Airport Nondiscrimination Compliance Program (ANCP)

Title VI Plan Best Practices

Presented to: 2020 NCRTC Participants
Date: August 5, 2020
Agenda

- Purpose
- Required Nondiscrimination Authorities
- Minimum Elements
  - Best Practices
- Recommended Formats
- ANCP Contacts
Purpose

A Title VI Plan:

- Outlines approved measures to ensure Title VI compliance by a recipient and (if applicable) its contractors and subrecipients
- Informs participants and beneficiaries of a recipient’s nondiscrimination obligations
- Varies in detail and size, based on your organization
- Assists FAA in its oversight responsibilities:
  - Compliance Reviews
  - Complaint Investigations
  - Grant Assurances
Purpose, cont.

Sponsor Certification

The sponsor hereby assures and certifies, with respect to this grant that:

“It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.”

(AIP Grant Assurances for Airport Sponsors, No. 30: Civil Rights)
Required Nondiscrimination Authorities

Title VI and Related Laws and Policies

Title VI of the Civil Rights Act of 1964

“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.”

Related Nondiscrimination Authorities

- Age Discrimination Act of 1975 – adding age
- Airport and Airway Improvement Act of 1982 (49 U.S.C. 47123) – adding sex and creed
- Civil Rights Restoration Act of 1987
- Executive Order 12898 – Environmental Justice (EJ)
- Executive Order 13166 – Limited English Proficiency (LEP)
Required Authorities, cont.

Additional nondiscrimination authorities include:

- Department of Transportation [DOT] Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 5610.2(a), 77 FR 27534) (May 10, 2012)


- 49 CFR Part 21 – Nondiscrimination in Federally-assisted Programs of the DOT – Effectuation of Title VI of the Civil Rights Act of 1964
Minimum Elements

Title VI Policy Statement

• Key references
  o Title VI of the Civil Rights Act of 1964
  o Airport and Airway Improvement Act of 1982
  o 49 CFR Part 21
  o Bases: “race, color, national origin, sex, age, or creed”

• Signed by the head of the sponsor agency and dated

• Best Practices
  o Organizational letterhead
  o Provide name, phone number (or email) of primary Title VI contact
  o “…and related nondiscrimination authorities.”
Minimum Elements
Organization and Staffing

• Organizational Chart
  o Head of Sponsor Agency
  o Title VI Coordinator and Contact(s)
    o Other EJ and LEP contacts (if different)
  o Customer Service Manager
  o Contracts Manager

• Title VI Coordinator
  o Duties and responsibilities
  o Identified in FAA Civil Rights Connect System

• Additional Title VI staff
  o Roles and responsibilities
Minimum Elements
Title VI Complaint Procedures

• Internal Process
  o Complaints for aviation programs and activities
  o Timeframe for forwarding complaints to Title VI Coordinator
  o How complaints are received, investigated, resolved, and logged
  o Process for forwarding complaints to FAA within 15 days of receipt

• External Process
  o Describe the process a Complainant must follow
  o Deadlines for filing with the airport (?) and with FAA (180 days)

• Best Practices
  o Discrimination Complaint Form
  o Checkboxes for “race, color, national origin, sex, age, or creed”
  o Include contact information to file with FAA
Minimum Elements
Demographic Information

• Include and evaluate information regarding race, color, national origin, LEP, and EJ (low-income/poverty and minority):
  o Communities near or otherwise affected by the airport
  o Beneficiaries, such as meeting participants and passengers

• Include and evaluate information regarding race, color, national origin, and sex:
  o Appointed boards and committees
  o Airport staff

• Best Practices
  o Maps delineating nearby communities
  o Data tables with the above information
  o Voluntary disclosures (where appropriate)
Minimum Elements

LEP Plan

• Brief introduction and background
• Four Factor Analysis
• Identification of LEP populations
  o Based on Factors 1 and 2
• Language Assistance Services
• Identification of Vital Documents
• Training Staff
• Providing notices to LEP persons
• Monitoring and updating LEP Plan
• Best Practice:
  o Reference data in Demographic section
  o Reference Training section

