
TITLE VI PROGRAM & PROCEDURES

MACATAWA AREA EXPRESS
TRANSPORTATION AUTHORITY

(rev. 04.07.2011)

TITLE VI PROGRAM AND PROCEDURES

Introduction

The Macatawa Area Express Transportation Authority (MAX) serves as the federal recipient of Section 5307 funds for the Holland/Zeeland urbanized area. As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related Title VI statutes, MAX assures that no person shall, on the grounds of race, religion, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits thereof, or otherwise be subjected to discrimination under any MAX programs or activities. These prohibitions extend to all programs funded in whole or in part from federal financial assistance and are subject to Title VI requirements.

This policy is intended to establish a procedure under which complaints alleging discrimination in MAX provisions, services, or activities can be made by persons who are not MAX employees.

NOTE: Any person who believes MAX or any entity who receives federal financial assistance from or through MAX (i.e. sub-contractors or sub-grantees) has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination.

Title VI Complaint Determination & Records of Complaints

The Macatawa Area Express recognizes that Title VI complaints may not be always be indicated to MAX as a specific or direct Title VI violation; therefore, all written complaints received by MAX—whether directly or indirectly—are prescreened by the designated Title VI Specialist with regard to violation of Title VI rights. Those complaints not requiring Title VI investigation are followed up within three (3) business days, with appropriate department managers involved as needed. Complaints warranting Title VI investigation, whether received through written record or subsequent interview, will follow the sequence of steps detailed in the section *Title VI Complaint Process Overview* later outlined in this document.

The Title VI Specialist records all complaints received—regardless of nature. The Title VI master data file includes such key information as:

- Basic information about the complaint such as when it was filed, who filed it, and who it was against, where the incident occurred, and identified witnesses.
- A description of the nature of the alleged discriminatory action.
- Notes/Status of the investigation.
- Findings of the investigation.

MAX will follow timelines set forth in guidance from the Department of Transportation for processing Title VI discrimination complaints. Forms are available to the public upon request and are shown in Appendix G.

When to File

A complaint of discrimination must be filed within 180 calendar days of the alleged act of discrimination, or discovery thereof—or where there has been a continuing course of conduct, the date on which the conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180-day period. The filing date is the day the complaint form is completed, signed, and mailed. The complaint form and consent/release form must be dated and signed for acceptance. Complaints received more than 180 days after the alleged discrimination will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

Where to File

In order to be processed, signed original complaint forms must be mailed or hand delivered to:

Macatawa Area Express Transportation Authority
Title VI Specialist
171 Lincoln Ave., Suite 20
Holland MI 49423

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability or Limited English Proficiency. A complaint may also be filed by a representative on behalf of a complainant.

Persons who are not satisfied with the findings of MAX may seek remedy from other applicable state or federal agencies.

Required Elements of a Complaint

In order to be processed, a complaint must be in writing and contain the following:

- Name(s), and addresses(s) and business(es)/organization(s) of person(s) who allegedly discriminated.
- Date of alleged discrimination.
- Basis of complaint (i.e. race, color, national origin, sex, age, religion, or disability)
- Signed consent release form.

Incomplete Complaints

Upon initial review of the complaint the Title VI Specialist will ensure that the form is complete, and that any initial supporting documentation is provided. Should any deficiencies be found, the Title VI Specialist will notify the complainant within 10 working days. If reasonable efforts to reach the complainant are unsuccessful or if the complainant does not

respond within the time period specified in the request (30 days), the recipient may close the complainant's file. The complainant may resubmit the complaint provided it is filed within the original 180-day period.

Should the complaint be closed due to lack of required information, MAX will notify the complainant as their last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be reopened provided it has not been more than 180 days since the date of the alleged discriminatory action.

Title VI Complaint Process Overview

The following describes how a discrimination complaint is handled once received by MAX.

1. A complaint is received by MAX:

Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability or limited-English proficiency, upon request reasonable accommodations will be made to ensure the complaint is received and processed in a timely manner. Complainants wishing to file a complaint that do not have access to the Internet nor ability to pick up a form, a form will be mailed to the complaint to complete. The complainant will be notified if the complaint form is incomplete and asked to furnish the missing information.

2. Complaint is logged into tracking database:

Completed complaint forms will be logged into the complaint tracking database; basic data will be maintained on each complaint received.

3. Review Complaint:

MAX's Title VI Specialist will complete an initial review of the complaint. The purpose of the review is to determine if the complaint meets the basic criteria.

Criteria required for a complete complaint:

- Basis of alleged discrimination (i.e. race, religion, color, national origin, sex, age, or disability).
- Determination of timeliness will also be made to ensure that the complaint was filed within the 180 day time requirement.

4. Initial written notice to complainant:

Within 10 working days of the receipt of the complaint, MAX will send notice to the complainant confirming receipt of the complaint; if needed the notice will request additional

information, notify complainant that the activity is not related to a MAX program or activity, or does not meet deadline requirements. Conclusions made in step three will determine the appropriate response to the complaint. Examples of response letters are located in Appendix A of the Title VI Plan. If any additional information is needed from the complainant, it will be communicated at this point in the process.

