



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 sex, sexual orientation, race, color, gender, age, religion, national origin, marital status, family status, 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 or gender identity and to that end to prohibit discrimination in the extension of credit without regard to sex, sexual orientation, race, color, gender, age, religion, national origin, marital status, family, status, disability or gender identity and to prohibit employment discrimination against persons because of sex, sexual orientation, race, color, gender, age, religion, national origin, marital status, family 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., sex, sexual orientation, race, color, gender, age, religion, national origin, marital status, family status, 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 Formal Complaint Process is outline 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, sex, sexual orientation, race, color, gender, age, religion, national origin, marital status, family status, disability or gender identity (protected characteristics).

2. OBJECTIVES

The objectives of an external 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.
- F. Determine whether the conduct or behavior was intentional or unintentional.
- G. Prepare the Final Investigative Report.
- H. Report findings to the Human Rights Board.

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 (Appendix A) shall be completed for all external complaints. Pertinent information from the daily intake form will be added to the Intake tracking log, (Appendix B).

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 Employee Rights and Filing Options Form (Appendix C).

5. Filing of Complaints

- a. Any person claiming to be aggrieved by an unlawful practice prohibited by City of Gainesville's Anti-Discrimination ordinance-Chapter 8 may file a written, verified complaint with the Equity and Inclusion Director Title VI Nondiscrimination Coordinator (designee). The complaint shall state the name and address of the complainant and the person(s) against whom the complaint is made, herein after known as the Respondent. With respect to any complaint filed pursuant to this ordinance, the initial burden of proof is on the complainant.
- b. The complaint must be filed within 180 days after the alleged unlawful practice has occurred. The complainant may voluntarily withdraw the complaint at any time.
- c. The director shall serve notice upon the complainant acknowledging the filing of the complaint and advising the complainant of relevant procedural rights and remedies.
- d. Within ten days of the timely filing of a complaint, the Equity and Inclusion Director Title VI Nondiscrimination Coordinator shall notify the respondent in writing, of the filing and provide a copy of the complaint. Notice should be served within ten days of the date of filing.
- e. Once a complaint has been served on the respondent, the respondent shall preserve all records and other evidence which may pertain to the complaint until the matter has been finally determined.
- f. The respondent may file an answer to the complaint not later than ten days after receipt of the notice of the filing. The answer shall be sworn to or affirmed before a notary public or other person duly authorized by law to administer oaths and take acknowledgments.
- g. A complaint or answer may be amended at any time when it would be fair and reasonable to do so, and the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) shall furnish a copy of each amended complaint or answer to the respondent or the complainant, respectively, as promptly as practicable.

6. Processing of Complaints

Within 30 days after the filing of a complaint, the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) shall commence such investigation as deemed appropriate to ascertain facts and issues.

The following investigation procedures shall be followed:

- a. *Complaint verification.* As part of the investigation process, the complaining party may be required to provide an additional sworn written statement which include:

1. A statement of each particular harm or potential harm which the aggrieved person has suffered or will suffer and the date on which each harm occurred or will occur.
 2. For each harm, a statement specifying the act, policy, or practice which is alleged to be unlawful.
 3. For each act, policy, or practice alleged to have harmed the aggrieved person, a statement of the facts that led the complainant to believe that the act, policy, or practice is discriminatory.
- b. *Requests for information.* In investigating a complaint, the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) may obtain information by:
4. Oral interview;
 5. Requests for written statements or affidavit; and/or
 6. Any discovery methods set forth in the Florida Rules of Civil Procedure.
- c. *Investigations.* The investigations will seek the voluntary cooperation of all persons in obtaining information. If, however, the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) is unable to obtain the voluntary cooperation of persons, the director shall request that the Human Rights Board issue subpoenas.
- d. *Complaining party's failure to cooperate.* Where the complainant fails to provide a necessary information statement; fails or refuses to appear or be available for interviews or conferences; fails or refuses to provide necessary information requested by the director pursuant to this section; or otherwise refuses to cooperate to the extent that the director shall dismiss the complaint after providing 20 days' notice with the complainant unless the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee), with board approval, determines there is sufficient evidence to proceed with the complaint.
- e. *Access to files during investigation.* Information obtained during the investigation of a complaint shall be disclosed only to the complainant, the respondent, or their authorized representatives, or to witnesses, only when disclosure is deemed necessary by the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator for the investigation or for securing appropriate disposition of the complaint.
- f. The Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) shall, within 100 days after the filing of a complaint, complete the investigation of the alleged unlawful discriminatory practice, unless it is impracticable to do so. If the investigation cannot be completed within 100 days after the filing of a complaint, the director shall notify, by certified mail or by personal service, the complainant and the respondent in writing of the reasons for not so doing.

