

Section 5310 Subrecipient Expectations – Civil Rights

The following is an *abbreviated* list of expectations for Section 5310 Subrecipients. All compliance requirements, including civil rights, are outlined in IndyGo's Section 5310 Program Management Plan.

Best practices represent the highest standard in compliance. IndyGo encourages subrecipients to employ these practices to ensure a strong and effective program that maximizes the benefit to the public. Best practices do not modify or add to the regulatory requirements. Implementing best practices helps demonstrate compliance. **All best practice items are labeled as such.**

Title VI

- **Designate a Title VI Coordinator** with whom complaints can be filed.
 - Coordinator's contact information to be shared with the public includes title, email, and direct telephone number.
 - This individual may or may not be the same staff member(s) tasked with ADA or EEO compliance responsibilities.
- **Create a Title VI Notice to the Public, a Complaint Procedure, and a Complaint Form** that each include:
 - Statement indicating compliance with Title VI
 - Statement informing members of the public of the protections against discrimination based on race, color, or national origin afforded to them by FTA's Title VI regulation
 - Designated Title VI Coordinator and their direct contact information
 - Acknowledgement of both IndyGo & FTA as potential complaint receivers
 - **Best Practice – Include a statement regarding language access resource(s) for LEP populations**
- **Post Title VI Notice, Complaint Procedure, & Complaint Form** both in the office/facility and online in an easily accessible location.
 - Title VI Notice must be physically posted in all transit vehicles.
 - Any copies of the above forms translated into languages other than English must also be posted in the same locations.
- **Create and maintain a list** of any Title VI investigations, complaints, or lawsuits filed with the agency.
 - Records must be retained for a minimum of three years after project completion.
- **Perform a Safe Harbor Threshold assessment** to determine whether the service area population includes a significant number or proportion of persons with Limited English Proficiency (LEP).
 - The Safe Harbor Threshold stipulates that a significant number or proportion consists of LEP language groups of over 1000 persons or over 5% of the population served (whichever is less).
- **Translate all vital documents** into languages that meet the Safe Harbor Threshold, as identified by an assessment of the agency service area population.
 - Vital documents are those considered necessary to have access to your agency's programs and services.
 - This includes, but is not limited to all public notices, complaint forms, & rider guides.

- **Create a Title VI Plan** that includes the following:
 - A copy of the Title VI Notice to the Public, and a list of locations where the notice is posted
 - A copy of the Title VI Complaint Procedure
 - A copy of the Title VI Complaint Form
 - A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission
 - A public participation plan that includes an outreach plan to engage minority populations, as well as a summary of outreach efforts made since the last Title VI Program submission
 - A table depicting racial composition of membership of any non-elected planning boards, advisory councils or committees, or similar bodies and a description of efforts made to encourage the participation of minorities on such committees or councils
 - **Best Practice – Include the Safe Harbor Threshold assessment and findings. Findings include:**
 - Languages that meet the threshold
 - A list of vital documents that are or will be translated into language(s) other than English
- **Update the Title VI Plan** at minimum every three years *or* when there are major program and/or facility changes, whichever comes first.
 - Submit updated Title VI Plan to IndyGo.
- **Best Practice - Implement an instant translation tool** on your organization's website.
- **Best Practice –Provide interpreter and translations services at no cost** for persons with Limited English Proficiency (LEP).
- **Inform IndyGo** of planned and/or recent Title VI staff trainings.
 - This includes, but is not limited to, refresher trainings.

Americans with Disabilities Act (ADA)

- **Designate the responsibility of ADA compliance** with a staff member.
 - This individual may or may not be the same staff member(s) tasked with Title VI or EEO compliance responsibilities.
- **Create written policies** regarding transportation of mobility devices, service animals, personal care attendants (PCAs), and portable oxygen.
- **Create an ADA Notice to the Public, a Complaint Procedure, and a Complaint Form** that each include:
 - Statement indicating compliance with the ADA
 - Statement informing members of the public of the protections against discrimination based on disability afforded to them by the FTA's Title VI regulation
 - **Best Practice – Include a statement regarding language access resource(s) for LEP populations**
- **Post ADA Notice, Complaint Procedure, and Complaint Form** both in the office/facility and online in an easily accessible location.
 - Any copies of the above forms translated into languages other than English must also be posted in the same locations.
- **Create and maintain a list** of any ADA investigations, complaints, or lawsuits filed with the agency.
 - Detailed records must be retained for a minimum of one year, while summary records must be retained for a minimum of five years.
- **Inform IndyGo** of planned and/or recent ADA staff trainings.
 - This includes, but is not limited to, refresher trainings.

Equal Employment Opportunity (EEO)

- **Designate the responsibility of EEO compliance** with a staff member.
 - Individual's contact information to be shared with the public includes title, email, and direct telephone number.
 - This individual may or may not be the same staff member(s) tasked with Title VI or ADA compliance responsibilities.
- **Create an EEO Notice to the Public** that includes:
 - Statement indicating compliance with EEO
 - Statement informing members of the public of the protections against workplace discrimination afforded to them by the FTA's EEO regulation
 - Instructions to the public on how to file a discrimination complaint
 - Designated EEO compliance staff member and their direct contact information
- **Post EEO Notice** both in the office/facility and online in an easily accessible location.
 - Any copies of the above form translated into languages other than English must also be posted in the same locations.
- **Create and maintain a list** of any EEO investigations, complaints, or lawsuits filed with the agency.
 - Records must be retained for a minimum of three years after project completion.
- **Determine whether your agency meets either of the threshold requirements** for an EEO Program.
 - If your agency meets the following threshold requirements, **a full EEO Program is required**:
 - Employs 100 or more transit-related employees, **and**
 - Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, **and/or** requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.
 - If your agency meets the following threshold requirements, **an abbreviated EEO Program is required**:
 - Employs between 50-99 transit-related employees, **and**
 - Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, **and/or** requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.
- **If the threshold is met, create and maintain a full EEO Program** that includes:
 - Statement of Policy
 - Dissemination Plan
 - Designation of Personnel Responsibility
 - Utilization Analysis
 - Goals and Timetables
 - Assessment of Employment Practices
 - Monitoring and Reporting Plan
- **If the threshold is met, create and maintain an abbreviated EEO Program** that includes:
 - Statement of Policy
 - Dissemination Plan
 - Designation of Personnel Responsibility
 - Assessment of Employment Practices
 - Monitoring & Reporting Plan