



CITY OF GAINESVILLE

Title VI/Nondiscrimination Policy and Plan

Policy Statement:

The City of Gainesville (CITY) values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the CITY believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the transportation decision making process. Thus, the CITY prohibits discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the CITY will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, gender, age, religion, national origin, marital status, sexual orientation, disability, or gender identity.

Furthermore by way of its City's Discrimination Ordinance, the City Commission declares the policy of the city to be, for the protection of the public health, safety and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade, commerce and manufacturing, to prohibit discrimination in the access to and equal enjoyment of places of public accommodation (including transportation), to ensure equal opportunity to all persons to live in decent housing facilities, regardless of sexual orientation, race, color, gender, age, religion, national origin, marital status, disability, gender identity, citizenship status, lawful source of income, veteran status or status as a victim of domestic violence, victim of dating violence, or victim of stalking and to that end to prohibit discrimination in the extension of credit without regard to sexual orientation, race, color, gender, age, religion, national origin, marital status, disability or gender identity and to prohibit employment discrimination against persons because of sexual orientation, race, color, gender, age, religion, national origin, marital status, disability or gender identity that do not constitute bonafide occupational qualifications.

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 sexual orientation, race, color, gender, age, religion, national origin, marital status, disability or gender identity in any of the CITY's programs, services or activities may file a complaint with the CITY Title VI Nondiscrimination Coordinator or Equity and Inclusion Director whose contact information is listed below:

Name: Zeria K. Folston, MPA
Interim Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator:
Address 222 E. University Ave.
Address Gainesville, FL 32601
Email: OEOADA@cityofgainesville.org
Phone: (352) 334-5051
Fax: (352) 334-2088
Hearing Impaired: (800) 955-8771

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (i.e., race, color, gender, age, religion, national origin, marital status, sexual orientation, disability, or gender identity) and 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 City's Complaint Process is outlined as follows:

1. INTRODUCTION

The City of Gainesville is committed to maintaining a city free of discrimination, harassment and inappropriate behavior on the basis of race, color, gender, age, religion, national origin, marital status, sexual orientation, disability, or gender identity (protected characteristics).

2. OBJECTIVES

The objectives of an investigation are to:

- A. Determine the reasonableness and basis of the complainant actions.
- B. Factually establish what happened.
- C. Determine the reasonableness and basis of the respondent's actions.
- D. Uncover and preserve all pertinent facts and evidence so that they may be used to determine the proper disposition of allegations.
- E. Determine whether there has been a violation of the City's Anti-Discrimination Ordinance and/or policies.
- F. Determine whether the conduct or behavior was intentional or unintentional.
- G. Prepare the Final Investigative Report.
- H. Report findings to the Charter Officer.

3. COMPLAINTS

A complaint is defined as an allegation of circumstance(s) relating to specific acts or omissions which, if proven true, would amount to prohibited discrimination, harassment, or inappropriate speech, conduct, or other inappropriate behavior based on a protected characteristic; or, an allegation that a policy, procedure, practice, or service level has a disparate impact upon the terms and conditions of employment of an employee, or services provided to citizens, where the employee or citizen is a member of a protected class, and who is directly affected by the policy, procedure, practice, or service level. A complaint may be informal or formal.

4. INTAKE PROCEDURES

The Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) shall be responsible for accepting complaints against any agency or organization within the city limits of Gainesville. A complaint may be given in person, by telephone, letter or online.

Intake Personnel accepting complaints shall be responsive and courteous. They shall not attempt to discourage, interfere, or delay an individual from making a complaint. A Daily Intake Form shall be completed for all external complaints. Pertinent information from the daily intake form will be added to the Intake tracking log.

Upon review by the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee), a date may be established to meet with the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) to review the allegations of the complaint if it is deemed appropriate to do so.

The Equity and Inclusion Director Title VI Nondiscrimination Coordinator (designee) will advise the complainant that the time limit to file a complaint is 180 days of the occurrence of the alleged discrimination, harassment, or inappropriate speech, conduct, or other inappropriate behavior.

He/she will also advise the complainant of the steps of both the informal inquiry and formal complaint process and his/her right to file an administrative or civil action. The complainant shall complete a Notice of Rights and Filing Options Form.