5. Investigation of the complaint:

The Title VI specialist will confer with the Director to determine the most appropriate fact finding process to ensure that all available information is collected in effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include but is not limited to:

- Internal meetings with MAX staff and legal counsel.
- Consultation with state and federal agencies.
- Interview(s) of complaint(s)
- Review of documentation (i.e. planning, public involvement, & technical program activities)
- Interview and review of documentation with other agencies involved.
- Review of technical analysis methods
- Review of demographic data

6. Determination of investigation:

An investigation must be completed within 60 days of receiving the complete complaint, unless facts and circumstances warrant otherwise. A determination will be made based on information obtained. The Title VI Specialist, Director, and/or designee will render an action recommendation, including formal and/or informal resolution strategies in a findings report.

7. Notification of determination:

Within 10 days of completion of an investigation, the complainant must be notified by the Title VI specialist of the final decision. The notification will advise the complainant of his/her appeal rights with state and federal agencies if dissatisfied with the final decision. A copy of this letter, along with a report of the findings, will be forwarded to the Michigan Department of Transportation and the Federal Transit Administration for informational purposes only.

Title VI Investigation Determinations & Resolution Strategies

Should an investigation conclude or indicate that the Macatawa Area Express Transportation Authority acted in violation of a complainant's Title VI rights—whether directly or indirectly—corrective actions will be taken by the Authority, for individual employees and/or the

Authority as a whole, including appropriate efforts to educate, train, monitor, re-evaluate policy, and/or, if warranted, administration of disciplinary measures.

Below are known local organizations within the Macatawa Area Express service area that have either worked with the Authority in the past or are known to offer training seminars and readily available information relating to rights protected under Title VI.

Disability Network Lakeshore
426 Century Lane
Holland MI 49423
www.dnlakeshore.org

Lakeshore Ethnic Diversity Alliance
665 136th Avenue
Holland MI 49424
www.ethnicdiversity.org

Title VI Complaint Form

A sample of the Title VI complaint form is shown in Appendix G. A Spanish-language version of the Title VI form is available upon request from MAX Transit staff members.

Title VI Investigations, Complaints, Lawsuits

To date, the Macatawa Area Express Transportation Authority has not recorded any Title VI investigations, nor has it received any complaints or lawsuits since the last update of this plan. A spreadsheet/database format is prepared for recording such information, including contact information, status of investigations, and any documents or notes pertaining to an incident.

Access to Services by Persons With Limited English Proficiency

Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient's programs and activities. To do this, the recipient should:

1. Conduct the four-factor analysis.
2. Develop a Language Access Plan (LAP).
3. Provide appropriate language assistance.

The actions that the recipient may be expected to take to meet its LEP obligations depend upon the results of the four factor analysis including the services the recipient offers, the community the recipient serves, the resources the recipient possesses, and the costs of various language service options. All organizations would ensure nondiscrimination by taking reasonable steps to ensure meaningful access for persons who are LEP.

As part of its Title VI update, the Authority has developed a Limited English Proficiency Plan. The plan's contents are consistent with the guidance on an effective language implementation plan expressed in Section VII of the U.S. Department of Transportation's Policy Guidance

Concerning Recipients' responsibilities to Limited English Proficient (LEP) Persons [Federal Register: December 14, 2005] (Volume 70, Number 239).

The LEP Plan exists as a separate document. To review the plan in full detail, please see the Macatawa Area Express Transportation Authority Limited English Proficiency Plan, the latest update for which is available on the MAX website on the following page:

<http://www.catchamax.org/contact-us>

Title VI Notice to the Public & Public Outreach

As shown in Appendix F of this report, the Macatawa Area Express Transportation Authority has created a public notice that it complies with Title VI, including instructions to the public on how to file a discrimination complaint. The public notice is available in English and Spanish languages. A notice is posted on the Authority's public website, and is posted outside the main passenger transfer center. A public notice (Appendix H) is posted on all buses and also runs continuously on two (2) announcement monitors located inside the MAX main office and the transfer center passenger lobby. Copies of the U.S. Department of Justice Civil Rights Division pamphlet "Your Rights Under Title VI of the Civil Rights Act of 1964" (available at: www.usdoj.gov/crt/cor/pubs.htm) are stocked at our main office and transfer center lobby information displays.

The Title VI statement and policy is reviewed annually with Authority personnel as part of the LEP training session.

Public Outreach & Dissemination of the LEP Plan

As noted previously, the MAX Transit LEP Plan is posted on the website www.catchamax.org. For individuals without internet services, the Herrick Public Library in downtown Holland offers web access free-of-charge. Following updates, the LEP Plan will be printed and mailed to local community organizations serving LEP individuals (see Appendix A of the LEP Plan). The Plan will be available upon request in hard copy at the Padnos Transportation Center. Requests will also be fulfilled via mail, or sent electronically in PDF format over email.

