



TITLE VI

Policy and Program

KETCH fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, please visit the website at www.ketch.org or call 316-383-8700.

Re-adopted by the KETCH Board of Directors on: 02/26/2019

I. WHAT IS KETCH?

Since our beginning in 1962 the Kansas Elks Training Center for the Handicapped, Inc. (KETCH) has stood as a leader in the rehabilitation industry, serving more than 30,000 individuals with disabilities. Much has changed since then, but one thing remains the same—our commitment to help people with disabilities live and work in the community.

Our mission is “To promote independence for persons with disabilities, through innovative learning experiences, that support individuals’ choices for working, playing and living in the community”. We help people with disabilities live and work in the community. We believe that a person’s disability should not overshadow a person’s many capabilities. To meet our mission, KETCH provides a wide array of services to help each person become as successful as possible.

II. KETCH TITLE VI POLICY STATEMENT

KETCH is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. KETCH assures that no person or groups(s) of persons shall, 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 and all programs, services, or activities administered by KETCH, regardless of whether those programs and activities are federally funded or not.

KETCH also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, KETCH will provide meaningful access to services for persons with Limited English Proficiency.

KETCH’s Title VI Coordinator:

Jean-Marie Jameson, Vice President of Human Resources
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is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with KETCH. Any such complaint must be in writing and filed with KETCH’s Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see our web site at www.ketch.org or call (316) 387-8700.

If information is needed in another language, contact the KETCH Title VI Coordinator.

III. AUTHORITY

The federal statutory authority for requiring non-discrimination has its basis in Title VI of the Civil Rights Act of 1964, Executive Order 12898, and Executive Order 13166.

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, 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 receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “program or activity” to include all programs or activities of Federal Aid Recipients, sub-recipients, and consultants/contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was signed by President Clinton on February 11, 1994. The Order requires all federal agencies to make environmental justice (EJ) part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of our programs, policies, and activities on minority populations and/or low-income populations (collectively referred to as EJ populations). In turn, the U.S. Department of Transportation (DOT), primarily through the FTA, requires all agencies receiving FTA funds to incorporate environmental justice into the overall agency programs and activities. The FTA’s “Environmental Justice Policy Guidance for FTA Recipients” provides recipients of FTA financial assistance with guidance in order to incorporate environmental justice principles into plans, projects, and activities that receive FTA funding. The guiding EJ principles followed by KETCH are based on those defined by FTA and DOT, and are as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects of our programs, policies, and activities, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the unwarranted denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The core tenet of environmental justice – that development benefitting a community as a whole not be unjustly purchased through the disproportionate allocation of its adverse environmental and health burdens on a community’s minorities – is a direct extension of the fundamental non-discrimination principle required by Title VI.

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to federally conducted and federally assisted programs. It is expected that agency and program plans, as stipulated by the Executive Order, will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The U.S. Department of Justice’s Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency" (LEP Guidance) sets the compliance standards that

recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination.

IV. KETCH'S TITLE VI PROGRAM

The Title VI program adopted by KETCH includes both administrative/oversight activities and activities associated with carrying out the mission of the organization.

A. Title VI Program Responsibilities

To ensure the effective, efficient and consistent implementation of KETCH's Title VI program, KETCH has named the Vice President of Human Resources as the Title VI Coordinator. It will be the responsibility of the person in this position to initiate, coordinate and monitor the overall administration of the Title VI program. The Title VI Coordinator reports directly to the President and is assisted by other staff as needed and designated.

B. Administrative/Oversight Activities

Title VI Notification

In compliance with 49 CFR Section 21.9(d), KETCH provides information to the public regarding Title VI obligations and appraises members of the public of the protections against discrimination afforded to them by Title VI. KETCH fulfills this compliance through the following actions:

1. Posting the agency's policy statement regarding Title VI on the KETCH website (www.ketch.org) along with the complaint procedure and form.
2. KETCH includes the abbreviated, "Notice to the Public" (See Appendix A) on agency brochures.
3. The full policy statement is included in the publication titled, "Transportation Guide", which is provided to prospective recipients of KETCH services during the application/admissions process.
4. The notice is posted at the public entry in buildings that allow public access within the downtown campus area.
5. The notice is posted in KETCH vehicles.

