
Title VI Plan and Procedures
Title VI of the Civil Rights Act of 1964

Valley Program for Aging Services



Adopted date

November 23, 2021

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I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no 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." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how Valley Program for Aging Services (VPAS) incorporates nondiscrimination policies and practices in providing services to the public. VPAS' Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

II. OVERVIEW OF SERVICES

Services include: Communication, Referral, Information and Assistance; Care Coordination; Congregate Nutrition at Cafes; Socialization and Recreation; Transportation to Cafes; Home Delivered Meals; Respite; Homemaker; Caregiver Support; Legal Assistance; Public Information and Education; Insurance Counseling; Long Term Care Ombudsman; Health and Wellness Programs; and Dementia Education. Senior Transportation programs in the Staunton, Augusta, Waynesboro, Harrisonburg, Rockingham, Buena Vista, Lexington, Rockbridge, and Highland communities provides transportation to a variety of destinations. Other services may be provided as funding is obtained.

III. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

VPAS is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

VPAS' Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.



11/23/2021

Signature of Authorizing Official

Date

Authorities

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 otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’

Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA's Master Agreement, FTA MA 13 (October 1, 2006).

IV. NONDISCRIMINATION ASSURANCE TO DRPT

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, VPAS submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

In signing and submitting this assurance, VPAS confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

V. PLAN APPROVAL DOCUMENT

NOTE: **Provide here a copy of meeting minutes, resolution, or other appropriate documentation showing that the board of directors or appropriate governing entity of official(s) responsible for policy decisions has reviewed and approved the Title VI Program.**

I hereby acknowledge the receipt of the VPAS Title VI Implementation Plan 2021-2024. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of transit services on the basis of race, color, or national origin, as protected by Title VI according to Federal Transit Administration (FTA) Circular 4702.1B Title VI requirements and guidelines for FTA sub-recipients.



11/23/2021

Signature of Authorizing Official

DATE

Jeri Schaff, Executive Director

Valley Program for Aging Services



**BOARD OF DIRECTORS MEETING
NOVEMBER 23, 2021
MINUTES**

This meeting was conducted via recorded video call.

Directors Present:

Peggy Ballin, Buddy Bryan, Deborah Bundy-Carpenter, Ralph Caldrony, Don Driver, Jon Ellestad, Liz Garvey, Lora Hamp, Keith Hartman, Sarah Morton, Anne O'Donohue, Charlotte Sibold, Lee Taplinger Lori Turner, Pam Webb

Guests Present:

Ryan Miracle

Staff Present:

Jeri Schaff, Jenn Chestnut

Call to Order:

Ms. Morton called the meeting to order at 1:12pm.

Recognition of Visitors:

Ms. Morton welcomed Mr. Miracle.

Public Comment Period:

There were none.

Advisory Council Report:

Mr. Miracle noted that the Advisory Council elected seven new members and elected officers at its November 16, 2021 meeting. He reported the Council is still seeking additional candidates for membership, especially those from communities that are often unheard, and encouraged those with suggestions to contact him or Ms. Schaff

Approval of Minutes:

Ms. Morton asked if there were any questions or discussion regarding the September 28, 2021 minutes. A motion was made by Ms. Webb and seconded by Mr. Taplinger to approve the minutes as presented. It was approved unanimously.

Executive Director's Report:

Ms. Schaff's written report was previously distributed and is attached. Clarification was provided in response to questions.

Periodic reports to funders submitted since the last Board meeting were made available to all Directors.

Title VI Plan

The Title VI Plan as recommended by staff was reviewed and discussed. Ms. Morton suggested investigation of a telephone interpreter service for future plans. A motion was made by Ms. O'Donohue and seconded by Ms. Ballin to approve the plan as presented. It was approved unanimously.

Committee Reports:

Audit and Finance:

Mr. Bryan reported that the Committee had reviewed the financial statements for September 2021 and found nothing of concern.

He noted that there has been little progress toward reaching a list of options regarding the Bath County Senior Services building; Ms. Webb noted that the Bath County Administrator has been in touch with interested parties. Ms. Schaff will get in touch with the Bath County Administrator for an update.

Mr. Bryan noted that the Committee has reviewed the proposed spending plan for American Rescue Plan Act funds during FY22, and recommends approval of the plan as presented. The recommendation was unanimously approved.

