FFY 2019 Title VI and Non-Discrimination Program Plan

Ensuring Justice

Submitted October 1, 2018

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Table of Contents

SECTION 1 PROGRAM OVERVIEW .................................................................................................................. 1
  Introduction ................................................................................................................................................. 1
  Policy statement of nondiscrimination ................................................................................................. 1
  Standard Assurances ............................................................................................................................... 3

SECTION 2 ORGANIZATION AND STAFFING ......................................................................................... 4
  Civil Rights Coordinator Responsibilities ............................................................................................. 4
  External Civil Rights Administrator Responsibilities ........................................................................... 5
  Title VI Specialists’ Responsibilities ...................................................................................................... 6
  Civil Rights Liaison (Committee) Responsibilities ................................................................................ 6

SECTION 3 IMPLEMENTATION PROCEDURES ...................................................................................... 10
  Program Administration — General .................................................................................................... 10
  Complaints ................................................................................................................................................ 10
  Data Collection ...................................................................................................................................... 10
  Iowa DOT Internal Title VI Program Reviews .................................................................................... 10
  Corrective Action ................................................................................................................................. 11
  Self-Monitoring ..................................................................................................................................... 11
  Title VI Reviews of Sub-recipients ....................................................................................................... 12
  Follow-up Monitoring ............................................................................................................................ 13
  Training Programs ............................................................................................................................... 13
  Annual Accomplishments and Goals Report ....................................................................................... 14
  Title VI Plan Update ............................................................................................................................... 14
  Limited English Proficiency (LEP) ......................................................................................................... 14
  Public Dissemination ............................................................................................................................... 14
  Post-Grant Reviews ............................................................................................................................... 15
  Elimination of Discrimination ............................................................................................................... 15
  Remedial Action ..................................................................................................................................... 15

SECTION 4 PROGRAM ADMINISTRATION .......................................................................................... 17
  Iowa DOT Program Offices ................................................................................................................... 17
    Office of Construction & Materials ...................................................................................................... 17
    Office of Contracts ............................................................................................................................... 17
    Office of Design .................................................................................................................................... 18
District Offices........................................................................................................................................... 18
Office of Local Systems ................................................................................................................................. 19
Office of Location and Environment .............................................................................................................. 19
Office of Maintenance ................................................................................................................................... 20
Motor Vehicle Division ................................................................................................................................. 20
Motor Vehicle Enforcement ......................................................................................................................... 21
Purchasing Section ....................................................................................................................................... 21
Office of Right of Way ................................................................................................................................... 21
Administration ............................................................................................................................................... 22
Office of Aviation ........................................................................................................................................... 22
Office of Program Management ..................................................................................................................... 22
Office of Systems Planning ............................................................................................................................. 23
Office of Public Transit ................................................................................................................................... 23

SECTION 5 ATTACHMENTS.......................................................................................................................... 25
Attachment A – Standard DOT Title VI Assurances ....................................................................................... 26
Attachment B – Iowa DOT Organizational Chart for Civil Rights Team ......................................................... 34
Attachment C – Discrimination Complaint Process ...................................................................................... 35
  Introduction .................................................................................................................................................. 35
  Purpose ..................................................................................................................................................... 35
  Roles and Responsibilities ............................................................................................................................ 36
  Filing of Formal Complaints ........................................................................................................................ 36
  Complaint Procedures ................................................................................................................................. 38
  Investigation Process ................................................................................................................................ 40
  Reporting Requirements ............................................................................................................................... 41
  Records .................................................................................................................................................... 41
  Complaint Process Flow Chart – Complaints filed with OES ................................................................. 41
  Complaint Process Flow Chart – Complaints filed with Districts/Program Offices ............................... 42
  Authorities .................................................................................................................................................. 42
Attachment D – Title VI Program (PPM 300.05) ......................................................................................... 44
  Policy and Procedure: ................................................................................................................................. 45
  I. Program Administrator .......................................................................................................................... 45
  II. Implementation .................................................................................................................................... 45
III. Monitoring ........................................................................................................................................... 46
Limited English Proficiency (LEP) .............................................................................................................. 47
Attachment E – Equal Employment and Affirmative Action (PPM 230.03) ................................................. 52

I. Policy ..................................................................................................................................................... 54
II. Responsibilities of Employees, Managers and Supervisors ................................................................. 55
III. EEO/AA Complaint Process .................................................................................................................. 57
IV. Disciplinary Matters ............................................................................................................................. 58

V. Other Equal Employment Opportunity and Affirmative Action Activities ........................................... 58

VI. Policy Violations .................................................................................................................................. 59
VII. Conflict ............................................................................................................................................... 59
VIII. Required Posting ............................................................................................................................... 59

Attachment F – Disadvantaged Business Enterprise Participation (PPM 300.18) ..................................... 60

I. Policy ..................................................................................................................................................... 61
II. Responsibilities ..................................................................................................................................... 61
III. Procedures .......................................................................................................................................... 62

Attachment G – Format for Annual Accomplishments Report ................................................................. 67
SECTION 1 PROGRAM OVERVIEW

Introduction

The Iowa Department of Transportation (Iowa DOT) is a recipient of Federal Financial Assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 which forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal Funds. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the grounds of sex. Additionally, the Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal Financial Assistance.

