

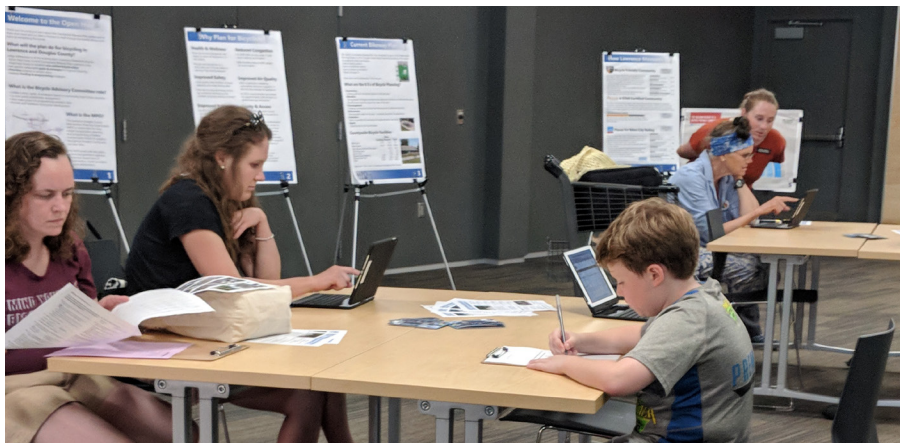
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## Limited English Proficiency Plan

**MPO Policy Board Approval  
August 18th, 2022**

MPO



METROPOLITAN PLANNING ORGANIZATION

**Funding Notes:**

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**Title VI Note:**

MPO hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America 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 program or activity for which MPO 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 MPO. Any such complaint must be in writing and filed with MPO's Title VI Coordinator within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discriminatory Complaint Form, please see our website at [www.lawrenceks.org/mpo](http://www.lawrenceks.org/mpo).

## TABLE OF CONTENTS

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INTRODUCTION .....	1
What is an MPO? .....	1
What is Limited English Proficiency? .....	2
What is Title VI? .....	3
Title VI of the Civil Rights Act of 1964 .....	3
Civil Rights Restoration Act of 1987 .....	3
Executive Order 12898 .....	3
Executive Order 13166 .....	4
LIMITED ENGLISH PROFICIENCY (LEP) POLICY .....	4
LEP Four-Factor Analysis .....	4
Factor 1: Number or Proportion of LEP Persons Served or Encountered by MPO .....	4
Factor 2: Frequency of LEP Individuals Contact with MPO Programs & Services .....	7
Factor 3: Nature and Importance of MPO's Programs and Services .....	7
Factor 4: Availability of Resources & Accommodation Costs .....	9
Safe Harbor Stipulation .....	9
LEP IMPLEMENTATION PLAN .....	10
Identifying LEP Individuals Who May Need Assistance .....	10
Language Assistance Measures .....	10
MPO Staff Training .....	12
Monitoring and Updating the LEP Plan .....	12
Summary of LEP interactions and monitoring (September 15, 2016 – June 1, 2019): .....	13
Dissemination .....	13
Complaints .....	13
Appendix A: Organizations Contacted .....	A-1
Appendix B: Title VI Complaint Procedures .....	B-1
Appendix C: Title VI Discriminatory Complaint Form .....	C-1

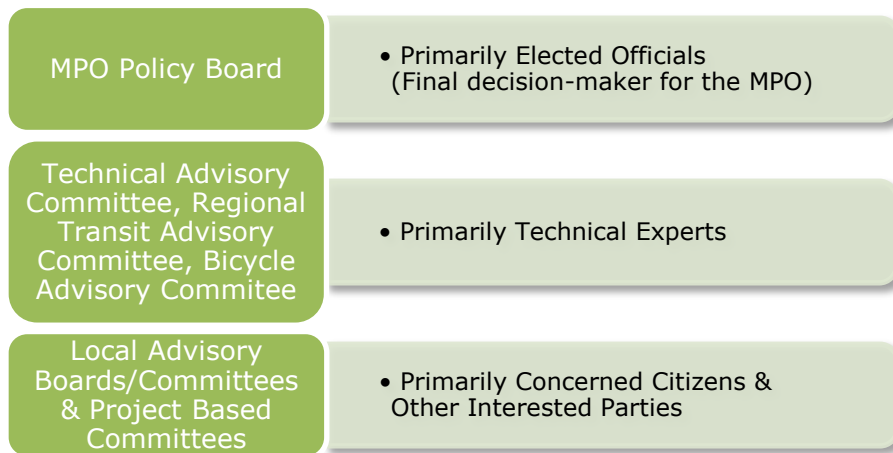
# INTRODUCTION

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## WHAT IS AN MPO?

