

DOUGLAS COUNTY, KS
TITLE VI PLAN
For Non-Transit Services and Operations



APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY,
KANSAS ON JUNE 30, 2021

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Introduction

This Douglas County (DGCO) Title VI Plan is crafted in accordance with 23 CFR 200.9 and 49 CFR 21. Douglas County does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, income or English proficiency in the provision of services.

This plan applies to all non-transit activities and services provided by Douglas County Government. Transit Services in Douglas County are provided by Lawrence Transit and is a partnership between the Lawrence Transit System (transit system of the City of Lawrence) and KU on Wheels (transit system of the University of Kansas). Transit services are covered under a separate Title VI policy managed by the Lawrence-Douglas County Metropolitan Planning Organization.

Policy Statement

It is the policy of Douglas County, Kansas that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal funds on the basis of race, color, national origin, sex, religion, age, disability, income, or English proficiency, as provided by Title VI of the Civil Rights Act of 1964 and other related federal and state laws, regulations and executive orders. Further, every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Authorities / Glossary Of Terms

Title VI of the 1964 Civil Rights Act 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 (implementation 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.) added the requirement that there be no discrimination on the grounds of sex.

Section 504 of the Rehabilitation Act of 1973 provides nondiscrimination under Federal grants and programs.

The Age Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination in Federally Assisted Programs.

The Civil Rights Restoration Act of 1987, P.L. 100-209—provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include **all** programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not)

Executive Order 12898 (issued February 11, 1994) addresses Environmental Justice regarding minority and low-income populations.

Executive Order 13166 (issued August 16, 2000) improves access to services for persons with limited English proficiency.

Definitions

Note: these definitions are deemed to be the most relevant excerpts from federal law, and are not intended to be exclusive.

“Affirmative Action” a good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

“Beneficiary” any person or group of persons (other than States) entitled to receive benefits directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

“Citizen Participation” an open process in which the rights of the community to be informed, to provide comments to the government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

“Compliance” a satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

“Discrimination” that act or action whether intentional or unintentional, through which a person in the United States, , has been subjected to unequal treatment under any program or activity on the basis of race, color, national origin, sex, religion, age, disability, income or English proficiency.

“Facility” includes all or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction.

“Federal Assistance” includes: Grants and loans of Federal funds; the grant or donation of Federal property and interests in property, the detail of Federal personnel, the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient and Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

“Limited English Proficiency” (LEP) Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English may be considered limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

“Persons” where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis.

“Noncompliance” a recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort implementing all of the Title VI requirements.

“Program” includes any project or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipients.

“Recipient” means any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient (sub recipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

“Review Officer” The Human Resources Manager or such other person designated by the Board of County Commissioners assigned to review a Title VI complaint.

“Title VI Plan” the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal related statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, religion, sex, disability, age, or English proficiency in programs receiving Federal financial assistance.

Douglas County Service Overview

Douglas County is the fifth populous county in Kansas with a population of 122,259 (2019 US Census estimate). Comprised of 475 square miles, Douglas County contains four incorporated communities including Lawrence, its largest city and the three smaller cities of Baldwin City, Eudora and Lecompton. Beyond those, the county has 15 more unincorporated communities and 9 townships.

Douglas County is a local government organization with approximately 475 employees serving a diverse population through departments and offices encompassing everything from appraiser to zoning. Douglas County provides public health services, law enforcement, and corrections services.

Douglas County maintains traffic controls and road improvements on county roads in the unincorporated area of the county, provides planning and zoning assistance to commercial and residential developers, provides public works services and conducts local elections.

To support residents and maintain the community’s quality of life, Douglas County Government provides parks and recreation, and a countywide emergency communications and dispatch system and an emergency management department.