Addressing and Resolving Complaints

KETCH provides a means for any person who believes that he or she, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination by KETCH in relation to any program or activity administered by KETCH by way of a Title VI Discrimination Complaint Procedure and Form. This complaint procedure applies to matters related to Title VI, EJ, or LEP. 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 do not extend the time for seeking such a remedy, nor are they a necessary step to seek a remedy otherwise. 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. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be used for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a timely resolution to the complaint. Initial interviews with the complainant and the respondent, if applicable, will request information regarding specifically requested relief and settlement opportunities. A copy of the complaint form and procedures is provided as Appendix B.

The complaint form and procedures are posted on the KETCH website and are available from the KETCH Title VI Coordinator.

Title VI Complaints and Outcomes

KETCH maintains a spreadsheet identifying the following: complainant's name, date the complaint was filed, a summary of the allegation(s), including the basis of alleged harm (i.e. race, color, or national origin), the status of the investigation and actions taken in response to the complaint. The Title VI Coordinator maintains these files.

To date, no Title VI investigations, complaints, or lawsuits have been filed against KETCH.

C. Limited English Proficiency (LEP) Plan

KETCH promotes a positive and cooperative understanding of the importance of language access to its programs. The LEP plan has been prepared to address the reasonable steps taken to ensure meaningful access to programs and activities by persons with limited English proficiency language skills. While most individuals in the United States read, write, speak and understand English, there are many individuals whose primary language is not English. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English are considered by federal law to be limited English proficient, or "LEP." This language barrier may prevent individuals from accessing services and benefits, and they may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Federal law requires that people who are LEP have meaningful access to federally funded programs and activities. The purpose of developing an LEP, as a sub-recipient of federal funds, is to identify the extent of LEP individuals and identify ways that KETCH can reduce or eliminate barriers to LEP individuals.

The US Department of Transportation recommends a Four Factor Analysis that should be used to determine the level and extent of language assistance required to sufficiently ensure meaningful access to programs, activities, and services within KETCH's operations. The intent is to find a balance that ensures meaningful access by persons with limited English to critical services, while not imposing an undue burden to KETCH. These factors include:

- 1) Identify the number of or proportion of LEP individuals that can utilize the service provided by KETCH.** In following the example we find that there are no language groups that fit the criteria of more than 5% of total population who "speak English less than very well" (see table below):

***US Census Bureau, 2017 (American Community Survey)**

	Estimate	Margin of Error	Percent	Percent Margin of Error
White	421,931	+/-2,081	82.7%	+/-0.4
Black or African American	55,445	+/-561	10.9%	+/-0.1
American Indian and Alaska Native	12,310	+/-851	2.4%	+/-0.2
Asian	26,162	+/-236	5.1%	+/-0.1
Native Hawaiian and Other Pacific Islander	943	+/-209	0.2%	+/-0.1
Some other race	15,470	+/-1,789	3.0%	+/-0.4
Hispanic or Latino (of any race)	72,080	*****	14.1%	*****

*Limited English Proficiency (LEP) is identified as census categories: Speak English “not well” and “not at all”.

KETCH Transit Riders	Percent
White	74%
Black or African American	16%
American Indian and Alaska Native	0%
Asian	3%
Native Hawaiian and Other Pacific Islander	2%
Some other race	
Hispanic or Latino (of any race)	5%

KETCH Board of Directors	Percent
White	93%
Black or African American	7%
American Indian and Alaska Native	0%
Asian	0%
Native Hawaiian and Other Pacific Islander	0%
Some other race	0%
Hispanic or Latino (of any race)	

2) Identify the frequency in which LEP individuals come in contact with the service.

Of the approximately 450 individuals currently receiving services from KETCH, 2% use sign language to communicate and 22% are “non-verbal”, utilizing gestures and sounds to convey information. Most of KETCH’s transit riders have very limited or no reading skills. Again, we find that that there are no language groups that fit the criteria of more than 5% of total population who “speak English less than very well.”

3) Identify the importance of the service to the LEP community.

KETCH provides transportation to and from day programs, for community integration outings, for entertainment, for medical appointments, for employment and volunteer opportunities, etc. to adults typically with disabilities. Different resources are utilized to communicate and schedule rides for individuals who speak English less than very well.

4) Identify the resources available and the respective costs of these resources.

KETCH has resources available to address providing meaningful access to KETCH programs and services by persons with limited English Proficiency. KETCH sets aside a portion of its annual budget to pay for language assistance resources (such as interpreters) to its riders. During the annual budgeting process, KETCH evaluates the costs of these programs with the amount of resources available to KETCH to spend on these programs.

