



**NAUGATUCK VALLEY**  
COUNCIL of GOVERNMENTS

# TITLE VI PLAN

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Endorsed by NVCOG Board of Directors March 11, 2016

Effective April 1, 2016

Revised May 3, 2016

Prepared in conjunction with:





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# INTRODUCTION

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This Title VI Program Plan (the Plan) has been prepared to assist the Naugatuck Valley Council of Governments (NVCOG), the MPO for the region, and the Valley Transit District (VTD) in ensuring compliance with Section 601 of Title VI of the Civil Rights Act of 1964, which states:

*“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.”*

Under the Civil Rights Act of 1964, and as a recipient of federal funding under the programs of the Federal Transit Administration (FTA) of the U.S. Department of Transportation (USDOT), NVCOG and the Transit District have an obligation to ensure that:

- The benefits of its transit services are shared equitably throughout its service area;
- The level and quality of its services are sufficient to provide equal access to all riders in its service area;
- No one is precluded from participating in its service planning process;
- Decisions regarding service changes or facility locations are made without regard to race, color or national origin; and
- A mechanism is in place for the remediation of any discrimination which may occur, even if such discrimination is unintentional

Within its available resources, and with full regard for the delivery of efficient and effective transit service, NVCOG and the Valley Transit District will continue compliance with the regulations of the FTA and the spirit of the Civil Rights Act of 1964.

This plan supersedes the Valley Council of Governments’ Title VI Plan of 2013 and is effective as of April 1, 2016, as required. It has been prepared using data from the 2010 Decennial Census and 2014 American Community Survey. Additionally, the Plan recognizes the relationship of NVCOG and the Valley Transit District, with regard to Title VI planning, complaints, and procedures, to be synonymous as one entity where the NVCOG provides certain planning and programming for the Valley Transit District who provides transit service and operations.

Furthermore, this plan applies to all instances of NVCOG's use of FTA funding for planning and programming in other urbanized areas within its jurisdiction, outside of Valley Transit District's service area.

## Our Title VI Notice

To make the Naugatuck Valley Council of Governments and Valley Transit District's service recipients aware of its commitment to Title VI Compliance—and of their right to file a Title VI Complaint—NVCOG and the Transit District have promulgated the following language on the homepage of their websites ([www.valleytransit.org](http://www.valleytransit.org) & [www.nvcogct.org](http://www.nvcogct.org)), on posters at both facilities, and on all Valley Transit District buses.

### Your Civil Rights

The Naugatuck Valley Council of Governments (NVCOG) and the Valley Transit District (VTD) are committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964 ("Title VI").

To request more information about Title VI, or to submit a written complaint if you believe that you have been subjected to discrimination, you may contact:

Naugatuck Valley Council of Governments  
Office of Civil Rights & Title VI Compliance  
49 Leavenworth Street, 3<sup>rd</sup> Floor  
Waterbury, CT 06702

In addition to your right to file a complaint with the NVCOG or VTD, you have the right to file a Title VI complaint with:

U.S. Department of Transportation  
Federal Transit Administration  
Office of Civil Rights  
Kendall Square  
55 Broadway  
Cambridge, MA 02142

## Authority

As a provider of paratransit services within the Lower Valley portion of the Naugatuck Valley planning region, NVCOG and VTD strive to fulfill the requirements and the spirit of relevant regulation.

This plan was prepared under the following regulatory framework:

Title VI of the Civil Rights Act of 1964		42 U.S.C. § 2000d
DOT Implementing Regulations		49 C.F.R. § 21
DOJ Implementing Regulations		28 C.F.R. § 42.401 <i>et seq.</i> 28 C.F.R. § 50

## Open FTA Grants

CT-90-X426-01	\$4,920,000		Facility Assessment & Reconstruction
CT-90-X466-00	\$4,150,000		Facilities Expansion & Assessment
CT-39-0002-0	\$375,000		Route 8 Alternatives Study
CT-95-2014-0	\$450,000		

The Naugatuck Valley Council of Governments has four open grants with the FTA:

In addition, NVCOG and VTD receive annual operating assistance from the Connecticut Department of Transportation.



# FOUR-FACTOR ANALYSIS

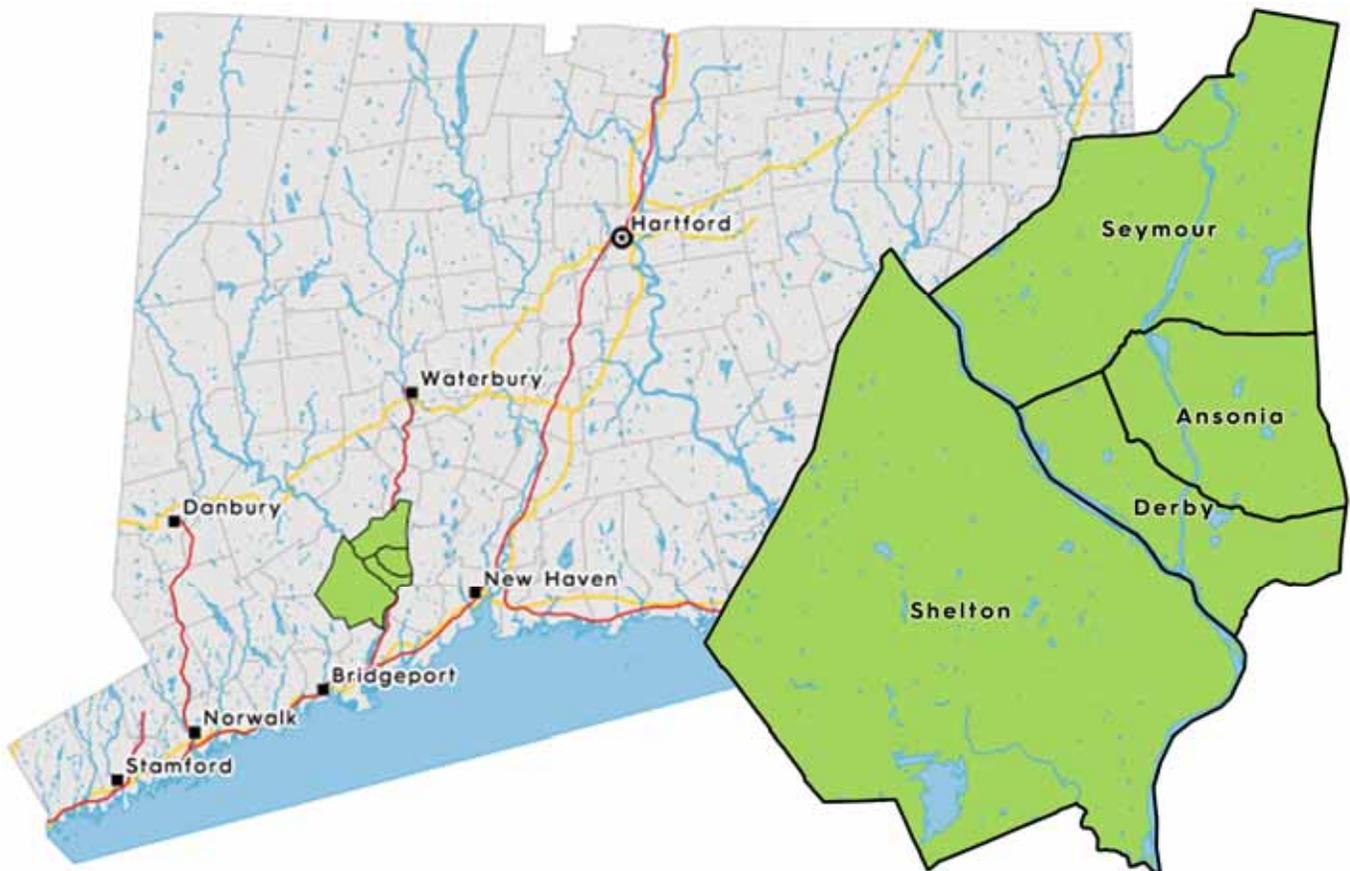
Under guidance from the U.S. Department of Transportation, the Council of Governments and Transit District are obligated to determine the extent of its obligation to provide LEP services to its transit population. This determination must be based on an analysis of four factors:

An analysis of these four factors are on the following pages, as well as information about how NVCOG and VTD address these factors individually and holistically.

