



Date: January 8, 2016

To: Deschutes County Board of Commissioners

From: Judith Ure, Management Analyst

Subject: Proposed Title VI Policy

Attached is a draft policy that formalizes Deschutes County's responsibilities associated with Title VI of the Civil Rights Act (non-discrimination). This document was developed in response to a mandate by the Federal Transit Administration (FTA) conveyed to the County via the Oregon Department of Transportation (ODOT). However, all federal agencies that award grants to the County require that a Title VI policy and procedures be adopted and followed. Failure to do so could potentially place current and/or future funding at risk.

The Board is scheduled to review the proposed Title VI Policy during the January 13, 2016 work session meeting. If you have any questions concerning the Civil Rights Act requirements or provisions in the draft policy, please let me know.

Deschutes County Administrative Policy No. TBD
Effective Date: TBD

TITLE VI OF THE CIVIL RIGHTS ACT

STATEMENT OF POLICY

Deschutes County is committed to providing programs and services that are free of all forms of discrimination based on factors that include, but are not limited to, race, ethnicity, age, disability status, and sexual orientation. The County will take preventive, corrective, and/or disciplinary action when necessary against behavior that violates this policy or the rights and privileges it is designed to protect.

APPLICABILITY

This policy applies to all Deschutes County departments, divisions, programs, staff members, and elected officials, and, as applicable, to agents of and contractors for the County.

DEFINITIONS

For the purpose of this policy, unless otherwise specified, the following definitions shall apply:

- Color: Skin color or complexion
- Discrimination: An intentional or unintentional action through which a person, solely because of race, color, national origin, religion, gender/gender identification, or sexual orientation has been subjected to unequal treatment under a program or activity offered by the County.
- National Origin: A person's, or his or her ancestor's, place of birth. May also refer to the physical, cultural, or linguistic characteristics associated with ethnicity or ancestry.
- Race: A social classification of people which includes, but may not be limited to, White, Hispanic or Latino, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander as defined by the U.S. Census.
- Limited English Proficiency (LEP): One who does not speak English as a primary language and who has limited ability to read, speak, write, or understand English.

PROCEDURES

Title VI Coordinator:

The Deputy County Administrator serves as Deschutes County's Title VI Coordinator and acts as the focal point for Title VI implementation and monitoring.

Public Notice:

A Title VI Notice to the Public will be posted on Deschutes County's website at www.deschutes.org and in a public area within each County facility. A copy of the Deschutes County Title VI Notice to the Public is attached to this document as Appendix A. The

Department of Administrative Services will also provide paper copies to individual departments for posting.

Complaints:

Any person who believes she or he has been discriminated against by Deschutes County on the basis of race, color, or national origin may file a complaint by completing and submitting a Title VI Complaint Form. Complaints must be complete in both form and content to be reviewed and must be submitted within 180 days of the alleged incident of discrimination to be considered. A copy of the Deschutes County Title VI Complaint Form is attached to this document as Appendix B. To request a separate Title VI Complaint Form:

- Call 541-388-6570
- Visit the Deschutes County Department of Administrative Services located at:
1300 NW Wall Street, Suite 200
Bend, OR 97703
- Write to:
Department of Administrative Services
Deschutes County
PO Box 6005
Bend, OR 97708-6005
- Download the document from Deschutes County's website at www.deschutes.org

Complaints must be submitted to the Deputy County Administrator by hand-delivery at the physical address or by U.S. postal service to the mailing address shown above.

When applicable, a complainant may also file a Title VI complaint directly with any federal agency that supplies funding to Deschutes County in support of the applicable program or service in which the alleged incident occurred. Examples of federal agencies that provide funding to the County include, but are not limited to, the U.S. Environmental Protection Agency, Department of Agriculture, Department of Justice, Department of Health and Human Services, Department of Homeland Security, and Department of Transportation. Contact information for the Office of Civil Rights operating in such agencies may be found online.

At such time as the complaint is received, the Department of Administrative Services will review it to determine if Deschutes County has jurisdiction over the matter. Within 10 business days, the County will return an acknowledgment letter stating whether the complaint will be investigated by the County. Deschutes County will make every effort to investigate complaints within no more than 90 days following the date on this letter. However, in the event of complex complaints which address multiple issues and/or involve legal action, the County may require an extended period to fully investigate and respond. In such cases, the complainant will be informed of the delay.

If more information is needed to resolve the case, the assigned investigator may contact the complainant. The complainant has 10 business days from the date of the letter to return the requested information to the investigator. If the investigator is not contacted by the complainant

or does not receive the requested information within 10 business days, Deschutes County will administratively close the case. A case will also be administratively closed upon withdrawal by the complainant.

After the investigator reviews the complaint, she or he 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 investigation, indicates that a Title VI violation did not occur, and states that the case will be closed. An LOF summarizes the allegations and investigation and explains whether any disciplinary action, staff training, or other action will occur. If the complainant wishes to appeal the decision, she or he has 10 business days following the date of the letter or the LOF to do so. To submit an appeal, complainants must deliver a written letter explaining the basis of the appeal to the Deputy County Administrator. County officials will review the factors presented and issue a final formal decision within 30 business days following the date of the appeal letter.