Mr. Bryan reported that two large gifts have recently come to VPAS from local organizations that have discontinued operations. The first, in the amount of \$12,885, is the remaining assets of the Daily Living Center in Staunton and was gifted without restriction. The Committee recommended this gift be invested in the existing VPAS fund held at The Community Foundation of the Central Blue Ridge. The recommendation was unanimously approved. The second, in the amount of approximately \$90,000, is the remaining assets of Meals for Shut Ins in Lexington and was gifted to support home-delivered meals to Lexington City residents. Of the total amount, \$30,000 has been received, with the remainder expected to be received by the end of 2021. The Committee recommended this gift be invested in the existing VPAS fund held at The Community Foundation for Rockbridge, Bath and Alleghany. The recommendation was unanimously approved.

Board Development:

Mr. Driver thanked the members of the Committee for their assistance in developing a slate of Directors and Officers for election.

Personnel:

Ms. O'Donohue reported the Committee had reviewed the staff's request to approve Juneteenth as a paid holiday for VPAS staff. The Committee considered that VPAS' paid holiday leave is already quite generous, and recommended that an additional paid holiday not be added to employee benefits. She noted that staff could choose to substitute Juneteenth for another observed paid holiday, but that the number of paid holidays should not increase.

She noted that an employee in Bath County had resigned and expressed her concerns in an email to the Personnel Committee. After thorough investigation, the Committee determined there is no VPAS policy that provides employees with direct access to Board Committees with the exception of alleged violations reported under the Whistleblower Policy, which are reported to the Treasurer.

Planning:

Ms. Sibold reported the Committee had not met, as no Strategic Plan progress report has been provided by staff.

Revenue:

Ms. Garvey reviewed the Committee's report previously distributed. She noted that Giving Tuesday is on November 29, and encouraged Directors to participate. Ms. Morton also encouraged Directors to make a financial contribution in an amount with which they are comfortable.

Executive Session:

A motion was made by Ms. O'Donohue and seconded by Mr. Taplinger to meet in Executive Session for the purpose of reviewing the annual Performance Evaluation of the Executive Director. It was approved unanimously.

Certification of Executive Session:

A motion was made by Mr. Taplinger and seconded by Ms. Webb that the matters discussed in Executive Session were limited to the purpose for which the Executive Session was called. It was approved unanimously.

Adjourn:

Ms. O'Donohue made and Ms. Ballin seconded a motion that the meeting be adjourned. The motion was unanimously approved, and the meeting was adjourned at 1:56pm.

Next meeting:

January 26, 2022

Respectfully submitted,
Anne O'Donohue, Secretary

Prepared by Jeri Schaff, ED

VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

VPAS' Associate Director is responsible for ensuring implementation of the agency's Title VI program. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

Overall Organization for Title VI

The Title VI Manager and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Detailed Responsibilities of the Title VI Manager

The Title VI Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

General Title VI responsibilities of the agency

The Title VI Manager is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

1. Data collection

To ensure that Title VI reporting requirements are met, VPAS will maintain:

- A log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

2. Annual Report and Updates

As a sub-recipient of FTA funds, VPAS is required to submit a Quarterly Report Form to DRPT that documents any Title VI complaints received during the preceding quarter and for each year. VPAS will also maintain and provide to DRPT an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

Further, we will submit to DRPT updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- Limited English Proficiency (LEP) plan
- procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint

3. Annual review of Title VI program

Each year, in preparing for the Annual Report and Updates, the Title VI Manager will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of information related to the Title VI program

Information on our Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the “public outreach and involvement” section of this document, and in other languages when needed according to the LEP plan as well as federal and State laws/regulations.

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. VPAS will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency’s Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Section 1. Data collection and reported annually (in addition to immediately) to DRPT.

6. Written policies and procedures

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of the Annual Title VI Program Review (item 3 above), the Title VI Manager will determine whether or not an update is needed.

7. Internal education

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), and required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

Title VI training is the responsibility of VPAS' Associate Director, who serves as Title VI Manager.

8. Title VI clauses in contracts

In all federal procurements requiring a written contract or Purchase Order (PO), VPAS' contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will ensure appropriate non-discrimination clauses are included in procurement contracts.

VII. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT

Requirement to Provide a Title VI Public Notice

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, VPAS shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc.