Notifying Beneficiaries of Their Rights under Title VI

Douglas County utilizes the following statement to notify beneficiaries of protection under Title VI and of Douglas County's compliance:

Notifying the Public of Rights Under Title VI

Douglas County

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) provides that “[n]o 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.
- Douglas County receives federal assistance and operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act.
- Any person who believes they—or with a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of Douglas County may file a Title VI complaint.
- For more information on Douglas County's Title VI program, and the procedures to file a complaint, visit www.douglascountyks.org or contact:

Douglas County Title VI Coordinator
1100 Massachusetts Street
Lawrence, KS 66044
Phone (785) 832-5149
Email: TitleVI@douglascountyks.org

- A complainant may file a complaint directly with:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

Title VI (and Title II) Complaint Procedures

Douglas County has an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title VI (discrimination on the grounds of race, color, or national origin) or Title II (disability discrimination under the Americans with Disabilities Act, A.D.A.) These procedures may be modified, amended or supplemented by county administration. The local complaint procedures have the following steps, which are outlined below:

1. Submission of Complaint: Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, religion, sex, age, disability, income, or English proficiency has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity of Douglas County, may file a complaint by contacting:

Douglas County Title VI Coordinator
1100 Massachusetts Street
Lawrence, KS 66044
Phone (785) 832-5149
Email: TitleVI@douglascountyks.org

2. A complaint should be filed in writing, contain the name and address of the person filing it (the complainant), and briefly describe the alleged violation of the regulations whether under Title VI or under Title II. (See Appendix A – Douglas County Title VI Complaint Form)

3. A complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the investigating agency.

4. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation shall be conducted by the County. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. **Complainant may, as a part of the process, request a face-to-face meeting with the Title VI Coordinator or such other person designated by the Board of County Commissioners to discuss concerns relevant to the complaint.**

5. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Title VI Coordinator or such other person designated by the Board of County Commissioners. A copy shall be forwarded to the complainant no later than twenty (20) working days after its issuance.

6. The Title VI Coordinator shall maintain the files and records of Douglas County relating to the complaints filed.

7. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be submitted within seven (7) calendar days of the original determination to the Title VI Coordinator. The Title VI Coordinator or such other person designated by the Board of County Commissioners shall consider the complainant's request for reconsideration. The request shall be considered denied if no action is taken within ten (10) days after the date the Title VI Coordinator received the request for reconsideration.

8. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of a complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

9. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that Douglas County complies with Title VI when implementing regulations.

Title VI Complaint History

This Non-Transit Title VI Plan is a new publication without a complaint history.

Douglas County will maintain a file where any Title VI complaints, investigations, or lawsuits are recorded and tracked. Files are maintained centrally with Douglas County Administration. (See Appendix B – Douglas County Title VI Complaint Log template)

Public Participation Plan

Because Douglas County is a recipient of federal grant dollars, we are required to conduct public participation. This is outlined in 23 CFR 450.210(a) "...The State recipient shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points..."

Public participation is an integral part of government service which helps to ensure that decisions are made in consideration of and to benefit public needs and preferences. Early and continuous public involvement brings diverse viewpoints and values into the decision-making process. This process enables agencies to make better informed decisions through collaborative efforts and builds mutual understanding and trust between the agencies and the public they serve. Successful public participation is a continuous process, consisting of a series of activities and actions to both inform the public and stakeholders and to obtain input from them that influence decisions that affect their lives.

Generally, Douglas County's public participation methods include but, are not limited to:

- Placing public notices of proposed program changes on the County's Internet website (www.douglascountyks.org) and in physical program areas.
- Placing public notices, and other information in the official county newspaper on social

media and other public venues for proposed program changes.

- Work sessions with the Board of County Commissioners that are informational only.
- Public comment during meetings of the Board of County Commissioners.
- Holding public meetings at times and locations that are accessible to as many Douglas County service recipients as possible, especially those that are most directly affected by the subject of the meeting.

Engaging Title VI Protected Groups

Douglas County strives to engage Title VI protected groups in public participation and involvement activities so that their issues are considered in the department's decision making process. To accomplish this goal, Douglas County will utilize the following public participation strategies, as appropriate:

- Ensure that all communication and public engagement efforts comply with Title VI of the Civil Rights Act and the Douglas County Title VI Plan.
- Coordinate with individuals, institutions, and organizations and implement community-based public involvement strategies to reach Title VI protected populations.
- Utilize local jurisdictions, the business community, community organizations, local media, or other resources to identify the most appropriate engagement methods.
- Provide opportunities for public participation through means other than written communication, such as public meetings.
- Use locations, facilities, and meeting times that are convenient and accessible to low-income and minority participants/individuals. This may require holding meetings at different locations and times depending on the subject of the meeting.
- Use different meeting sizes or formats, or vary the type and number of news social media used to announce public participation opportunities, so that communications are tailored to the particular community or population.
- When planning major service or policy changes, collect statistical information to determine the impact to Title VI protected groups and utilize this information to calibrate the distribution of information and methods of engaging the protected groups.
- Include the Title VI public notification statement on Douglas County's website, on brochures, and other important documents where appropriate.
- Overcome barriers to public participation for individuals with Limited English Proficiency by providing language resources, such as interpreter services.

