



City of Greenville
Title VI Plan

2022

Authorities

Title VI Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of or otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [2.557] March 22, 2988).

Environmental Justice (EJ) (Executive Order 12898) addresses disproportionate adverse environmental social and economic impacts that may exist in communities, specifically minority and low-income populations.

Limited English Proficiency (LEP) (Executive Order 13166) addresses access to services for persons whose primary language is not English who have limited ability to read, write, speak, or understand English.

Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 324) prohibits discrimination based on handicap/disability.

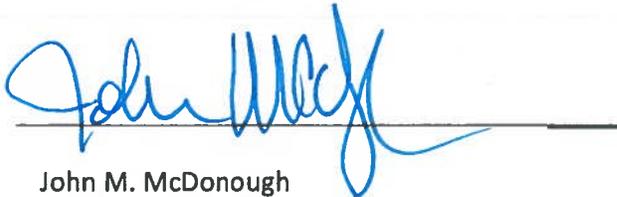
City of Greenville Title VI Policy Statement

It is the policy of the City of Greenville to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). The City of Greenville does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, or national origin. Examples of the application of this policy include, but are not limited to, the following:

No person in the United States will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which the City receives federal financial assistance from the U. S. Department of Transportation, including the SCDOT, Federal Highway Administration and the Federal Transit Administration. In addition, the City will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.

All federally assisted programs will be administered in a manner to guarantee that the City of Greenville, other recipients, sub-recipients, contractors, subcontractors, transferees, and other participants in federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations. The City of Greenville's Community Development Division is responsible for initiating and monitoring Title VI activities, preparing required reports as required by 23 Code of Federal Regulation (CFR) Part 200 and 49 Code of Federal Regulation Part 21.

Those requiring information in alternative formats or in a language subject to the Limited English Proficiency (LEP) Plan, should contact the Title VI Coordinator.



John M. McDonough
City Manager



Date

Title VI Program Overview

It is the practice of the City of Greenville to assure affirmative compliance with Title VI of the Civil Rights Act of 1964, as amended, and in accordance with all other related statutes, regulations, and Executive Orders. The assurances previously given by the Federal Highway Administration are hereby reaffirmed and extend to the City of Greenville. Examples of the application of this practice include, but are not limited to, the following:

No person in the United States will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which the City receives federal financial assistance from the U. S. Department of Transportation, including the SCDOT, Federal Highway Administration and the Federal Transit Administration. In addition, the City will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.

All federally funded or federally assisted programs will be administered in a manner to guarantee that the City, other recipients, sub-recipients, contractors, subcontractors, transferees, and other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants in federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations.

The City will not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, public transportation, property management, fee contracts, and other formal commitments with person for services and expenses incidental to the acquisition of right of way.

Discrimination will not be permitted against any eligible persons in making relocation payments and/or providing relocation assistance when required by highway right of way acquisitions.

Federal-aid contractors may not discriminate in their selection and retention of subcontractors who participate in Federal-aid construction, acquisition of right of way and related projects, including those who supply materials and lease equipment.

The City will not discriminate against the traveling public, business users of Federally assisted highways and public transportation users in their access to and use of the facilities and services provided for public accommodation (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under right of way.

The City will not locate, design a highway, or provide for transportation services in a manner that will discriminate against any person based on his or her race, color, or national origin.

In location, design and construction of highway facilities, and transportation services, care will be exercised to ensure reasonable access to and use thereof by all persons regardless of race, color, or national origin.

Title VI Public Notice

City of Greenville fully complies with Title VI of the Civil Rights Act of 1964 and related statutes, executive orders, and regulations in all programs and activities. The City operates without regard to race, color, national origin. Any person who believes they have been subjected to discrimination prohibited by Title VI may by themselves or by representative file a written complaint with the City of Greenville, Title VI Coordinator. A complaint must be filed no later than 180 days after the date of the alleged discrimination.

Title VI Program Administration

The City's Title VI Plan is administered by the Community Development Manager under the direct supervision of the Assistant City Manager. An organizational chart for this division can be found in Appendix H. The Community Development Division is committed to facilitating meaningful programs to improve quality of life within our communities and involving all community stakeholders in the development and implementation of programs and projects. The Community Development Manager is responsible for ensuring implementation of the plan and will serve as the Title VI coordinator. The Title VI Coordinator is responsible for the overall management of the Title VI programs, the day-to-day administration of the plan and serves as the Limited English Proficiency (LEP) Coordinator. The Title VI Coordinator will be supported by staff from our Communications & Neighborhood Relations, Planning & Development, Engineering Services, and Purchasing departments to ensure the plan is implemented in compliance with Title VI program requirements.

