

## City of Key West



## Title VI and Nondiscrimination Policy and Plan

### **Policy Statement:**

The City of Key West values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the City provides the highest quality of life for all residents by delivering fiscally-sound, responsive services in a manner that is equitable, professional and has the highest degree of integrity. Thus, the City does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and related federal laws and regulations, the City will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status. Presidential Executive Order 13166 addresses services for those individuals with limited English proficiency. To address the Federal requirements, the City of Key West has developed a Title VI Plan, ADA/504 Statement and Limited English Proficiency Guidance (LEP). The following sections provide a summary of the activities related to those requirements.

### **Complaint Procedures:**

The City has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, age, disability, religion, income or family status in any of the City's programs, services or activities may file a complaint with the City Title VI/Nondiscrimination Coordinator:

***Carolyn Sheldon***  
***Senior Grants Administrator***  
***City of Key West***  
***1300 White Street***  
***PO Box 1409***  
***Key West, Florida 33041***  
***(305) 809-3741***  
***csheldon@cityofkeywest-fl.gov***

### **Submitting a Complaint:**

Any individual who feels they have been discriminated against in any federally assisted program or service provided by The City of Key West Government, under the provisions of Title VI of the 1964 Civil Rights Act, shall submit a grievance to address any concerns. If possible, the complaint should be submitted within 60 days of the incident and in writing including details of the grievance:

- Your name, address and telephone number.

- Your complaint must be signed.
- If you are filing on behalf of another person, include your name, address, telephone number and your relation to that person (e.g. friend, attorney, parent, Etc.).
- The name and address of the City agency, division, or department you believe discriminated against you.
- Include the basis for the allegations (i.e., race, color, national origin, sex, age, disability, religion, income or family status) with a description of the alleged discrimination with the date of occurrence.
- If the complaint cannot be submitted in writing, the complainant should contact the Title VI/Nondiscrimination Coordinator for assistance.

The Title VI/Nondiscrimination Coordinator will act as a public liaison between the grievant and the department against whom the complaint was made.

Within five (5) business days the Title VI/Nondiscrimination Coordinator will forward the complaint, along with a record of its disposition, to the appropriate department/division with general instructions as to the format which the department should follow in their response, and a date by which the department/division shall return a response to the Coordinator. The Coordinator in consultation with the City Attorney will review the response with the department/division prior to the final preparation of the response to the grievant.

The department/division shall have thirty (30) business days from the receipt of the grievance from the Title VI/Nondiscrimination Coordinator to respond to the grievance. In the event that more information is needed to resolve the case, the City may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant with additional information within 10 business days the City can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue the case.

After legal review of the complaint, the Coordinator will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case has been closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains where any disciplinary action, additional training for the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.

In the event that the grievant submits a written complaint to the operating department/division, the department shall send a copy of the grievance to the Title VI/Nondiscrimination Coordinator within five (5) business days of receipt. That action will constitute a filing by the grievant to the City as required herein. The department will have thirty (30) days from receipt of the written grievance to respond as above.

If the department/division can solve the written grievance informally, the department/division will provide the Coordinator a written statement explaining the mutually agreeable solution. This document should be signed by the grievant and the department/division representative for official record.

Some departments may have their own internal policy on processing complaints and would follow established time limits (if stated) in their policy. Any department that has their own internal complaint policy procedures will be made public. All departments/divisions are expected to follow the above protocols to notify the Coordinator and will consult with City Legal counsel as above.

Should the complainant be unable or unwilling to submit a grievance to the City, or if the complainant is dissatisfied with the City's handling of a complaint, the written complaint may be submitted directly to the U.S. Department of Justice (DOJ). DOJ will ensure that the matter is assigned to the correct federal or state authority for processing. **The Federal Coordination and Compliance Section Does Not Accept Complaints Submitted Electronically.**

Please mail the complaint to the following address:

***Federal Coordination and Compliance Section - NWB  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530***

***Title VI Hotline: 1-888-TITLE-06  
(1-888-848-5306) (Voice / TDD)***

For more information, please visit the Department of Justice website:

<http://www.justice.gov/crt/about/cor/coord/titlevi.php>

The City shall maintain a file for all Title VI grievances, complaints, investigations and lawsuits for a period of at least three (3) years.