# LEP

Limited English Proficiency

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# FOUR-FACTOR ANALYSIS

## Factor 1

### Number & Proportion of LEP Persons Likely to Be Serviced

Interviews with VTD staff indicate that Spanish-speaking LEP persons will call on occasion to schedule a ride, around once per week. VTD staff cannot recall a recent time when an LEP person speaking a language other than Spanish called for services, and suggested that it happens once every year.

The Valley contains 2,177 Spanish-speaking LEP residents according to the 2014 American Community Survey 5-year estimates. The Spanish-speaking population as a whole has grown 25% since 2011,

*Table 1: ACS 2014, B16001*

	Population	Percent
Total	84,704	100.00%
English Only	68,186	80.50%
Spanish	6,850	8.09%
LEP	2,177	2.57%
Polish	2,346	2.77%
LEP	1,027	1.21%
Portuguese / Creole	1,138	1.34%
LEP	452	0.53%
Italian	1,034	1.22%
LEP	361	0.43%
Chinese	677	0.80%
LEP	246	0.29%
Other Indo-European	603	0.71%
LEP	246	0.29%
Serbo-Croatian	305	0.36%
LEP	166	0.20%
Vietnamese	235	0.28%
LEP	162	0.19%
Other Slavic Languages	335	0.40%
LEP	140	0.17%
Laotian	197	0.23%
LEP	100	0.12%
All Other Languages	2,798	3.30%
LEP	605	0.71%

*Table 2: ACS 2014, B03001*

	Population	Percent
Hispanic or Latino	11,285	100.00%
Puerto Rican	5,572	49.38%
Mexican	1,706	15.12%
Ecuadorian	1,184	10.49%
Guatemalan	436	3.86%
Peruvian	402	3.56%
Colombian	397	3.52%
Spaniard	351	3.11%
Argentinean	300	2.66%
Cuban	240	2.13%
Dominican	221	1.96%
All other Hispanic or Latino	476	4.22%

while the LEP population has grown at 12%. Because Spanish is a common language in many countries, it is helpful to determine which regions Spanish speakers are moving from. While precise data on the origin of LEP Spanish speakers is unavailable, ACS Table B03001 does provide origins for Hispanic or Latino populations in the region. Because not all Hispanic or Latino persons speak Spanish, nor do all primarily Spanish-speaking persons identify as Hispanic or Latino, this provides an incomplete picture. The largest Hispanic or Latino population is Puerto Rican, followed by Mexican and Ecuadorian (*Table 2*).

There is also an LEP Polish-speaking population in the region that numbers 1,027.

Besides Spanish and Polish, smaller populations of Portuguese-, Italian-, Chinese-, and other Indo-

## FOUR-FACTOR ANALYSIS

European-speakers exist in the Valley region. NVCOG will continue to monitor these linguistic populations to see if significant changes occur.

In addition to the tables provided, NVCOG & VTD have analyzed the locations of Spanish- and Polish-speaking populations in the district to better understand the distribution of these populations, and to assist with identifying likely partner organizations. See the following pages for that analysis.

Because VTD transit services are limited to paratransit, the likelihood of being serviced depends on the likelihood of utilizing paratransit services. To attempt to gather proximal information about likelihood of paratransit utilization, we've looked at census data on the LEP population over the age of 65. (Table 3). Because paratransit services are not exclusively used by the elderly, and because data is unavailable by individual language outside of Spanish, this table is not indicative of the exact number or proportion of the population which might rely upon VTD's transit services.

Table 3: ACS 2014 B16004

	Population	Percent
Population Age 65 and Over	14,075	100.00%
Speak only English	12,076	85.80%
Speak Spanish	615	4.37%
Speak English less than "very well"	421	2.99%
Speak other Indo-European languages	1,203	8.55%
Speak English less than "very well"	529	3.76%
Speak Asian & Pacific Island languages	125	0.89%
Speak English less than "very well"	106	0.75%
Speak other languages	56	0.40%
Speak English less than "very well"	0	0.00%

NVCOG also analyzed other organizations' reports regarding the population of the transit district. Data-Haven, in partnership with our partner the Valley Community Foundation, published the 2015 report *The Valley Now* that included demographic information. This report is the beginning of a larger process which will be completed this year. While there was no reporting on specific languages in the region, the analysis did show that the immigrant population and the Hispanic and Latino population is growing rapidly and has a large population of young adults and children.

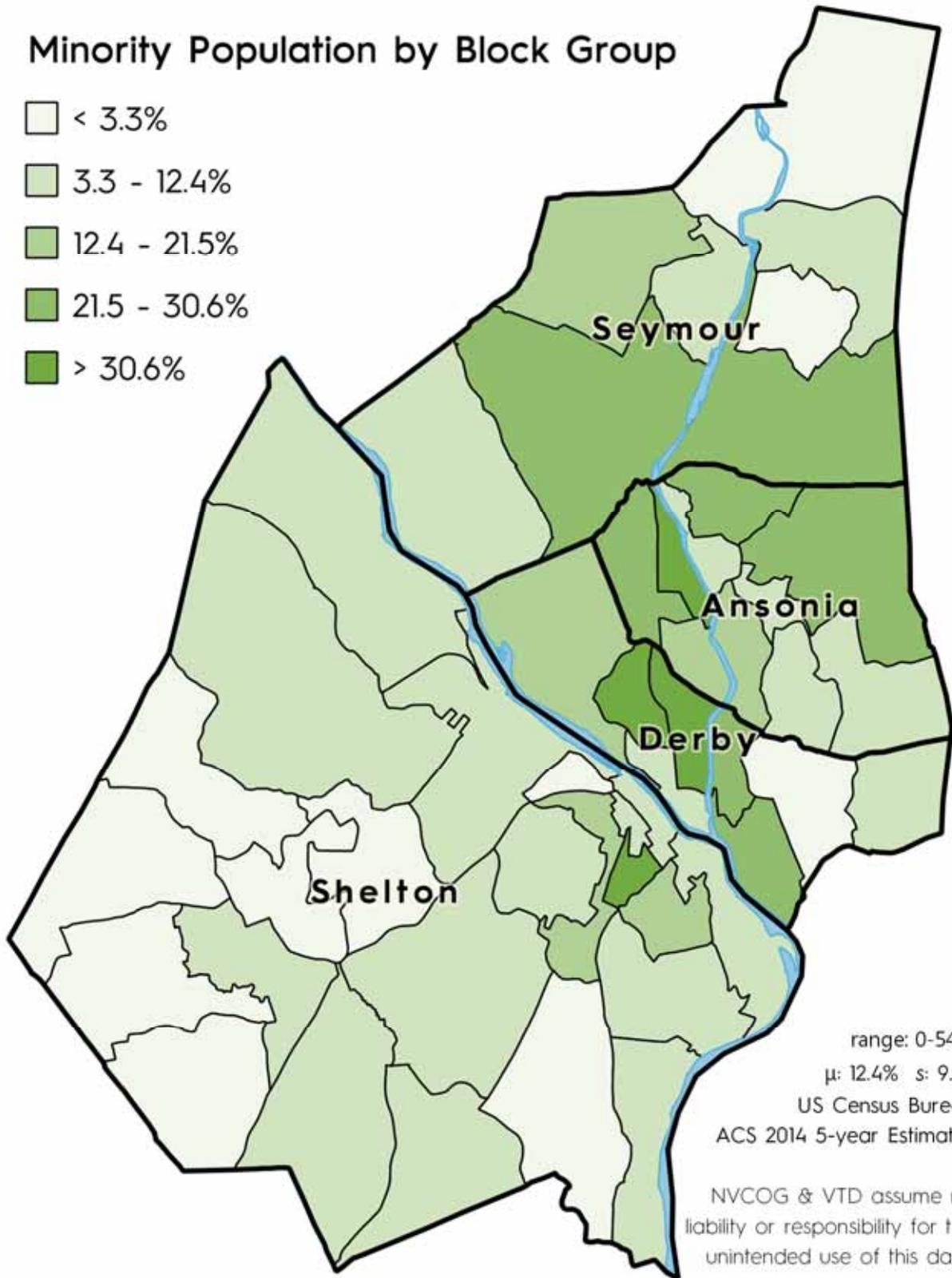
Local senior centers concur that the Spanish-speaking population in the region is growing rapidly, particularly among the elderly. Senior centers were worried about their capability to serve the growing Spanish-speaking elderly population without funding to hire additional staff.