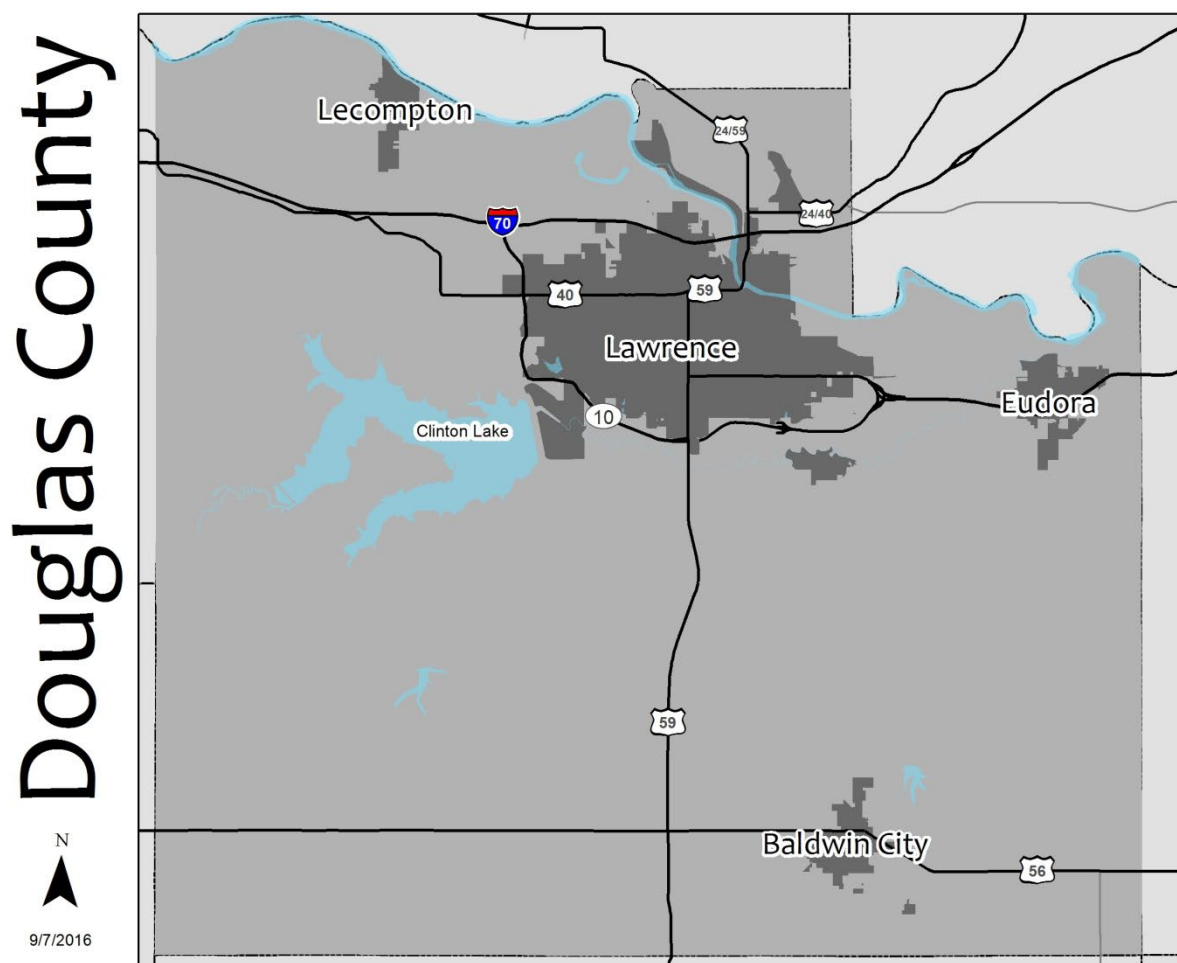
Each urbanized area with a population of 50,000 people or more is required to have a Metropolitan Planning Organization (MPO) which acts as a liaison between local communities, their citizens, and the state and federal departments of transportation. MPOs are important because they help direct how and where available state and federal dollars for transportation improvements will be spent. The MPO structure is comprised of MPO staff, the MPO Policy Board, a Technical Advisory Committee, a Regional Transit Advisory Committee, a Bicycle Advisory Committee, and several other advisory groups that may be formed from time to time to help the MPO staff with major projects. The MPO structure is shown in Figure 1. The number of official MPO advisory committees and their composition is determined by the MPO Policy Board and specified in the MPO bylaws and/or in the bylaws for each MPO advisory committee.

**Figure 1: MPO Structure**



The Lawrence-Douglas County Metropolitan Planning Organization (MPO) serves all of Douglas County, Kansas including Baldwin City, Eudora, Lawrence, and Leecompton (see Figure 2).

