

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

The following shall be the policy of the City of Hendersonville in compliance with Title VI of the Civil Rights Act.

Title VI Policy Statement

No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Applicability

Program or Activity defined: A program or activity implemented by the City of Hendersonville to facilitate a scope of work.

This policy applies to all activities of any department if any federal assistance is received.

Title VI Coordinator

The Chief of Operations shall appoint a Title VI Coordinator whose responsibilities shall include training, public information, and compliance with the provisions of Title VI. The Title VI Coordinator shall receive training in Title VI.

Training

It shall be the responsibility of the Title VI Coordinator to ensure that employees have received Title VI training.

Title VI information shall be disseminated to City employees at least once per year via the Employee Education Form (see Appendix). This form reminds employees of the City of Hendersonville's Policy Statement and of their Title VI responsibilities in their daily work and duties.

During New Hire Orientation, new employees shall be informed of the provisions of Title VI, and the City of Hendersonville's expectations to perform their duties accordingly.

Record Keeping

The Title VI Coordinator will maintain permanent records, submit required Title VI reports and complete all Title VI self-surveys. Records may include, but are not limited to, rosters of Nonelected Boards and Commissions, copies of complaints and related documentation, records of correspondence to and from complainants, and self-surveys requested by a department of the State of Tennessee or any other government entity.

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

Title VI Information Dissemination

Title VI informational posters in Spanish and English shall be displayed in City of Hendersonville facilities frequented by the public. Title VI poster language shall be included on the City's website. These posters, including the name of the Title VI Coordinator and contact information, shall be prominently and publicly displayed in each City facility.

Title VI information shall be disseminated to citizens at least once per year by public service announcements over local broadcast media.

Whenever possible, the City of Hendersonville will take positive and specific actions to advise minorities of program availability by using such means of communication as local news media, mass media, internet messaging and public area postings.

Contracts

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract. The City Attorney shall ensure that all City of Hendersonville contracts contain the following:

It is the policy of the City of Hendersonville not to discriminate on the basis of race, color, national origin, age, sex or disability in its hiring and employment practices, or in admission to, access to, or operation of its programs, services and activities. With regard to all aspects of this contract, contractor certifies and warrants it will comply with this policy.

Monitor ethnicity and gender on those who are awarded bid contracts

In addition to the above assurance language, all bid documents shall contain the following:
For Title VI compliance, we ask/or voluntary disclosure of the following information:

Gender: Male _____
 Female _____

Race: Black/African American _____
 American Indian and Alaskan Native _____
 Asian _____
 Caucasian _____
 Hispanic _____
 Native Hawaiian/other Pacific Islander _____
 Other (please specify) _____

This information, if provided, must be given to the City Recorder who shall maintain records of those ethnic and gender groups who are awarded bids on projects.

Subcontracts and Vendors

All subcontractors and vendors who receive payments from the City of Hendersonville where funding originates from any federal assistance received by the involved department are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

Public Interaction

City facilities (such as restrooms, park facilities, sidewalks, streets, etc.) which are accessible to citizens shall be accessible without regard to race, color, or national origin.

The City of Hendersonville employees shall use courtesy titles (i.e., Mr., Mrs. Ms. or Miss) to address citizens without regard to race, color, sex, age, disability or national origin.

Governing Boards and Commissions

To the degree that it is possible, non-elected boards, councils and committees that are an integral part of planning or implementing the programs or activities of the City of Hendersonville shall reflect the racial/ethnic composition of the community.

Complaint Management

Any individual, group of individuals, or entity that believes that they have been subjected to discrimination prohibited by Title VI non-discrimination provisions may file a formal written complaint with the City of Hendersonville's Title VI Coordinator. A formal written complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complainant must meet the following requirements:

- Complaint shall be in writing, include the name, address, email address, and telephone number of the complainant(s) and must be signed by the complainant(s).
- Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination or the date on which the conduct was discontinued or the latest instance of the conduct).
- Present a detailed description of the issues including the names and job titles of the individuals perceived as parties in the complained-of-incident.
- Allegations received via email will be acknowledged and processed, once the identity(ies) of the complaint(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the email transmittal for the City of Hendersonville to be able to process it.
- Allegations received by telephone will be reduced to writing and provided to the complainant(s) for confirmation or revision before processing.
- Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and needed additional information, as well as investigate the merit of the complaint if appropriate. The complainant will be informed that they have a right to have a witness or representative present during the interview and may submit any relevant documentation. Should the complainant wish to have legal representation during the interview, the City Attorney shall be present. Complaints against the City of Hendersonville will be referred to the appropriate State or Federal Agency for proper disposition pursuant to their procedures.

