

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF COWLITZ COUNTY, WA.

23-012

RESOLUTION NO. _____

Resolution Rescinding Resolution)
No. 17-032 dated April 11, 2017)
And Approving Resolution Adopting)
3.30 Cowlitz County Title VI Plan)

WHEREAS, it is the policy of Cowlitz County that no person shall on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Cowlitz County as provided by Title VI of the Civil Rights Act of 1964 and related statute; and

WHEREAS, this policy applies to all operations of Cowlitz County, including its contractors and anyone who acts on behalf of Cowlitz County. This policy also applies to the operations of any department or agency to which Cowlitz County extends federal financial assistance. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance.

NOW THEREFORE THE COWLITZ COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES AS FOLLOWS:

Section 3.30 – Cowlitz County Title VI Plan, most recently adopted on April 11, 2017 is hereby repealed in its entirety, and amended and replaced, and that prior adoptions and amendments thereto and recent Resolution 17-032 are hereby repealed in their entirety, with the following:

EFFECTIVE this 1st day of February, 2023.

*BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON*

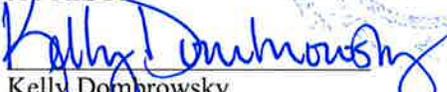

Dennis Weber, Chair


Arne Mortensen, Commissioner


Richard Dahl, Commissioner



ATTEST:


Kelly Dombrowsky
Clerk of the Board



Cowlitz County Title VI Plan

Established January 25, 2023

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Exhibits:

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- B. Title VI Coordinator and Representatives
- C. Complaint Form
- D. Glossary of Terms

Attachment: USDOT 1050.2A, Standard Assurances with Appendices

I. Title VI Policy Statement

It is the policy of Cowlitz County that no person shall on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Cowlitz County as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of Cowlitz County, including its contractors and anyone who acts on behalf of Cowlitz County. This policy also applies to the operations of any department or agency to which Cowlitz County extends federal financial assistance. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly, neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, or national origin include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 USC § 2000d and related statutes, 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3 and 49 CFR part 21.

II. Organization

The Board of Cowlitz County Commissioners are ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all LPA employees, contractors, and agents pursuant to 49 CFR Part 21. Cowlitz County has established the Title VI Coordinator to implement, oversee, and update the Title VI program, and Title VI Specialists within each office and department to represent the plan for Cowlitz County. The Title VI Coordinator and Specialists are responsible for initiating and monitoring Title VI activities necessary to their respective offices, preparing required reports and other Cowlitz County responsibilities as required by 23 CFR 200 and 49 CF 21.

Committee

To advance its commitment to affirmative action against discrimination, the Cowlitz County Title VI Program will be orchestrated by the Title VI Committee. The Committee is comprised of coordinator and specialists throughout office and departments within Cowlitz County; however, the Committee is not limited only to county staff members. Specific positions include the coordinator as chairman, a secretary, and committee members.

Responsibilities of the chairman, in addition to those identified within the Title VI Plan, is to ensure open dialogue on Title VI accomplishments, limitations on enactment, training opportunities, and methods of analysis. The secretary is responsible for documenting meetings for archiving, to be held within the Laserfiche repository until retention has been met. Committee members will represent their respective offices and departments with progress of program implementation, training accomplishments and opportunities, and compliance reviews.

Such various duties shall include:

- Submitting annual Accomplishment and Assurance reports on the agency's behalf.
- Developing procedures for the prompt processing and disposition of complaints.
- Investigating complaints, compiling a complaint log, and reporting to WSDOT.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews of program areas.
- Assessment of pertinent Title VI program areas annually.
- Assuring vital documents are translated into languages other than English.
- Ensuring translation services are available to those with limited English Proficiency.
- Developing Title VI information for dissemination; and
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

The Cowlitz County Organizational Chart is attached as exhibit A; the Title VI Coordinator and Representatives Organizational Chart is attached as exhibit B, the Title VI Coordinator will maintain the list of staff members holding various positions outside of the Title VI plan.