SEE APPENDIX A-Title VI Notice to the Public

SEE APPENDIX B-Title VI Notice to the Public List of Locations

TITLE VI COMPLAINT PROCEDURES

Requirement to Develop Title VI Complaint Procedures and Complaint Form.

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form. The form and procedure for filing a complaint shall be available on the recipient's website and at their facilities.

Any individual may exercise his or her right to file a complaint with VPAS if that person believes that he or she has been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to DRPT.

VPAS includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

VPAS is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.

For additional information on VPAS' nondiscrimination policies and procedures, or to file a complaint, please visit the website at www.vpas.info or contact Jenn Chestnut, Associate Director, P.O. Box 817, Waynesboro, VA 22980.

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service and at agency worksites.

SEE APPENDIX C-Title VI Complaint Form

Procedures for Handling and Reporting Investigations/Complaints and Lawsuits

Should any Title VI investigations be initiated by FTA or DRPT, or any Title VI lawsuits are filed against VPAS the agency will follow these procedures:

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager. The complaint is to be filed in the following manner:
 - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint shall be in writing and signed by the complainant(s).
 - c. The complaint should include:
 - the complainant's name, address, and contact information
 - (i.e., telephone number, email address, etc.)
 - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
 - a description of the alleged act of discrimination
 - the location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
 - if known, the names and/or job titles of those individuals perceived as parties in the incident
 - contact information for any witnesses
 - indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA?)
 - d. The complaint shall be submitted to VPAS' Title VI Manager at P.O. Box 817, Waynesboro, VA 22939.
 - e. Complaints received by any other employee of VPAS will be immediately forwarded to the Title VI Manager.
 - f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and an appropriate VPAS staff member will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Title VI Manager will immediately:
 - a. notify DRPT (no later than 3 business days from receipt)
 - b. notify VPAS' Authorizing Official
 - c. ensure that the complaint is entered in the complaint database
3. Within 3 business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.

4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If DRPT has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. investigating contractor operating records, policies or procedures
 - b. reviewing routes, schedules, and fare policies
 - c. reviewing operating policies and procedures
 - d. reviewing scheduling and dispatch records
 - e. observing behavior of the individual whose actions were cited in the complaint
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Manager will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, DRPT, and, if appropriate, VPAS' legal counsel.
12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to DRPT in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT.
13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. An interview cannot be scheduled with the complainant after reasonable attempts.
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
14. DRPT will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by VPAS. DRPT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

Transportation-Related Title VI Investigations, Complaints, and Lawsuits

Background

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to DRPT every three years and information shall be provided to DRPT quarterly and annually.

SEE APPENDIX D- Investigations, Lawsuits and Complaints Document

VIII. PUBLIC OUTREACH AND INVOLVEMENT

PUBLIC PARTICIPATION PLAN

Introduction

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that VPAS utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, transit operators must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

VPAS established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

VPAS will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

SOME OF THOSE EFFECTIVE PUBLIC OUTREACH PRACTICES INCLUDE:

- a. Vans printed with contact information
- b. Information on websites, newspapers and radio advertisements
- c. Word of mouth

SEE APPENDIX E-Summary of Outreach Efforts

IX. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by VPAS is based on FTA guidelines.

As required, VPAS developed a written LEP Plan (below). Using 2010 and American Community Survey (ACS) Census data, VPAS has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

Assessment of Needs and Resources

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

U.S. Census Data – American Community Survey (2015-2020)

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through www.census.gov by VPAS' service area. The agency's service area includes a total of 3,426 persons, or 2.0% with Limited English Proficiency (those persons who indicated that they spoke English "less than very well," in the 2015-2020 ACS Census).

Information from the 2015-2020 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

• Spanish	5,611	2.34%
• Indo-European	2,508	1.5%
• Asian and Pacific Island Languages	507	0.3%
• Other Languages	204	0.1%

Language assistance will be made available to LEP individuals in the community as the need arises. VPAS serves individuals over 60 and will focus on targeting this community for LEP assistance.

Factor 2: Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System

VPAS reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through the following channels:

- Contact with transportation vehicle operators;
- Calls and visits to the Corporate Office and Senior Services locations;
- Access to VPAS’ website; and
- Attendance at community meetings or public hearings hosted by VPAS.

There has been little, if no, contact with LEP persons or requests for interpreters in any of our service areas, especially for our transportation services. As far as the Harrisonburg/Rockingham Region which has a slightly higher LEP population is concerned, most of that population is not 60 years of age and older, the primary population we serve.

