



Town of Scarborough

TITLE VI PLAN

Agency Administrator

Thomas J. Hall, Town Manager

Prepared by: **Liam Gallagher**

FISCAL YEAR : 2026

TABLE OF CONTENTS

TITLE VI STATEMENT OF COMMITMENT

I. ORGANIZATION RESPONSIBILITIES

- A. Relationship of Civil Rights staff/unit to Head of Local Public Agency
- B. Statement of Responsibility and Authority of Title VI Coordinator
- C. Title VI Program Administration

II. TITLE VI PROGRAM IMPLEMENTATION

- A. Program Areas Review and Monitoring
- B. Sub-recipient Reviews and Monitoring Process
- C. Data Collection – Reporting – Analysis
- D. Title VI Training
- E. Dissemination of Title VI Information
 - Community Outreach and Public Education
 - Public Involvement Plan
- F. Limited English Proficiency
- G. Non Discrimination against Individuals with Disabilities

III. DISCRIMINATION COMPLAINT PROCESS

IV. REVIEW OF AGENCY DIRECTIVES

V. COMPLIANCE AND ENFORCEMENT PROCEDURES

VI. AUTHORITIES

VII. TITLE VI ASSURANCES (USDOT 1050.2A)

VIII. APPENDICES

TITLE VI STATEMENT OF COMMITMENT

The Town of Scarborough, Maine, hereinafter also referred to as the “Town”, will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200 and other applicable directives. These authorities provide that no person in the United States shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Town receives federal assistance.

Further, as a recipient of federal-aid funding, the Town strives to achieve nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. These efforts to prevent discrimination will address, but not be limited to, a program’s impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of right-of-way, research, planning, design, construction, and project development. The Town will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by the Town is aware of and applies the intent and spirit of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities in performing assigned duties.

Every employee and representative of the Town shall perform all official duties and actions in full accord with Title VI of the Civil Rights Act of 1964, applicable statutes, executive orders, regulations, and policies enunciated there under.

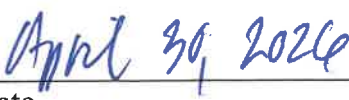
The Director of Human Resources has been designated as the City’s Title VI Coordinator and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively.

Employees of the Town, contractors or applicants with questions, problems or complaints regarding this statement, and the implementation of the stated provisions, should contact Liam Gallagher, the Director of Human Resources, at the following:

Liam Gallagher
Director of Human Resources/Assistant Town Manager
Town of Scarborough
259 US Route 1
Scarborough, Maine 04046
Telephone: (207)730-4025



Thomas Hall
Town Manager and
Agency Administrator



Date

I. ORGANIZATION AND STAFF RESPONSIBILITIES

A. Relationship of Civil Rights Unit/Staff to Town Manager.

Agency Administrator – The Agency Administrator is authorized to ensure compliance with provisions of the Agency’s policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Agency’s grants compliance function and Title VI coordination shall be performed under the authority of the Agency Administrator. **The Agency Administrator is the Town Manager.**

The Town Manager is entrusted to ensure that the Plan and the Town’s actions comply with the law. Accordingly, the Town Manager is authorized to modify, update and amend the plan as may be necessary to ensure compliance.

Title VI Coordinator – **The Director of Human Resources will perform the duties of the Title VI Coordinator.** Accordingly, the Director of Human Resources will ensure implementation of the Town’s Title VI Program. The Director of Human Resources reports directly to the Town Manager who as mentioned herein is the Agency Administrator.

B. Statement of Responsibility and Authority of Title VI Coordinator

As authorized by the Agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the Town’s compliance with Title VI requirements as follows:

Program Administration

- Administer the Title VI Program and coordinate implementation of the plan
- Ensure compliance with the assurances, policy, and program objectives
- Perform Title VI Program reviews to assess administrative procedures, staffing, and resources
- Provide recommendations as required to the Agency Administrator

Complaints

- Review written Title VI complaints that may be received by the Town following the adopted procedural guidelines.

Data Collection.

- Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

Training Programs

- Conduct or facilitate training programs on Title VI issues and regulations for the agency’s employees; and facilitate Title VI training for appropriate staff, contractors, and sub-recipients. A log or summary of training conducted shall be kept.