III. Primary Program Area

As authorized by the Board of Cowlitz County Commissioners, the Title VI Committee is responsible for the three-step process of *initiating*, *monitoring*, and *ensuring* Cowlitz County's compliance with Title VI requirements as follows:

The *Initiating* process is a self-assessment that includes independent evaluation through annual questionnaire that each area collects to allow specialists to identify trends and demonstrate that their office is providing services in a nondiscriminatory manner, gathered through a compliance questionnaire. Compliance will be through personal review. Any corrective action will be relayed to division head and included in the Cowlitz County Annual Title VI/Nondiscrimination Goals and Accomplishments Report.

The *Monitoring* process will occur through the Title VI Committee reviews, where the committee will identify additional information that is needed, recommended actions to be taken by the program area, or specific training needs that may exist. An assessment will be sampled from each program area for conducting outreach and providing better access to Cowlitz County programs and activities for minority, low-income, and LEP populations.

The *Ensuring* process is done by the Title VI Coordinator, to oversee the collective county adherence to the Title VI Plan. The purpose of ensuring compliance while monitoring is to evaluate whether Cowlitz County and its sub-recipients are meeting their respective nondiscrimination obligations. Annual assessments of key functional areas will be performed to facilitate development and continuous implementation of robust practices to ensure beneficiaries receive services in an equitable manner.

The Three-Step Process will ensure compliance with the following requirements:

Planning

The Planning program area is responsible for gathering of data to provide decision-makers with information and tools necessary to ensure the public needs are anticipated prior to administering different programs throughout the County. The information collected includes safety data on Cowlitz County's Road network, fiscal responsibility with state, federal, and local funds, and non-discrimination in adherence with the Title VI regulations and requirements. Responsibilities also include administration of each agency's grant program, legislative review and policy analysis to ensure Title VI expectations are met.

Title VI monitoring in this program area includes, but is not limited to, reviewing:

- Efforts to proactively involve citizens in the County programs and projects.
- The process to ensure language assistance is available to persons with limited English proficiency.
- The assessment of transportation needs through the outcomes of studies on travel habits, physical environments, and neighborhoods of various demographic groups.
- The evaluation of all proposed projects for their potential to have a disproportionate negative impact on low-income, minority, and other disadvantaged populations; and,
- The process to ensure transportation facilities are accessible to disabled populations.

- Good faith efforts to eliminate past discrimination to ensure future nondiscriminatory practices through affirmative actions.

Environmental

The Environmental program area utilizes education, training, data collection, and statistical review to achieve a compliant plan to equally serve all of Cowlitz County. Title VI specialists are responsible for carrying out activities related to Environmental Justice and providing guidance on addressing the needs and potential impacts of projects on traditionally underserved populations to ensure greater equity.

The committee is responsible for ensuring staff members have education opportunities pertaining to the Civil Rights Act of 1964, section Title VI, and programs for Diversity, Equity, and Inclusion for staff and community. Employees will be encouraged to take courses and attend conferences regarding Title VI topics to proactively identify potential discriminations and address concerns before they become critical problems.

Title VI monitoring in this program area includes, but is not limited to, reviewing:

- Efforts to conduct public outreach and community involvement activities in the environmental review process.
- The process to ensure language assistance is available to those with a limitation on English proficiency as part of public outreach and community involvement activities.
- The process for conducting environmental reviews.
- The methodology to assess disproportionate burden or disparate impact on low- income and minority populations; and,
- The process for conducting a siting of facilities analysis for projects not requiring NEPA analysis.

Right-of-Way/Engineering

The Right-of-Way Program provides decision makers with the data to ensure the transportation system in Cowlitz County meets the evolving needs of residents and the traveling public. Specialists in this area use demographic data to ensure communications are available to non-English speakers or those with a limited English proficiency, relocation services in accordance with Title VI, and avail interpreter services to those in need. Engineering seeks to prevent discrimination in the contracting and administration of infrastructure projects by utilizing gathered data. Information collected is reviewed when compiling the Transportation Improvement Plan and administered through prequalification, bidding, and purchasing contracts.