#### **ADA/504 Statement:**

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal aid recipients and other government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in City programs, services and activities.

The City will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities.

The City encourages the public to report any facility, program, service or activity that appears inaccessible to the disabled. Furthermore, the City will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access facilities, programs, services or activities.

Questions, concerns, comments or requests for accommodation should be made to the City's ADA Contact:

***Todd Stoughton***  
***ADA Coordinator***  
***City of Key West***  
***1300 White Street***  
***PO Box 1409***  
***Key West, Florida 33041***  
***(305) 809-3811***  
***tstoughton@cityofkeywest-fl.gov***

#### **Limited English Proficiency (LEP) Guidance:**

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from federal agencies require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments such as the City, private and non-profit entities, and subrecipients.

The City of Key West (City) has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to City programs as required by Executive Order 12166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English.

To determine the extent to which LEP services are required and in what languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the City's programs, services or activities.
- The frequency with which LEP individuals come in contact with these programs, services or activities.

- The nature and importance of the program, service or activity to people’s lives; and
- The resources available to the City and the likely costs of the LEP services.

1. The City examined the US Census Bureau’s most recent American Community Survey (ACS) data and was able to determine that approximately 24% or 5,711 of the City of Key West population age 5 and older spoke a language other than English at home. Hispanics comprised the largest non-English speaking language group.

As the latest ACS survey indicates, of the 5,711 persons who speak a language other than English, 2,396 (42%) speak English less than “very well.” The survey further indicates that 3,570 of the 5,711 (63%) speak Spanish and 1,818 of the 3,570 (51%) speak English less than “very well.”

The breakdown for the other languages identified in the City is as follows:

- Other Indo-European 1,910 (33%); speaks English less than “very well” 538 (28%)
- Asian and Pacific Islander 180 (3%); speaks English less than “very well” 40 (22%)
- Other languages 51 (1%); speaks English less than “very well” 0 (0%)

2. The City assesses the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquiries and surveying public meeting attendees.
3. While there is a relatively small concentration of Spanish-speaking persons in the City, the City will evaluate the need for any formal outreach efforts to identify those City programs which would be of importance to a Spanish-speaking LEP person. The City believes that housing assistance, emergency management, emergency medical services and solid waste collection are of critical importance to the public. The City has various documents of each of these departments translated into Spanish. Furthermore, to help accommodate the Spanish speaking community, the City’s Transit Department, has translated its system route map and brochures. The City also has the ability to translate any of its documents and brochures into Spanish as needed.
4. The City assessed its available resources that could be used for providing LEP assistance. This included identifying what staff and volunteer language interpreters are readily available, how much a professional interpreter and translation service would cost, which documents should be translated, taking an inventory of available organizations that the City could partner with for outreach and translation efforts, technological options, examining which financial and in-kind sources could be used to provide assistance and what level of staff training is needed.

The analyses of these factors suggest that the following LEP services are called for:

- Continue to provide translation of documents to Spanish.
- Maintain a list of employees who fluently speak Spanish and other languages and who are willing to provide translation and/or interpretation services.
- Ensure all public access areas have access to a computer with speakers (and microphone as needed) to use Google Translate or other free online translation tools for onsite translation assistance.
- Provide notification in Spanish of the availability of LEP assistance which is available in City buildings, transit vehicles and facilities, and other public areas.

The City understands that its community profile is changing and the four factor analysis may reveal the need for more LEP services in the future. As such, it will examine its LEP plan every three years to ensure that it remains reflective of the community's needs.

