

FDOT Title VI Nondiscrimination CBT

Module 2 - Core Title VI Nondiscrimination Functions in FDOT Program Areas

Welcome to the FDOT Title VI Nondiscrimination CBT. This is Module 2 - Core Title VI Nondiscrimination Functions in FDOT Program Areas.

The Secretary or Chief Executive Officer of FDOT and other state transportation agencies demonstrate agency commitment to nondiscrimination and developing nondiscrimination programs by signing a Standard Title VI Nondiscrimination Assurance, DOT Order 1050.2A.

The Assurance is a contract between the state transportation agency and a federal modal entity such as FHWA, FTA, or FMCCA, that provides remedies in the event of breach. A state's commitment to nondiscrimination is only effective if a program is implemented to monitor compliance.

The Title VI regulations for FHWA are found at 23 CFR 200. They list a number of requirements for state departments of transportation, including accepting/processing complaints, reviewing program areas for nondiscrimination, and keeping adequate records to demonstrate compliance.

Because FDOT is such a large and decentralized organization, these responsibilities are shared by Central Office and the Districts. At Central Office, the Equal Opportunity Office, or EOO, has a single Title VI and Nondiscrimination Officer who has direct, easy access to the Secretary for matters involving discrimination.

The EOO also has a Title VI and Nondiscrimination Coordinator, who is responsible for nondiscrimination program stewardship, ensuring compliance and consistency among the districts, and federal reporting.

Each District has a Title VI and Nondiscrimination Coordinator who has easy, direct access to the District secretary for matters involving discrimination. The District Coordinator also provides oversight and support for District Program Area Officers that represent each federal program area.

We'll talk a bit more about the various federal program areas in a moment, but regardless of your position in the Title VI and Nondiscrimination program framework, everyone shares a few basic responsibilities.

First, we must all be vigilant in ensuring that discrimination complaints are addressed, either through informal resolution or by making sure they are reduced to writing and signed and dated by the complainant. This is a critical issue since the law may limit the rights of complainants for court enforcement to 180 days beyond the date of discrimination.

Formal complaints are defined as those reduced to writing while informal complaints are non-written or otherwise received verbally. District Title VI Coordinators and District Program Area Officers are encouraged to resolve informal issues internally within their respective District, and to elevate informal issues that could not be satisfactorily resolved to the State Title VI Coordinator.

All Formal written complaints received by the Department's District Offices must be immediately referred to the State Title VI Coordinator for processing. Whether complaints are formal, informal, resolved at the district level, or require further processing, all must be logged by complainant name, basis (race, color, national origin, age, sex, disability or other), issue, date received, and action taken.

The second responsibility all Title VI staff share is to ensure the public has access to and input into transportation decision-making at all levels. This is not only required by the federal regulations, but by FDOT which believes that early, sustained and continuous public involvement is the cornerstone of both effective decision-making and nondiscrimination.

Finally, all Title VI program staff has reporting responsibilities that include quarterly report submissions, populating the program area matrix, and submission of program specific information related to annual District Title VI Quality Assurance Review, or QAR. The regulations do not provide specific guidance on which program areas are required for inclusion, only that all programs are covered by Title VI and nondiscrimination authorities.

After several years of District reviews, Central Office has decided that representation and reporting are critical in Planning/Environment, Right of Way, Construction, Local Agency Programs, ADA/504, Maintenance, and Public Information. This does not mean that procurement, design, emergency operations, research/development or other disciplines are unimportant or excluded, just that available report information is less abundant and able to be collected as needed by the District or Statewide Coordinators.

This concludes Module 2 - Core Title VI Nondiscrimination Functions in FDOT Program Areas. Please continue to Module 3 - Title VI Nondiscrimination Responsibilities for District Title VI Staff.