Conversations with our partner organizations support the data indicating that many Spanish speakers in the region are from Puerto Rico. The organizations spoken with indicated that LEP persons usually lived with a younger family member who spoke English fluently, usually children or grandchildren.

Polish-oriented churches spoken with indicated that there are a number of Polish-speaking LEP persons in their congregations. Churches felt that this population was very small, and do not maintain Polish speakers on staff aside from the church fathers who happen to speak the language.

### Minority Population by Block Group

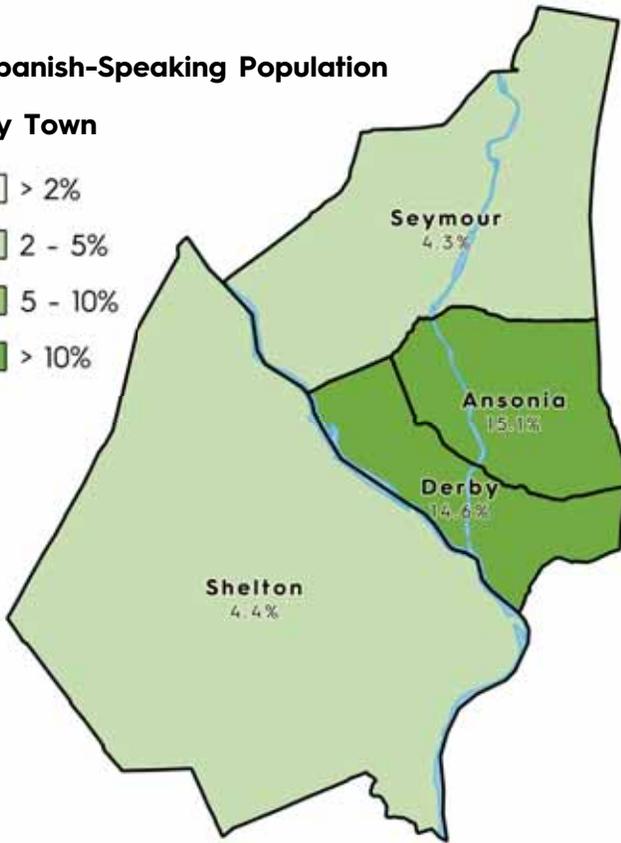
- < 3.3%
- 3.3 - 12.4%
- 12.4 - 21.5%
- 21.5 - 30.6%
- > 30.6%



