

TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY: Your County Finance Committee respectfully recommends the adoption of the following:

RESOLUTION

WHEREAS, 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), and

WHEREAS, Berrien County Public Transportation (BCPT) 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 in Federal Transit Administration (FTA) Circular 4702.1.B. which became effective October 1, 2012 and supersedes FTA Circular 4702.1A, and

WHEREAS, the Berrien County – Updated BCPT Title VI Plan was developed to guide BCPT in its administration and management of Title VI-related activities, and

WHEREAS, the Michigan Department of Transportation has received, reviewed and certified that the Updated BCPT Title VI Plan includes all required elements.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that this Board of Commissioners adopts the Updated BCPT Title VI Plan (copy attached).

**Respectfully submitted,
BERRIEN COUNTY FINANCE COMMITTEE**

Mamie L. Yarbrough, Finance Chairperson

Jon Hinkelman, Vice Chair

Teri Sue Freehling

Ezra A. Scott

RESOLUTION APPROVED AS TO FORM	
Administrative _____	Date 10/4/22
Comments Attached _____	
Corporate Counsel TH _____	Date 10/5/22
Comments Attached _____	

Updated Title VI Plan

Agency Name: Berrien County (Berrien County Public Transportation – BCPT)

Date Adopted:

I. Plan Statement

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).

BCPT 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 in Federal Transit Administration (FTA) Circular 4702.1 B. This Title VI Plan was developed in accordance with Title VI requirements and FTA Circular 4702.1 B.

This plan was developed to guide BCPT in its administration and management of Title VI-related activities.

Title VI Coordinator Contact information

Paul Gillespie, Title VI Coordinator
Berrien County Public Transportation
4676 E. Shawnee Road
Berrien Springs, MI 49103
269-471-1100 Ext. 6
269-471-5624 Fax number
pgillespie@berriencounty.org

II. Title VI Information Dissemination

Title VI information posters (Attachment 1). shall be prominently and publicly displayed in the BCPT operations/maintenance facility at 4676 East Shawnee Road, Berrien Springs, MI and in all revenue vehicles. Additional information relating to nondiscrimination obligations can be obtained from the BCPT Transportation Coordinator/Title VI Coordinator.

Title VI information shall be disseminated to the employees of Berrien County's third party operator on an annual basis via the Employee Education form (see Attachment 2) in payroll envelopes. This form reminds the third party operator employees of BCPT's policy statement, and of their Title VI responsibilities in their daily work and duties.

During new employee orientation, new employees of the third party operator shall be informed of the provisions of Title VI, and the County's expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Attachment 3).

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from Berrien County where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract. Compliance is monitored by the Transportation Coordinator/Title VI Coordinator.

IV. Record Keeping:

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of BCPT's Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

V. Title VI Complaint Procedures

How to file a Title VI Complaint?

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

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

The Title VI Complaint Form (see Attachment 4) may be used to submit the complaint information. The complaint may be filed in writing with BCPT at the following address:

Paul Gillespie, Title VI Coordinator
Berrien County Public Transportation
4676 E. Shawnee Road
Berrien Springs, MI 49103

NOTE: BCPT encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by BCPT will be directly addressed by the BCPT Transportation Coordinator/Title VI Coordinator. BCPT shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. BCPT will take reasonable steps to ensure that it communicates effectively with limited English proficient persons in the language in which they are proficient. Reasonable accommodation during the

complaint process will be granted for any request by a complainant verified to be disabled. Additionally, BCPT shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of a complaint will be mailed within seven days (Attachment 5). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

BCPT will send a final written response letter, subject to County Corporate Counsel review, (see Attachment 6 or 7) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Attachment 6), the complainant is also advised of his or her right to 1) appeal directly to the County's Corporate Counsel within seven calendar days of receipt of the final written decision from BCPT, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

It is in the best interest of all involved parties to attempt to resolve concerns informally and at the lowest level possible. Therefore, with the complainant's consent, an informal resolution may be attempted. Similarly, these procedures do not prevent BCPT from attempting to resolve issues and complaints that are unwritten.

No public transportation-related Title VI investigations have been conducted, and no such complaints or lawsuits have been filed with BCPT, since the Plan's initial adoption on October 14, 2009.