Title VI monitoring in this program area includes, but is not limited to, reviewing:

- 1) The process for equitably advising the affected community, property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation, and other aspects of acquisition.

- 2) The process for identifying the number of concerns and civil rights complaints filed, if any, in each of the following right-of-way functional areas: appraisals, negotiations, relocation assistance, payment, and property management.
- 3) The process for maintaining data on the race, color, or national origin impacted by the right-of-way process; and,
 - The process for ensuring nondiscrimination in the distribution and solicitation of research contracts and in the consultant selection process.

Contract Administration

The contract program area works to increase diversity and inclusion opportunities for all stakeholders, including those seeking to do business with Cowlitz County and those who seek employment with Cowlitz County. This area is responsible for administering the Disadvantaged Business Enterprise (DBE) Program including the DBE certification process and goal setting, monitoring, and reporting. Contracting with qualified consultants for professional services needed to support transportation projects is a responsibility of the Division of Engineering. It shall provide support to the engineering community to ensure efficient and timely delivery of projects that enhance the transportation system in Cowlitz County while making its roads safer for the traveling public.

Title VI monitoring in this program area includes, but is not limited to, reviewing:

- The process for ensuring that all contract administrators are trained and cognizant of contractual requirements with respect to nondiscrimination as outlined in 23 CFR 230, Subpart A/FHWA Form 1273.
- The process for ensuring that no barriers exist in prequalification, approval of subcontractors, and bonding and licensing requirements.
- The process for investigating any concerns raised by minority- or women-owned business enterprises about licensing, prequalification, lack of subcontracting opportunities, or competitive bidding procedures.
- The process for ensuring that uniformity exists in the approval of plan changes and supplemental agreements and in the assessment of sanctions, liquidated damages, withholding payments, suspension or termination of contracts, and decertification; and,
- The process for ensuring that all mitigation measures are effectively implemented—for example, in the areas of health and safety, noise and air impacts, and employment, and contracting goals.

Research

The research program seeks to gather factual data and current information that illuminate the most current sample of Cowlitz County demographics. Such statistics will help guide the direction of future projects, development, and community engagement needs through analyzing current status and projecting future needs.

The monitoring of the research area will include:

- Four-Factor Analysis of the limited English proficiency community.

- Frequency of Language Line assistance by languages serviced
- Census data collection
- Information sharing within Title VI Committee

Examining information gathered will best categorize practices to proactively address the struggling program parts to better serve the whole of Cowlitz County.

IV. Review Procedures

As an integral part of the Title VI/Nondiscrimination Plan, Cowlitz County reviews statistical data on participants and beneficiaries of local programs (e.g., displaced persons, impacted citizens, and affected communities). The review process for contractors shall adhere to the Title VI standards and expectations when considering Disadvantaged Business Enterprise/Underutilized Disadvantage Business Enterprise (DBE/UDBE) Certified contractors by certificate verification.

Sub-recipients of Cowlitz County are monitored and reviewed to verify compliance of Title VI and related nondiscrimination statutes. A three-step monitoring approach, as listed in section III, will be used for those sub-recipients that qualify under the Title VI program. Those sub-recipients that receive federal financial assistance through Cowlitz County for the purpose of administering programs and activities include:

Department of Public Works
Department of Health & Human Services
Cowlitz County Sheriff's Office

All projects shall be reviewed for disproportionate impact on low-income and minority populations. By using the Four Factor Analysis Process, specialists will analyze data to determine if 1,000 people or a 5% threshold of Limited English Proficiency (LEP) population is met to require a Language Assistance Plan.