# FOUR-FACTOR ANALYSIS

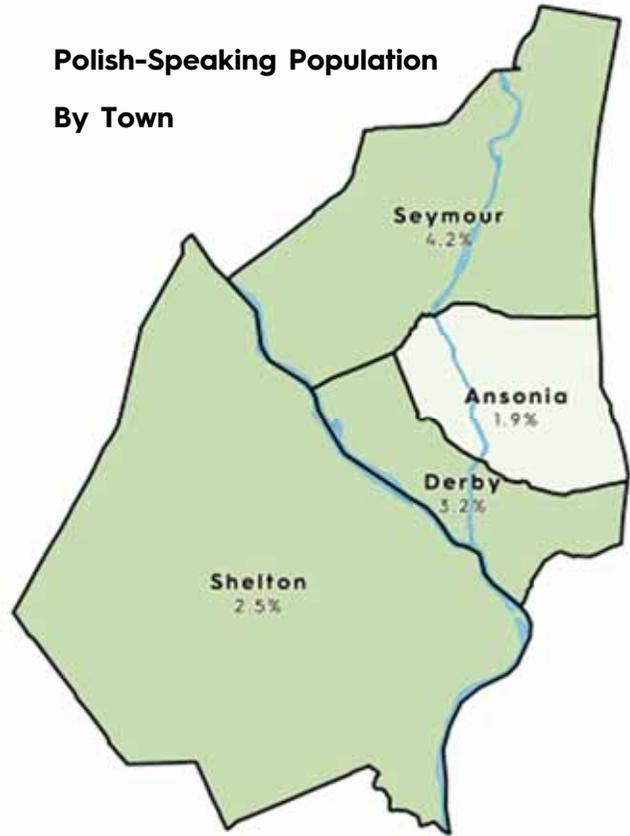
## Spanish-Speaking Population

### By Town



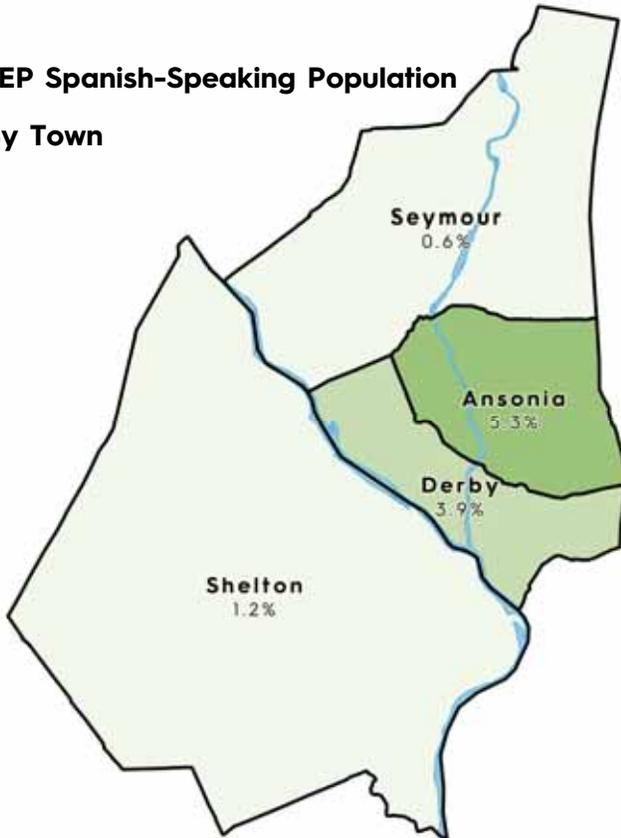
## Polish-Speaking Population

### By Town



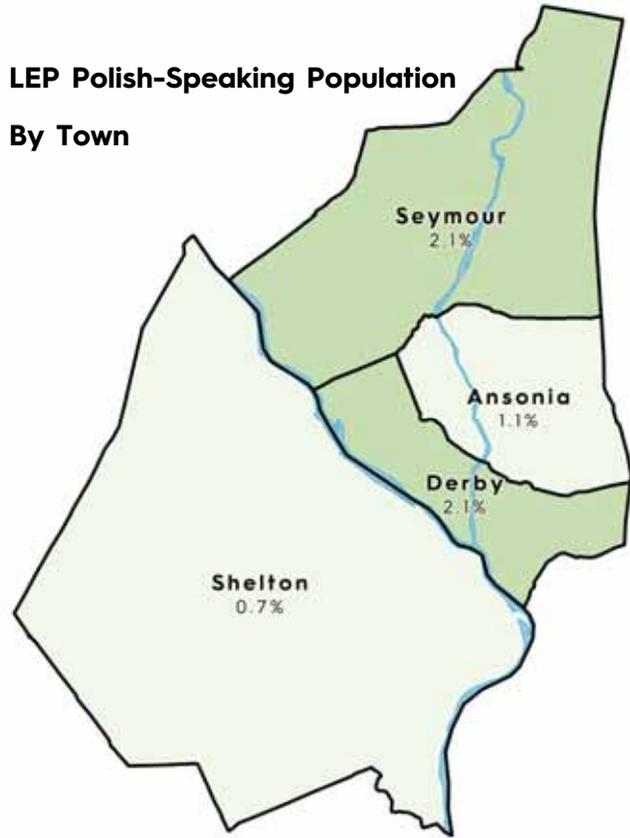
## LEP Spanish-Speaking Population

### By Town



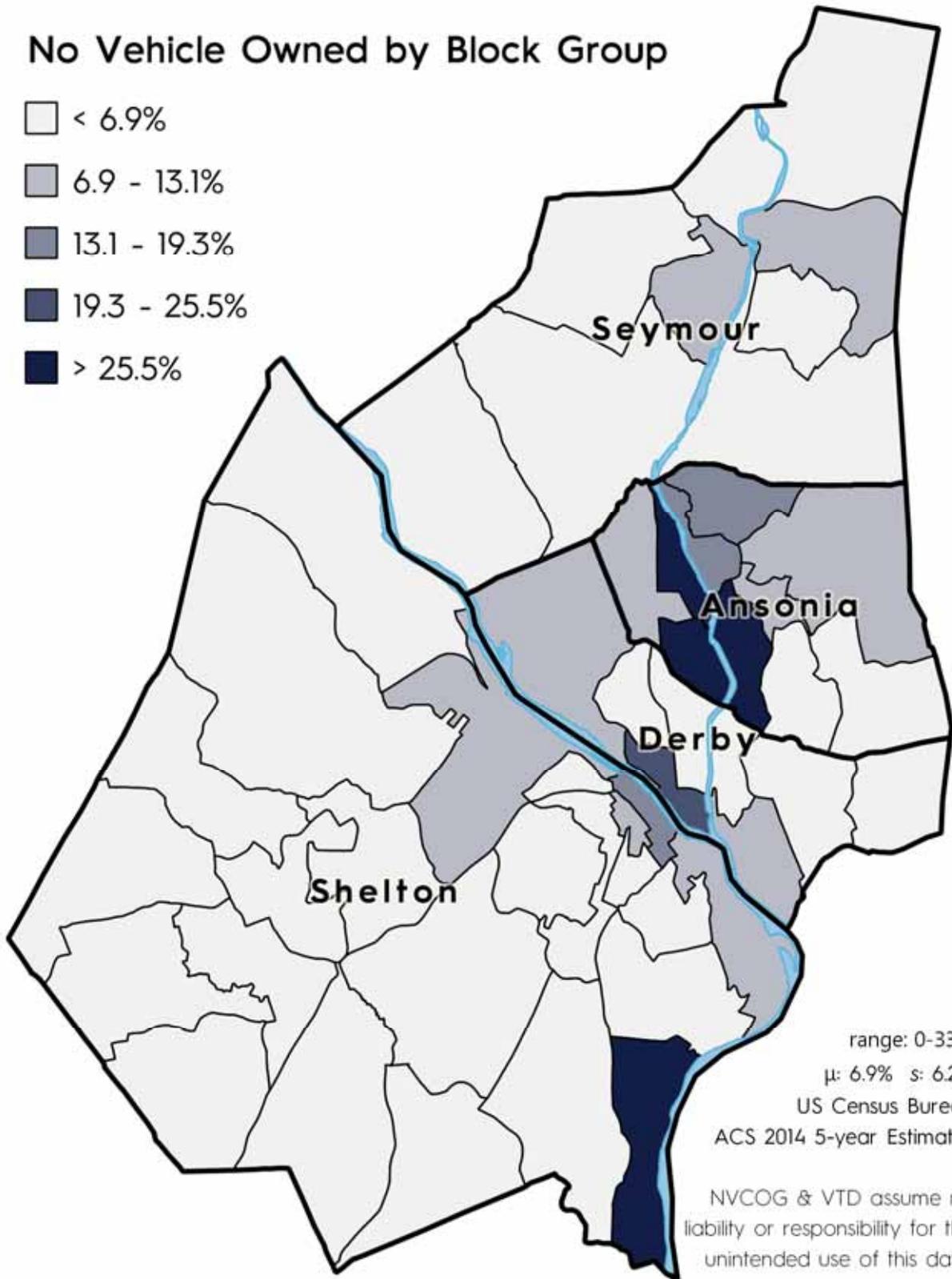
## LEP Polish-Speaking Population

### By Town



### No Vehicle Owned by Block Group

- < 6.9%
- 6.9 - 13.1%
- 13.1 - 19.3%
- 19.3 - 25.5%
- > 25.5%

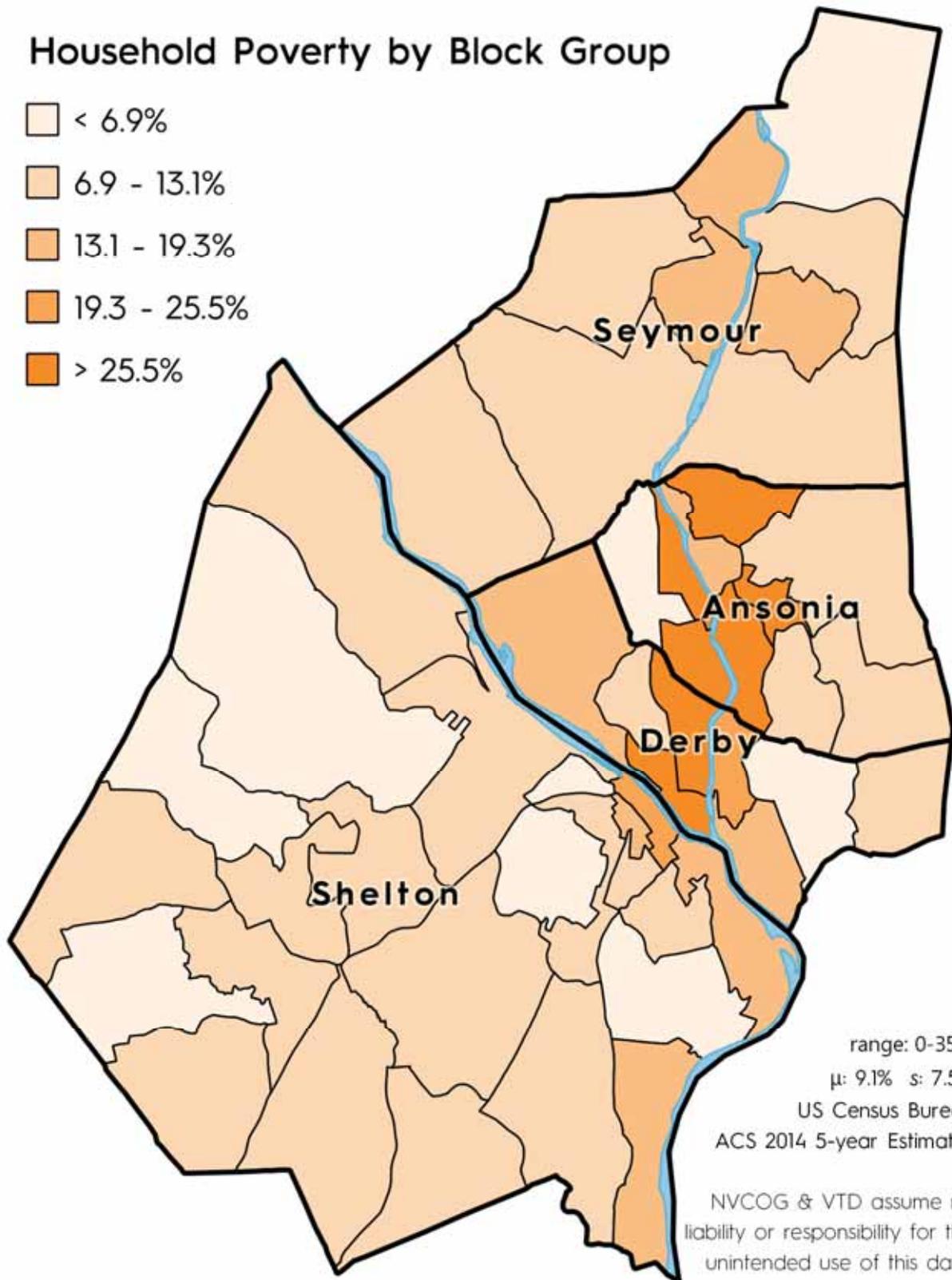