VI. Limited English Proficiency

A current (2010 census) four-factor assessment of BCPT's exposure to limited English proficiency (LEP) individuals requiring language assistance indicates that the need for such assistance remains extremely small. There are no groups within BCPT's service area meeting either "safe harbor" criterion (5% of the total population or 1,000 individuals, whichever is smaller). Nevertheless, in the interest of providing service to our entire community, we continue to adhere to the following MDOT-approved basic procedures for aiding LEP clients:

BCPT has developed the following basic guidelines for assisting LEP individuals. This plan will be periodically reviewed and revised as circumstances warrant.

How Assistance Will Be Provided: The US Census Bureau's "I Speak" cards for the appropriate languages, along with the telephone number for Andrews University's translation service, will be made available at the dispatcher's desk to facilitate assistance of walk-in and telephone clients.

Orientation of Staff: All staff will be informed of the Title VI policy and their responsibilities to LEP individuals; advised of the availability of "I Speak" cards and the Andrews University translation service; and instructed how to use the cards and translation service in order to most effectively assist LEP clients. This information will also be provided to new hires during the employee orientation process. Staff will be requested to make note of contacts with LEP individuals so that the adequacy of BCPT's efforts in this regard may be evaluated on a going-forward basis.

Brochures & Posters: Agency brochures and posters shall include a statement that if information is needed in another language, contact the Transportation Coordinator/Title VI Coordinator at 269-983-7111 Ext. 8262.

Plan Updates: Should the extent of need increase in the future, as indicated by an increased level of LEP assistance requests and/or more current information gathered from the 2020 census, BCPT will translate our service brochure and make it available in all vehicles and at the dispatcher's desk.

VII. Community Outreach

As an agency receiving federal financial assistance, BCPT has made the following community outreach efforts:

BCPT holds three Local Advisory Council meetings annually to discuss transit activities. The public is invited to attend these meeting.

Meetings of the County Board of Commissioners, at which transit issues are discussed, are open to the general public.

Customer Complaint Process. Citizens may call the Title VI Coordinator at 269-471-1100 (ext. 6) to lodge a complaint or comment. Written complaints can also be submitted to:

Paul Gillespie, Title VI Coordinator
Berrien County Public Transportation
4676 E. Shawnee Road
Berrien Springs, MI 49103

All complaints/comments are reviewed by the Title VI Coordinator and a response is given back to the citizen. If the citizen is not satisfied with the response of the Title VI Coordinator they can also submit the complaint to the County's Corporate Counsel for review. Corporate Counsel will submit a response back to the citizen.

Berrien County submits to the Michigan Department of Transportation annually an application for funding. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice, which includes a 30-day public comment period.

Posting of Title VI Rights. BCPT has posted in all of its revenue vehicles and facilities a notice to the public of their rights under Title VI (see Attachment 1).

Membership on the Berrien County Public Transportation Local Advisory Council

The only advisory council that deals with Berrien County Public Transportation is the seven member Berrien County Public Transportation Local Advisory Council (LAC). The Berrien County Board of Commissioners appoints the members to the LAC and does not deny participation on the LAC on the grounds of race, color or national origin. Membership on the LAC currently consists of the following:

Members

- One (1) senior member (65 years of age or older)
- One (1) senior agency representative (Area Agency on Aging)
- One (1) member with a physical disability
- Two (2) members representing agencies representing persons with disabilities
- One (1) general public member
- One (1) member representing a human service agency

Minority Representation on the BCPT Local Advisory Council is currently:

White/Caucasian	72%
Black/African American	0%
Hispanic/Latino	14%
Asian & Pacific Islander	14%
American Indian	0%

When a vacancy occurs on the LAC the Berrien County runs notices in several newspapers and publications that have county-wide circulation asking people to apply. This includes the Benton-Michiana Spirit which has a significant minority readership.

VIII. Equity Analysis for Facility Construction

Should Berrien County ever consider construction of a new facility for BCPT, a Title VI Equity Analysis will be conducted as required.

