discrimination in employment practices, codified in the Fort Worth City Code, Chapter 17, broadly defined in Section 17-1 (Public Policy Declared). The Title VI Coordinator designated under this Program is also responsible for monitoring compliance with the City's ordinances regarding Nondiscrimination.

Authorities

Federal laws and regulations that prohibit discrimination and with which this Program is intended to ensure compliance include, but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education Programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);

- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964); Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited English Proficiency).
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex).

Title VI/Nondiscrimination Program Policy Statement

The City of Fort Worth (City) is committed to the enforcement and compliance with Title VI of the Civil Rights Act of 1964 and other Federal authorities (to include 28 CFR Parts 35 and 50, and 49 CFR Parts 21, 27, 28, 37, and 303) prohibiting discrimination. Specifically, the City is committed to ensuring that no person shall, on the grounds of race, color, creed, national origin, sex, income, age, disability, or limited English proficiency (LEP), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Program or activity. The City will make every effort to prevent negative impacts on those populations identified above as result of discrimination in the City's Programs, policies, or activities. Every effort will be made to ensure nondiscrimination in all of the City's Programs and activities, whether or not those Programs and activities are federally funded.

The City's Title VI Coordinator is responsible for initiating and monitoring Title VI Program services/activities, preparing required reports, and performing other Title VI Program responsibilities as required by applicable Federal laws and regulations. City personnel will assist the City's Title VI Coordinator to ensure the effective implementation of the City's Title VI Program. Additionally, in furtherance of the City's commitment to comply with regulations requiring Title VI Program Assurances, copies of required assurances for each current City grant are attached to the City's Title VI Program.

David Cooke
City Manager
City of Fort Worth

Date

[Title VI Program Nondiscrimination Policy Statement, as depicted here, is also included as **Attachment A.**]

Title VI Program Assurances

Title VI Program Assurances for each current City grant are attached to this Program as **Attachment B.**

Organization and Staffing

The City's Title VI Program will be coordinated and monitored by the City's Human Relations Office. The City Manager will designate a staff member to serve as the City's Title VI/Nondiscrimination Coordinator. With the support of the Human Relations staff, the Title VI Coordinator is responsible for monitoring all aspects of the Title VI Program and has sufficient authority and delegated power to carry out the duties of this position including providing training, performing compliance audits, and investigating complaints of alleged violations or discrimination. A letter signed by the City Manager indicating the currently designated Title VI Coordinator is located at **Attachment C**.

In administering the City's Title VI Program, the City's Title VI Coordinator will report directly to the City Manager or the City Manager's Designee. The Title VI Coordinator is responsible for initiating and monitoring Title VI compliance activities. The Title VI Coordinator will be responsible for ongoing administration of the Program including preparing reports and performing other responsibilities as required by applicable Federal regulations.

Duties of the Title VI Coordinator will include:

Program Administration. Coordinate and monitor compliance with Title VI Program assurances, policies, and Program objectives; perform Title VI Program reviews to assess administrative procedures, staffing, and resources; and provide recommendations as required to the City Manager.

Complaint Resolution. Review and investigate Title VI complaints received by the City and ensure every effort is made to resolve complaints.

Title VI Work Plan and Accomplishment Report. Annually review and update the City's Title VI Program to ensure conformance with current applicable Federal laws and regulations and create a Title VI Work Plan and Accomplishment Report. As part of the Title VI Coordinator's annual review of the Program, update all attachments and appendices as needed. Provide a copy of the Work Plan and Accomplishment Report on request to any Federal Entity which has awarded grant funds to the City. Ensure the following information for the preceding Federal fiscal year is contained in the annual Title VI Work Plan and Accomplishment Report:

- Record of Title VI investigations, complaints or lawsuits
- Plan to involve persons with Limited English Proficiency (LEP)
- Title VI Program notices to the public
- Summary of public outreach and involvement activities and a description of steps taken to ensure that minority and disadvantaged persons had meaningful access to these activities.

- Current City census data
- Brief summary of Title VI accomplishments
- Overview of any changes to the Program and its attachments

Data Collection. Ensure statistical data related to race, color, creed, national origin, sex, income, gender, age, disability, and limited English proficiency (LEP) is collected, appropriately analyzed, and captured in the City's Title VI Work Plan and Accomplishment Report.