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we use a language identification flashcard based on that which was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>]

Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population

VPAS provides the following programs, activities and services:

VPAS provides transportation services to its Cafe members to and from their home to their respective Café. VPAS also provides transportation services to

adults with disabilities less than 60 years of age and individuals 60 years of age and older living in Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro, and Augusta, Highland, and Rockingham Counties from their residence to medical appointments and other locations where they can receive services that meet their life sustaining needs.

The following are the most critical services provided by VPAS for all customers, including LEP persons.

- Safety awareness instructions
- Emergency evacuation procedures
- Services targeted at low income persons age 60 and over
- Services targeted at persons age 60 and over

The following are the most critical services provided by VPAS for all customers, including LEP persons.

- Safety and security awareness instructions
- Emergency evacuation procedures
- Services targeted at low income persons age 60 and over
- Services targeted at persons age 60 and over

Factor 4: Assessment of the Resources Available to the Agency and Costs

Costs

The following language assistance measures currently being provided by VPAS:

VPAS has used the Blue Ridge Area Health Education Center, located in Harrisonburg, for translation services for programs not related to transportation at a cost of \$35.00 per hour. Students from Washington and Lee University in Lexington provide translation services as well at no cost. VPAS has also used language assistance provided from volunteers as well as document translations on VPAS' website and documents provided in vehicles and worksites.

The number of staff and percentage of staff time associated with providing language assistance is very minimal.

We anticipate that these activities and costs will not increase.

Based on the analysis of demographic data and contact with community organizations and LEP persons, VPAS has determined that the following additional services are ideally needed or will continue to provide meaningful access:

- In-kind assistance may continue to be available through potential volunteers or community organizations to provide written or oral language translation.
- Translating vital documents and information posted on Web sites will continue.
- Translating vital documents and information brochures distributed within Senior Services locations and transportation services will continue.

Resources

Because language assistance has been minimal to date, the current budget doesn't devote any funds for additional language assistance expenses. That could change in the future if the need increases.

Feasible and Appropriate Language Assistance Measures

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time:

- In-kind assistance through community volunteers
- Web-site and document translation
- In-kind assistance through community organizations

LEP Implementation Plan

Through the four-factor analysis, VPAS has determined that the following types of language assistance are most needed and feasible:

- Translation of vital documents and informational brochures into Spanish
- Attempt to hire bilingual staff with competency in spoken and written Spanish
- Use of web based translation services at no cost

Staff Access to Language Assistance Services

Agency staff who come into contact with LEP persons can access language services by offering the individual a language identification flashcard, having a supply of translated documents on hand, transferring a call to bilingual staff if available, or using web-based translation services. All staff will be provided with a list of available language assistance services and additional information and referral resources (such as community organizations which can assist LEP persons). This list will be updated at least annually.

Responding to LEP Callers

Staff who answer calls from the public respond to LEP customers as follows: availability of bilingual staff or volunteers.

Responding to Written Communications from LEP Persons

The following procedures are followed when responding to written communications from LEP persons: VPAS staff will use a web based translation service or bilingual staff/volunteers if available.

Responding to LEP Individuals in Person

The following procedures are followed when an LEP person visits our Corporate Office or Cafes: VPAS staff will use language identification flashcard if needed, check for availability of bilingual staff/volunteers, and/or use web-based language translation services if appropriate.

The following procedures are followed by Van Drivers when an LEP person has a question on board a VPAS vehicle: the driver will use language identification flashcard if needed, check for availability of translated information on board vehicles, call in to bilingual staff/volunteers, if available, or ask for volunteer translation assistance from fellow passengers.

Staff Training

As noted previously, all VPAS staff are provided with a list of available language assistance services and additional information and referral resources, updated annually.

All new hires receive training on assisting LEP persons as part of their sensitivity and customer service training. This includes:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely come into contact with customers, as well as their supervisors and all management staff, receive annual refresher training on policies and procedures related to assisting LEP persons.

Providing Notice to LEP Persons

LEP persons are notified of the availability of language assistance through the following approaches:

- Following our Title VI policy statement included on our vital documents;
- On our website, with links to translations of vital documents in other languages; and
- Through signs posted inside our vehicles, in our Corporate Office and Senior Services locations.

Monitoring/Updating the Plan

This plan will be updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and resource availability.