Attachment 1

**NOTICE TO THE PUBLIC OF RIGHTS UNDER TITLE VI
BERRIEN COUNTY PUBLIC TRANSPORTATION (BCPT)**

AS A RECIPIENT OF FEDERAL FINANCIAL ASSISTANCE, BCPT PROVIDES PUBLIC TRANSIT SERVICES WITHOUT REGARD TO RACE, COLOR, OR NATION ORIGIN, IN COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964. ANY PERSON WHO BELIEVES THAT HE OR SHE HAS BEEN AGGRIEVED BY ANY UNLAWFUL DISCRIMINATORY PRACTICE UNDER TITLE VI MAY FILE A COMPLAINT WITH BCPT.

FOR MORE INFORMATION ON BCPT'S TITLE VI OBLIGATIONS, OR IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST FOR ANY OF THE ABOVE REASONS, YOU MAY CONTACT OUR TITLE VI COORDINATOR AT:

Paul Gillespie, Title VI Coordinator
Berrien County Public Transportation
4676 E. Shawnee Road
Berrien Springs, MI 49103
269-471-5624 Fax number
pgillespie@berriencounty.org

ALTERNATIVELY, AN INDIVIDUAL MAY FILE A COMPLAINT DIRECTLY WITH THE FEDERAL TRANSIT ADMINISTRATION AT THE FOLLOWING ADDRESS:

FTA OFFICE OF CIVIL RIGHTS
ATTENTION: TITLE VI PROGRAM COORDINATOR
EAST BUILDING, 5th FLOOR – TCR
1200 NEW JERSEY AVENUE S.E.
WASHINGTON, DC 20590

IF INFORMATION IS NEEDED IN ANOTHER LANGUAGE, CONTACT THE TITLE VI COORDINATOR AT 269-471-1100 ext. 6.

Attachment 2

Employee Annual Education Form

Title VI Policy

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of Berrien County's third party operator are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to the Transportation Coordinator/Title VI Coordinator.

In all dealings with citizens, use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

Attachment 3

Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of the Berrien County Public Transportation Title VI Plan. I have read the plan and am 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 in Federal Transit Administration (FTA) Circular 4702.1.A.

Your signature

Print you name

Date

Attachment 4

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires 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." If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and sent it to:

SECTION I:

Provide address here

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____(home) _____(cell) _____(work)

Electronic Mail Address: _____

Person discriminated against: _____

Address of person discriminated against: _____

SECTION II:

City, State, Zip Code: _____

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:

Name

Relationship

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):

- _____ race
- _____ color
- _____ national origin
- _____ other

What was the date of the alleged discrimination (month, day, year)?

Where did the alleged discrimination take place? _____

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 _____

What type of corrective action would you like to see taken?

SECTION V:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court? Yes _____ No _____

If yes, check all that apply:

- Federal Agency _____
- Federal Court _____
- State Court _____
- State Agency _____
- 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. Then date and sign this form and send to the Title VI Coordinator at:

Paul Gillespie, Title VI Coordinator
Berrien County Public Transportation
4676 E. Shawnee Road
Berrien Springs, MI 49103

Your signature

Print you name

Date

Attachment 5

Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe
1234 Main St.
St Joseph, MI 49085

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint Berrien County Public Transportation alleging _____.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 269-471-1100 Ext. 6, or write to me at:

Paul Gillespie, Title VI Coordinator
Berrien County Public Transportation
4676 E. Shawnee Road
Berrien Springs, MI 49103

Sincerely,

Paul Gillespie, Title VI Coordinator

Attachment 6

Letter Notifying Complainant that the Complaint Is Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
St. Joseph, MI 49085

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against Berrien County Public Transportation alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. You may be hearing from this office, or from federal authorities, if your services should be needed if there is an administrative hearing.

Sincerely,

Paul Gillespie, Title VI Coordinator

Attachment 7

Letter Notifying Complainant that the Complaint Is Not Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
St. Joseph, MI 49085

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against Berrien County Public Transportation (BCPT) alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, have in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

Berrien County Public Transportation has analyzed the materials and facts pertaining to your case for evidence of BCPT's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal directly to the County's Corporate Counsel within seven calendar days of receipt of this final written decision from BCPT, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

✓ Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Paul Gillespie, Title VI Coordinator