**Figure 2: Lawrence-Douglas County Metropolitan Planning Area (MPA)**



## WHAT IS LIMITED ENGLISH PROFICIENCY?

Most persons living in the United States read, write, speak, and understand English. There are many persons, however, for whom English is not their primary language. If those persons have a limited ability to read, write, speak or understand English, they are limited English proficient, or "LEP."<sup>1</sup>

Language barriers often inhibit, or prohibit, LEP persons daily. LEP persons experience these barriers when attempting to access public benefits and services, understanding and exercising rights, when fulfilling daily responsibilities and obligations, and when seeking information regarding federally funded programs, activities, and services. Thus the MPO, as a recipient of federal funds, strives to assist LEP individuals in accessing programs, activities, and services.

The LEP Plan outlines four goals: how to identify persons who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that

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<sup>1</sup> According to the 2020 American Community Survey, more than 25 million persons living in the United States reported that they were LEP.

assistance is available. The goal of the LEP Plan is to ensure that all residents of Douglas County, Kansas, can, to the fullest extent practicable, participate in MPO transportation planning and decision-making process.

## WHAT IS TITLE VI?

LEP provisions come from the suite of Title VI regulations that guide federal programs. Title VI refers to a specific section of the 1964 Civil Rights Act, but is more than only the one law (Figure 3). All agencies that receive federal funds must comply with the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all relevant Executive Orders.

### TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964 provides 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 subjected to discrimination under any program or activity receiving federal financial assistance.<sup>2</sup>

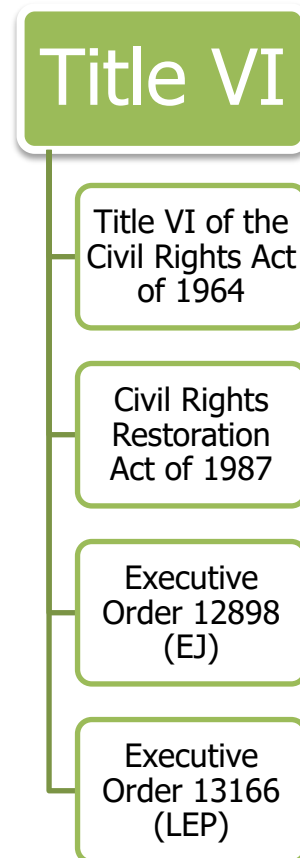
### CIVIL RIGHTS RESTORATION ACT OF 1987

The Civil Rights Restoration Act of 1987 expanded the scope of Title VI coverage by defining the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance.<sup>3</sup>

### EXECUTIVE ORDER 12898

Executive Order 12898 is titled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Executive order 12898 was issued by President Clinton in 1994. It directed federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations.<sup>4</sup>

Figure 3: Title VI Programs



<sup>2</sup> 49 CFR Part 21, which codifies the Title VI of the Civil Rights Act of 1964 – [www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr21\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl)

<sup>3</sup> FHWA guidance for the Civil Rights Restoration Act of 1987 – [www.fhwa.dot.gov/legregs/directives/notices/n4720-6.cfm](http://www.fhwa.dot.gov/legregs/directives/notices/n4720-6.cfm)

<sup>4</sup> FHWA guidance for Executive Order 12898 – [www.fhwa.dot.gov/environment/environmental\\_justice/overview/](http://www.fhwa.dot.gov/environment/environmental_justice/overview/)

## EXECUTIVE ORDER 13166

Executive Order 13166 is titled *Improving Access to Services for Persons with Limited English Proficiency*. It was issued by President Clinton in 2000 to direct federal agencies to evaluate services provided. It directed agencies to implement a system that ensures that Limited English Proficiency persons can meaningfully access the services provided, without unduly burdening the fundamental mission of each federal agency. The Executive Order includes the statement below.

"Each Federal Agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."<sup>5</sup>

## LIMITED ENGLISH PROFICIENCY (LEP) POLICY

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The MPO strives to provide meaningful access to programs and activities through its public participation process, which is intended to engage the public and local stakeholders, including those with Limited English Proficiency.

### LEP FOUR-FACTOR ANALYSIS

The United States Department of Transportation identifies four factors that should be considered by a recipient of federal funds in assessing the needs of LEP persons and for implementing a plan to address those needs.

The four factors are:

- (1) Number or Proportion of LEP Persons Served or Encountered by MPO;
- (2) Frequency of LEP Individuals Contact with MPO Programs & Services;
- (3) Nature and Importance of MPO's Programs and Services; and
- (4) Availability of Resources & Accommodation Costs.

The following section provides analysis of each of the four factors.