The Iowa DOT is to ensure that none of its activities or programs treats any part of the community any differently than another. The Iowa DOT expects every manager, supervisor, employee, and sub-recipient of Federal-Aid Funds administered by the Iowa DOT to be aware of and apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Highway Administration (FHWA) requires recipients of Federal-Aid Funds to prepare a plan to clarify roles, responsibilities, and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The Iowa DOT’s Title VI Program Plan focuses on functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964.

Policy statement of nondiscrimination

The Iowa Department of Transportation, hereinafter referred to as the Iowa DOT, through enactment of this program, hereby assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low-income or LEP (see also: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28) 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. The Iowa DOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the Iowa DOT hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The Iowa DOT 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, the Iowa DOT will take reasonable steps to provide meaningful access to services for persons with limited-English proficiency. The Iowa DOT will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

In the event the Iowa DOT distributes federal-aid funds to a second-tier subrecipient, the Iowa DOT will include Title VI language in all written agreements.

The Iowa DOT’s Civil Rights Coordinator/Office of Employee Services – Civil Rights Team (OES-CRT), is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

________________________
Signature

Mark Lowe
Director, Iowa Department of Transportation

September 14, 2018
Date
Standard Assurances
49 C.F.R. § 21.7

Pursuant to 49 C.F.R. § 21.7, every application for federal financial assistance or continuing federal financial assistance must provide a statement of assurance and give reasonable guarantee that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964). Fully executed standard DOT assurances (including Appendices A, B, C, D and E) are attached to this plan. (Attachment A)
SECTION 2 ORGANIZATION AND STAFFING

Organizational chart

Iowa DOT organizational chart showing Civil Rights Team as of September 1, 2018 (Attachment B).

Staffing

The responsibility for the direction and implementation of the Iowa DOT Title VI Program is assigned to the Director of the Iowa DOT.

The Civil Rights Coordinator (hereafter referred to as “Coordinator”), on behalf of the Director, is responsible for the overall management of the Title VI program and the Office of Employee Services - Civil Rights Team (hereafter referred to as “OES-CRT”), and has direct access to the Iowa DOT Director on Title VI/Nondiscrimination issues. The Coordinator is under the direct supervision of the Director of the OES.

Civil Rights Coordinator Responsibilities

The Coordinator is responsible for implementing, monitoring, and ensuring the Iowa DOT compliance with Title VI regulations. The Title VI responsibilities are as follows:

- Consult with and inform the Director of the Iowa DOT on nondiscrimination program activities.
- Process the disposition of Title VI complaints received by the Iowa DOT with assistance from program area officials.
- Collect statistical data (race, color, sex, and national origin) of participants in and beneficiaries of state highway programs, i.e., relocatees, impacted citizens, and affected communities.
- Conduct Title VI reviews of cities, counties, contractors, universities, planning agencies, and other recipients of federal aid highway funds.
- Review state program directives in coordination with Civil Rights Committee liaisons for special emphasis program areas and, where applicable, include Title VI language and related requirements.
- Conduct training programs on Title VI and related statutes for state program officers, civil rights officials, and Iowa DOT sub-recipients of federal funds.
• Prepare the annual Title VI update report reflecting accomplishments of the past year and establishing goals for the next year.

• Develop Title VI information for dissemination to the general public including translation into languages other than English when appropriate.

• Conduct post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.

• Identify, investigate, and eliminate discrimination when found to exist within our programming.

• Establish procedures for promptly resolving deficiency status and develop a written remedial action plan as necessary, all within a period not to exceed 90 days.

• Provide technical assistance to sub-recipients in the development of their Title VI Plan and assurances.

External Civil Rights Administrator Responsibilities

The External Civil Rights Administrator, under the direct supervision of the Director of OES, is responsible for ensuring the Iowa DOT compliance with the federal Civil Rights programs that highway contractors, consultants and sub-recipients must comply with. The External Civil Rights Administrator responsibilities are as follows:

• Log, track and Investigate external civil rights complaints, as assigned.

• Implement the Title VI Plan.

• Develop and revise the Civil Rights Program Assessment and Implementation Plan.

• Implement the Disadvantaged Business Enterprise (DBE) Program on USDOT-assisted contracts and procurements.

• Setting annual overall DBE goals and DBE goals on individual projects in coordination with internal Iowa DOT divisions.