Questions or comments regarding the LEP or Title VI plans should be directed to:

Charles Veldhoff
Macatawa Area Express
171 Lincoln Ave., Suite 20
Holland MI 49423

Phone: 616.928.2494
Fax: 616.928.2467

Email: c.veldhoff@catchamax.org

APPENDIX A**Letter Acknowledging Receipt of Complaint:**

Today's Date

Ms. Jane Doe
1234 Holland St.
Holland MI 49423

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against the Macatawa Area Express Transportation Authority 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 calling (616) 928-2494, or write me at this address.

Sincerely,

Charles Veldhoff
Title VI Program Specialist
Macatawa Area Express Transportation Authority
171 Lincoln, Suite 20
Holland MI 49423

APPENDIX A (Cont'd)**Letter Notifying Complainant that the Complaint is substantiated:**

Today's Date

Ms. Jane Doe
1234 Tulip St.
Holland MI 49423

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against the Macatawa Area Express Transportation Authority 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. (If a hearing is requested, the following sentence may be appropriate) You may be hearing from this office, or from Federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Charles Veldhoff
Title VI Program Specialist
Macatawa Area Express Transportation Authority
171 Lincoln, Suite 20
Holland, MI 49423

APPENDIX A (Cont'd)**Letter Notifying Complainant that the Complainant is Not Substantiated:**

Today's date

Ms. Jane Doe
1234 Tulip St.
Holland MI 49423

Dear Ms. Doe:

The matter reference in your complaint of _____ (date)
against the Macatawa Area Express Transportation Authority 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 had 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.

The Macatawa Area Express Transportation Authority has analyzed the materials, and facts pertaining to your case for evidence of the Authority'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 within seven calendar days of receipt of this final written decision from the Macatawa Area Express Transportation Authority, 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
East Building-5th Floor TCR
1200 New Jersey Ave SE
Washington DC 20590

Sincerely,

Charles Veldhoff
Title VI Program Specialist
Macatawa Area Express Transportation Authority
171 Lincoln, Suite 20
Holland, MI 49423

APPENDIX F (FROM LEP PLAN)

We can help!

Free language assistance is available. Please proceed to the main office, and MAX staff will promptly assist you.

¡Podemos ayudar!

La ayuda libre del idioma está disponible. Continúe por favor a la oficina principal, y al personal MAX inmediatamente le ayudará.

NOTICE: Your rights under Title VI:

The Macatawa Area Express Transportation Authority operates without regard to race, color, or national origin. To request additional information on MAX's Title VI obligations, please contact the Title VI staff officer at 616-928-2494. A Title VI complaint form can be obtained at the Macatawa Area Express website www.catchamax.org, by calling 616-928-2494, or via mail by writing:

MAX Transit
171 Lincoln Ave., Suite 20
Holland MI 49423

La NOTA: Sus derechos bajo Titula VI:

El Area de Macatawa Expresa el Transporte operar de Autoridad sin la consideración para competir, colorar, o el origen nacional. Para solicitar información adicional en obligaciones MAX de Título VI, contacta por favor al oficial del personal del Título VI en 616-928-2494. Una forma de la queja del Título VI puede ser obtenida en el sitio web MAX www.catchamax.org, llamando 616-928-2494, o vía el correo escribiendo:

MAX Transit
171 Lincoln Ave., Suite 20
Holland MI 49423

APPENDIX G**TITLE VI PROGRAM COMPLAINT FORM**

Macatawa Area Express Transportation Authority
 171 Lincoln, Suite 20
 Holland MI 49423
 (616) 928-2475
 TDD-Michigan Relay Center 1-800-649-3777
 Email: info@catchamax.org

The Title VI Program prohibits discrimination on the basis of protected status or retaliation in any programs receiving federal financial assistance.

Name (Print): _____

Mailing Address: _____

Work Phone: _____ Home Phone: _____

Other Phone Number: _____

Indicate protected status you believe was basis for discrimination:

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Creed
<input type="checkbox"/> Age	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Physical Disability
<input type="checkbox"/> Mental Disability	<input type="checkbox"/> Low Income Status	<input type="checkbox"/> National Origin
<input type="checkbox"/> Religion	<input type="checkbox"/> Sex/Gender	<input type="checkbox"/> Retaliation

Explain why you believe discrimination has occurred. Please provide dates, location and time of discrimination. If witnessed, please provide names, addresses and telephone numbers. Use back of this form or additional sheets as necessary.

Indicate the person(s) you believe responsible for the discrimination:

Name: _____

Work Location (if known): _____

What remedy are you requesting? Please be specific.

Signature

Date

APPENDIX H**POWERPOINT SLIDE DISPLAYED ON PADNOS CENTER MONITORS & POSTED ON ALL FLEET BUSES.****Know Your Rights****Title VI – Civil Rights Act of 1964**

MAX operates without regard to race, color, income status, or national origin. Information on MAX's Title VI obligations—including a Title VI complaint form—can be obtained by calling 616.928.2494, going to the MAX website: www.catchamax.org, or by visiting or writing the MAX main office:

**Title VI Staff Officer
Macatawa Area Express
171 Lincoln Ave., Suite 20
Holland MI 49423**