Title VI Plan Update

- Review and update the Agency's Title VI Plan as needed or required
- Present updated plan to the Agency Administrator for approval.
- Publish/post the Title VI Plan.

Annual Accomplishment Report

- Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year
- Identify goals and objectives for the upcoming year as required; and submit to MaineDOT.

Public Dissemination

- Work with Townstaff to develop and disseminate Title VI program information to employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.
- Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, on the Town website or other media reaching the affected community.
- Ensure the full utilization of available minority publications or media
- Ensure written or verbal information in languages other than English is being provided, where appropriate.

Elimination of Discrimination

- Work with Agency's program areas to establish procedures for promptly resolving deficiencies, as needed.
- Recommend procedures to identify and eliminate discrimination that may be discovered in any of the Agency's processes.

Maintain Legislative and Procedural Information.

- Keep informed about Federal laws, rules, and regulations, FHWA or MaineDOT guidelines that may affect the current Agency Title VI Plan and administration of the Agency's Title VI Program.
- Ensure information is made available to the public as requested or required.

C. Program Administration

Title VI Coordinator. The Title VI Coordinator will be primarily responsible for administering programming requirements and the implementation of the Title VI Plan with the help of HR staff and all department heads and directors.

The key programs or department areas subject to receiving Federal assistance through grants or other types of transportation related funding and the Public Works Department and the Fire Department but all Town agencies will ensure non-discrimination and comply with Title VI. The department heads and directors will work with the Coordinator to ensure their respective departments and

programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, meet Federal and state reporting requirements, and provide adequate training opportunities for applicable staff. The designated staff will also work with the Coordinator to ensure Title VI compliance by contractors, subcontractors, consultants, suppliers, and other sub-recipients under federally funded projects or programs, and will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of federally funded transportation programs.

Department Heads/Directors – Additionally, Department Heads in the Town (eg, the Fire Chief, the Director of Public Works) will assist the Title VI Coordinator and shall work in concert with the Title VI Coordinator. These key program areas are subject to receiving federal assistance through grants or other types of transportation related funding. The Department Heads/Directors will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the Title VI Method of Administration as laid out on this Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

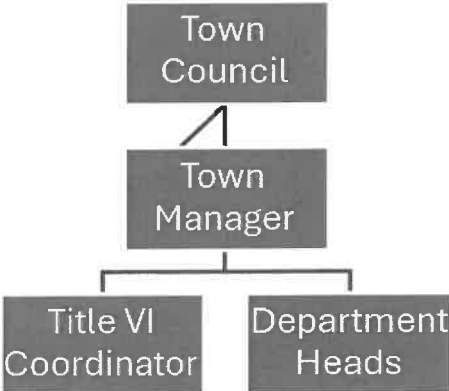
Department Heads and Directors will also work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under federally funded projects or programs. Department Heads and Directors will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients and will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, age and sex of participants in, and beneficiaries of the Town's federally funded transportation programs and projects. Each Department Head or Director will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

All Department Heads report to the Town Manager.

Department Heads/Directors

<u>Program Area</u>	<u>Official Job Title</u>
Human Resources Planning Public Works General Services Purchasing Fire Department Engineering and Technical Police Department Finance Community Services Town Clerk Information Systems	Human Resources Director/Asst. Town Manager Planning Director Public Works Director Human Resources Director/Asst. Town Manager Fire Chief Town Engineer Police Chief Finance Director Community Services Director Town Clerk Information Systems and Technology Director

Organizational Chart



II. TITLE VI PROGRAM IMPLEMENTATION

A. Program Areas – Review and Monitoring Procedures

Title VI Program Areas are listed below with each responsible department. Departments are responsible for designating staff to work with the Title VI Coordinator. While not all departments are listed below, every Town department is responsible for adherence to Title VI. For those departments not listed below, the Department's Director or designee will assist with dissemination of Title VI materials to staff and the public.

Human Resources Department

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Title VI Program Coordination	Oversees Title VI Compliance	See, I (C), above.	See, I (B), above.