Persons requiring special language services should contact the City's Title VI/Nondiscrimination Coordinator:

***Carolyn Sheldon***  
***Senior Grants Administrator***  
***City of Key West***  
***1300 White Street***  
***PO Box 1409***  
***Key West, Florida 33041***  
***(305) 809-3741***  
***csheldon@cityofkeywest-fl.gov***

#### **Public Involvement:**

In order to plan for efficient, effective, safe, equitable and reliable government services, the City must have the input of its public. The City spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. Any person may attend any City Commission meeting and speak during the Public portion of the agenda concerning a matter of City business of concern to the person. City Commission meetings are generally held the first and third Tuesday of each month, held at the City of Key West City Hall, 1300 White Street, Key West. Workshops and/or special meetings are on an "as needed basis," and are scheduled and publicly noticed if needed. Interested parties should check the City's website, <http://www.cityofkeywest-fl.gov> for any changes to meeting dates, times and location. Meeting locations are accessible to the disabled.

Persons wishing to request special presentations by the City, volunteer in any of its activities or offer suggestions for improvement of City public involvement may contact:

**Carolyn Sheldon**  
**Senior Grants Administrator**  
**City of Key West**  
**1300 White Street**  
**PO Box 1409**  
**Key West, Florida 33041**  
**(305) 809-3741**  
**[csheldon@cityofkeywest-fl.gov](mailto:csheldon@cityofkeywest-fl.gov)**

**Hearing Impaired: 1-800-955-8771**

**Voice: 1-800-955-8770**

### **Other Inclusive Public Participation:**

The City of Key West offers a diverse variety of options for public outreach methods and activities including:

- Social Media (Facebook – City of Key West Government)
- City of Key West, Channel 77 broadcasts City Commission Meetings, Code Compliance, Historic Architectural Review Commission, Tree Commission, Planning Board, Citizen Review Board, Truman Waterfront Advisory Board, Bahama Village Redevelopment Advisory Committee, Community Redevelopment Area, Board of Adjustment, Art in Public Places, Sustainability Advisory Board, Naval Properties Local Redevelopment Authority, and other public interests within the city.
- The City of Key West Website: <http://www.cityofkeywest-fl.gov/>
- Surveys

### **Data Collection:**

FHWA regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. The City accomplishes this through the use of census data and American Community Survey reports and other methods. From time to time, the City may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in its public involvement events. This information assists the City with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to the City will always be voluntary and anonymous. Moreover, the City will not release or otherwise use this data in any manner inconsistent with the federal regulations.

### **Assurances and Certifications:**

Every three years, or commensurate with a change in executive leadership, the City of Key West must

certify to FHWA and FDOT that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances' and document the City's commitment to nondiscrimination and equitable service to its community. The public may view the assurances on the City's website or by visiting the City's offices.

**TITLE VI PROGRAM AND RELATED STATUTES  
DISCRIMINATION COMPLAINT AGAINST THE CITY OF KEY WEST**

Name:	Telephone (home):	Telephone (work):										
Address:	City, State, Zip Code:											
Name of City Staff Person that You Believe Discriminated Against You:												
Address:	City, State, Zip Code:											
Date of Alleged Incident:												
You were discriminated because of:												
<table style="width: 100%; border: none;"><tr><td style="width: 16.6%;"><input type="checkbox"/> Race</td><td style="width: 16.6%;"><input type="checkbox"/> Retaliation</td><td style="width: 16.6%;"><input type="checkbox"/> Sex</td><td style="width: 16.6%;"><input type="checkbox"/> Familial Status</td><td style="width: 16.6%;"><input type="checkbox"/> Religion</td></tr><tr><td><input type="checkbox"/> Color</td><td><input type="checkbox"/> National Origin (Language)</td><td><input type="checkbox"/> Age</td><td><input type="checkbox"/> Disability</td><td><input type="checkbox"/> Other</td></tr></table>			<input type="checkbox"/> Race	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Sex	<input type="checkbox"/> Familial Status	<input type="checkbox"/> Religion	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin (Language)	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Other
<input type="checkbox"/> Race	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Sex	<input type="checkbox"/> Familial Status	<input type="checkbox"/> Religion								
<input type="checkbox"/> Color	<input type="checkbox"/> National Origin (Language)	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Other								
Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also attach any written material pertaining to your case.												
<b>Signature:</b>	<b>Date:</b>											