5. Filing of Complaints

1. The affected employee or citizen will complete a "Complaint of Discrimination" form in the Equity and Inclusion Department within one hundred-eighty (180) days of the employee's or citizen's knowledge of the alleged act of Discrimination.
2. The Charter Officer or designee will have ten (10) working days from receipt of the complaint and request in which to provide information and/or documents requested by the Equity and Inclusion Department Director. Any additional requests for information and/or documents should be completed within the timeframe specified by the Equity and Inclusion Department Director. The response deadlines may be extended by the Equity and Inclusion Department Director.
3. The Equity and Inclusion Department Director or designee, may work alone or in conjunction with other investigator (s) selected by the Equity and Inclusion Department Director to conduct a formal investigation of the alleged charges, which may include an informal hearing of persons involved, and on-site interviews of other employees who may have witnessed the alleged discriminatory act(s). If other investigators are used, they will work under the direction and supervision of the Equity and Inclusion Department Director or designee and all investigative plans, interviews, requests for information, work, and scope of work will be coordinated and approved through the Equity and Inclusion Department Director or designee. All reports of the investigator(s) will be submitted to the Equity and Inclusion Department Director or designee.
4. The complainant and the alleged discriminating party may give a list of witnesses to be interviewed by the Equity and Inclusion Department Director or other investigator(s) in support or denial of the charge(s) of discrimination. Also, any documents related or pertinent to the allegation(s) should be submitted to the Equity and Inclusion Department Director or designee.
5. Prior to completing the final written investigation report, the Equity and Inclusion Department Director will meet with the Charter Officer or designee and will consult with the City Attorney's Office regarding the preliminary results of the investigation. The Charter Officer or designee will be allowed to present additional information.
6. Upon completion of the investigation, the Equity and Inclusion Department Director will submit a written investigative report of findings directly to the Charter Officer. If the complaint makes personal and direct allegations against a Charter Officer, the written investigative report will be submitted to the City Commission by the Equity and Inclusion Department Director and the City Auditor.
7. If the complaint is against an employee working under the Charter Officer, the respective Charter Officer will meet with the Equity and Inclusion Department Director to discuss the complaint or report. The Charter Officer will issue a written response directly to the Equity and Inclusion Department Director and the complainant within fifteen (15) working days after receipt of the Equity and Inclusion Department Director's written investigative report.

The CITY's Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator is a Charter Officer who reports directly to the City Commission and is not required to obtain management or other approval as it relates to discrimination complaints/ issues. Further, for discrimination complaints in and outside of the City's Jurisdiction, the following filing rights and options are

presented to all complainants:

Office of Equity and Inclusion (City Ordinance – only) – 180 days/365 for Housing complaints
222 E. University Ave.
Station 52
Gainesville, FL 32602

Office of Equity and Inclusion (Internal Complaint against City only) – 180 days
222 E. University Ave.
Station 52
Gainesville, FL 32602

Florida Commission on Human Relations (State) – 365 days
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301

U.S. Equal Employment Opportunity Commission (Federal) –300 days
One Biscayne Tower, Suite 2700
2 South Biscayne Blvd.
Miami, FL 33131

Florida Department of Transportation
Equal Opportunity Office
ATTN: Title VI Complaint Processing
605 Suwannee Street MS 65
Tallahassee, FL 32399

Further, filing either a complaint with the City does not preclude the complainant's rights to file with other local, state, and federal agencies.

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 transportation 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 will make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by the disabled community and disability service groups.

The CITY encourages the public to report any facility, program, service or activity that appears inaccessible to those who are 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. Because providing reasonable accommodation may require outside assistance, organization or resources, the CITY asks that requests be made at least forty-eight (48) hours prior to the need for accommodation.