range: 0-33%  
 $\mu$ : 6.9%  $s$ : 6.2%  
US Census Bureau  
ACS 2014 5-year Estimates

NVCOG & VTD assume no liability or responsibility for the unintended use of this data.

### Household Poverty by Block Group

- < 6.9%
- 6.9 - 13.1%
- 13.1 - 19.3%
- 19.3 - 25.5%
- > 25.5%

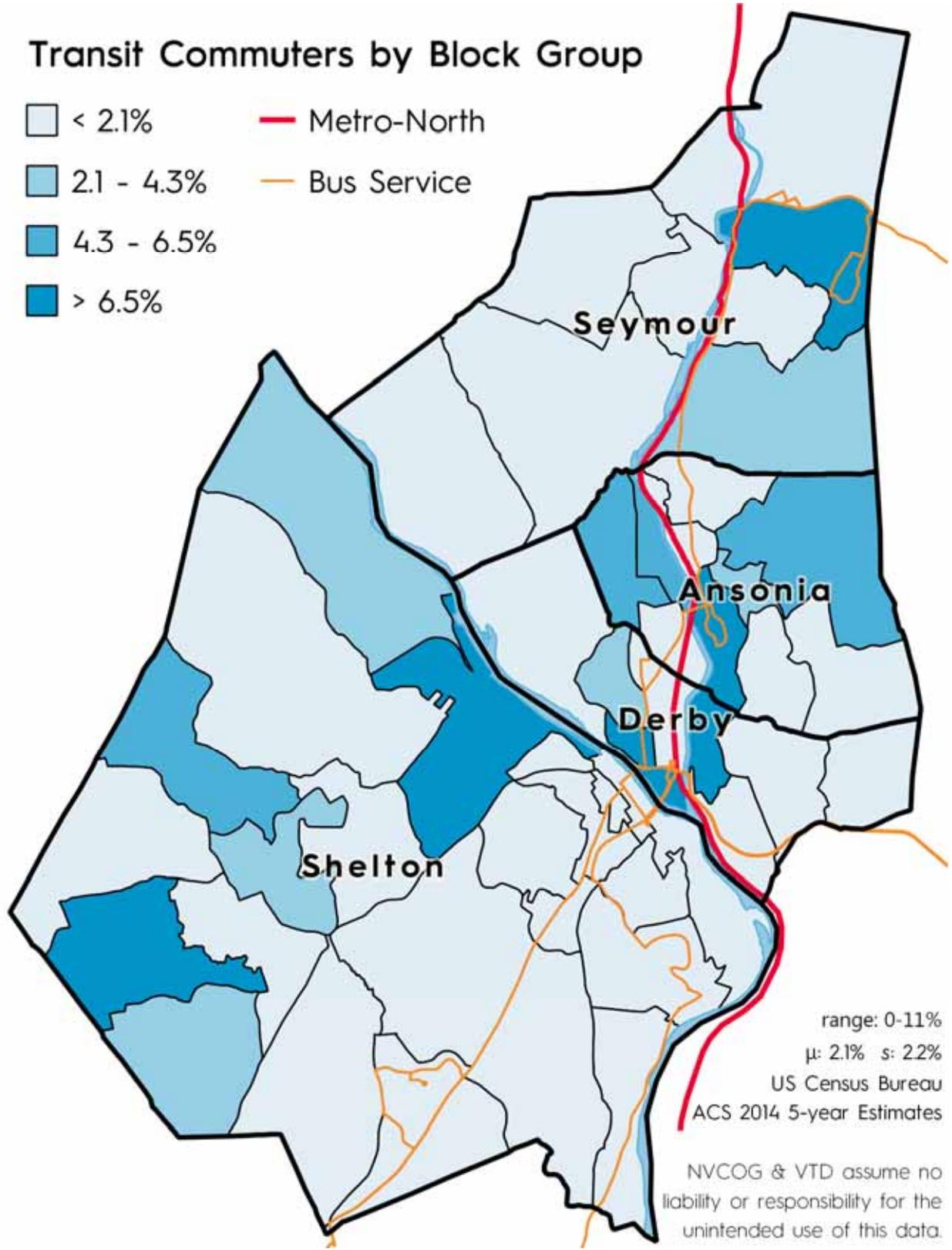


range: 0-35%

$\mu$ : 9.1%  $s$ : 7.5%

US Census Bureau  
ACS 2014 5-year Estimates

NVCOG & VTD assume no liability or responsibility for the unintended use of this data.