### FACTOR 1: NUMBER OR PROPORTION OF LEP PERSONS SERVED OR ENCOUNTERED BY MPO

The planning area of the Lawrence-Douglas County MPO includes the cities of Baldwin City, Eudora, Lawrence, and Lecompton and all unincorporated areas within Douglas County. To identify the number or proportion of LEP persons served or encountered by the MPO, 2016 - 2020 American Community Survey 5-Year Estimates were used. Individuals who self-identified as "Speak English Not Well or Not At All" were utilized in this analysis.

Table 1 shows the number and the proportion of persons who are five years of age or older and who are identified as being LEP. As Table 1 discloses, only 0.7% of persons residing within MPO planning area are

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<sup>5</sup> FHWA guidance for Executive Order 13166 – [www.fhwa.dot.gov/civilrights/programs/lep.cfm](http://www.fhwa.dot.gov/civilrights/programs/lep.cfm)

identified as being LEP. The data also shows the City of Lecompton has a greater proportion of LEP persons than the MPO Planning area as a whole with 1.8%, while the City of Lawrence is at 0.8%.

**Table 1: Identifying Limited English Proficient Individuals**

<b>Jurisdiction</b>	<b>Total Population: 5 Years &amp; Over</b>	<b>Speak English Less Than Well</b>	<b>%</b>
Kansas	2,723,766	59,645	2.2%
Douglas County* (MPO Area)	115,289	811	0.7%
Baldwin City	4,376	-	0.0%
Eudora	6,063	19	0.3%
Lawrence	92,651	778	0.8%
Lecompton	775	14	1.8%

\*Note: Douglas County data includes the entire county, including the four cities and rural unincorporated areas.

Data Source: 2016 - 2020 American Community Survey 5-Year Estimates (Table B16005). ACS data is an estimate so these numbers have a certain level of margin of error associated with them.

Table 2, also derived from the 2016 - 2020 American Community Survey 5-Year Estimates, shows the number of LEP persons and the three most common languages families spoken by LEP persons, who are five years of age or older, within the MPO planning area.

The highest percentage language family where individuals who spoke English less than well is Asian and Pacific Islander languages at 0.4%. This language family includes Chinese, Vietnamese, Thai, Laotian, Korean, and Japanese. The next highest language was Spanish at 0.2%. Indo-European languages, such as Dutch, Italian, Russian, Portuguese, French, or German, and other languages which are not specifically identified both represent .01% of the population.

**Table 2: Language Spoken by LEP Persons**

<b>Jurisdiction</b>	<b>Total Population: 5 Years &amp; Over</b>	<b>Speak English Less Than Well</b>							
		<b>Speak Spanish</b>	<b>% Spanish</b>	<b>Speak Other Indo- Europea n Languag es</b>	<b>% Other Indo- Euro</b>	<b>Speak Asian &amp; Pacific Island Languag es</b>	<b>% Asian &amp; Pacific Island</b>	<b>Speak Other Languag es</b>	<b>% Other</b>
Kansas	2,723,766	43,324	1.6%	3,009	0.1%	10,865	0.4%	2,447	0.1%
Douglas County	115,289	270	0.2%	74	0.1%	462	0.4%	5	0.0%
Baldwin City	4,376	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Eudora	6,063	-	0.0%	-	0.0%	19	0.3%	-	0.0%
Lawrence	92,651	270	0.3%	74	0.1%	429	0.5%	5	0.0%
Lecompton	775	0	0.0%	0	0.0%	14	1.8%	0	0.0%

\*Note: Douglas County data includes the entire county, including the four cities and rural unincorporated areas.

Data Source: 2016 - 2020 American Community Survey 5-Year Estimates (Table B16005). ACS data is an estimate so these numbers have a certain level of margin of error associated with them.

In sum, only 0.7% of the population within the MPO planning area is identified as being LEP. The large majority of LEP persons within the MPO planning area speak either Asian and Pacific Islander language or Spanish.

## FACTOR 2: FREQUENCY OF LEP INDIVIDUALS CONTACT WITH MPO PROGRAMS & SERVICES

While relatively small, the LEP population in the MPO planning area is changing. In previous years, Spanish and Asian and Pacific Islander languages represented the same proportion of the population. However, newer data indicates there is potentially more contact with Asian and Pacific Islander speaking individuals. Nonetheless, to date, the MPO has received no requests, formal or otherwise, by LEP persons seeking the translation of documents or interpreters at public meetings. However, English-speaking stakeholders have requested translation of survey input tools in an effort to provide opportunities for Spanish speaking participation during the last three years. This has resulted in fewer than two responses in Spanish for any translation, and for some translations, no responses.

As a part of plan development, MPO staff reached out to community organizations who may have encountered populations with Limited English Proficiency. These organizations are listed in Appendix A. Staff asked the community organizations which languages and the frequency of the encounters. Table 1 shows the frequency of language requests. As shown, 7 community organizations received requests for Spanish assistance followed by American Sign Language and Mandarin.