- g. Beginning with the filing of a complaint and ending with the filing of a reasonable cause charge, the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) shall attempt to conciliate the matter by whatever methods the Equity and Inclusion Director/Title VI Nondiscrimination Coordinator deems necessary.
- h. Except where conciliation attempts are successful, nothing said or done in the course of conciliation or such informal endeavors may be made public or used as evidence in a subsequent proceeding without the written consent of the persons involved.
- i. If conciliation has not been reached within 100 days of the filing of the complaint and if the complaint has not been withdrawn, the director shall make a determination as to whether reasonable cause exists to believe that an unlawful discriminatory practice has occurred or is about to occur.
- j. The Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) shall report the results of the investigation and his or her determination to the Human Rights Board.
- k. If the Human Rights Board determines that reasonable cause exists to believe that a discriminatory practice has occurred or is about to occur, it shall issue a notice of determination of reasonable cause. A copy of the notice shall be served upon the respondent, the complainant, and the aggrieved person within 20 days after the notice has been issued; along with the notice, the parties shall be advised of the options available under this section.
- l. If the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) determines that the complain lacks reasonable grounds upon which to base a violation of this article, the Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator shall dismiss the complaint, and then the Director shall inform the board of his or her findings through a written report.
- m. The Human Rights Board, in its discretion, may order that the matter be closed or may order, by a three-fourths majority vote, further investigation as may be deemed necessary. If further investigation is ordered, the results thereof shall be presented to the Board in the form of a written report within ten days and shall be acted upon by the Board within an additional 20 days.
- n. Final orders of the board are subject to judicial review pursuant to F.S. 120.68, unless specifically ordered by the court, the commencement of any appeal does not suspend or stay an order of the board. In the event the aggrieved person is the prevailing party on any appeal, he or she shall be entitled to reasonable attorney's fees and costs.

o. In any civil action commenced, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the practice, including back pay. The court may also award compensatory damages, punitive damages, and other relief in accordance with the federal Civil Rights Act of 1991. A civil action brought under this section shall be commenced no later than one year after the date of determination of reasonable cause by the board. The commencement of a civil action shall divest the board of jurisdiction of the complaint.

7. COMMUNICATE THE RESULTS

The Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) will inform the complainant and the respondent of the outcome of the investigation.

8. CLOSE THE FILE

The Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator (designee) will complete the Complaint Log and ensure that essential exhibits are maintained.

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
Address 222 E. University Ave.
Address Gainesville, FL 32501
Email: OEOADA@cityofgainesville.org
Phone: (352) 334-5051
Fax: (352) 334-2088
Hearing Impaired: (800) 955-8771

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 \(worldpopulationreview.com\)](https://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

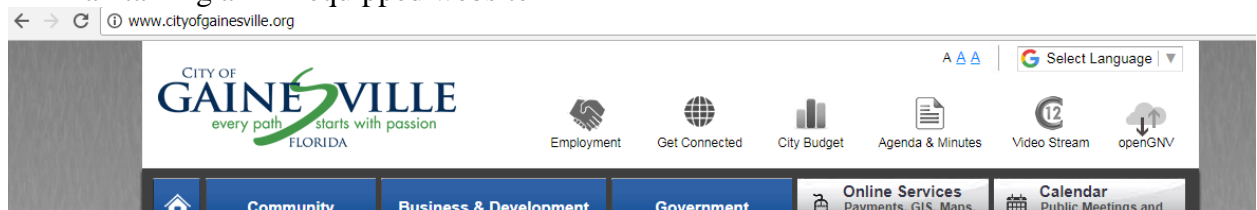
were from non-English speakers. In addition, data from the Florida Department of Education shows that less than only 2.0% of Alachua County public school students speak a primary language other than English. Given this information, the CITY reasons that a relatively small portion of its service population 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:

Name: Zeriah K. Folston, MPA
Interim Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator
Address 222 E. University Ave.
Address Gainesville, FL 32501
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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:

Name: Zeria K. Folston, MPA,
Interim Equity and Inclusion Director/ Title VI Nondiscrimination Coordinator
Address 222 E. University Ave.
Address Gainesville, FL 32601
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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.