General Requirements

- Public involvement activities
- Language assistance to LEPs
- Title VI complaint procedures
- Public notification on Title VI Program
- Title VI assurances
- Environmental justice analyses for projects

Program Requirements

- Procedures to certify that the countywide planning process follows Title VI
- Procedures to pass through financial assistance
- Procedures to aid potential sub-recipients
- Procedures to monitor sub-recipients for compliance with Title VI

Cowlitz County Title VI PlanAdditional Requirements

- Racial breakdown of non-elected advisory councils
- Training programs
- Annual report of accomplishments
- Process for eliminating or remediating discrimination
- Process for resolving Title VI deficiencies
- Process for reviewing directives for accordance with Title VI requirements
- Process to ensure nondiscrimination in the method of administration (e.g., siting of facilities and selection criteria for funding projects)

The Title VI Coordinator will conduct an analysis of the following program areas:

1. Planning
2. Environmental
3. Right-of-Way/Engineering
4. Contract Administration
5. Research

V. Data Collection/Reporting/Analysis

Cowlitz County continues to train and educate staff members of all program areas to collect data through analyzing census information. The intended outcome of analyzing the data is to help our LEP communities and ensure residents of Cowlitz County feel the Department is fair and equitable under the Civil Rights Act of 1964.

Cowlitz County strives to reliably collect, report, analyze, and document the data associated with the projects. The U.S. Census data on populations impacted by our projects is reviewed by associated staff members for environmental impact and demographics. County staff utilizes the census data to identify the saturation of languages to specific areas. By comparing census data from the entirety of Cowlitz County to smaller saturations collected by city compilations.

Every year, the Title VI Committee will identify sub-recipients for which an onsite review will be conducted based on the assessment of risk of non-compliance and potential magnitude of the impact of non-compliance. The Committee identifies those sub-recipients based on the following criteria:

- Knows of or has received either a formal or informal complaint regarding the sub-recipient.
- County staff have identified sub-recipients with known Title VI issues/concerns.
- The sub-recipient has submitted problematic responses to the Title VI compliance questionnaire and/or submitted incomplete Title VI documentation following the questionnaire.
- The sub-recipient receives a large amount of federal funding relative to other sub-recipients.

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- The sub-recipient demographics indicate high concentration of minority populations; and/or,

The onsite review activities conducted with each type of sub-recipient are identified below. The results of the onsite reviews are included in the Title VI/Nondiscrimination Goals and Accomplishments Report. Sub-recipients must demonstrate their compliance with Title VI annually to the committee. The annual assurances report requires the submission of information on Title VI compliance activities to demonstrate the sub-recipient's adherence to Title VI program requirements. As part of the annual assurance, a sub-recipient may be asked to provide supporting documentation to demonstrate its purported compliance with Title VI program requirements. Requested supporting documentation may include, but is not limited to, the Title VI Plan, Public Participation Plan, Language Assistance Plan, and Title VI Complaint Procedures. The annual assurance activities conducted with each type of sub-recipient are identified below. Annual assurance activities are included in Cowlitz County's Title VI/Nondiscrimination Goals and Accomplishments Report.

Staff weight the information within the report to ensure there is no:

- Denial to service, financial aid, or benefit; to safeguard the equity in quality and manner which a benefit is provided.
- Separate treatment and assure full enjoyment of any advantages, benefits, or other privileges.
- Discrimination in any activities related to roadway and infrastructure or facility built or repaired; nor
- Discrimination in employment.

VI. Title VI Training

The Cowlitz County Title VI plan includes training that addresses diversity, equity, and inclusion of all Cowlitz County constituents. To achieve goals of increasing awareness and support, Cowlitz County will promote accessibility and transparency with cultural events and trainings to enrich and educate staff to best support our community. As the goals are achieved, the Title VI Specialists will document the completion.

In keeping with adopted Cowlitz County policies of nondiscrimination, departmental procedures will be established or adhered to by employees to ensure equal access to applicable educational and training opportunities. Specialist 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 Specialist.

Cowlitz County strives to serve its community in a culturally competent manner through personal awareness and sensitivity within all projects. The Administration directs staff to continuously review various training opportunities made possible through NHI, FHWA, and WSDOT. The Title VI Committee continually searches out options for other useful and applicable training courses.