The County will provide, upon request, a list of all active investigations, lawsuits, or complaints made on the basis of race, ethnicity, age, disability status, gender/gender identification, and sexual orientation. A copy of the Deschutes County List of Title VI Investigations, Complaints, and Lawsuits form is attached to this document as Appendix C and contains a name, date of filing, summary of the allegation(s), status of the investigation, and action(s) taken.

Public Participation:

Deschutes County employs a wide variety of strategies to solicit, consider, and incorporate the perspectives of diverse populations in policy and decision-making processes. Such opportunities for involvement are designed to engage all segments of the public in an early, open, continuous, and effective manner and include:

1. Complying with all applicable laws, rules, and regulations concerning public involvement and public meeting protocol.
2. Maintaining buildings and facilities that are fully accessible and compliant with the Americans with Disabilities Act (ADA).
3. Providing notice and information regarding issues, processes, and decisions in a timely manner which allows for adequate public review and participation.
4. Ensuring that printed materials, such as public notices and records, meeting and hearing schedules, minutes and supporting documents, web content, and other written communications can be made available in both traditional and alternative formats, including large text, electronic, audio, braille, and foreign languages upon request.
5. Facilitating access to meetings and interviews through conference calls and video-conferencing, sign and foreign language interpretation.
6. Holding meetings and hearings in diverse geographic locations throughout the County on a periodic basis.
7. Inviting all members of the public to enroll in County College, a multi-week course designed to educate participants about elections, governance, infrastructure, finance and budgeting, public safety, land use, health services, and other County operations.
8. Seeking age, physical ability, ethnic, cultural, economic, and geographic diversity in appointing members to quasi-judicial and advisory committees, such as:

- Audit Committee
- Bicycle/Pedestrian Advisory Committee
- Budget Committee
- Dog Control Board
- Fair Board
- Historic Landmarks Commission
- Mental Health Advisory Board
- Noxious Weed Advisory Board
- Planning Commission
- Public Safety Coordinating Council
- Special Transportation Fund Advisory Committee

Language Assistance:

Deschutes County takes reasonable steps to offer assistance for LEP clients and residents seeking meaningful access to services and opportunities. When appropriate, the County will use population composition and client needs in regard to language for the purpose of developing and providing programs and services, disseminating information, conducting outreach, and encouraging public involvement. A copy of the most current data is included with the information attached to this document as Appendix D.

The County has also implemented a variety of strategies to help serve LEP persons:

- *Recruitment, hiring, and personnel practices.* The County has established an Interpreter position within its job classification system which can be employed by departments with high levels of LEP clientele to translate and interpret policies, procedures, program information, and service options on-site. Additionally, and when warranted, general recruitments may specify a preference for bi-lingual capabilities. If approved by management, and subject to any applicable collective bargaining agreement, staff filling bi-lingual positions may be eligible for supplemental pay.
- *Training.* The County periodically offers Spanish language classes within its catalog of training opportunities that are open to all staff members with supervisor approval. Additional training opportunities in language and interpretation may also be offered on occasion at the discretion of individual departments.
- *Written Communications.* Many brochures and informational materials are routinely translated and printed in Spanish. Public notices and records, meeting and hearing schedules, minutes and supporting documents, and other printed information may be translated into alternative languages upon request.
- *Verbal Communications.* Departments may access independent interpretation services, including private contractors and consultants, computer software, and language lines to communicate with clients and customers in-person, during group meetings, and on the telephone.

Minority Representation:

A copy of the Deschutes County Minority Representation table is attached to this document as Appendix E. More information regarding minority representation can be found in the County's Equal Employment Opportunity Plan.

Reporting:

Deschutes County will report information required to determine compliance with Title VI of the Civil Rights Act as required by federal and state government agencies for grant funding and other purposes. The contents and format of such reports will be determined by the requesting party.

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**DESCHUTES COUNTY
TITLE VI NOTICE**

Deschutes County operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been subjected to an unlawful discriminatory practice as defined under Title VI of the Civil Rights Act may file a complaint with the Deschutes County Department of Administrative Services.

For more information about Deschutes County's civil rights program and the obligations and procedures required to file a complaint:

- Call 541-388-6570
- Visit the Deschutes County Department of Administrative Services located at:
1300 NW Wall Street, Suite 200
Bend, OR 97703
- Write to:
Department of Administrative Services
Deschutes County
PO Box 6005
Bend, OR 97708-6005
- Download the document from Deschutes County's website at www.deschutes.org.

When applicable, a complainant may also file a Title VI complaint may also be filed directly with any federal agency that supplies funding to Deschutes County in support of the applicable program or service in which the alleged incident occurred. Examples of federal agencies that provide funding to the County include, but are not limited to, the U.S. Environmental Protection Agency, Department of Agriculture, Department of Justice, Department of Health and Human Services, Department of Homeland Security, and Department of Transportation. Contact information for the Office of Civil Rights operating in such agencies may be found online.

If this information is needed in another language or format, please call 541-388-6584.