# FOUR-FACTOR ANALYSIS

## Factor 2

### Frequency of contact

Valley Transit District, the operator of NVCOG-owned transit vehicles in the district, provides paratransit services, including complementary ADA service, for one bus route in the service area. Because of the limited nature of transit services provided by VTD & NVCOG, no community organizations were aware of populations of LEP persons reliant on VTD services. Through our own analysis of the Census data, provided in previous maps, NVCOG was able to identify that the regions with high LEP populations also tended to have lower rates of automobile ownership and higher rates of commuting via public transit, which would indicate that broadly LEP persons could be more likely than the general population to also require the paratransit services VTD provides.

## Factor 3

### Nature / Importance of Program

The paratransit services provided by VTD are of great importance to the population dependent upon them, though that population is small. VTD provides ADA transit services to populations unable to access existing fixed route service in the District provided by other transit providers. Riders are steered to VTD transit services through a centralized ADA program at the state level.

VTD also provides frequent non-emergency medical transportation for its riders. While few LEP individuals regularly use VTD's services today, VTD's services are absolutely vital to those who are dependent upon them. In conversations with local senior centers, the importance of the non-emergency medical transportation provided was especially highlighted as the primary benefit of our services.

## Factor 4

### Resources Analysis

Current language assistance measures currently being used include providing machine translation of the VTD & the NVCOG websites into Spanish and Polish, maintaining a full-time dispatcher/phone operator fluent in Spanish, providing Spanish-language translations of relevant forms, and Spanish-language rider guides provided by the State of Connecticut, which is responsible for approving ADA status and coordinating riders to the appropriate paratransit provider. VTD phone operators also have the ability to contact The Birmingham Group to obtain interpretive services for languages other than Spanish at VTD's expense. This service has not been required at any point in the recent past, according to conversations with VTD staff.

The costs of the above currently-provided services are minimal, as the Spanish-language translations are already developed, and the Spanish-fluent staff member is integral to the operations of VTD.

Based on the other factors in the four factor analysis, it is recommended that VTD work to provide additional translations of documents into Polish to facilitate meaningful access. Because one-time translation costs are low, providing Polish-language versions of vital documents should be a priority over the next year.

# FOUR-FACTOR ANALYSIS

## Language Assistance Plan

In order to provide meaningful access to LEP persons, it is first important to note which documents provided by NVCOG & VTD are vital to using the transit services provided. After a review of the steps required to use VTD's services, the following documents are considered vital:

- Valley Transit District Website
- Title VI Notice of Rights
- Complaint Forms
- ADA Application

All of the above documents must be available in any language meeting the Safe Harbor threshold. From the four factor analysis, it is clear that the Spanish speaking population meets the Safe Harbor threshold for the region. It is unclear whether the Polish speaking population meets this threshold, however from the resource analysis in Factor 4 it is clear that providing vital documents translated into Polish is relatively low cost. At present, all of the above are available in some format in Spanish and in Polish. (The ADA Application is maintained by the State of Connecticut in a centralized location and is machine translated.)

### Safe Harbor?

If the eligible LEP population in a given language exceeds 5% or 1000 members of the eligible population for VTD's services, vital written materials will be translated to accommodate their needs.

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In addition to ensuring the Safe Harbor threshold is met, it is clear that providing Spanish-language assistance is important to best serve our target population now and in the future. NVCOG and VTD make extensive efforts to transmit information to the public in Spanish in addition to English, including making the following additional materials available in Spanish to the service area:

- Public Participation Outreach
- Interior Bus Notifications
- Ride Guide (maintained by State of CT)

The Council of Governments and Transit District also retains one customer service representative who is fluent in Spanish and is available on all business days.

Occasionally a Spanish-speaking LEP individual calls to schedule a ride when our representative is unavailable, or there is the potential for an LEP individual who speaks a language other than Spanish to call. In these cases VTD customer service representatives are able to take down their phone number and make contact with one of our partners to provide interpretive services. Once interpretive assistance is secured, the rider is contacted and the ride is scheduled. This does not delay the ride, even if the time between the call and the translation eclipses VTD's standard deadline for ride scheduling.

Additionally, a Polish-speaking population lives in the region. Through the four factor analysis, NVCOG and VTD have concluded that this population does not require the same level of language assistance that the Spanish-speaking population requires. NVCOG & VTD have ensured that all vital documents are available in Polish. Conversations with VTD staff and culturally-Polish institutions indicate that our relationship with The Birmingham Group will suffice for interpretation as the needs arise. Culturally-Polish institutions, particularly Catholic churches in the district, have also offered to provide interpretive services and assistance in reaching this community. These institutions have been added to internal lists of organizations to contact to disseminate public notices, as several have newsletters.

# FOUR-FACTOR ANALYSIS

<b>Partner Organizations for LEP Assistance</b>
Ansonia Housing Authority
Area Congregations Together
Birmingham Group Health Services
Coordinated Transportation Solutions
Derby Housing Authority
Naugatuck Valley Health District
Seymour Housing Authority
Shelton Housing Authority
St. Joseph Church
St. Michael the Archangel Parish
TEAM, Inc.
The WorkPlace, Inc.
Valley Arts Council
Valley United Way



# PUBLIC PARTICIPATION PLAN

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The Naugatuck Valley Council of Governments and the Valley Transit District are required to submit a Title VI program every three years per FTA Circular 4702.1B. The Council of Governments and Transit District understand the importance of involving the public, especially members of underserved populations, in the development and planning of its Title VI program. The Council of Governments and the Transit District will utilize the following procedures to engage the public in its Title VI program.

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This public participation plan applies to all outreach activities of the Valley Transit District.

- Title VI program updates will be published in at least two (2) publications having substantial circulation in the transit service area at least one week apart. Notices will also be posted on the NVCOG and the VTD websites, along with the four municipal town halls that are located within the Transit District's service area.
- The Council of Governments and the Transit District will seek help from community leaders and organizations to facilitate involvement of traditionally underserved populations. Community leaders and organizations that represent these groups should be consulted about how to most effectively reach their member for public involvement in the Title VI program.
- Public meetings should be held in locations that are accessible by public transit. If a targeted population is located in a certain geographic area, then the meeting location should be in that area for their convenience.
- There will be a minimum of a thirty (30) day public comment period beginning with the first public notice.
- A public session item will be placed on the NVCOG board agenda for two consecutive months following the first published notice. That the posting include the date, time and location, as well as identifying the location as ADA accessible, for the public meeting.
- Any resulting change or action due to public comment or discussion will be documented in the NVCOG board meeting minutes and posted within seven (7) business days at the four (4) cities/town (halls/offices) comprising the VTD's service area.
- The Title VI program will take effect immediately following the decision of the NVCOG board meeting at which a vote on the Title VI program will be taken.

# PUBLIC PARTICIPATION

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- All public meetings related to the Title VI program will be held at an ADA accessible facility.

## Summary of outreach since 2013

There has been no major public outreach done by Valley Transit District or NVCOG related to the transit district since 2013. This is due to the fact that there have been no changes in the services provided and no major complaints about services that would suggest more outreach is necessary. Additionally, NVCOG has been undergoing a merger of organizations between 2014 and 2016 that has precluded more in-depth discussions of potential service improvements.