• Implement the Equal Employment Opportunity (EEO) Contract Compliance Program.

• Implement the On-the-Job Training (OJT) programs under the Training Special Provisions (TSP) of USDOT-assisted construction contracts.

• Establish and monitor the DBE and Small Business Element contracts (SBE) and Supportive Services Programs.
• Ensure proper DBE and SBE Certification Processes and documents are utilized.

• Provide training and technical assistance to the Iowa DOT and its sub-recipients, contractors and consultants.

**Title VI Specialists’ Responsibilities**

The Title VI Specialists, under the direct supervision of the Director of OES, work in collaboration with the Coordinator and External Civil Rights Administrator. They are responsible for coordinating and providing technical assistance on all Title VI and Title II Programs and preparing required reports. Duties include:

• Coordinate Title VI Program development and implementation within program areas.

• Provide technical assistance and advice on Title VI matters to Civil Rights Committee Liaisons and internal program areas.

• Conduct internal Title VI reviews of Iowa DOT Program Office activities when necessary to cover aspects beyond those included in routine monitoring.

• Participate with program area staff to review section program activities that include Title VI issues.

• Conduct Title VI reviews of consultants, universities, regional planning affiliations (RPAs) and other sub-recipients to ensure Title VI compliance.

• Work with program areas to correct identified Title VI problems including discriminatory practices or policies.

• Conduct Title VI training for Civil Rights Liaisons, Iowa DOT staff and sub-recipients.

• Assist in the preparation of annual reports of Title VI activities and accomplishments.

• Assist in updating the Title VI Plan as necessary to reflect organizational, policy or implementation changes.

**Civil Rights Liaison (Committee) Responsibilities**

Each of the Iowa DOT Program Offices listed in the chart on the next page shall have a designated Civil Rights Liaison. These key programs or department areas are subject to receiving federal assistance through grants or other types of transportation-related funding and are responsible for implementing Iowa DOT directives and policies to ensure civil rights compliance and equal opportunity within their respective program/area including:
• Identifying applications of Title VI/Nondiscrimination laws and regulations in their program areas. Incorporating these requirements into program area policies, procedures, directives, and manuals.

• Leading the development and implementation of the Title VI program in their program area.

• Collecting, maintaining, and analyzing data related to Title VI/Nondiscrimination efforts. Preparing documentation for inclusion in annual reports and preparing other reports and summaries as needed.

• Supporting and cooperating with the Title VI Coordinator in developing and implementing the Iowa DOT program.

• Assisting with compliance reviews and complaint investigations.
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Committee Organization

The Coordinator and Civil Rights Committee members have primary responsibility for implementing civil rights programs within the Iowa DOT. The Civil Rights Committee members have been selected based on their technical expertise in each of their program areas/offices. All members are expected to contribute and participate.

Responsibilities of the Civil Rights Committee

Members will provide support, coordination, input and information on the processes, procedures and operations of their areas of expertise to ensure the best possible decision making in the development and completion of compliance reviews.

- Members will devote the time and thought necessary to provide valuable guidance and input to the lead reviewer and work effectively to help reconcile issues or areas of concern. This requires responding to requests from the Lead Reviewer by a specified due date.

- Members will provide research, analysis and recommendations to enhance the effectiveness of the compliance reviews, such as developing review instruments, interview questions and ongoing efficiencies (continuous process improvements).

- The Committee will meet on a quarterly basis.
SECTION 3 IMPLEMENTATION PROCEDURES

Program Administration — General

As authorized by the Iowa DOT Director, under the direct supervision of the Director of OES, the Coordinator is responsible for initiating, monitoring, and ensuring Iowa DOT compliance with Title VI requirements as follows.

Complaints

If any individual believes that he/she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, on the grounds of race, color, national origin, income, sex, or disability, he/she may exercise their right to file a complaint with the Iowa DOT. Complaints will be logged and forwarded to the FHWA-Iowa Division office.

If the complaint is returned to the Iowa DOT for investigation, an investigation file will be created and will contain, at minimum: copy of the compliant, investigative plan, investigation report, investigative findings and remedial action taken.

Data Collection

Statistical data on race, color, national origin, age, disability, income level, language spoken, and gender of participants in, and beneficiaries of, Iowa DOT programs, e.g., relocatees, impacted citizens, and affected communities, will be gathered and maintained by OES-CRT for the Iowa DOT. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI Annual Accomplishments and Goals Report. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

Iowa DOT Internal Title VI Program Reviews

The OES-CRT will annually review its program areas and offices to assess Iowa DOT administrative procedures and processes, staffing and resources available for Title VI compliance. On an annual basis, the Title VI Accomplishments and Goals report will be reviewed to ensure it contains the necessary information to evaluate the Iowa DOT Title VI program as it pertains to its accomplishments, shortfalls, and problem areas.