**Table 1: Frequency of Requests per Language**

	Spanish	ASL	Mandarin	Hearing Impairment	Visual Impairment	Hindi	Arabic	Korean
Daily/Every day	0	0	0	0	0	0	0	0
Weekly	0	0	0	0	0	0	0	0
Monthly	3	0	1	0	1	1	0	0
Couple times a year	1	1	1	0	0	0	1	1
Yearly	2	1	0	0	0	0	0	0
infrequently	1	0	0	0	0	0	0	0
Number of Community Responses in June 2022	7	2	2	0	1	1	1	1

## FACTOR 3: NATURE AND IMPORTANCE OF MPO'S PROGRAMS AND SERVICES

The MPO uses federal funds to plan transportation projects. While those projects are important, the MPO does not provide any programs, activities, or services involving vital, immediate, or emergency assistance, such as medical treatment or involving basic needs, such as food or shelter. And, while it is encouraged, involvement in MPO planning and decision-making process by residents is entirely voluntary, by contacting an MPO staff member or attending a meeting. The MPO seeks to include all segments of the population, including LEP persons, in the transportation planning and decision-making process.

Inclusive public participation is a priority of the MPO in plans and programs. Because the planning and decision-making process impacts all residents within the planning area, the MPO encourages input and involvement from all residents and makes every effort to make the planning and decision-making process as inclusive as practicable. MPO staff posts agendas for all meetings, which are open to the public, online at [www.lawrenceks.org/mpo](http://www.lawrenceks.org/mpo). MPO staff are available to address community organizations as requested. MPO staff field inquiries from the public regarding transportation projects. MPO staff keeps its website up to date to make it easier for residents to follow MPO activities. Finally, the MPO outlines ways in which the public can become involved in MPO planning and decision-making process in its Public Participation Plan

(PPP).<sup>6</sup> Many of our local and state partners have their own policies to ensure LEP persons can participate in the process that shapes where, how, and when a specific transportation project is implemented.

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<sup>6</sup> Access the Public Participation Plan at [www.lawrenceks.org/mpo/public\\_participation](http://www.lawrenceks.org/mpo/public_participation).

#### **FACTOR 4: AVAILABILITY OF RESOURCES & ACCOMMODATION COSTS**

The fourth and final factor of the analysis weighs the preceding three factors to assess the needs of LEP persons within MPO planning area against the resources available to MPO and the costs of providing access. As shown above, there is a very small population of LEP persons within the MPO planning area. Given the small size of the LEP population, there does not appear to be a need to produce planning documents, programs, and general information in languages other than English at the MPO level. Moreover, based on the MPO budget, such a plan would be cost prohibitive. However, as shown in the LEP Implementation Plan below, the MPO is committed to including all residents in the transportation planning and decision-making process. To that end, this LEP Plan will be reviewed on an ongoing basis to assess whether there are any significant changes in need and to ensure that language barriers are not preventing LEP persons from participating meaningfully in the transportation planning and decision-making process. Survey translation has sometimes been paid for with 100% local funding since grant funding was not always available.

#### **SAFE HARBOR STIPULATION**

Federal law provides a "Safe Harbor" stipulation so a recipient of federal funds can ensure with greater certainty that it is in compliance with its Title VI obligation to provide written translations of its documents to LEP persons. A "Safe Harbor" means that if the recipient provides written translations in certain circumstances, then such action will be deemed strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations, however, does not necessarily mean that it is noncompliant. For example, the written translation of certain documents would be so burdensome as to defeat the legitimate objectives of the program, then written translation would not be required. In such cases, oral interpretation of certain vital documents may suffice to meet the requirements of Title VI.

Strong evidence of compliance with Title VI under the "Safe Harbor" provision involves providing written translations of vital documents for each language group of LEP persons that constitutes 5% of the population or 1,000 persons, whichever is less, eligible to be served, or likely to be affected or encountered by the recipient. If that 5% is composed of less than 50 persons, then translation of vital documents can be provided orally. Also, under the "Safe Harbor" provision, oral translation of non-vital documents is deemed sufficient to meet the requirements of Title VI.

Finally, the MPO is mindful of the fact that the "Safe Harbor" provision applies only to the translation of written documents. It does not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and reasonable to provide on an advance request basis.

# LEP IMPLEMENTATION PLAN

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## IDENTIFYING LEP INDIVIDUALS WHO MAY NEED ASSISTANCE

When encountering a LEP person, MPO staff will use *Language Identification Flashcards* to identify that person's primary language. The Census Bureau developed the flashcards, which can be accessed at [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf).

The MPO will also make *Language Identification Flashcards* available to the public through its website, at all public meetings, and in the 3-ring binder of MPO materials in the Planning Office, Lawrence City Hall Riverfront, 1 Riverfront Plaza, Suite 320.