In order to be accepted, a Title VI complaint must meet the following criteria:

- The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- The allegation(s) must involve a covered basis such as race, color, sex, age, disability or national origin.
- The allegation(s) must involve a program or activity of a Federal-aid recipient, City of Hendersonville, or contractor.

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

A Title VI complaint may be dismissed for the following reasons:

- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeated questions for additional information needed to process the complaint.
- The complainant cannot be located after reasonable attempts.

Once the City of Hendersonville decides to accept, reject or refer the complaint for investigation, the complainant and the respondent will be notified, in writing, of such determination within seven calendar days. The complainant will receive a case number and will then be logged into the City of Hendersonville records identifying its basis and alleged harm.

In cases where the City of Hendersonville assumes the investigation of the complaint, the City of Hendersonville will provide the respondent (department, entity, or individual(s)) the opportunity to respond to the allegations, in writing. The respondent will have ten (10) calendar days from the date the City of Hendersonville written notification of acceptance of the complaint to furnish his/her response to the allegation. The investigating officer will determine which witnesses will be contacted and questioned.

Preliminary Report

Within thirty (30) calendar days, a preliminary investigative report shall be prepared and sent to the Chief of Operations, the City Attorney, the complainant and the department, entity or individual(s) against whom the complaint has been made with a copy provided to the TDOT Title VI Compliance Officer. All parties involved will have an opportunity to rebut. This rebuttal shall be made within fifteen (15) calendar days of the issuance of the preliminary report. Failure to submit a rebuttal within the 15-day deadline shall be deemed a waiver of right of future rebuttal.

Final Report

The City of Hendersonville's final investigative report and a copy of the complaint will be forwarded to the appropriate State and Federal Agency, TDOT Compliance Officer and affected parties (complainant, Chief of Operations, City Attorney, the department, entity or individual(s) against whom the complaint has been made with sixty (60) calendar days of the acceptance of the complaint.

The City of Hendersonville will notify the parties of its final decision. The final report will include a summary of the investigation, the recommended actions if warranted and a time frame for correction.

Appeal

Should the complainant disagree with the findings of the final report, they shall be advised of their right of appeal to the City of Hendersonville Board of Mayor and Aldermen.

If the complainant is not satisfied with the results of the investigation of the alleged discrimination and practices nor the appeal decision to the City of Hendersonville Board of Mayor and Aldermen, the complainant will be advised of the right to appeal to the appropriate State or Federal Agency.

Log of Complaints

The Title VI Coordinator will maintain a log of all complaints received. The log shall specify the date the complaint was received, name, address, email address, and phone number of complainant, a brief description of the complaint, whether the complaint was deemed to be a ' valid' complaint, date of preliminary report, date of final report, the resolution and deadline for compliance.

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

Public Involvement Plan - Capital Construction Projects

Introduction

This section of the plan lays the foundation for public involvement in planning for the City of Hendersonville Capital Construction Projects. Public participation is encouraged throughout the project and will be incorporated into the decision-making process.

Public involvement is critical to the planning process and serves to inform the public as well as solicit public response regarding the community's needs, values and evaluations of proposed solutions.

There may be many different types of solutions, each having advantages and disadvantages. These alternative solutions can be discussed with the public to receive input and ultimately reach a solution that will best meet the city's needs.

Situation Analysis

The City of Hendersonville will carefully identify the needs and interests of the constituency it serves focusing on human health and safety, protection of property values, the economic vitality of the area, and environmental considerations in the process of identifying, prioritizing, designing, and implementing capital construction projects.

Public Involvement Objectives

- To create an open and visible decision-making process to which stakeholders have equal access and input.
- To provide a mechanism by which stakeholders are informed and understand the process, issues, and possible solutions from the perspectives of various interests.
- To incorporate public comments throughout the decision-making process.

Public Involvement Tools and Tactics

The following provides a partial list of community outreach and media relation tools and tactics that may be used to disseminate information about the program and provide an opportunity to solicit and incorporate public input throughout the process. These tools may be used singly or in combination, as each situation merits.

Community Outreach Media Relations

- Broadcast Coverage
- Calendar Releases
- Community Presentations
- Fact Sheets
- News Releases
- Newspaper Articles
- Public Meeting Comment Cards
- Public Meeting Notice Fliers
- Public Meetings
- Public Service Announcements
- Web Site

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

Example of Process

- Public Notification
- Public meeting notice advertisements
- Notice on website
- Media Coverage: news releases, calendar releases, articles, Radio PSAs

Solicitation of Comments from Stakeholders

- Public meetings
- Comment cards
- Web site
- Questionnaires/Surveys
- Incorporate Public Comments and Respond to Inquiries

Limited English Proficiency (LEP) Procedures

A Limited English Proficiency (LEP) person does not speak English as their primary language, and has a limited ability to read, speak, write or understand English.