Training	Title VI Staff Training	Ensures all staff are trained on Department Title VI responsibilities and receive on- going training opportunities. See, II (D), below.	Ensures all new hires have Harassment/Discrimination training and provide resources for additional training and/or suggest additional training opportunities as needed throughout duration of employment for all staff.
Recruitment, Hiring, and Employment Policies	Title VI Compliance - Employment Practices	Ensures non-discrimination in recruitment and hiring practices and promotes diversity in hiring.	Provides training and guidance to hiring managers and reviews recruitment demographics data.

Executive Department

Executive Department	Assistant Town Manager	ATM works with Purchasing Specialist to ensure all competitive bidding processes are in compliance with Title VI Requirements	With help of Title VI Coordinator reviews contracts as necessary to ensure contractors and vendors are meeting Title VI obligations.
----------------------	------------------------	---	--

Public Works Department

Program Area	Position(s)	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Public Works	Public Works Director	Ensures public works programming is compliant with DOT right of way manual and Title VI. Ensures project information is provided in alternative languages as necessary.	Director of Public Works provides Quality Assurance/Quality Control reviews of all projects to ensure compliance with Title VI activities pertaining to public works activities.

Fire Department

Fire Department	Fire Chief	Fire Chief works with Title VI Coordinator to ensure that Title VI requirements are met.	With help of Title VI Coordinator reviews contracts as necessary to ensure contractors and vendors are meeting Title VI obligations.
-----------------	------------	--	--

B. Sub-recipients - Reviews and Monitoring Procedures

The Town will conduct Title VI compliance reviews and monitoring of its sub-recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. The Town's staff will periodically review operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

The Town will also conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements.

When irregularities occur in the administration of Federal-aid highway programs at sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The Town will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The Town will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

When a sub-recipient fails or refuses to voluntarily comply with requirements, The Town will submit to MaineDOT's Civil Rights Administrator -Title VI Coordinator copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, the Town and MaineDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

In performing this work, the Title VI Coordinator will use a Title VI Evaluation Form similar to that used by the Maine DOT.

C. Data Collection – Reporting – Analysis

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
Public Works	Race and Limited English Proficiency Process for Collecting: Census Data and request information at Public Outreach Events	The data collected helps determine the level of public outreach necessary for a number of activities, including community events, project informational postings, and flyers. Information is then used to ensure that every individual in the Town has access to vital documents pertaining to City Capital Projects and the information is available in a language they will be able to understand.

The Town will collect the following data:

- Population eligible to be served based on race, color, national origin
- Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin
- Allocated funds/other financial assistance, when & to whom;
- Demographic profile of communities;
- Owners of property [to be] taken, and persons or businesses to be relocated or adversely affected by race, color, national origin

Additional Resources: FHWA's Sample Data Sources,

D. Title VI Training

In keeping with adopted Town policy of nondiscrimination, departmental procedures will be established or followed for employees to have equal access to applicable educational and training opportunities. Staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

The Title VI Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically.

E. Dissemination of Title VI Information

Community Outreach and Public Education

This section describes the Agency's efforts for community outreach and public education procedures of the Title VI Program as well as how the public outreach data is collected/analyzed to ensure effectiveness. The agency will develop and disseminate Title VI Program information to its employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination will include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, the publication of the Agency's Title VI Policy Statement, and informational brochures. Public dissemination will also include posting of public service announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards, on websites or in other media reaching the affected community. The Town shall ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

Public Involvement

The Town utilizes many methods of conducting public outreach and communications to minority populations to receive feedback from those populations. The communications include but are not limited to the following, when applicable:

- General project information is provided on the Town's website,
- Project Open Houses/Meetings
- Public Comment Opportunity
- Public Hearing(s)
- Social media outreach
- Special Committee/Board Presentations)

F. Limited English Proficiency

The Town will take steps that it will take to ensure meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals who are LEP (Limited in English Proficiency). The Town utilizes Census Data along with other information available to evaluate locations within their project vicinities to determine where there may be individuals with language assistance needs. When specific needs are present, Staff have tools available to them for reaching these individuals, or a translation service for documents if needed.