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A “safe harbor” means that as long as KETCH has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI. However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis. Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally. The “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable to provide.

LEP Implementation Plan

KETCH has developed a comprehensive Cultural Competency and Diversity Plan that addresses diversity as it relates to persons applying for services, persons currently served and staff employed by KETCH. The goals of the plan include:

- Increase the cultural competency of staff members
- Provide informal opportunities for staff members to increase their awareness of cultural competency
- Bridge language barriers with staff members for whom English is not their primary language
- Increase the responsiveness of KETCH services to the cultural needs of persons served
- Assure that persons from different backgrounds involving culture, ethnicity, age, gender, socioeconomic status, and sexual orientation are aware of KETCH

Although the population eligible to receive services at KETCH does not exceed the 5% of the total population who “speak English less than very well,” KETCH accommodates individuals seeking services (or their family members who were important members of their service team), by providing certain documents that have been translated into Spanish, Vietnamese as well as in Braille. KETCH Targeted Case Managers are trained and instrumental in identifying resources to meet the language/and or communication needs of individuals served. KETCH has also enlisted the services of an interpreter to translate for individuals who are deaf or deaf/blind. Communication and/or language barriers are also identified in each person’s service plan as well as the means to address those barriers. Additionally, staff are trained as needed in the use

of sign language for individuals who are deaf or providing assistance to individuals who are blind through community resources that are experienced and qualified. Training resources are also available through Relias Learning Management System and the KETCH Human Resources Training Department. Recipients of transit services also receive the KETCH Transportation guide through the admissions process. Additionally, online translation services as a private citizens and/or family members who can serve as interpreters have been utilized to assist with any language barriers encountered. These accommodations (as would any future accommodations for other languages) are made on an “as needed” basis.

The LEP Plan, as a component of the Title VI Program, will be posted on the agency’s website, www.ketch.org. LEP plan will be provided to any person or agency requesting a copy. The person to contact in regards to the LEP Plan is Jean-Marie Jameson, the Title VI Coordinator who can be reached at KETCH at (316) 383-8700.

D. Public Participation Plan (PPP)

KETCH continually seeks input from those individuals who receive services, their guardians and family members, as well as those individuals interested in, but not yet receiving services, along with regulatory and funding entities and other stakeholders in an effort to provide exceptional services that meet identified needs. KETCH staff participate in a variety of activities to educate the public and promote the services offered by KETCH. This PPP is designed to ensure a stakeholder involvement process that is proactive in providing complete information, timely notice, diverse techniques, and continual involvement in the development and provision of transportation services. KETCH’s public engagement efforts include, but are not be limited to:

- stakeholder and transit rider surveys
- input from the KETCH Board of Directors
- parent/guardian meetings
- providing the “KETCH Transportation Guide” publication to persons interested in KETCH services
- participation by KETCH staff in tradeshows, job fairs, school transition fairs, Hispanic and Latino wellness fairs, etc. and sharing KETCH publications at these events
- public engagement using social media (i.e. Facebook)
- posting relevant information on the KETCH website including where public comments can be submitted if necessary
- disseminating KETCH Newsletters
- participation in neighborhood associations

All avenues are designed to elicit comment and create discussion of issues and challenges facing recipients of KETCH transportation services. KETCH desires to provide timely information about transportation issues and processes to transit riders, stakeholders and members of the general public. KETCH will provide responses to all public input as appropriate.

Over the last 3 years, KETCH has been active in the Sedgwick County Paratransit Council and the Region CTD meetings that are designed to voice the issues and challenges facing recipients of local and regional transportation services. KETCH has also been active in job fairs, school

transition fairs, participating in the Wichita Southwest Neighborhood Association, hosting parent/guardian meetings, communicating with recipients of transit services via letters to increase grass roots advocacy efforts for persons with disabilities to access transportation services, etc.

Monitoring and Updating the LEP Plan

KETCH will update the plan according to the Title VI update schedule, which is every three years. The plan will also be updated any time changes in the demographics of KETCH's service area are deemed significant in regards to LEP persons. Each update should consider the following components:

- What is the current LEP population in the KETCH service area?
- How many LEP persons were encountered and were their needs met?
- Were any complaints received?
- Has KETCH's available resources, such as technology, staff, and financial resources, changed?
- Have new federal or state regulations concerning LEP plans been approved that necessitate the changes to the current LEP plan?