Si se necesita esta información en un idioma o formato diferente, por favor llame a 541-388-6570.

**DESCHUTES COUNTY
TITLE VI COMPLAINT FORM**

Section I				
Name:				
Address:				
City, State, Zip Code:				
Telephone (home):			Telephone (work):	
Email Address:				
Check the box if you require this form in an alternative format.	Large Print <input type="checkbox"/>	TTY <input type="checkbox"/>	Audio Tape <input type="checkbox"/>	Other <input type="checkbox"/>
Section II				
Are you filing this complaint on your own behalf?	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
If yes, skip to Section III.				
If no, please supply the name and relationship of the person you are representing.				
Explain why you have submitted a claim on behalf of a third party.				
Confirm that you have obtained permission to submit this claim by the third party.	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
Section III				
Identify the factor(s) on which you believe the alleged discrimination was based.				
Date of alleged discrimination:				
Name of County department and/or facility where alleged discrimination took place:				
Explain as clearly as possible what happened and why you believe you were discriminated against.				
Describe all person(s) who were involved, including the name and contact information for the person(s) who allegedly discriminated against you if known.				
List name(s) and contact information for any witnesses to the alleged discrimination.				

Section IV					
Have you previously filed a Title VI complaint against Deschutes County?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
Section V					
Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
If yes, check all agencies or courts in which a complaint was filed and enter the name of the agency or court.	Federal Agency <input type="checkbox"/>	Federal Court <input type="checkbox"/>	State Agency <input type="checkbox"/>	State Court <input type="checkbox"/>	Local Agency <input type="checkbox"/>
	Name:	Name:	Name:	Name:	Name:
Provide contact information for the person at the agency or court who received and/or investigated this complaint.	Name:				
	Title:				
	Organization:				
	Address:				
	City, State, Zip Code:				
Telephone:					

If you need more space to complete the information above, please attach additional sheets and label your responses to correspond with the section number and question shown on the form. If you have other written materials or supporting documentation that you believe is relevant to your complaint and should be considered during the investigation, please attach it to this form.

Sign and date this Title VI Complaint Form below:

Signature

Date

Printed Name

Hand deliver this form to:

Department of Administrative Services
Deschutes County
1300 NW Wall Street
Bend, OR 97703

Or mail it to:

Department of Administrative Services
Deschutes County
PO Box 6005
Bend, OR 97708-6005

DESCHUTES COUNTY

LIST OF TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

Name	Date	Summary	Status	Action(s) Taken
Investigations				
1.				
2.				
3.				
4.				
Lawsuits				
1.				
2.				
3.				
4.				
Complaints				
1.				
2.				
3.				
4.				

DESCHUTES COUNTY
LIMITED ENGLISH PROFICIENCY (LEP)

Analysis:

The language proficiency information shown in the table below is based on the U.S. Census Bureau 2013 American Community Survey and represents residents five years and older. The data indicates that the most significant number of LEP persons residing in Deschutes County is Spanish-speaking. This factor is expected to remain constant as the Hispanic/Latino group continues to be the fastest-growing minority group in Deschutes County.

Language Spoken	At Home	Less Than Very Well
English	141,437	0
Spanish	7,225	3,130
Other Indo-European	1,520	248
Asian/Pacific Islander	947	376
Other	117	16

Frequency:

The most frequent exposure to LEP individuals occurs within the County's Health Services Department. The Department offers services in more than 40 locations, including public schools and school-based health centers, hospitals, social-service organizations, health clinics, care facilities, and homes. As a result, the Health Services Department employs the largest number of English-Spanish speakers within the County organization. Bi-lingual staff members are recruited on an ongoing basis in the roles of both clinical and support staff to ensure that LEP clients can access services and have their health care needs met. The Department also offers Equity and Inclusion training to all employees and supports staff members who wish to become certified as Healthcare Interpreters. Additionally, the Department prints and posts public notices and informational brochures in both English and Spanish and uses external translation and interpretation services when needed.

Importance:

Although many programs and services offered by Deschutes County are vital to the LEP community, health care appears to be the most significant. The Health Services Department offers disease prevention, chronic illness treatment, family planning, child wellness, women, infants, and children (WIC) nutrition, immunizations, substance abuse treatment, suicide prevention, and emergency preparedness. Additionally, many of the Department's clients come from disadvantaged, vulnerable, or underserved populations and require special accommodations to access the same services that are more widely available to others.

Resources and Costs:

Although not unlimited, Deschutes County does provide adequate resources, upon identified need, within the annual budget for bi-lingual recruitments, Spanish language courses, printing, and translation and interpretation services.

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**DESCHUTES COUNTY
MINORITY REPRESENTATION TABLE**

Group	White	American Indian/Alaska Native	Asian/Pacific Islander	Black/African American	Hispanic/Latino
General State Population	77.0%	1.8%	4.7%	2.0%	12.5%
General County Population	87.9%	1.1%	1.3%	0.5%	7.8%
Deschutes County Workforce	88.8%	2.0%	1.0%	0.2%	4.6%
Board of County Commissioners	100%	0%	0%	0%	0%

Note: Percentages may not total 100 due to individuals identifying as two or more races.