Once a LEP person's primary language is identified using the flashcards, MPO staff will assess the feasibility of providing written translation service and/or oral interpretation assistance for the LEP person.

*Language Identification Flashcards - bear the phrase "Mark this box if you read or speak [name of language]" translated into 38 different languages.*

## LANGUAGE ASSISTANCE MEASURES

In the event that the MPO should receive a request for assistance in a language other than English, staff members will take the name and contact information of the person. If the person speaks Spanish, the MPO may be able to use City of Lawrence employees who speak Spanish as interpreters or use one of the following resources available for language translation.

- Use a free online written translator website
- Contact a local volunteer, if one is available
- Contact the University of Kansas language departments
- Utilize the telephone interpreter service, Propio Language Services at 1-855-293-8133
- Contact one of the identified community organizations that have encountered populations with limited English proficiency to ask for their assistance (See Appendix A)

The following resources were collected for each language from the Community Organizations contacted (see Appendix A).

**Table 2: Resources Used in Douglas County**

Most Common Languages Requested	
Spanish	Employees that speak Spanish, Google Translate, KDADS, ElCentro, Language Line
American Sign Language	Kansas Commission for the Deaf and Hard of Hearing, KDADS
Visually Impaired	Kansas School for the Blind
Mandarin	KDADS
Hindi	KDADS
Arabic	KDADS
Korean	KDADS
Note:	Responses from Community Organizations in June 2022

The MPO website may be translated into a number of different languages using a free online translation services such as *Google Translate*. Similarly, agendas, minutes, and other documents posted online, can be translated as well. Also, MPO meeting notices and agendas contain a note to direct persons, who may need translation services for themselves or others, to contact MPO staff who can then assist them in locating translation or interpretation services (as shown in the call out box).

Outside of those services, because the MPO staff is small and does not possess in-house translation capabilities or expertise, MPO staff can only assist LEP persons, but cannot accurately assess or guarantee the accuracy of translation services provided by others. All MPO staff carry smartphones with access to *Google Translate* for on the fly translation requests. Within its limited budget and capabilities, MPO pledges that it will, to the best of its abilities, ensure that LEP persons have a meaningful opportunity to participate in the transportation planning and decision-making process.

## MPO STAFF TRAINING

Current staff members and incoming staff members will be briefed on the MPO's LEP Plan and how to assist LEP persons. They will also be instructed to keep a record of language assistance requests so that needs may be accurately assessed in the future. Staff will also take advantage of any relevant webinar opportunities related to Title VI topics, as time allows.

## MONITORING AND UPDATING THE LEP PLAN

This LEP Plan is designed to be flexible and one that can easily be updated. At a minimum, the MPO will follow the Title VI Program update schedule.<sup>7</sup> It is likely that this LEP Plan, along with other public involvement MPO documents (Public Participation Plan and Title VI Program Manual), will be reviewed and updated as needed on a schedule similar to the updates of the Metropolitan Transportation Plan (MTP).

Each update should consider the following components:

- How many LEP persons were encountered? Were their needs met?
- What is the current LEP population in the MPO planning area?
- Has there been a change in the types of languages where translation services are needed?
- Has the MPO's available resources (technology, staff, and financial costs) changed?
- Has the MPO fulfilled the goals of the LEP Plan?
- Were there any complaints received?

### **Special Accommodations:**

*Please notify the Lawrence-Douglas County Metropolitan Planning Organization (L-DC MPO) at (785) 832-7700 at least 72 hours in advance if you require special accommodations to attend this meeting (i.e., qualified interpreter, large print, reader, hearing assistance). We will make every effort to meet reasonable requests.*

*The L-DC MPO programs do not discriminate against anyone on the basis of race, color or national origin, according to Title VI of the Civil Rights Act of 1964. For more information or to obtain a Title VI Complaint Form, see [www.lawrenceks.org/mpo/title6](http://www.lawrenceks.org/mpo/title6) or call (785) 832-7700.*

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<sup>7</sup> The Title VI Program Manual can be accessed at [www.lawrenceks.org/mpo/title6](http://www.lawrenceks.org/mpo/title6).

- Have new (federal/state) regulations concerning LEP Plans been approved that necessitate the changes to the current LEP Plan or MPO's process for addressing LEP persons?

### **SUMMARY OF LEP INTERACTIONS AND MONITORING (JULY 1, 2019 – JULY 1, 2022):**

The MPO's resources of staffing, the financial costs of translation, and technology have not significantly changed the MPO's ability to provide LEP assistance and/or services. The MPO has regularly translated surveys from the last three plan development processes into Spanish based upon request from English speaking concerned stakeholders. These survey translations have resulted in two or fewer Spanish responses to surveys. The most interpretation requests being during the Safe Routes to Schools planning process, which involved city staff and community partners translating previously translated documents back to English. To date, there have been no complaints of the LEP process. There have been no significant changes in the most prevalent languages category identified in the region. When LEP persons have been encountered, it was during tabling when MPO staff conducted targeted non English engagement with part time staff and/or partners who spoke Spanish.