City Manager's Office
Chief Diversity Officer
Bryant Davis
bdavis@greenvillesc.gov
(864) 467-4205

Title VI Coordinator Responsibilities

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the City's compliance with Title VI Regulations. Title VI responsibilities are as follows:

1. Conduct Title VI compliance reviews of department program area activities of federal financial assistance.

2. Collects statistical data (race, color, national origin, sex disability, and age) on the City's relevant boards, commissions, and committees, and participants in the beneficiaries of the City's programs, activities, and services.
3. Review pre-grant and post-grant awards for compliance with Title VI requirements.
4. Coordinate the development and implementation of a training program and conduct training programs on Title VI and other related statutes for City employees and recipients of federal grant funds.
5. Process and maintain log of Title VI complaints.
6. Ensure that Title VI requirements are included in policy directives and that the procedures used have built in safeguards to prevent discrimination.
7. Assist program personnel to correct Title VI problems or discriminatory practices or policies found when conducting self-monitoring and compliance review activities.
8. Manage the City's Limited English Proficiency (LEP) Program ensuring that City information and services are accessible to customers. Develop Title VI information for public dissemination, where appropriate, in languages other than English.

Training Programs

The City of Greenville is committed to ensure on-going Title VI training for our Title VI Coordinator and all staff that has Title VI responsibilities. This is part of our annual training and may include a combination of FHWA Training materials, SCDOT Training Programs, as well as online and/or in-person training from private companies or agencies qualified in Title VI compliance. Training will be made available annually to employees. The training will provide comprehensive information on Title VI provisions, application to program operations, identification of Title VI issues and resolution of complaints. Training records and logs will be maintained by the Title VI Coordinator.

Public Notification and Involvement Plan

The goal of the City's communications and public participation program is to ensure early and continuous public notification about, and participation in, major actions and decisions by the City

of Greenville. In seeking public comment and review, the City makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. The City of Greenville public involvement process is multi-faceted and utilizes various outlets to include website, social media, and traditional media to engage with our city residents, and community members. City meetings are conducted in accessible locations and upon request, materials can be provided in accessible formats and in languages other than English. The city's website, www.greenvillesc.gov, is the landing page for projects, information, emergency communications, and alerts. If you would like accessibility or language accommodation, please contact the Title VI Coordinator. If you wish to attend a City function and require special accommodations, please give the City of Greenville one week's notice in advance.

Project specific public involvement and communication plans are developed for each project depending on the type of project, the scope of the project and the anticipated impact it will have on the community. The City works very closely with our neighborhood associations, community leaders and city leadership to develop effective communication and engagement plans for each project. Our public involvement process consists of the following:

1. **Public Outreach and Communication** - The notice of non-discrimination is located on our website and social media accounts. Most of our outreach is digital. We provide meeting notices through digital media, social media, neighborhood associations, traditional media, email blasts and direct mail to citizens residing or owning a business in impacted areas. We utilize an online survey tool, publicinput.com, that is multi-lingual, ADA accessible, has screen readers and complies with all best practices for citizens with physical or language barriers. This public engagement module is employed weekly. All video content is subtitled in English and Spanish. We offer in-person translation at the front desk of City Hall, on the phone and at our business license and permitting walk up windows. The translator enters complaints and work order requests into our database and follows up with assigned staff.
2. **Diversity** - The City of Greenville goes to great lengths to ensure that a multitude of voices are heard, and impacted residents are adequately represented. Project working groups are made up of community members who are representative of their neighborhood. When public input survey results are tallied, demographics are assessed. If a certain population is under-represented, additional outreach methods are employed to reach that segment of the population.
3. **Media Sources** - The city website, GreenvilleSC.gov is the landing page for projects, information, emergency communications and alerts. The webpages are checked regularly for ADA accessibility. Google translate is available on the site. The site sends breaking news alerts to subscribers. The city social media pages (Facebook, Instagram,

Twitter, LinkedIn, and YouTube) have a combined 150k followers. Additionally, we utilize NextDoor, and neighborhood association presidents and a city-provided neighborhood texting service. We maintain strong relationships with local television stations, radio, newspaper, magazine, and digital media outlets. We regularly collaborate with the Hispanic Alliance and two Spanish language newspapers to share information. Our weekly city newsletter is available in English and Spanish.

4. Public Meetings - We select the location for public meetings based on convenience for attendees. We offer multiple sessions at different times to accommodate citizens with different work schedules or transportation needs. Meetings are held in known, safe community spaces that are nearest to the affected neighborhoods. We offer virtual options when health and transportation are barriers to attendance.
5. Accessibility - We offer virtual meeting options and ensure locations are ADA accessible. Webex is our preferred platform. It offers closed captioning, keyboard access features, screen reader support and automated transcription. Bilingual staff members are present and certified deaf interpreters are hired as needed.