The Title VI Committee is responsible for overall Title VI related training and staff development for Title VI Specialists and other employees. The Committee will organize or conduct a minimum of one internal Title VI training session annually. The Specialists will organize and facilitate the

Cowlitz County Title VI Plan

provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity may be asked to provide applicable training.

As staff trainings complete, the Title VI Specialists will maintain a record of training completed by specialists. The Title VI Specialist will ensure that Title VI language is included in all contracts.

VII. Public Participation

Cowlitz County utilizes demographic data and the Four-Factor analysis to identify minority populations. The office policy is to attempt equal communications with all Cowlitz County residents and accommodate for reasonable needs. Information originating from minority populations for decision making within pertinent program areas is respectfully considered if relevant and plausible. Special efforts will be made to engage and involve minority, low-income, and LEP stakeholders. Efforts to involve the affected community and other impacted stakeholders in public participation activities may include both general measures, such as placing public notices in public areas (e.g., libraries, transit stations, or vehicles), as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent such populations from effectively and meaningfully participating in the decision-making process.

Some effective practices Cowlitz County may elect to use are:

- Scheduling meetings at times and locations that are convenient and accessible for minority, low-income, and LEP communities.
- Employing different meeting sizes and formats.
- Coordinating with community and faith-based organizations; educational institutions; and other organizations to implement public engagement strategies that reach members of impacted minority, low-income, and LEP communities.
- Considering radio, television, or newspaper ads on stations and in publications that serve typically underserved communities. Outreach to these populations could also include audio programming available on podcasts.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

VIII. Limited English Proficiency

A Limited English Proficient (LEP) person is someone who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. Individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Cowlitz County recognizes a portion of the population is not proficient in the English Language; therefore, reasonable steps must be made to ensure that LEP persons have meaningful access to the programs, services, and information entities provide.

Cowlitz County distinguishes the three primary methods of communication with the population that is impacted by need for translation services: verbal contact, vital documents, and internet access in languages other than English. Cowlitz County will utilize the United States Census Bureau data to identify languages other than English for vital document translation. Translation

will be done in each language that constitutes 1,000 persons or five percent (5%) of the total population served, affected, or encountered.

In recognition of the ever-changing demographic footprint, Cowlitz County is contracting with Language Line to provide language assistance through interpreter services. This service is offered free to the public, where the County will pay for the service. Proactively translating such languages is done in good faith for meaningful interaction with the people of Cowlitz County.

To assure information is readily accessible, Cowlitz County shall research various technologies to translate the county website into languages that are 5% of the population served and affected.

IX. Environmental Justice

Environmental Justice is the fair treatment of all people regardless of race, color, national origin, or income in respect to meaningful involvement with the development, implementation, and enforcement of environmental laws, regulations, and policies. Cowlitz County works to develop strategies that address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. Concern for Environmental Justice must be integrated into every transportation decision from the initial planning stages to construction and maintenance.

There are three fundamental environmental justice principles:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Cowlitz County is committed to integrating Title VI and Environmental Justice into its activities through:

- Developing the technical capability to assess the benefits and adverse effects of transportation activities among different population groups and use that capability to develop appropriate procedures, goals, and performance measures in all aspects of our mission.
- Ensuring that Transportation Improvement Program (TIP) findings of planning compliance satisfy the letter and intent of Title VI requirements and Environmental Justice principles.
- Enhancing its public involvement activities to ensure the meaningful participation of minority and low-income populations; and,

Working with federal, State, local, and transit planning partners to create and enhance intermodal systems and support projects that can improve the natural and human environments for low-income and minority communities.

X. Title VI Complaint Procedures

Discrimination Complaint Procedure for Cowlitz County

Federal law prohibits discrimination based on race, color, or national origin in any Cowlitz County program, service, or activity. This prohibition applies to all branches of Cowlitz County, its contractors, consultants, and anyone else who acts on behalf of Cowlitz County.