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

Name: Zeria K. Folston, MPA
Interim Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator
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Address Gainesville, FL 32501
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Limited English Proficiency (LEP) Guidance:

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US Department of Transportation (DOT) 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. To determine the extent to which LEP services are required and in which 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. Based on U.S. Census population demographics for Alachua County, and World Population Review: [Alachua County, Florida Population 2021](#) ([worldpopulationreview.com](#)) 2020 estimates, the CITY has determined that LEP individuals speaking English "less than well" within the City limits, represent less than 5% of the Alachua County population. Of that total, less than 4% that total is Spanish speaking and less than 2 % of the remaining total being Mandarin speaking. The CITY realizes that such statistical data can be outdated or inaccurate. Therefore, the CITY

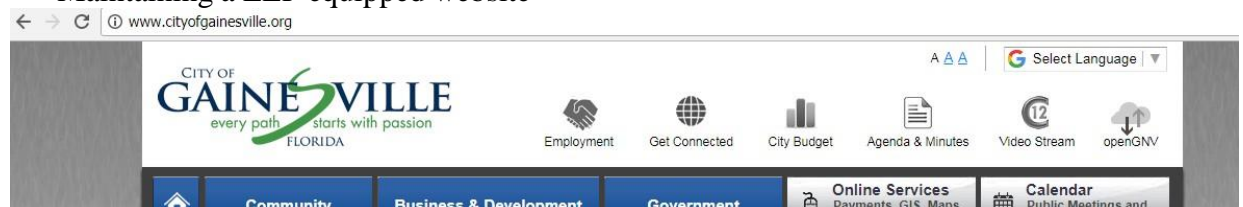
contacted local law enforcement to determine the proportion of LEP served by the Gainesville Police Department. An estimated 10% of calls for service for this agency were from non-English speakers. In addition, data from the Florida Department of Education shows that less than only 2.0% of Alachua County public school students speak a primary language other than English. Given this information, the CITY reasons that a relatively small portion of its service population is LEP speakers of Spanish and Mandarin.

2. The CITY receives very few requests for translation or interpretation of its programs, which are referred to the Office of Equity and Inclusion(OEI). The OEI estimates that only three calls for assistance in Spanish were received in a two-year time period. This is believed to be due to the diversity in hiring at the department level so that all departments are able to handle any requests in Spanish that are received.
3. The CITY believes that transportation is of critical importance to the public, as access to health care, emergency services, employment, and other essential services would be difficult or impossible without a reliable transportation system. In that spirit, the CITY provides accommodation for speakers of other languages on the CITY website, on CITY buses and in other public locations. The CITY also provides translation of all policies, procedures and forms such as ADA Administrative Guidelines, Vendor Application Form, Local Small Business Procurement Program and Notice of Rights and Filing Options these along with many other documents advise the public on the CITY's nondiscrimination and public involvement policies.
4. The CITY is fortunate to house within its jurisdiction the University of Florida and Santa Fe Community College which have extensive language services. Further, the City maintains cordial relationships with a number of faith based and community organizations who offer competent language services at no cost to the City.

The analyses of these factors suggest that LEP services are not required at this time.

However the CITY has committed to the following:

- Maintaining a LEP equipped website –



- Maintain a list of employees who competently speak Spanish and other languages and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly has contact with the public.
- Provide notification in Spanish and Mandarin of the availability of LEP assistance in public meeting notices and on public involvement event signage.
- Maintain an understanding with the University of Florida and Santa Fe Community College to provide oral and written LEP services with reasonable notification.
- Maintain an understanding with (LEP churches, catholic charities, etc) to provide oral and written LEP services with reasonable notification.
- Translate the following essential documents into Spanish and Mandarin.
Please see website [here](#)

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

Persons requiring special language services should contact the CITY's Equity and Inclusion Director/Title VI Nondiscrimination Officer:

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Public Involvement:

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, 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. The CITY holds a number of transportation meetings, workshops, Town halls and other events designed to gather public input on project planning and construction. Further, the CITY attends and participates in other community events to promote its services to the public. Finally, the CITY is constantly seeking ways of measuring the effectiveness of its public involvement.

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:

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Data Collection:

Federal Highway Administration 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, American Community Survey reports, Parks department surveys, driver and ridership surveys, its community development department 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:

Every three years, or commensurate with a change in CITY executive leadership, the CITY 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 serve two important purposes. First, they document the CITY’s commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the CITY may be held liable for breach. The public may view the annual assurance on the CITY’s website or by visiting the CITY’s offices.