Environmental Impact Statements Preparation. Ensure that available census data is included as a part of all Environmental Impact Statements/ Environmental Assessments (EIS/EA) for receiving any Federal financial assistance.

Training Program Development. Facilitate training on Title VI Program issues and authorities for City employees and subrecipients every year. The City will develop a Title VI Program training program and will present the Program to employees and subrecipients at least once every fiscal year.

Federal Aid Programs

The City of Fort Worth applies for multiple Federal grants for the benefit of the general public regardless of race, color, creed, national origin, sex, age, disability, income, and LEP.

A listing of the City's current Federal grants is included as **Attachment D** of this document. As part of the Annual Work Plan and Accomplishment Report, an update will be made to Attachment D reflecting then-current grants.

Public Awareness, Participation, and Outreach Efforts

The City of Fort Worth is committed to encouraging citizen involvement across all sectors of its population regardless of socioeconomic, language, or other barriers or challenges. The City has developed extensive public outreach mechanisms for addressing the City's diverse communities.

Publicizing Title VI Program and Complaint Process

The Title VI Coordinator will work with City staff to develop and disseminate information regarding the Title VI Program, including the complaint process as detailed herein, to City employees, sub-recipients, contractors, subcontractors, consultants and the general public. Departmental staff will incorporate Title VI

Program compliance language in contracts and agreements where appropriate. The Title VI Coordinator will ensure the posting of information regarding the City's Title VI Program online and in City buildings, including the document entitled "Public Notice of Title VI Program Rights," a copy of which is found at **Attachment E**.

The above-referenced "Public Notice" will be posted in English and Spanish during any period in which the City is receiving Federal financial assistance.

Promoting Public Participation in Federally Funded Programs and Activities

Departments shall be responsible for providing notice and conducting public outreach to ensure members of the public, including those with limited English proficiency and individuals in need of sign language or other interpretive services, have awareness of and meaningful opportunity to participate in programs and activities that are funded in whole or in part with federal financial assistance. Dissemination may include public announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards being posted at City Hall or other physical locations as well as their publication via newspapers or other media reasonably expected to reach the affected communities.

To the extent a particular grant or other federal financial assistance program mandates more specific outreach or communication efforts, the department seeking or administering such funding is charged with developing outreach and participation procedures that meet such requirements. A complete collection of these current, more detailed Public Participation Plans are included in **Attachment F**. The Title VI Coordinator and staff in the City's Communication Office shall serve as resources to assist departments in their efforts reaching out to the public, including but not limited to those with limited English proficiency, and encouraging participation.

Soliciting Public Input on Environmental Justice and Other Matters

To ensure compliance with environmental justice and other program-specific public-review-and-input processes, departmental staff will also advertise and hold public hearings in order to solicit public feedback on planning, design, and other matters for federal financial assistance programs conducted under the auspices of the Federal Highway Administration and other granting agencies as required.

All public awareness, outreach, and participation efforts conducted under this Program will utilize available minority publications or media where appropriate and will provide

written or oral information in languages other than English as needed in order to promote full participation.

Since the City does not conduct motorist licensure/motor vehicle registration activities, the City is not required to provide a “Community Participation Plan” as that term is defined in regulations regarding federal financial assistance associated with the Federal Motor Carrier Safety Administration.

Monitoring of Subrecipients

Each department that is receiving federal financial assistance is charged, as part of its contract management duties, with developing and implementing Title VI compliance guidance and training for its subrecipients to the extent required in the applicable Federal financial assistance agreements and regulations and is responsible for monitoring and ensuring compliance.

Subrecipient Review Procedures

Along with the City’s own compliance with Title VI and other nondiscrimination authorities, the City is responsible for developing and implementing an effective external monitoring Program for its subrecipients. Staff who are charged with administering and managing City contracts will monitor for compliance with this Program and will conduct periodic audits of subrecipients of any Federal financial assistance in accordance with the terms of applicable agreements and regulations.

The City’s Title VI Coordinator will serve as a resource to City departments in their efforts to comply with the requirements above.