PROCEDURES:

1. IDENTIFYING PERSONS WHO REQUIRE LEP SERVICES

The Town will determine the percentage of persons with limited English proficiency who “speak English less than very well” using the most recent available US Census Report for that state. The Town will conduct a regular review to assess the language access needs of persons interacting with it. Based on this assessment, the Town will provide language assistance where 30% of its employees or the members of the public it serves may need assistance in that language. The Town will also include notices for language assistance contact information for persons in need of language assistance at preserves frequently accessed by the public.

2. PROVIDING LANGUAGE ASSISTANCE

Persons with limited English proficiency may request language assistance by contacting the Director of Human Resources at (207) 767-7667 at least 2 business days before a planned request. The type of service provided will be determined by the staff responding to the language assistance request.

When an interpreter is requested, The Town may:

(a) provide oral interpretation through an available bilingual staff member who is qualified to interpret.

(b) Obtain an outside interpreter if bilingual staff is not available or does not speak the needed language. Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the City. Children (e.g. persons under the age of 18) will not be used to interpret.

3. PROVIDING WRITTEN TRANSLATIONS

The Town will endeavor to provide translations of applicable vital documents related to its services. Vital documents are those which are necessary to provide meaningful TownServices.

4. AWARENESS AND TRAINING

This LEP procedure will be accessible to all staff and will be reviewed periodically for updating as needed. Staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

G. No Discrimination against Individuals with Disabilities

In order to provide equal employment and advancement opportunities to all individuals, the Town does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, physical or mental disability, national origin, age, sexual orientation, gender, gender identity, pregnancy, veteran status, having engaged in a legally protected activity (eg, for bringing a whistle-blower complaint), disability, ancestry, genetic information, or any other classification protected by law. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

Any employees with questions or concerns about any form of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Director. Employees can raise concerns, make reports and file claims without fear of reprisal or retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment, even for a first offense.

The Town will comply with all provisions of the Americans with Disabilities Act including without limitation the requirement to engage in an interactive process and to provide reasonable accommodations in accordance with the law.

III. DISCRIMINATION COMPLAINT PROCEDURES

Any person who believes they or a specific class of persons were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a recipient of Federal financial assistance through the Maine Department of Transportation may file a Title VI complaint.

Where can one file?

Complaints related to the Federal-aid highway program may be filed with MaineDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the USDOJ, Civil Rights Division, 950 Pennsylvania Ave, NW, Office of Assistant Attorney General, Main, Washington, DC, 20530.

When must one file?

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

What should a complaint look like?

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the receiving agency and provide the allegations by telephone, and the agency should transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions; and
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address; and
- The basis of the complaint (e.g., race, color, national origin); and
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated; and
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

How are complaints routed?

FHWA Division Offices do not investigate Title VI complaints. Likewise, State DOTs and its Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

- All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against the Town(a Subrecipient of Federal financial assistance).
- Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with the Town, The Town will forward the complaint to MaineDOT, which will forward the complaint to the MaineDOT's FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with MaineDOT, MaineDOT will forward the complaint to the MaineDOT's FHWA Division Office, which should forward the complaint to HCR.
- MaineDOT and the Town will log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, MaineDOT, and the Town.

Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590
Email	CivilRights.FHWA@dot.gov
Fax	202-366-1599
Questions?	202-366-0693

What are the potential outcomes for processing a complaint?

There are four potential outcomes for processing complaints:

- Accept: if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.

- Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- Procedural Dismissal: if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
- Referral\Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to MaineDOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but MaineDOT will conduct all data requests, interviews, and analysis.

MaineDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI

What are the timeframes for investigation?

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

If MaineDOT is delegated an investigation from FHWA, MaineDOT must complete the investigation within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA) as stipulated in 23 CFR §200.9(b)(3)

How does the Investigating Agency gather information?

There are no regulatory requirements for how information is gathered, but MaineDOT and the Town are required to keep detailed records on how they comply with Title VI and to provide USDOT with access to documents and persons with relevant information. 49 CFR §21.9. Typically, the respondent will receive at least one Request for Information and Position Statement (RFI) to gather documents, and additional requests if necessary. Concurrently, the HCR or MaineDOT investigator will schedule interviews with relevant parties and conduct site visits as necessary.

Once FHWA starts an investigation, what are the potential outcomes?