Limited English Proficiency Plan

This Limited English Proficiency Plan has been prepared to address the City of Greenville's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

The City of Greenville has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

To prepare this plan, the system used the four-factor LEP analysis which considers the following factors:

The number or proportion of LEP persons in the service area who may be served or are likely to require City of Greenville services.

The City of Greenville staff reviewed the U.S. Census Report and determined that of 74,773 persons in the City limits of Greenville, South Carolina, 1.2% of the population speak no or limited English. Of those persons with limited English proficiency, 83.2% speak Spanish, 4.6% speak Indo-European Languages and 12.2% speak Asian and Pacific Languages.

The frequency with which LEP persons come in contact with the City of Greenville services.

The vast majority of the populations with which we do business are proficient in English, so LEP services are not normally required. However, since the large majority of those who identify as persons with limited English proficiency speak Spanish, the City will

prioritize access to translation and interpretation services in this language. In fact, the City employs a Spanish-speaking individual who is available to translate during normal business hours.

The nature and importance of services provided by the City of Greenville to the LEP population.

The City of Greenville staff members are most likely to encounter LEP individuals through office visits, phone conversations, and attendance at neighborhood/public meetings. In an effort to serve LEP individuals, calls/contacts are handled by City staff either via our Information Service line or as staff encounters potential barriers.

The resources available to the City of Greenville and overall costs to provide LEP assistance.

The City of Greenville's primary resource is its employees who speak Spanish and are capable of interpreting on occasions when a Spanish-speaking person limited in English proficiency needs to contact the City. Furthermore, the City employs a professional service to ensure that language assistance is available upon request.

The City has employed a professional service to identify the languages most frequently spoken by our citizenry so when translation options are limited to a specific number, we are able to provide language assistance for the largest possible group of citizens

Implementing the Plan

Based on the four-factor analysis, the City of Greenville has identified the language needs and services required to provide meaningful access to information for the LEP residents of the City of Greenville. The City of Greenville will review its LEP Plan on an annual basis and incorporate LEP data gathering ventures, such as surveys, to further identify additional language area-specific needs for the top languages identified. A review of the City's relevant programs, activities, and services that are being offered or will be offered by the City include:

- Spanish-speaking interpreters available upon request during normal business hours.
- Subsequent language surveys will be distributed at community outreach events and evaluated to enhance language needs.

The City of Greenville will actively and regularly contact the community organizations that serve LEP persons to identify any additional information or activities that might better improve the City's services to assure non-discriminatory service to LEP persons. The City of Greenville will then evaluate the projected financial cost to provide the translation services and assess which of these

can be provided most cost- effectively. The following is a list of community organizations that will be contacted to assist in gathering information about services most frequently sought by the LEP population:

- Hispanic Alliance; and
- Various public entities that serve these populations.

Staff Training

The Title VI Coordinator will participate in Title VI seminars and workshops, as resources permit, with a goal to attend at least one training annually. Staff will be provided access to the LEP Plan and educated on procedures. Training topics that will be made available to other City staff will highlight:

- Review the City's LEP Services available to the public;
- How to handle verbal requests for City services in a foreign language;
- Review of demographic data about local LEP population; and
- Notification of appropriate staff to notify when services are not met for LEP persons.

Notice to LEP Persons

Department of Transportation LEP guidance provides that once an agency has decided, based on the four factors, that it will provide language services, it is important that the agency notify LEP persons of the services available free of charge, and in the language(s) LEP persons would understand. To this end, the City of Greenville will provide statements in public information and public notices language assistance or special accommodations will be provided to persons, with reasonable advance notice to the City.

The City will undertake the following actions:

- With advance notice of seven (7) calendar days, provide interpreter services at public meetings.
- Interpreter services offered include foreign language and hearing impaired.
- Include in outreach documents, including notices, a statement that interpreter services are available at meetings, with seven days' advance notice.
- Publish City and federal complaint forms on the website, make them available at public meetings, and reference the availability of these forms and where to get them, in the LEP Plans.
- Train City staff on the requirements for providing meaningful access to services for LEP persons to include the use of "I Speak" flashcards.
- Maintain a Google Translation Gadget on the City's webpage that will convert the page to any language available in the Google Translator, including Spanish.
- Inform community- based organization and stakeholders of the City's services, including the availability of language assistance services, with notice.