Sample Notice of Availability of Materials and Services

FOR FURTHER INFORMATION CONTACT: For hearing-impaired individuals or non-English-speaking attendees wishing to arrange for a sign language or foreign language interpreter, please contact [name] of [organization] at Phone: ________, TTY: ________, or Fax: ________.
Minimum Elements
Notices and Outreach Methods

• Methods to inform applicants and beneficiaries
  o Rights under Title VI
  o Language assistance services
  o Business opportunities
    ▪ Solicitation Notices

• Best Practices
  o List of locations available / distributed
    ▪ Unlawful Discrimination Poster
    ▪ DOT Title VI regulations at 49 CFR Part 21
    ▪ Title VI Plan
    ▪ LEP Plan
Minimum Elements

Unlawful Discrimination Poster

It is unlawful for airport operators and their lessees, tenants, concessionaires and contractors to discriminate against any person because of race, color, national origin, sex, creed, or disability in public services and employment opportunities. Allegations of discrimination should be promptly reported to the Airport Manager or:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Federal regulations on unlawful discrimination are available for review in the Airport Manager’s Office.

Coordinator: _______________________
Phone: _______________________
Address: _______________________

Office Of Civil Rights
ACHIEVING SAFETY THROUGH DIVERSITY

Federal Aviation Administration
Minimum Elements

Training

• Who will conduct the training
  o Usually the Title VI Coordinator

• Who will receive the training
  o Airport / aviation program staff
  o Tenants and other airport businesses
  o Contractors and consultants (and sub-recipients, if applicable)

• Types of Training
  o New staff and businesses
  o Periodic refresher sessions
  o Advanced sessions for Title VI contacts (e.g., language assistance contacts)

• Training Schedule

• Best Practice
  o Require maintenance of training records
## Minimum Elements

### Monitoring

#### Sub-recipients vs Contractors

<table>
<thead>
<tr>
<th>Sub-recipient</th>
<th>Contractor / Lessee / Tenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signs an assurance</td>
<td>Signs a contract / agreement</td>
</tr>
<tr>
<td>Implements a program</td>
<td>In business to make a profit</td>
</tr>
<tr>
<td>Develops a Title VI Program of its own</td>
<td>Responsible for complying with the Title VI Program of recipient contracted with</td>
</tr>
<tr>
<td>Passes on Title VI obligations to sub-recipients and contractors</td>
<td>Passes on Title VI obligations to subcontractors / sublesses / subtenants</td>
</tr>
<tr>
<td>May not absolve self of Title VI obligations by hiring a contractor to perform or deliver assistance to beneficiaries</td>
<td>May not absolve self of Title VI obligations by hiring a subcontractor, etc. to perform or deliver assistance to beneficiaries</td>
</tr>
<tr>
<td>Monitors sub-recipients and contractors</td>
<td>Monitors subcontractors, etc.</td>
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</tbody>
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Minimum Elements
Monitoring, cont.

- Verify that tenants, contractors, and (if applicable) sub-recipients implement:
  - Title VI Plan requirements
  - Corrective actions for deficiencies
  - Training

- Evaluate programs, policies, and initiatives to prevent discriminatory impacts

- Best Practices
  - Immediately update Title VI contacts after turnover
  - Data updates coincide with 3 or 5-year Census updates
Minimum Elements

Appendices

- FAA Title VI contract clauses
- Copy of 49 CFR 21
- Copy of Unlawful Discrimination Poster
- Community maps and/or tables if only referenced in earlier sections
- Discrimination Complaint Form
- Best Practices
  - Document Version Numbers
  - Instructions for how to check for updates
Recommended Formats
Physical and Digital Copies

- Concise, understandable, and readily accessible to the public
- Available in multiple languages (when appropriate)
  - Title VI Policy Statement
  - Complaint Procedures
  - LEP Plan
  - Notices and Contacts
- Posted online (PDFs)
- Submittal and Approval Dates
- Best Practices
  - Table of Contents
  - Add a Title VI Plan page to your website where you can also post each section of the Plan as a standalone document in succession
# ANCP Program Staff

Team Email: 9-ACR-TitleVI@faa.gov

<table>
<thead>
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<tbody>
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