Complaints related to the Federal-aid programs may be filed with Cowlitz County and will be forwarded to Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact a Title VI Specialist.

Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Cowlitz County program, service, or activity because of their race, color, or national origin may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated a discrimination investigation.

How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact a Title VI Specialist if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, Limited English Proficient speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact a Title VI Specialist.

Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. If a complainant calls Cowlitz County with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature.

A complaint should contain the following information:

- The complainant's contact information, including, if available: full name, mailing address, phone number (and best time to call), and email address (if available).
- The basis of the complaint (e.g., race, color, national origin).
- The names of specific person(s) and/or agencies/organizations alleged to have discriminated.
- A description of the alleged discriminatory actions, meaning 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 ongoing.

All Title VI complaints are logged in the associated Specialists Complaint Log. The Complaint log must contain the following information for each complaint filed:

- The name and address of the person filing the complaint.
- The date of the complaint.
- The basis of the complaint.
- The disposition of the complaint.
- The status of the complaint.

Documents will continue to be on file in accordance with the laws of Washington State, until the retention period has lapsed and qualify for destruction. Files will not be surrendered to the Washington State Archives, as they are designated as non-essential.

Cowlitz County then forwards complaints to WSDOT-Office of Equal Opportunity for processing by FHWA. [WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint.] FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply.

Complainants have the right to file a complaint directly with the federal funding agency. The following address is where Title VI complaints may be filed directly with FHWA:

Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
8th Floor E81-105
1200 New Jersey Avenue, SE
Washington, DC 20590

CivilRights.FHWA@dot.gov

What happens after a complaint is filed?

If your complaint is forwarded to another agency, you will be provided the name and contact information of the employee handling your complaint.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

FHWA will render final decisions in all cases including those investigated by WSDOT. There are no administrative appeal forums in Title VI complaints. Once FHWA issues its final agency decision, a complaint is closed.

There is no prohibition against a complainant filing a Title VI complaint simultaneously with an LPA, WSDOT, and FHWA.

XI. Title VI Contact

To file a Title VI discrimination complaint, contact a Title VI Specialist identified on Exhibit B of the Cowlitz County Title VI Plan or by email at TitleVI@co.cowlitz.wa.us.

Washington Department of Transportation
Office of Equal Opportunity – Title VI
Box 47314
Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov
Phone: (800) 259-9143