Monitoring, Evaluating and Updating the Plan

On an annual basis, the Title VI Coordinator shall review changes in demographics and services provided to determine the need to modify or update frequently used services, programs, and documents, to ensure accessibility for LEP services to the LEP public and employees. The annual LEP Review shall include:

- Assessing current and historical LEP populations in the service area or population affected or encountered.
- Assessing current and historical LEP usage, including languages served.
- Determining the frequency of encounters with LEP language groups by surveying staff on how often they use language assistance services, if they believe there should be changes in the way services are provided or the providers that are used, and if they believe that the language assistance services in place are meeting the needs of the LEP community in our service area.
- Assessing customer satisfaction by surveying LEP candidates based on their experience of the City's programs, benefits, services, and the importance of activities to LEP persons.
- Reviewing any complaints from LEP persons about their needs that were received during the previous year.
- Solicit and evaluate feedback from community-based organizations and stakeholders about the City's effectiveness and performance in ensuring meaningful access for LEP individuals.
- Updating the community demographics and needs by engaging school districts, neighborhood associations, faith communities, refugee resettlement agencies and other local resources.
- Monitor the City's response rate to complaints or suggestions by LEP individuals, community members and employees regarding language assisted services provided.
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
- Educate or refresh staff to work effectively with in-person and telephone interpreters.
- Determining whether identified sources for assistance are still available and viable.

Dissemination of Plan

The Language Assistance Plan is available on the City's website. This Plan is also available at no cost in English upon request by telephone, fax, and mail or in person. If requested to be provided in another language and it is feasible to have it translated, it shall be provided at no cost to the requester.

Contact Information

Questions or comments about this plan may be submitted to the City's Title VI Coordinator at:

City Manager's Office
Attn: Bryant Davis, Chief Diversity Officer
206 South Main Street
P.O. Box 2207
Greenville, South Carolina 29602
bdavis@greenville.gov
(864) 467-4205

Title VI Complaint Procedure

The City has also developed the following procedures for addressing complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by the City of Greenville or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. The City of Greenville will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

If you believe you have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin, you may contact the City of Greenville's Title VI Coordinator at (864) 467-4428 or file your complaint using the form on the City's website.

Filing a Complaint

Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, or national origin may file a written complaint to the City of Greenville's Title VI Program Coordinator or to the City's customer service center.

Greenville Cares is the City's one-stop customer service center where citizens can get information about City programs, services, and events; report an issue or submit a City service request. Live telephone assistance is available Monday through Friday from 8 a.m. to 5 p.m. by calling or texting **864-232-CARE (864-232-2273)**.

Citizens can also email their questions or service requests to cares@greenvillesc.gov or via our convenient [online service request](#). A discrimination complaint form can be submitted to our customer service center or directly to the Title VI Coordinator.

A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

- Complaints must be in writing and signed by the complainant(s).
- Complaints must include the date of the alleged act(s) 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.

- Complaint must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.

Receipt and Acceptance

Upon receipt of the complaint, the Title VI Program Coordinator will determine its jurisdiction, and need for additional information. The complaint will be forwarded to the City Manager for a determination of acceptability. The City Manager will notify the complainant, in writing, within five (5) calendar days of receipt of the complaint.

To be accepted, a complaint must meet the following criteria:

- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- b. The allegation(s) must involve a covered basis such as race, color, or national origin.
- c. The allegation(s) must involve a program or activity that receives federal financial assistance.

The City of Greenville will assume responsibility for investigating complaints against any of its sub-recipients. Complaints in which the City is named as the Respondent, shall be forwarded to SCDOT or the appropriate federal agency for proper disposition, in accordance with their procedures.

Dismissal

A complaint may be recommended for dismissal for the following reasons:

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

Investigation of Complaints

Once a complaint is recorded on the log sheet, it will be promptly investigated by the Title VI Coordinator. Within 10 working days of receipt of the formal complaint, the Title VI Coordinator will notify the complainant and begin an investigation (unless the complaint is filed with an external agency first or simultaneously). The City will designate an investigative team responsible for evaluating the complaint, developing an investigative plan, conducting interviews, collecting, and analyzing evidence, and preparing an investigative report. Investigations will be conducted for complaints received within 180 days of the alleged incident and will be completed within 60 days of the formal complaint.

Standard U.S. DOT Title VI Assurances

The City of Greenville (LPA) (hereinafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964(§42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin).
- 49 C.F.R. Part 21(entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964).
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964),

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that

“No person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from the Department of Transportation, including the FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA).

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs:

1. The Recipient agrees that each "activity", "facility", or "program", as defined in §§21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated or will be (with regard to a facility) operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and, the Regulations.

