

TITLE VI & ADA



YOUR RIGHTS

UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
AND THE AMERICANS WITH DISABILITIES ACT OF 1990





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What is Title VI of the Civil Rights Act?

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive federal financial assistance. This also includes other civil rights provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial aid.

Pursuant to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and other non-discrimination authorities, it is the policy of the San Diego Association of Governments (SANDAG) that discrimination on the grounds of race, color, national origin, disability/handicap, sex, age or income status shall not occur in connection with programs or activities receiving federal financial assistance.

In operating federally-assisted programs, Title VI prohibits SANDAG from discriminating either directly or through contractual or other means by:

- Denying programs, services, financial aids or other benefits.
- Providing different programs, services, financial aids or other benefits, or providing them in a manner different from that provided to others.
- Segregating or separately treating individuals or groups in any matter related to the receipt of any program, service, financial aid or benefit.
- Denying person(s) the opportunity to participate as a member of a planning, advisory or similar body on a discriminatory basis.
- Denying person(s) the opportunity to participate in the program through the provision of services, or affording

the opportunity to do so differently from those afforded others.

Environmental Justice

In 1994, President Clinton signed Executive Order 12898: Federal Action to Address Environmental Justice in Minority Populations and Low-income Populations, which focused attention on Title VI by providing that, “each agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low income populations.”

Title VI and Limited English Proficiency

The federal government, and those receiving assistance from the federal government, must take reasonable steps to ensure that persons of Limited English Proficiency (LEP) have meaningful access to the programs, services and activities of those entities. This means that SANDAG will create solutions to address the needs of this ever-growing population of individuals for whom English is not their primary language.

Who is a LEP person?

Persons who do not speak English as their primary language and have a limited ability to read, speak, write or understand English may be considered Limited English Proficient or LEP. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Anyone requiring assistance may contact SANDAG.

What is the Americans with Disabilities Act?

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, Government Code Section 11135, and other applicable

codes, SANDAG does not discriminate against qualified individuals on the basis of disability in admission to, access to, or operations of its programs, services, and activities.

SANDAG provides programs, services, and activities that are readily accessible to and usable by individuals with disabilities including:

- *Effective Communications* - Upon request, SANDAG provides appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in SANDAG programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
- *Modification to Policies and Procedures* – SANDAG will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcome in SANDAG offices, even where pets are generally prohibited.
- *Accessibility* – SANDAG ensures that when it constructs public works facilities that those facilities are constructed in compliance with ADA so that they are accessible to persons with disabilities. In addition, SANDAG ensures that its public meetings are held in facilities that can accommodate persons with disabilities.

The ADA does not require SANDAG to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

What discrimination is prohibited by Title VI and the ADA?

Discrimination is an act (action or inaction), whether intentional or unintentional, through which a person or group, solely because of race, color, national origin, disability, sex, age, or income status has been otherwise subjected to unequal treatment or impact, under any program or activity receiving federal financial assistance.

Who may file a complaint?

A complaint may be filed by any individual or group who believes they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability, and/or income level. The complaint may be filed by the affected party or representative and must be received in writing.

How to file a complaint

You may submit a complaint in accordance with the procedures in SANDAG Board Policy No. 009, which can be found at sandag.org/legal or obtained from SANDAG using the contact information in this notice.

What if SANDAG retaliates against me for asserting my rights or filing a complaint?

SANDAG is prohibited from retaliating against you or any person because he or she reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI or the ADA.

Employment

SANDAG does not discriminate on the basis of race, color, national origin, sex, age, disability, income level, or other grounds prohibited by law in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA and the Fair Employment and Housing Act. Discrimination complaints

from SANDAG employees will be handled in accordance with the established procedures of the SANDAG Employee Handbooks by the SANDAG ADA Coordinator. Discrimination complaints from SANDAG applicants for employment will be handled in accordance with the established procedures in SANDAG Board Policy No. 009 by the SANDAG ADA Coordinator and Office of General Counsel.

Consumers of SANDAG services

Consumer complaints and grievances will be handled in accordance with the provisions of the Rehabilitation Act of 1973 and the ADA as amended. Information on making a complaint may be obtained from SANDAG Board Policy No. 009, which can be found at sandag.org/legal or obtained from SANDAG using the contact information in this notice.

CONTACT INFORMATION

Questions, concerns or complaints regarding Title VI or the ADA with regard to SANDAG programs, services and/or activities may be forwarded to

*The SANDAG ADA Coordinator
and Office of General Counsel*

401 B Street, Suite 800, San Diego, CA 92101

Voice phone (619) 699-1900

TTY (619) 699-1904

This notice can be made available in alternate format as a reasonable accommodation by contacting the SANDAG ADA Coordinator.