- Include a statement where interpretation or other communication aids may be provided on public notices
- Advertise public participation opportunities with media organizations that reach minority and ethnic populations to help ensure representation in the planning process.

Summary of Recent Outreach Efforts

(See Appendix C – Douglas County Title VI Documented Public Engagement Efforts)

Limited English Proficiency

Douglas County is committed to providing quality services to all citizens of Douglas County, including those with Limited English Proficiency (LEP). Title VI requires that recipients of federal financial assistance provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

Based on Douglas County’s services, LEP persons interact with the County in the following ways:

- Participating in meetings or accessing services offered by the County or contacting a County office for assistance.
- Contact with Douglas County employees by way of voting, vehicle registration, tax payments, appraisal services, records requests, emergency service, law enforcement, surveyors, or others who make home/vehicle/personal contacts.
- Accessing Douglas County website at www.douglascountyks.org to obtain information about Douglas County or its services.

According to the most recent American Community Survey (ACS) (2019) shown in Table 1, approximately 3.0 percent of the population 5 years of age and over in Douglas County speak English less than very well.

Table 1: LEP Population in Areas Served by Douglas County, KS

Douglas County	
Language spoken at home & ability to speak english	
Population 5 years and over	116,754
English Only	90.6%
Language other than English	9.4%
Speak English less than "very well"	3.0%

Source: US Census Bureau 2019 ACS 1-Year Estimate Data Profile

Douglas County does not believe that LEP persons are underserved due to language barriers.

Factor 2: The frequency with which LEP persons come in contact with the Douglas County programs.

In addition to the data presented in Table 1, Douglas County staff experience confirms that Spanish and Mandarin are the most commonly-spoken languages by LEP persons who access Douglas County programs. According to Douglas County staff that regularly interact with the public, contact with LEP individuals is infrequent and unpredictable. Due to this infrequent contact, there has not been a demand for multi-language translations or other language assistance measures, except by request.

Through direct communication with the public, Douglas County staff periodically communicates with Non-English-speaking individuals that use Douglas County's services.

Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.

Douglas County provides many services to its residents. Residents need and depend on the services provided by the County.

Douglas County currently utilizes the following types of documents to disseminate information on services:

- The County Budget, available on the County Website www.douglascountyks.org for viewing and downloading.
- The county website, all departments are represented on the website; most documents offered on the website can be translated upon request.

Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

Due to the relatively low number of LEP individuals in Douglas County, and the low frequency of contact with Douglas County staff, it is not currently warranted to provide full multi-language translations of written materials but rather upon request is deemed appropriate at this time. In addition, budget constraints do not allow Douglas County to provide 100% translation of materials.

However, Douglas County understands the need to provide resources to LEP individuals when the need arises. Therefore, the County utilizes the following resources to provide meaningful access to Limited English Proficient (LEP) Persons:

- Brochures and written documents can be (and have been) made available in Spanish upon request or upon identification of this need in advance of a meeting, service change, or other event.
- Douglas County's website is able to be translated by Google Translate or Microsoft Translate which can be accessed in the web browser. Douglas County's website contains schedules, agency contacts, department information and other important information.

- Offering stipends to bilingual employees where appropriate.

Language Assistance Plan

Based on the above Four-Factor Analysis, the following Language Assistance Plan outlines measures that Douglas County will implement to ensure that LEP individuals have meaningful access to Douglas County programs and services.

While Douglas County does not currently serve a large number of LEP individuals, the number of LEP persons and the frequency of contact with Douglas County services will continue to be monitored.

Methods for identifying LEP individuals who need language assistance:

- Utilize language identification flashcards developed by the U.S. Census Bureau when encountering an LEP individual.
- Monitor new demographic data as it becomes available to determine the number of LEP individuals in the county and the eligible service area. The American Community Survey estimates will be utilized as appropriate.