2. That the Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"City of Greenville(LPA), in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon, or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition or real property or an interest in real property, the Assurance will extend to the rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered by the Recipient with other parties:

(a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

(b) for the construction or use of, or access to, space on, over or under real property acquired, or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

(a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

(b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under any program or activity and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

City Of Greenville



John M. McDonough

City Manager



Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations:** The contractor (Hereinafter includes consultants) will comply with the Acts and the Regulations relative to nondiscrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21. This includes FHWA or FTA specific program requirement.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. This includes FHWA or FTA specific program requirements.
- (4) Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the **CITY OF GREENVILLE (LPA), the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** to be pertinent to ascertain compliance with such Acts, Regulations, instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the **CITY OF GREENVILLE (LPA), FHWA or the FTA**, as appropriate, and will set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, the **CITY OF GREENVILLE (LPA)** will impose such contract sanctions as it or **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination, or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontractor procurement as the **CITY OF GREENVILLE (LPA) the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with, litigation with a subcontractor, or supplier because of such direction, the contractor may request the **CITY OF GREENVILLE (LPA)** to enter into any litigation to protect the interests of the **CITY OF GREENVILLE (LPA)**. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **CITY OF GREENVILLE (LPA)** will accept Title to the lands and maintain the project constructed thereon, in accordance with the appropriate legislative authority, the Regulations for the Administration of its programs and activities, and the policies and procedures prescribed by **the FEDERAL HIGHWAY ADMINISTRATION or the FEDERAL TRANSIT ADMINISTRATION** of the U.S. Department of Transportation in accordance with and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SCDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **CITY OF GREENVILLE (LPA)** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **CITY OF GREENVILLE (LPA)**, its successors and assigns.

The **CITY OF GREENVILLE (LPA)**, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the **CITY OF GREENVILLE (LPA)** will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will thereon revert to and

become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **CITY OF GREENVILLE** (LPA) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permittee, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all other requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of a breach of any of the above Non-discrimination covenants, **CITY OF GREENVILLE** (LPA) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, **CITY OF GREENVILLE** (LPA) will have the right to enter or reenter said lands and facilities thereon, and the above-described lands and facilities will thereupon revert to and vest in and become the absolute property of **CITY OF GREENVILLE** (LPA) and its assigns. *

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **CITY OF GREENVILLE** (LPA) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that:
 - (1) no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,
 - (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, and
 - (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **CITY OF GREENVILLE** (LPA) will have the right to terminate the (license, permit, etc., as appropriate) and enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **CITY OF GREENVILLE** (LPA) will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of **CITY OF GREENVILLE** (LPA) and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the 1964 Civil Rights Act (42 U.S.C. 2§000 *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601) Prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- The Federal-aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (42 U.S.C. §47123), as amended, (prohibits discrimination on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (P.L. 100-209), (Broadened, the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendment of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

APPENDIX F
DISCRIMINATION COMPLAINT FORM

Last Name	First Name	<input type="checkbox"/> Male <input type="checkbox"/> Female
Mailing Address	City/State	Zip
Home Telephone	Other Telephone	E-mail Address
Type of Discrimination <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
Race/Ethnicity of Complainant <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Alaska Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____		
How were you discriminated against? Please explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheet(s), if necessary. Attach supporting documents if available.		
Date and place of the alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date(s) of discrimination.		
The law prohibits intimidation or retaliation against anyone because they have either taken action, or participated in action, to secure rights protected by the laws. If you feel that, you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Describe the action you took which you believe was the cause for the alleged retaliation.		
Name(s) of individual(s) responsible for the discriminatory action(s).		

Name(s) of person(s) who may be contacted for additional information to support or clarify your complaint. (Attach additional sheets, if necessary).

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

What action(s) have you or your representative done to attempt to resolve this complaint? Please include filing dates or other dates as applicable.

<u>Action</u>	<u>Date</u>
<input type="checkbox"/> Filed with the Federal Highway Administration _____	
<input type="checkbox"/> Filed with the U.S. Department of Transportation _____	
<input type="checkbox"/> Filed with Federal Transit Administration _____	
<input type="checkbox"/> Filed with another Federal agency _____	
<input type="checkbox"/> Filed in Federal Court _____	
<input type="checkbox"/> Other action _____	

Please provide any additional information you feel would be helpful in investigating this matter.

Briefly explain what action you are seeking.

Complainant's Signature

Date

Mail Complaint Form To:

City of Greenville
Community Development Division
Attn: Rebecca Young
P.O. Box 2207
Greenville, SC 29602

For Official Use Only

Date Complaint Received: _____

Referred to: _____ Date Referred: _____