As part of ongoing outreach to community organizations, VPAS will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct periodic internal meetings with staff who assist LEP persons, review of updated Census data, review of the adequacy and quality of the language assistance provided, and determine changes to LEP needs.

In preparing the triennial update of this plan, VPAS will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA's "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers."

Based on the feedback received from community members and agency employees, VPAS will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore VPAS will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, VPAS will strive to address the needs for additional language assistance.

X. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

The VPAS Advisory Council is structured to meet OAA standards. It consists of a maximum of 15 members, representing each of the general member characteristics. Advisory Council members and staff identify and contact prospects to determine interest in serving, and respond to those interested in serving. Those interested are interviewed by at least one Council member. Those deemed qualified to serve are proposed to the Council. The Council elects its members. Officers include a Chair and are elected by the Council.

SEE APPENDIX F- TABLE MINORITY REPRESENTATION ON COMMITTEES BY RACE

XI. MONITORING TITLE VI COMPLAINTS

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update for submission to DRPT.

APPENDIX A - TITLE VI NOTICE TO THE PUBLIC



325 Pine Avenue • PO Box 817, Waynesboro, VA 22980 • 540.949-7141 • www.vpas.info

Title VI Notice to the Public

Valley Program for Aging Services (VPAS) is committed to full compliance with Title VI of the Civil Rights Act of 1964 and all related statutes. Title VI requires that no person shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which VPAS offers.

Any person who believes that he or she has been excluded from the participation in, been denied the benefits of, or been otherwise subjected to discrimination under any program or activity for which VPAS provides assistance, and believes the discrimination is based upon race, color, national origin, gender, economic status or limited English proficiency has the right to file a formal complaint.

A complaint must be submitted within 180 days of the alleged discriminatory act. You may file the complaint through email, by phone, or in writing. It must include the following information:

- Your name, address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where, and why you believe you were discriminated against.
- The location, names and contact information of any witnesses.

To submit a formal complaint or to request additional information on Title VI obligations please contact VPAS' Title VI Manager at jenn@vpas.info, 540.949.7141, or P.O. Box 817, Waynesboro, VA 22980.

No discriminación declaración en español disponible a pedido.

Valley Program for Aging Services

Serving older adults and their families in the counties of Augusta, Bath, Highland, Rockbridge, and Rockingham, and the cities of Buena Vista, Harrisonburg, Lexington, Staunton, and Waynesboro

Supported by federal, state, and local governments, United Ways, and the generosity of our neighbors
FEIN 54-0958526



APPENDIX B-Title VI Notice to the Public List of Locations

Valley Program for Aging Services (VPAS) Corporate Office, 325 Pine Ave., Waynesboro, VA 22980

Bath Community Senior Services, 212 W. Warm Springs Dr., Warm Springs, VA 24484

Highland Senior Services, 49 Spruce Street, Monterey VA 24465

Maury River Senior Services, 2137 Magnolia Ave., Buena Vista, VA 24416

Harrisonburg/Rockingham Central Offices, 975 S. High Street and 985 S. High Street, Harrisonburg, VA 22801

Waynesboro Senior Services, 325 Pine Avenue, Waynesboro, VA 22980

All VPAS vehicles

VPAS program rack cards

VPAS website, www.vpas.info

APPENDIX C-TITLE VI COMPLAINT FORM

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party: _____			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.			

Section IV			
Have you previously filed a Title VI complaint with this agency?		Yes	No
Section V			
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			

If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature

Date

APPENDIX D- Investigations, Lawsuits and Complaints Document

List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color or national origin)	Status	Action(s) taken
Investigations				
1.				
Lawsuits				
1.				
Complaints				
1.				

APPENDIX E-Summary of Outreach Efforts

As a private non-profit Area Agency on aging serving the over 60 population, outreach efforts to find out about our transportation and other services include vans printed with contact information, websites, newspapers and radio advertisements, as well as through word of mouth.

APPENDIX F- TABLE MINORITY REPRESENTATION ON COMMITTEES BY RACE

Committee	Black or African American	White/ Caucasian	Latino/ Hispanic	American Indian or Alaska Native	Asian	Native Hawaiian or other Pacific Islander	Other <i>*Note</i>	Totals
Advisory Council	1	11						12
% of Advisory Council	8%	92%						

**Note – Other races reported: Lithuania, Ukrainian, and Polish*