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, HCR (or an investigator for MaineDOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
 - o If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
 - o If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
 - o If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR

IV. REVIEW OF AGENCY DIRECTIVES

The Title VI Coordinator employs the following process (or several processes) to review the Agency directives, policies and practices:

- The Title VI Coordinator works collaboratively with department heads and directors or their appointees, who help to make and implement policies. The committee works to ensure the Town directives are in keeping with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates.
- These department heads and directors are included in the review process when Town directives are drafted and policies implemented. This process affords the Title VI Staff an opportunity to review for any possible Title VI issues.
- The Title VI Coordinator, department heads and directors participate in public meeting and hearings to ensure staff is aware of any potential Title VI issues.
- The Title VI Coordinator has an opportunity to review Town directives to ensure such directives are in accordance with the federal and state nondiscrimination laws, rules, and regulations; and,
- The Title VI Coordinator, department heads and directors work cooperatively with FHWA Division Civil Rights staff to implement federal nondiscrimination directives.

V. COMPLIANCE AND ENFORCEMENT PROCEDURES

Remedial Action

The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Compliance Review Report will include a draft corrective action plan (CAP) with projected due dates as well as proposed remedial actions to correct the deficiencies. Town departments (and subrecipients) are expected to correct all deficiencies and provide periodic updates to the Title VI Coordinator assigned to the review. The Title VI Coordinator will provide technical assistance, as needed, and work with the Town departments. When the Title VI Coordinator has determined that a department's or subrecipient's deficiencies are sufficiently corrected, the Department or the subrecipient will be notified that the review process is complete and no further progress reporting is needed. The subrecipient will receive an official Closeout Letter signed by the City's Title VI Coordinator.

Affecting Compliance

When an internal program area refuses to cooperate or comply with Title VI, the Title VI Coordinator will elevate the matter to the Director, after which, the matter may be referred to the State DOT Civil Rights Manager or responsible USDOT Operating Administration (OA).

When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report, the Subrecipient moves from a “deficiency status” to noncompliance; the Town will submit two copies of the case file to the State DOT or FHWA with a recommendation that the sub-recipient be found in noncompliance; and/or, may, with the concurrence of the State DOT or FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.

Sanctions

In the event a Subrecipient, contractor or vendor (“recipient”) fails or refuses to comply with Title VI, the first step taken by the internal program area with oversight of the recipient will be the Town’s attempt to resolve the issue using the program area’s normal administrative solutions. However, The Town may take any or all of the following steps, with the concurrence of MaineDOT or USDOT (i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by the Town to voluntarily resolve the compliance issue:

- a. Cancel, terminate, or suspend the contract or agreement in whole or in part;
- b. Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient;
- c. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient; and/or,
- d. Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings. Other means authorized by law.

VI. AUTHORITIES

This section is a reference source of the applicable authorities related to Title VI of the Civil Rights Act of 1964 as amended.

Title VI of the 1964 Civil Rights Act (42 USC 2000d et seq) 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.”

The Civil Rights Restoration Act of 1987, P.L. 100-209 further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.

49 CFR Part 21, the U.S. Department of Transportation’s Implementing Regulations of Title VI of the Civil Rights Act of 1964.

23 Code of Federal Regulations (CFR) Part 200, the Federal Highway Administration's Title VI Program Implementation and Review Procedures.

USDOT Order 1050.2A

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).

Executive Order 12898 (issued February 11, 1994) addresses disproportionate adverse environmental, social, and economic impacts that may exist in communities, specifically minority and low-income populations.

Executive Order 13166 (issued August 16, 2000) addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

VII. Standard Title VI/Non-Discrimination Assurances; DOT Order No. 1050.2A

The *Town of Scarborough* (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *the Federal Highway Administration* is subject to and will comply with the following:

Statutory/Regulatory Authorities

- D. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- E. 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- F. 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Maine Department of Transportation.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs:

- The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.2(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or

will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

- The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Town of Scarborough, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

- The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
- The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States affecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
- That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
- That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
- That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures

or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- H. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - D. the period during which the Recipient retains ownership or possession of the property.
- The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority 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.
 - The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, The Town of Scarborough also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to Federal Highway Administration or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Town of Scarborough gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration Program. This ASSURANCE is binding on the State of Maine, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal Highway Administration Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