## Makeup of Boards

The primary mechanism for decision-making for VTD is the Board of Commissioners. This is the overall governing and policy-setting body and consists of 10 members representing the four municipalities which comprise the service area. The Board meets monthly at regularly scheduled public meetings which are publicly noticed. Members are appointed to one-year terms by the Chief Elected Officials of the municipalities of Ansonia, Derby, Seymour, and Shelton. The number appointed for each municipality is set by a formula based on the populations of the represented municipalities, as set forth in Chapter 103A of the Connecticut General Statutes, and is presently as follows:

Appointed from Ansonia | 1 (1 vacant)

Appointed from Derby | 2

Appointed from Seymour | 2

Appointed from Shelton | 3

Of the total membership, 8 are Caucasian (5 males and 3 females) of which 1 is a disabled female.

# ERRATA

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In addition to the above procedures and processes, full Title VI compliance requires the following explicit information:

## Subrecipient Monitoring

The Naugatuck Valley Council of Governments is a direct recipient of FTA funds and has no subrecipients.

## Facility Construction

Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part."

Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin."

NVCOG and VTD acknowledge their responsibility to complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. This process will include outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis would compare the equity impacts of various siting alternatives, and occur before the selection of the preferred site. When evaluating locations of facilities, NVCOG will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis will be done to ensure that proper perspective is given to localized impacts. If NVCOG determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, it may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin.

## VTD Maintenance & Operations Facility

The Naugatuck Valley Council of Governments is overseeing the construction and renovation of the Valley Transit District maintenance and operations facility through funding from FTA grant CT-90X-426-01. A needs and deficiency study was conducted and a preferred alternative was selected by the Valley Transit District board of directors. The preferred alternative involves an entire overhaul of HVAC, plumbing, electrical, and mechanical systems, as well as an addition to the maintenance bay, bus storage bay, and dispatch center. The existing building will remain and will be added onto. No additional land will be built upon; the renovations will be completely within the existing property footprint with no additional property required. This project qualified for a Categorical Exclusion.

This Categorical Exclusion is based on the renovation of an existing facility that will not expand beyond the existing site, and will not require the acquisition of additional land. More specifically, the renovations include the replacement and upgrade of the facilities mechanical systems which are located within the building. Additionally, there will two additions to the building which also do not extend beyond the existing site. A full environmental report was prepared.

# APPENDICES

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The following documents are appended:

- Title VI Discrimination Complaint Form
- Title VI Discrimination Complaint Process
- NVCOG Board Endorsement



# Valley Transit District/Naugatuck Valley Council of Governments Discrimination Complaint Form

Complainant's Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (if Available) \_\_\_\_\_

Discrimination because of:  Race  Color  National Origin  Gender  
 Age  Disability  Other

Please provide the date(s) and location(s) of the alleged discrimination, the name(s) of the individual(s) who allegedly discriminated against you, including their titles (if known).

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Please provide the names, addresses and telephone numbers of any witnesses.

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Explain as briefly and as clearly as possible; what happened, how you felt that you were discriminated against and who was involved. If applicable, please include how other persons were treated differently from you in the same circumstances.

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*You may use additional sheets of paper if necessary. Also, please include any written materials pertaining to your complaint.*

# **Naugatuck Valley Council of Governments/Valley Transit District (NVCOG/VTD) Title VI Compliance Procedures**

## **I. NVCOG/VTD's Title VI Complaint Process**

- a) All NVCOG/VTD Title VI complaints will be filed in accordance with the following procedures:
  1. Any person alleging to be aggrieved by a discriminatory practice may, in person or through legal representation, obtain a Title VI Complaint Reporting Form from the NVCOG/VTD's website or the Civil Rights & Title VI Compliance Officer. Any Title VI complaint must be filed within 180 days following the date of the alleged discriminatory action, or the date the Complainant became aware of the alleged discriminatory action.
  2. Alternatively, if the complaint is filed via letter, the Civil Rights & Title VI Compliance Officer may complete the complaint report form and attach the complaint letter. Complaints received orally or by telephone will be converted to writing and provided to the Complainant for confirmation, revision and signature before processing. Signed allegation of discrimination received by facsimile or email will be acknowledged and processed.
  3. Complaints must be in writing, signed by the Complainant, or their legal representative, and include the Complainant's name, address and telephone number. Complaints shall explain, as fully as possible, the facts and circumstances surrounding the alleged discriminatory action and identify the individual(s) responsible for the alleged discriminatory action.
  4. The Civil Rights & Title VI Compliance Officer will review the complaint to ensure that it is the appropriate Title VI jurisdiction. If the complaint does not fall within the parameters of Title VI, then the Civil Rights & Title VI Compliance Officer will redirect the complaint through the Transit District's Formal Complaint and Appeal Procedure.
  5. If the complaint conforms to Title VI standards, the Civil Rights & Title VI Compliance Officer will ensure that the required information is provided, and that the complaint is timely and within the appropriate jurisdiction. The complaint will be accepted unless: it is withdrawn, is not filed timely, or the complainant fails to provide the required information after a written follow-up request for any missing information. The complaint investigation will be completed within 40 days of the day of receipt.
  6. Once a Title VI complaint has been confirmed, the Civil Rights & Title VI Compliance Officer will submit a letter to ConnDOT and FTA Region 1 as notification that a Title VI complaint is under investigation.
  7. The Civil Rights & Title VI Compliance Officer will conduct a Title VI investigation utilizing a Council of Governments/Transit District Title VI Complaint Investigation Report. Upon completion of the investigation, the Civil Rights & Title VI Compliance Officer will present the results and any corrective recommendations of the investigation to the Transit District's Chief Executive Officer for approval.
  8. Upon the final approval of the Chief Executive Officer, the Civil Rights & Title VI Compliance Officer will implement any corrective actions that have been identified, log the investigation on the Title VI Complaint Log, and maintain all of the complaint

and investigation forms for the Connecticut Department of Transportation Annual Report Survey.

9. Within 10 days of the Chief Executive Officer's approval, the Civil Rights & Title VI Compliance Officer will respond in writing to the Complainant with the findings of the investigation.
- b) Complaints Filed directly with ConnDOT:
1. Written complaints filed with the ConnDOT, in which NVCOG/VTD is named as the Respondent, will be analyzed and investigated by ConnDOT. When the Transit District is informed of the investigation by ConnDOT, it will conduct its own internal Title VI investigation. The Civil Rights & Title VI Compliance Officer will forward a copy of the complaint, and a copy of the Title VI Complaint Investigation Report (within 60 days of the complaint date received from ConnDOT) to the FTA Region 1 Civil Rights Coordinator.
  2. A complaint log will be maintained for all complaints filed with and investigated by ConnDOT. ConnDOT notifies the Respondent that they have been named in a complaint. The notification letter will indicate the Investigator's name and inform the Respondent that they will be contacted for an interview. The complaint investigation will be completed within 40 days of the day of receipt.
- c) Complaints Filed Directly with FTA:
1. Written complaints filed with the FTA, in which NVCOG/VTD is named as the Respondent, will be analyzed and investigated by FTA. When the Transit District is informed of the investigation by FTA, it will conduct its own internal Title VI investigation. The Civil Rights & Title VI Compliance Officer will forward a copy of the complaint, and a copy of the Title VI Complaint Investigation Report (within 60 days of the complaint date received from FTA) to ConnDOT's Civil Rights Coordinator.
  2. A complaint log will be maintained for all complaints filed with and investigated by FTA. FTA notifies the Respondent that they have been named in a complaint. The notification letter will indicate the Investigator's name and inform the Respondent that they will be contacted for an interview. The complaint investigation will be completed within 40 days of the day of receipt.