XII. Notice of Title VI Rights

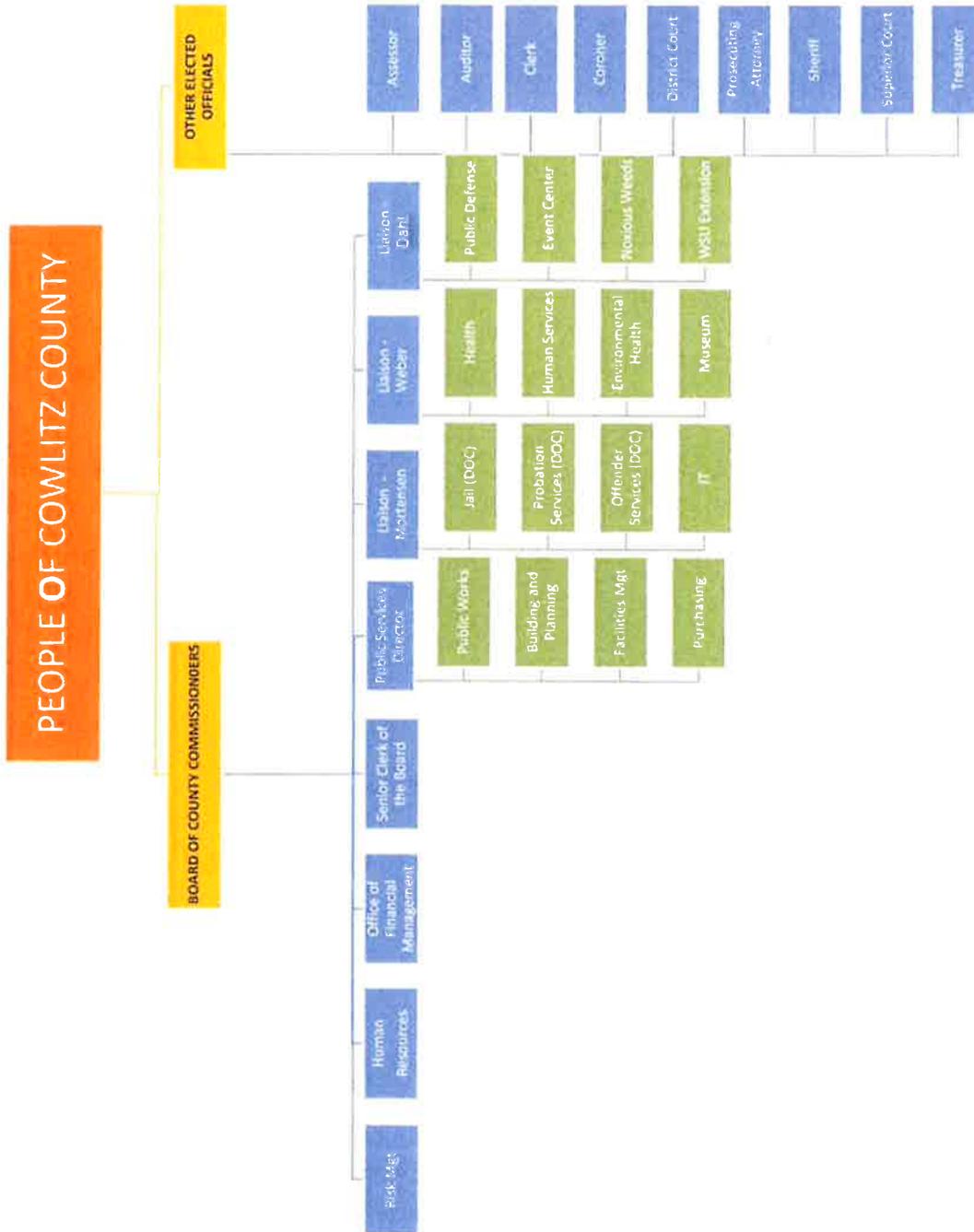
Cowlitz County will publish the Annual Title VI Statement in The Daily Newspaper and advertise the Notice on the Title VI webpage.

Your Rights against Discrimination under Title VI of the Civil Rights Act of 1964

Cowlitz County hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which Agency receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Cowlitz County. Any such complaint filed with a Cowlitz County Title VI Specialist within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from Cowlitz County at no cost to the complainant.

Cowlitz County Organizational Chart



Title VI Coordinators and Specialists

Cowlitz County Commissioner:

Name
Chairman of The Board
Cowlitz County Commissioner
Email Address:
Phone Number:

Title VI Coordinator:

Name
Title
Department
Email Address:
Phone Number:

Title VI Specialist:

Name
Title
Department
Email Address
Phone Number

Title VI Specialist:

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Title VI Specialist:

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Title
Department
Email Address
Phone Number

COWLITZ COUNTY COMPLAINT FORM:

Please complete this form to the best of your ability. If you need translation or other assistance, contact the Title VI Specialist or email titlevi@co.cowlitz.wa.us.

Name _____

Address _____ City _____ Zip _____

Phone: Home _____ Work _____ Mobile _____

Best time of day to contact you about this complaint: _____

Email: _____

Basis of Complaint (circle all that apply):

Race	Color	National Origin (includes language access)
------	-------	--

Date of alleged incident: _____

Who discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Description of person if name unknown: _____

Explain what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. If you have any other information about what happened, please attach supporting documentation to the form. (Attach additional pages if more space is needed.)

What remedy are you seeking for the alleged discrimination? Please note that this process will not result in the payment of punitive damages or financial compensation.

List any other persons that we should contact for additional information in support of your complaint. Please list their names, phone numbers, address, email address below.