Title VI Program Training

The Title VI Program Training for the City consists of an internal training for assigned departmental personnel which will be administered by the Title VI Coordinator and fully developed no later than September 30, 2018. The City of Fort Worth may utilize an online training platform to train personnel on the provisions of the Title VI Program, the role and responsibilities of departmental staff, and annual reporting requirements.

A summary of training conducted will be reported in the Title VI Work Plan and Accomplishment Report.

Access to Records

The Human Relations Office will maintain records of complaints and investigations under this Program. Upon the completion of any investigation and review by the Title VI Program Coordinator, the investigation file and copies of all correspondence will be kept in accordance with standard records retention policies of the City of Fort Worth. The complaints and files maintained by the Human Relations Office are confidential to the extent allowed by State and Federal law. Any information related to a complaint or compliance review will be made available, on request, during regular business hours to the applicable granting Federal entity.

Complaint Disposition Process

The City has developed procedures for investigating and resolving discrimination-related complaints under the Fort Worth City Code, which charges the City's Human Relations Office with enforcement.

Alleged Discrimination by City of Fort Worth

Any person or group of persons or their authorized representative may file a complaint of discrimination if such person believes that city services, activities or programs were withheld or denied on a discriminatory basis. Complaints may be filed electronically, by mail, fax, or in person at the City of Fort Worth Human Relations Office located at 818 Missouri Ave., Fort Worth, Texas 76104; (817) 392-7525, Fax: (817)-392-7529. A discrimination complaint must be filed within 180 days from the date of the most recent occurrence of alleged discrimination.

The Title VI Coordinator is responsible for ensuring that a thorough investigation of the allegation(s) is conducted. Every effort will be made to conclude the investigation within 100 calendar days. The Title VI Coordinator will contact any witnesses identified by the Complainant as a part of the investigation and may confer with such City staff as is necessary to ensure a thorough review of relevant data. Upon completion of the investigation, the Title VI Coordinator will issue a finding and notify the Complainant in writing.

The Complainant will be notified in writing by the Title VI Coordinator within ten working days of the decision being made. The correspondence will provide the disposition of the complaint and will notify the Complainant of the right to appeal within 15 days to the Director of Human Relations.

If it is determined that there is reasonable cause to believe that discrimination has occurred, the City of Fort Worth will take all necessary action to correct the discrimination.

Alleged Discrimination by Third Party in Federally Funded Activities

Complaints involving alleged discrimination by a third party with respect to any activity funded in whole or in part by Federal financial assistance will be referred to the Federal granting agency or State subgranting agency, as applicable, within ten calendar days of receipt by the City of Fort Worth.

Attachment G is a copy of the City's Discrimination Complaint Policy and the City's Discrimination Complaint Form. A person looking to file a complaint will have access to the information regarding the City's policy through the City's website.

Appeals from City Determination

An individual who is dissatisfied with the initial determination of the Human Relations Office regarding the individual's discrimination complaint may be able to appeal to the agency or entity from which the City received funding. Whether or not an agency provides an appeal shall be determined in accordance with that agency's administrative regulations and practices.

Complaint Log

The Office of Human Relations maintains a complaint log, which documents all activity related to the complaint.

The information captured in the Complaint Log includes:

- Complainant's name, race, color, sex, and nation origin
- Respondent's name
- Basis(es) of the discrimination complaint
- Allegation(s)/Issue(s) surrounding the discrimination complaint
- Date the discrimination complaint was filed
- Date the investigation was complete
- Disposition
- Disposition date
- Information regarding appeal, if permitted, and its disposition
- Other pertinent information

Representative samples of the log are included at **Attachment H**.

Status of Corrective Actions Implemented by the City of Fort Worth to Address Deficiencies Previously Identified During a Title VI Program Compliance Review

The City maintains comprehensive records of audits and other reviews of alleged noncompliance with respect to its Title VI and other nondiscrimination Programs.

A listing of such audits and reviews for the last seven years is located at **Attachment I**.

Current Discrimination Complaints and Lawsuits

A brief summary of complaints and lawsuits regarding alleged discrimination by the City filed or received during the last seven years is located at **Attachment J**.