## V. NVCOG/VTD's Title VI investigation process

- a) Investigation – An investigation is an official inquiry for the purpose of determining whether there has been a violation of the laws or statutes and includes a determination of appropriate relief where a violation has been found. An investigation requires an objective gathering and analysis of the evidence, which will ensure that the final decision is as accurate as possible.
- b) Role of the Investigator – The investigator is a neutral party provided by the Transit Authority to conduct an investigation of the issues raised in a complaint. The Investigator's behavior, demeanor, and attitude reflect the Transit District and may affect the degree of cooperation received from the parties. The investigator has an obligation to identify and obtain relevant evidence from all available sources in order to resolve all of the issues under investigation. **The investigator is not an advocate for the Complainant or the Respondent.** The Investigator is a neutral fact finder.
- c) Responsibilities of the Investigator – The investigator must:
  - Never express his/her opinion

- Never tell the parties that the complaint represents a good case or that the complaint is frivolous
  - Always remain neutral.
  - Write the facts, and state what the facts are, based upon the evidence of testimony
  - Decide who is to be interviewed. If the Complainant or the respondent is adamant about a witness interview, perform the interview
  - Decide when sufficient evidence has been gathered to begin writing the investigative report
  - Always remain professional and polite
  - Be a good listener
- d) The investigative process includes the following:
- Investigative Report
  - Request for information
  - Conducting interviews
  - On-site visit
  - Obtain evidence
  - Analyze data
  - Writing the Investigative Report
- e) Investigative Report – The Investigative Report is a working document intended to define the issues and provide a roadmap to complete the investigation. It is also an internal document for use by the Investigator and his/her supervisor to keep the Investigation on track and focused on the relevant issues. It is the Investigator’s checklist, and the following elements should be contained in an Investigative Report:
- Complainant(s) name and address
  - Attorney for Complainant with name and address
  - Respondent(s) name and address
  - Attorney for Respondent with name and address
  - Applicable Law (e.g. Title VI)
  - Basis
  - Issue(s)
  - Background
  - Name of person(s) to be interviewed, including questions for the Complainant, Respondent, and Witness(es)
  - Evidence to be obtained during the investigation
- f) Conducting Interviews – When preparing for the interview, the main objective is to obtain information from witnesses who can provide information that will either support or refute the allegations. A list of major questions will be prepared that address the issues involved in the complaint.
- 1.) Complainant – The purpose of interview is to gain a better understanding of the situation outlined in the complaint of discrimination. The Investigator will contact the Complainant to ensure that Investigator understands the Complainant’s allegation(s). It is recommended that the Investigator interview the Complainant prior to preparing the investigation report. If it is not possible, the Investigator will make any changes as appropriate to the Investigation Report Form, based upon any new information

- provided by the Complainant. The Investigator will always inquire of the Complainant whether he/she desires to resolve the complaint.
- 2.) Respondent – Respondents are interviewed to provide an opportunity to respond to the allegations raised by the Complainant. Additionally, it provides the Investigator with an opportunity to understand the Respondent's operation or policies that the Complainant cites. As the keeper of the records, the Investigator will discuss the investigation with the Respondent, and be able to explain the need for requesting any documentation on the Investigators list. The Investigator will inform the Respondent that he/she has the right to submit a formal position statement addressing the Complainant's allegations. The Investigator will question the Respondent regarding possible settlement or remediation opportunities.
  - 3.) Witness – The Complainant or Respondent may request that additional persons be interviewed. The Investigator will determine what relevant information, if any, a witness has to provide prior to conducting an interview with them. The Investigator will only interview persons who have information relevant to the allegations raised in the complaint of discrimination.
- g) On-Site Visit – An on-site visit will be conducted when:
- Personal contact with the Complainant and the Respondent may yield information and clarification that might not otherwise be discovered by only reviewing the written document or telephone contacts.
  - It is necessary to review the physical environment.
  - More effective communication can be established with representative and witnesses of the Complainant and Respondent.
  - Documentation can only be examined on-site for reasons of convenience, cost, format, or volume.
- h) Obtaining Evidence – Evidentiary requests shall be related to the issues cited in the complaint. An evidentiary request may contain some or all of the following:
- The policies and procedures regarding the practice that the Complainant has alleged
  - All documents relating to Respondent's dealing with Complainant in the situation described in the complaint
  - Documents which exhibit how others not in the Complainant's group were treated under similar circumstances
  - Respondent's reason for the action taken
  - A formal position statement from Respondent addressing Complainant's allegations

There are various classifications of evidence, which include the following:

- **Circumstantial Evidence** – Includes facts from which may be inferred intent or discriminatory motive and proves intent by using objectively observable data.
- **Comparative Evidence** – A comparison between similarly situated individuals.
- **Direct Evidence** – Related to the Respondent's motive, it is defined as any statement or action by an official of the Respondent that indicates a bias against members of a particular party.
- **Documentary Evidence** – Written material, which is generated during the course of normal business activity.

- **Statistical Evidence** – Statistics, facts, or data of a numerical type, which are assembled, classified, and tabulated so as to present significant information about a given subject.
  - **Testimonial Evidence** – Evidence that is provided orally.
- i) Analyzing Data – Data will be analyzed to determine whether a violation has occurred. When analyzing data, the Investigator will:
- Review what happened to the Complainant.
  - Compare Complainant’s treatment with the appropriate policies and procedures
  - Compare Complainant’s treatment with others in the same situation
  - Review Respondent’s reason(s) for the treatment afforded the Complainant
  - Compare Respondent’s treatment of the Complainant with the treatment afforded others
- j) Writing the Investigative Report – The Investigative Report (IR) will contain the following sections:
- Complainant(s) name and address
  - Respondent(s) name and address
  - Applicable Law
  - Basis
  - Issues
  - Findings for each issue with a corresponding conclusion for each issue
  - Recommendations



**NAUGATUCK VALLEY  
COUNCIL of GOVERNMENTS**

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**RESOLUTION 2016-15**

**ENDORSEMENT  
TITLE VI PLAN UPDATE FOR THE  
NAUGATUCK VALLEY COUNCIL OF GOVERNMENTS**

I certify that the following is a true copy of the vote of the Naugatuck Valley Council of Governments at its meeting on March 11, 2016, in Waterbury, Connecticut, at which a quorum was present.

**WHEREAS**, the Federal Transit Administration (hereinafter “FTA”) requires that each Direct Recipient of FTA assistance develop and maintain a Title VI program plan which adheres to US Department of Transportation regulations contained in 49 C.F.R. § 21;

**WHEREAS**, the Naugatuck Valley Council of Governments (hereinafter “NVCOG”) is a Direct Recipient of FTA financial assistance;

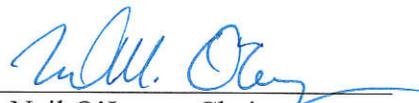
**WHEREAS**, the NVCOG has developed a Title VI program plan consistent and in conformity with the regulations contained in 49 C.F.R. § 21, and the Title VI program plan was presented to NVCOG Board at the February 19, 2016 meeting and a public hearing was held on February 25, 2016.

**BE IT RESOLVED**, that the NVCOG endorses and adopts the Title VI program plan update, as presented, for the Naugatuck Valley Council of Governments, and authorizes Rick Dunne, Executive Director of the NVCOG, to submit the Title VI program plan update to the FTA.

Dated at Waterbury, Connecticut, on March 11, 2016

Agency: Naugatuck Valley Council of Governments

Signed

  
Neil O'Leary, Chairman