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who _____ When _____

Status (pending, resolved, etc.) _____ Result, if known _____

Complaint number, if known _____

Do you have an attorney in this matter? _____

Attorney Name: _____

Address _____ City _____ Zip _____

Signed _____ Date _____

Glossary of Terms

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness, or death
- Air, noise, and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of persons, businesses, farms, or non-profit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of ODOT programs, policies, or activities

Affected Community – A person or persons served or likely to be directly or indirectly affected by a program or activity receiving federal financial assistance.

Affirmative Action – A good faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.

Assurance – A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Beneficiary – Any person or group of persons (other than states) entitled to receive benefits, directly or indirectly, from any federally assisted program.

Citizen Participation – An open process in which the rights of the community to be informed, to provide comments to the government, and to receive a response from the government are met, with an opportunity for them to be involved and to express their needs and goals.

Compliance – When a recipient has implemented all the Title VI requirements effectively and there is not any evidence of discrimination.

Compliance Reviews – Regular systematic inspections of agency programs conducted to determine regulatory compliance with civil rights laws and regulations. Compliance reviews determine compliance and non-compliance in the delivery of benefits and services in federally assisted programs. They identify problems, such as denial of full benefits; barriers to participation; different treatment; lack of selection to advisory boards and planning committees; lack of information; and denial of the right to file a civil rights complaint. Compliance reviews are conducted on-site or through desk audits.

Complaint – A formal notification of alleged discrimination to the proper authority. The complaint should contain enough information to permit an investigation and is usually considered filed when it is delivered to the proper official or office.

Contractor – A person or entity that agrees to perform services at a specified price.

Deficiency Status – The interim period during which the recipient state has been notified of deficiencies and has not voluntarily complied with the Title VI Program guidelines but has not been declared in noncompliance by FHWA or FTA.

Discrimination – An act (action or inaction), whether intentional or unintentional, the effect of which is that a person, because of race, color, or national origin has been excluded from participation in, denied the benefits of, or has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance.

Facility – Includes all or any part of structures, equipment, or other real or personal property or interests therein and the provisions of facilities include the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

Federal Financial Assistance – Financial assistance that includes the following:

- Grants and loans of federal funds
- Grants or donations of federal property and interests in property
- Detail of federal personnel
- Sale and lease of, or permission to use (on other than a casual or transient basis), federal property, or interest in such a property without consideration, or at a nominal consideration, or at a consideration which is reduced to assist the recipient, or is in recognition of the public interest to be served by such sale or lease to the recipient
- Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance

Limited English Proficiency (LEP) – Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service, or benefit provided by a recipient.

Low-Income – Refers to a person whose median household income is at or below the Department of Health and Human Services poverty guidelines (see <https://aspe.hhs.gov/poverty-guidelines>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed or transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy, or activity.

Minority – A person or groups of persons who are:

- Black (having origins in any of the black racial groups of Africa).
- Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race).

- Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or,
- American Indian and Alaskan Native (having origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition).

Non-Compliance – Failure or refusal to comply with Title VI, other applicable civil rights laws, and implementing departmental regulations.

Primary Recipient – Any recipient that is authorized or required to extend federal financial assistance to another recipient to carry out a program.

Program – Includes any highway project, or activity for the provision of services, financial aid, or other benefits to individuals. Programs include education and/or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Public Notification – Process of publicizing information on the availability of programs, services, and benefits to affected groups and statements of nondiscrimination. Such notification is achieved through using newspapers, newsletters, and periodicals; radio, television, and the Internet; community organizations; grassroots and special needs directories; and brochures, posters, and pamphlets.

Recipient – Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term “recipient” does not include any ultimate beneficiary under any such program.

Title VI Program – The system of requirements, procedures, actions and sanctions through which the Department of Transportation enforces Title VI of the Civil Rights Act of 1964 and the regulations effectuating it and ensures that discrimination does not occur in connection with programs and activities which receive federal financial assistance from ODOT.