In the event a person with LEP initiates any contact with city personnel regarding activities, projects, or communication items, the City strives to provide the best services, information, or response possible, as with persons who have no language barrier.

The sequence of attempts to communicate should be:

Ask if the person can speak English. In their excitement or confusion, it is not unusual for English as a second language person to revert to their native language when trying to communicate.

Use 'I Speak' cards to attempt to determine the primary language. Whether this works or not, contact the Language Translation Line to speak to the person either face-to-face or on the phone to communicate with them. 'I Speak' cards are available from internet listings in each department and/or from the Title VI Coordinator.

If the situation is an emergency, contact 911 and language assistance will be provided to the extent available.

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

Contracting and Minority Contractor Relationships

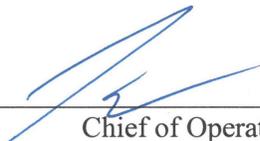
The City of Hendersonville is subject to Tennessee law governing the awarding of contracts. Most simply stated, contracts are to be let to the 'lowest and best bidder'. Other variables cannot be inserted into non-emergency purchasing decisions.

To ensure minority-owned and women-owned businesses are afforded opportunity to be considered for contracts, the City of Hendersonville has expanded the various means of publicizing bid announcements. While some funding agencies may require specific advertising activities, most procurement activities do not. In those cases, any or all of the following means of reaching potential vendors may be used:

- Advertising in local/state-wide news media
- Posting on the website and/or social media platforms
- All vendors who have completed a Vendor Application listing the service/commodity are sent a bid notice
- SBA website search may be conducted
- Former contract holders may be contacted
- Internet searches for potential vendors

On occasion, specific minority contractor participation goals may be set by funding agencies. Large projects may result in the procurement of a prime contractor. During pre-bid and pre-construction conferences, potential prime contractors are advised of the minority contractor goals and the efforts required seeking sub-contract opportunities for the small contractor within the overall prime contract scope of work. This communication responsibility lies with the City's project director.

04/11/2023
Date


Chief of Operations

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

APPENDIX A Employee Annual Education Form

Title VI Policy Statement

No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the City of Hendersonville are expected to consider, respect and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to:

Jason Gallo
Administrative Services Director
Title VI Coordinator
City of Hendersonville
615-264-5314
jgallo@hvilletn.org

In all dealings with citizens, use courtesy titles (i.e., Mr., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

City of Hendersonville

Title VI Compliance Policy of the Civil Rights Act

APPENDIX B

New Hire Orientation on Title VI

Title VI Policy Statement

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the City of Hendersonville are expected to consider, respect and observe this policy in their daily work and duties. If a citizen approaches you with a discrimination question or complaint that appears to be based on some type of discrimination, direct him or her to:

Jason Gallo
Administrative Services Director
Title VI Coordinator
City of Hendersonville
615-264-5314
jgallo@hvilletn.org

City of Hendersonville
Title VI Compliance Policy of the Civil Rights Act

APPENDIX C
Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jane Doe
1234 Main Street
Hendersonville, TN 37075

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against the City of Hendersonville alleging _____ in the _____ program.

An investigation will begin soon. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 615-264-5314, or writing to me at this address:

Jason Gallo
Administrative Services Director
Title VI Coordinator
City of Hendersonville
101 Maple Drive N.
Hendersonville, TN 37075

Sincerely,

Jason Gallo
Administrative Services Director
Title VI Coordinator
City of Hendersonville

City of Hendersonville
Title VI Compliance Policy of the Civil Rights Act

APPENDIX D
Letter Notifying Complainant That Complaint is Substantiated

Today's Date

Ms. Jane Doe
1234 Main St.
Hendersonville, TN 37075

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against the City of Hendersonville alleging denial of participation of minorities in the _____ program has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. *(If a hearing is requested, the following sentence may be appropriate.)* You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Jason Gallo
Administrative Services Director
Title VI Coordinator
City of Hendersonville

City of Hendersonville
Title VI Compliance Policy of the Civil Rights Act

APPENDIX E
Letter Notifying Complainant that the Complaint Is Not Substantiated

Today's Date

Ms. Jane Doe
1234 Main St.
Hendersonville, TN 37075

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against The City of Hendersonville alleging _____ in the program has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

The City Administration has analyzed the materials and facts pertaining to your case for evidence of the City of Hendersonville's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me at 615-264-5314.

Sincerely,

Jason Gallo
Administrative Services Director
Title VI Coordinator
City of Hendersonville