Membership of Non-Elected Committees and Councils

Douglas County is governed by the Douglas County Board of County Commissioners (BOCC). The county has numerous boards that are engaged in the planning, coordinating, and funding for the County's various services in their respective areas. The members help develop awareness of county programs/services and to gain public acceptance, support, and utilization. Diversity is encouraged in all appointments.

Appendix A

Douglas County, Kansas Title VI Complaint Form

Douglas County is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, national origin, sex, religion, age, disability, income, or English proficiency, as provided by Title VI of the Civil Rights Act of 1964 and other related federal and state laws, regulations, and executive orders.. Title VI complaints must be filed within 60 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint.

The completed form must be returned via mail or email or delivery to

Douglas County Title VI Coordinator
1100 Massachusetts Street
Lawrence, KS 66044
Phone (785) 832-5149
Email: TitleVI@douglascountyks.org

If you require any assistance in completing this form, please contact the Douglas County Title VI Coordinator as listed above.

Your Name:	
Street Address:	
City, State & ZIP Code:	
Phone:	Email:
Person(s) discriminated against (if someone other than complainant): Name(s):	
Street Address, City, State & Zip Code:	

Which of the following best describes the reason the alleged discrimination took place? (Circle one)

- Race
- Color
- National Origin (Limited English Proficiency)
- Other

Date and time of Incident: _____

Please describe the alleged discrimination incident. Provide the names and titles of Douglas County employees if available. Explain what happened and whom you believe was responsible. Please continue on the next page, and use the back of this form if additional space is required:

Have you filed a complaint with any other federal, state or local agencies? (Circle one) Yes / No
If yes, what agencies:

Agency:

Contact Name:

Address:

Phone:

I affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Complainants Signature _____ Date _____

Print or Type Name of Complainant

Your rights in Title VI Non - Discrimination Complaints:

Filing this complaint with the Douglas County Title VI Coordinator does not prevent you from filing a complaint with the Federal Agency providing funding to the party against which a complaint is being Coordinator at the location/phone and email listed on this form.

Appendix B

Douglas County Title VI Complaint Log

Date	Complainant	Classification	Description	Results

Appendix C

Douglas County Title VI Documented Public Engagement Efforts

Douglas County Corrections Department (DOC)

- Public Relations Board – connects DOC with members of the public safety community and business community to share information about the DOC activities and other members’ entities’ activities related to community social issues and needs.
- DOC Staff Member is on JUMP board that engages in social justice issues in the community.
- DOC Staff Member is on Committee for Juvenile Detention Alternatives Initiative, which includes examination of the disparate impact of incarceration on minority groups in the community.
- DOC Staff Member sits on the Juvenile Community Advisory Board (JCAB) in this congressional district.
- DOC Staff Member is a representative on the Homeless Task Force (formerly Emergency Aid Council).
- DOC Staff Members attend meetings of Safe Streets, which is designed to address causes of crime in the community to reduce impact.
- DOC invites groups to tour the facility to learn what Corrections is about so that we can improve the relationship between the department and community and increase public awareness and accountability.
- DOC Director has attended multiple sessions and programs about the relationship between criminal justice agencies and the race minority communities we serve, for example: Bond committee (to help keep bonding system fair), mental health (CIT, Osawatomie State Hospital committee), race relations meetings with community groups, etc.

Douglas County Planning Department

- Public meetings and hearings to discuss and seek public input with regard to the development and implementation of the recently adopted Douglas County Building Code
- Public meetings and hearings to discuss and seek public input with regard to the development and implementation of potential Douglas County Comprehensive Plan

Douglas County Public Works Department

- Public meetings to disseminate information on major road and bridge construction projects and to gather public feedback and input on the planned project scope, schedule, and budget

- Provide information on the Douglas County website and on the county's social media platforms concerning road and bridge construction and maintenance projects, park improvement projects, and noxious weed eradication efforts

Douglas County Emergency Management Department

Provides annual emergency and preparedness seminars to women for the Small World program which is part of International Support Services at the University of Kansas

Appendix D

Douglas County Board of County Commissioners Title VI Plan Approval

The Douglas County Board of County Commissioners approved the Title VI Plan on JUNE 30, 2021.