The MPO staff believes it has met the goals of the 2019 LEP Plan. No federal or state regulations concerning LEP Plans have been approved that necessitate the changes to the current LEP Plan or MPO's process for addressing LEP persons. The MPO commits to monitoring the LEP planning process and making changes/updates as necessary.

### **DISSEMINATION**

The MPO will post this LEP Plan on its website: [www.lawrenceks.org/mpo/title6](http://www.lawrenceks.org/mpo/title6). Copies of this LEP Plan will also be available at the MPO office. Any person or agency requesting a copy of the LEP Plan will be provided a digital or paper copy.

### **COMPLAINTS**

If you have been discriminated against or have been excluded from any MPO program, activity, or service on the basis of LEP, you may file a complaint using the form found in Appendix C. Procedures for filing a complaint are in Appendix B. Should a LEP complaint be filed, MPO's Title VI complaint review process will be followed.

More information on filing a LEP complaint with the Department of Justice can be found at <http://www.usdoj.gov/crt/cor/complaint.php>.

## APPENDIX A: ORGANIZATIONS CONTACTED

As a part of plan development, MPO staff reached out to community organizations that may have encountered populations with Limited English Proficiency. The organizations listed below were contacted to see how they provide language assistance. Not every organization responded and not all have had encountered LEP populations. Should a language assistance request not be able to fulfilled using traditional methods, MPO staff will contact the agencies that have resources to share and/or could provide assistance.

**Table A-1: Organizations Contacted**

Organization
American Red Cross
Baker University
Baldwin City Public Schools
Bert Nash Community Mental Health Center
Centro Hispano
City of Baldwin City
City of Eudora
City of Lecompton
Cottonwood, Inc.
Douglas County
Douglas County ECKAN Community Center
Douglas County Senior Resource Center
Douglas County Sheriff's Office
Eudora Public Schools
Haskell Indian Nations University
Independence, Inc.
Jayhawk Area Agency on Aging
KU Office of Institutional Opportunity & Access
KU Office of Multicultural Affairs
KU on Wheels
Lawrence Community Shelter
Lawrence Public Library
Lawrence Public Schools
Lawrence Transit
Lawrence-Douglas County Housing Authority
Perry-Lecompton Public Schools
Plymouth Congregational Language Program
Salvation Army

## APPENDIX B: TITLE VI COMPLAINT PROCEDURES

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The following pertains only to Title VI complaints regarding the programs of the MPO. For Title VI complaints against other Lawrence and/or Douglas County agencies, or if you believe you have suffered housing or employment discrimination, please contact the appropriate agency.

Title VI, 42 U.S.C. §2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement 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 MPO has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter VII of the Federal Transit Administration Circular 4702.1, dated May 26, 1988. If you believe that the MPO's federally funded programs have discriminated your civil rights on the basis of race, color, or national origin you may file a written complaint by following the procedure outlined below:

### TITLE VI COMPLAINT PROCEDURE

#### 1. Submission of Complaint.

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the MPO may file a written complaint with the MPO's Title VI Coordinator. A sample complaint form is available for download at [www.lawrenceks.org/mpo](http://www.lawrenceks.org/mpo) and is available in hard copy at the offices of the MPO. Upon request, the MPO will mail the complaint form. Such complaints must be filed within 180 calendar days after the date the discrimination occurred.

*Note: Upon request, assistance in the preparation of any necessary written material will be provided to a person or persons as requested.*

Complaints should be sent to:

Lawrence-Douglas County Metropolitan Planning Organization  
Jeff Crick, Title VI Coordinator  
1 Riverfront Plaza, Suite 320  
Lawrence, KS 66044

[mpo@lawrenceks.org](mailto:mpo@lawrenceks.org)

## **2. Referral to Review Officer.**

Upon receipt of the complaint, MPO's Chairperson shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with an approved MPO Attorney. The Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the MPO received the complaint. If more time is required, the MPO's Chairperson shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the MPO's processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the MPO's Chairperson for concurrence. If the MPO's Chairperson concurs, he or she shall issue the MPO's written response to the Complainant.

