

**CITY OF BROOKLYN ADMINISTRATIVE POLICY**

**Title VI and Nondiscrimination Policy and Plan**

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**01 STATEMENT OF POLICY**

The City of Brooklyn values the diversity of all citizens in the community and welcomes participation from all interested parties in its programs, services, and activities, regardless of cultural identity or background. As a recipient of federal financial assistance, the City is committed to promoting the comprehensive realization of equal opportunity and equal access to all of its programs, services, and activities regardless of race, color, national origin, sex, religion, age, disability, marital or family status, sexual orientation, gender identity, or any other characteristic protected by law. The City will not tolerate any form of proscribed discrimination in any of its programs, services, or activities. Further, the City will not tolerate any form of retaliation directed against an individual who complains of discrimination pursuant to this policy or who participates in any investigation concerning discrimination pursuant to this policy.

**02 AUTHORITY**

Authority for this policy resides in (1) the City's good-faith efforts to comply with Title VI of the Civil Rights Act of 1964 and related laws and regulations, including the Civil Rights Act of 1987; the Age Discrimination Act of 1975, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; and the Americans with Disabilities Amendments Act of 2008; and (2) City policies prohibiting discrimination based on sexual orientation, gender identity, or any other characteristic protected by law.

**03 SCOPE AND APPLICABILITY**

This policy applies to all residents and employees of the City of Brooklyn, as well as all recipients of and participants in all City programs, services, and activities.

**04 DEFINITIONS**

**A. DISCRIMINATION:** For the purposes of this policy, “discrimination” is any adverse action denying full and equal participation in or access to any program, service, or activity of the City based on one or more of the protected characteristics set forth in this policy.

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- B. PROTECTED CHARACTERISTIC:** For the purposes of this policy, “protected characteristic” refers to an individual’s race, color, national origin, sex, religion, age, disability, marital or family status, sexual orientation, gender identity, or any other characteristic protected by law.
- C. RETALIATION:** For the purposes of this policy, “retaliation” refers to taking an adverse action against an individual who has complained of discrimination under this policy or participated in the investigation of a complaint of discrimination under this policy.

**05**

**COMPLAINT PROCEDURE**

- A. The City of Brooklyn takes complaints of discrimination seriously and will promptly investigate all complaints of discrimination made under this policy. Any individual who believes he or she has been subjected to discrimination in or denied access to the City’s programs, services, or activities based on one or more of the protected characteristics defined in this policy may file a complaint with the City’s Title VI Coordinator in the Department of Law within 30 days of the alleged discrimination. Complaints may be submitted as follows:
- a. Complaints may be made verbally or in writing to:  
  
Kevin Butler, Law Director  
City of Brooklyn  
7619 Memphis Avenue  
Brooklyn, Ohio 44144  
(216) 635-4223 (phone)  
(216) 351-7601 (fax)
  - b. Complaints may also be filed electronically via e-mail to:  
[kbutler@brooklynohio.gov](mailto:kbutler@brooklynohio.gov).
- B. 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, national origin, sex, religion, age, disability, marital or family status, sexual orientation, or gender identity), and a

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description of the alleged discrimination with the date of the incident. A sample Title VI Complaint Form can be obtained from the Department of Law; however, any written correspondence containing the information outlined in the complaint form will be accepted as a complaint.

- C. The Department of Law will investigate all Title VI complaints promptly and will make every effort to conclude Title VI investigations within 60 days of receipt of a complaint. Once received, the complaint will be assigned for investigation. If additional information is needed from the complainant, the Department of Law will contact the complainant in writing. Failure of the complainant to provide the requested information in a timely manner may result in the administrative closure of the complaint or in a delay in complaint resolution.
- D. Upon completion of its investigation, the Department of Law shall issue an investigative report with findings as to the nature and substance of the allegations to the complainant and the affected department director. If there are substantiated findings of discrimination, the department director and any applicable officials will determine any corrective action to be taken as a result of the report's findings.
- E. The findings of the Department of Law shall be final. Should the City be unable to satisfactorily resolve the complaint, the complaint and investigative report will be forwarded to the Ohio Department of Transportation, Office of Equal Opportunity; MailStop 3270, 1980 West Broad Street, 3rd floor, Columbus, Ohio 43223.
- F. If a complainant is unable or unwilling to file a complaint with the City, he or she may file directly with the Ohio Department of Transportation (ODOT). ODOT will forward the complaint to the appropriate state or federal agency. Complaints should be sent to:

Ohio Department of Transportation  
Office of Equal Opportunity; MailStop 3270  
1980 West Broad Street, 3rd floor  
Columbus, Ohio 43223

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**06 RETALIATION PROHIBITED**

Retaliation against any individual for filing a discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal under federal law and is prohibited by this policy.

**07 ADA/SECTION 504 STATEMENT**

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), as amended, and related federal and state laws and regulations prohibit discrimination against persons with disabilities. These laws require recipients of federal financial assistance and other government entities to take affirmative steps to reasonably accommodate persons with disabilities and ensure that their needs are equitably represented in the City's programs, services, and activities.

The City will make every effort to ensure that its programs, services, and activities are accessible to persons with disabilities. Furthermore, 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. The City will provide reasonable accommodation to persons with disabilities 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 14 calendar days prior to the need for accommodation.

Questions, concerns, comments, or requests for accommodation should be made to:

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Kevin Butler, Law Director  
City of Brooklyn  
7619 Memphis Avenue  
Brooklyn, Ohio 44144  
(216) 635-4223 (phone)  
(216) 351-7601 (fax)  
kbutler@brooklynohio.gov

**08**

**LIMITED ENGLISH PROFICIENCY (LEP) GUIDANCE**

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the U.S. Departments of Justice and Transportation require recipients of federal financial assistance, including the City of Brooklyn, to take reasonable steps to ensure meaningful access to programs, services, and activities by those who do not speak English proficiently. LEP individuals are those who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. 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 persons come in contact with these programs, services, or activities;
- The nature and importance of the program, service, or activity to people's lives;
- The resources available to the City and the overall cost to provide LEP services.

Department of Transportation policy guidance gives recipients of federal funds substantial flexibility in determining the appropriate language assistance based on a local assessment of the four factors listed above.

Although the percentage of LEP persons in Brooklyn, at less than 5%, is not significant enough to trigger a responsibility to provide services in languages other than English, the City is committed to the principles of Title VI and will provide, with reasonable notice, interpreter and translation services when needed upon request.

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In addition, the City will post this policy on its website so that the public is aware of its nondiscrimination and public involvement policies. Persons requiring special language services or assistance should contact the City's Director of Law.

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

**09 PUBLIC INVOLVEMENT**

The City strongly encourages the participation and input of all residents and holds a number of meetings, workshops, and other events designed to gather public input about 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:

Kevin Butler, Law Director  
City of Brooklyn  
7619 Memphis Avenue  
Brooklyn, Ohio 44144  
(216) 635-4223 (phone)  
(216) 351-7601 (fax)  
kbutler@brooklynohio.gov

**10 DATA COLLECTION**

Federal regulations require recipients of federal financial assistance to collect racial, ethnic, and other similar demographic data about beneficiaries of or those affected by transportation programs, services, and activities. The City accomplishes this through the use of U.S. Census data, American Community Survey reports, and ridership surveys, and other methods. The City may periodically find it necessary to request

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voluntary identification of certain racial, ethnic, or similar demographic data from those who participate in its programs, services, or activities. 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 federal regulations.

**11            ASSURANCES**

Every four years, or commensurate with the year in which the City's executive leadership changes, the City must certify to ODOT that its programs, services, and activities are being conducted in a nondiscriminatory manner. These certifications, or "assurances," serve (1) to document the City's commitment to nondiscrimination and equitable service to the community; and (2) 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 any City building.

**12            NOTIFICATION TO BENEFICIARIES OF PROTECTION UNDER TITLE VI**

The City will post its Title VI and Nondiscrimination Policy at City Hall and on its website ([www.brooklynohio.gov](http://www.brooklynohio.gov)) to inform the public of the protections provided by Title VI.