*Note: Upon receipt of a complaint, the MPO shall forward a copy of this complaint and the resulting written response to the appropriate KDOT, FHWA, and FTA-Region 7 contacts.*

## **3. Request for Reconsideration.**

If the Complainant disagrees with the MPO's Chairperson's response, he or she may request reconsideration by submitting the request, in writing, to the MPO's Chairperson within 10 calendar days after receipt of the MPO's Chairperson's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the MPO's Secretary. The MPO's Chairperson will notify the Complainant of his or her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the MPO's Chairperson agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

## **4. Appeal.**

If the request for reconsideration is denied, the Complainant may appeal the MPO's Chairperson's response by submitting a written appeal to the MPO Policy Board no later than 10 calendar days after receipt of the MPO's Chairperson's written decision rejecting reconsideration.

## **5. Submission of Complaint to the State of Kansas Department of Transportation.**

If the Complainant is dissatisfied with the MPO's resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the State of Kansas Department of Transportation for investigation.

KDOT Office of Civil Rights Compliance  
Eisenhower State Office Building  
700 Southwest Harrison  
3<sup>rd</sup> Floor West  
Topeka, KS 66603

## APPENDIX C: TITLE VI DISCRIMINATORY COMPLAINT FORM

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The purpose of this form is to assist you in filing a complaint with the MPO. You are not required to use this form; a letter containing the same information will be sufficient. It is important, however, to include all information related to items marked with a star (\*), whether or not the form is used.

### 1.\*Provide your name and address

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number:

Home: (\_\_\_\_) \_\_\_\_\_

Work: (\_\_\_\_) \_\_\_\_\_

### 2.\* Person discriminated against if different from above:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number:

Home: (\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_) \_\_\_\_\_

Please explain your relationship to this person(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 3.\* Agency, department, or program that discriminated:

Name: \_\_\_\_\_

Any individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

**4A.\* Non-Employment: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the MPO in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "Sex: Female).**

\_\_\_\_\_ Race/Color: \_\_\_\_\_

\_\_\_\_\_ National Origin: \_\_\_\_\_

\_\_\_\_\_ Sex: \_\_\_\_\_

**4B.\* Employment: Does your complaint concern discrimination in employment by the MPO? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "National Origin: Canadian").**

\_\_\_\_\_ Race/Color: \_\_\_\_\_

\_\_\_\_\_ National Origin: \_\_\_\_\_

**5. What are the most convenient time and place for us to contact you about this complaint?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:**

Name: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

**7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:**

Name of attorney: \_\_\_\_\_

Address of attorney: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone number of attorney: (\_\_\_\_) \_\_\_\_\_

**8.\* To your best recollection, on what date(s) did the alleged discrimination take place?**

Earliest date of discrimination: \_\_\_\_\_

Most recent date of discrimination: \_\_\_\_\_

**9.\* Please explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Please indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional sheets if necessary and attach a copy of written materials pertaining to your case).**

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**10. The laws we enforce prohibit recipients of federal funds programmed through the MPO from intimidating or retaliating against anyone because he or she has either taken action or participated in action to secure rights protected by these laws. If you believe that you have been retaliated against (separate from the discrimination alleged in #9), please explain the circumstances below. Be sure to explain what actions you took which you believe were the basis for the alleged retaliation.**

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**11. Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.**

Name, Address, and Area Code/Telephone Numbers

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**12. Do you have any other information that you think is relevant to our investigation of your allegations? If so, please describe that information below and attach copies of that information to this form as you deem appropriate.**

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**13. What remedy are you seeking for the alleged discrimination?**

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**14. Have you (or the person discriminated against) filed the same or any other complaints with other agencies such as the KDOT Office of Civil rights, etc.?**

Yes \_\_\_\_\_

No \_\_\_\_\_

If so, do you remember the complaint number?

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Against what agency and department or program was it filed?

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Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

Date of filing: \_\_\_\_\_ Agency: \_\_\_\_\_

Briefly, what was the complaint about?

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What was the result?

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**15. Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any of the following?**

\_\_\_\_\_ U.S. Equal Employment Opportunity Commission

\_\_\_\_\_ Federal or State Court

\_\_\_\_\_ Your State Equal Opportunity Office and/or local Office of Human Rights

**16. If you have already filed a charge or complaint with an agency indicated in #15 above, please provide the following information (attach additional pages if necessary):**

Agency: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Case or Docket Number: \_\_\_\_\_

Date of Trial/Hearing: \_\_\_\_\_

Location of Agency/Court: \_\_\_\_\_

Name of Investigator: \_\_\_\_\_

Status of Case: \_\_\_\_\_

Comments:

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**17. How did you learn that you could file this complaint?**

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**18.\* We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.**

\_\_\_\_\_

(Signature)

(Date)

Please feel free to add additional sheets to explain the present situation to us.

Please mail the completed, signed Title VI Discrimination Complaint Form (please make one copy for your records) to:

Lawrence-Douglas County Metropolitan Planning Organization  
Attn: Jeff Crick, Title VI Coordinator  
1 Riverfront Plaza, Suite 320  
Lawrence KS 66044  
Phone: (785) 832-3165