The Title VI Specialists will conduct one or more internal Program Area reviews annually. These Program Reviews focus more in-depth on a specific Federal Program Area. The following criteria may be used in selecting the program areas and offices for review:

Concerns or questions regarding Title VI complaints/history of deficiencies or observations during review of the Title VI Accomplishment and Goals report. Program areas scheduled for review will be notified in writing at least 60 days in advance to coordinate a date to ensure the attendance of key personnel. The notification will include a compliance review instrument
containing questions that offices are required to answer in writing and return within 30 days of receipt.

The OES-CRT will review the responses to the compliance review instrument during the desk review process in advance of the on-site review. The program review will consist of an entrance conference, review of files and documentation, interviews and an exit conference allowing time to thoroughly review the program area.

A compliance review report will be issued within 30 days following the exit conference. A copy of the report is provided to the Office Director/District Engineer, the appropriate staff of the program being reviewed and FHWA. No action on the part of the program is required on findings of compliance, unless a condition of compliance is specified. However, if the review contains deficiencies, the program area, with the assistance of the Title VI Specialists, will be required to develop a Corrective Action Plan (CAP) to overcome any findings within a period not to exceed 90 days.

**Corrective Action**

Iowa DOT will actively pursue the prevention of Title VI deficiencies and take the necessary steps to ensure compliance with all Title VI Program requirements. Effective compliance with Federal regulations requires the Iowa DOT to take corrective action to resolve Title VI deficiencies in all instances in which deficiencies are found. If an Iowa DOT program area and/or office is found to have deficiencies, the program area and/or office, with the assistance of the Title VI Specialists, will write a remedial action plan to be implemented all within a period not to exceed 90 days. The Title VI Specialists will seek the cooperation of the program area and/or office in correcting deficiencies found during the review.

OES-CRT will also provide the technical assistance and guidance needed to aid the program area and/or office. Efforts to resolve deficiencies found at the outset of the review will be pursued throughout the compliance review process. Notice will be promptly given on the nature of the deficiency and identify possible actions to secure compliance.

**Self-Monitoring**

Monitoring requires tracking, regulating and observing processes. Self-monitoring requires program areas and offices to track, regulate and observe their processes to ensure compliance with Title VI.

Documentation is a critical element of the compliance monitoring process. It is relied upon to provide evidence, proof and support of historical facts during monitoring and compliance review activities. It is recommended that policy decisions, procedures, analysis, actions and outcomes be documented as part of program area staff’s daily routine.
Title VI Reviews of Sub-recipients

It is the responsibility of the OES-CRT to conduct compliance reviews of its sub-recipients of federal financial assistance, including local public agencies (LPAs) and regional planning affiliations (RPAs). The OES-CRT conducts compliance reviews to:

1. Ensure compliance with Title VI
2. Provide technical assistance in the implementation of the Title VI program
3. Correct deficiencies, when found to exist

The Title VI review process focuses on, but is not limited to, compliance with 10 major components of Title VI. The 10 components are defined in IM 1.070 http://www.iowadot.gov/local_systems/publications/im/1070.pdf

i. Developing Title VI Assurances
ii. Developing a Title VI Policy Statement
iii. Identifying a Civil Rights Liaison
iv. Developing procedures for processing external discrimination complaints
v. Providing the Iowa DOT with a list of external discrimination complaints
vi. Providing accommodations for limited English proficient (LEP) persons
vii. Ensuring nondiscrimination in the LPA’s public participation process
viii. Collecting and analyzing data to ensure nondiscrimination in the LPA’s programs and activities
ix. Ensuring that contracts contain the appropriate Title VI contract provisions
x. Ensuring nondiscrimination in the award of contracts

The OES-CRT will perform desk and onsite compliance reviews on selected sub-recipients. All sub-recipients of the Iowa DOT are subject to review.

The OES-CRT will complete a compliance review report on each LPA that is reviewed. The OES-CRT will retain that report for five years, send a copy to FHWA – Iowa Division to monitor the process, and review the individual reports.

The OES-CRT will review RPAs each year as a part of the review process established by the Office of Systems Planning and shall follow the schedule and selection of RPAs established by said office.

The OES-CRT shall utilize a weighted random sample from the pool of all Iowa LPAs that have received federal funding in the selection of reviews to be performed on those sub-recipients other than RPAs. Selected LPAs will be notified in writing at least 60 days in advance that they have been selected for compliance review to coordinate a date to ensure the attendance of key personnel. The notification will include a Title VI compliance site review tool containing questions that sub-recipients are required to answer in writing and return 30 days after receipt.
The OES-CRT will review the sub-recipient’s response to the Title VI Compliance Site Review Tool and supporting documentation during the desk review process.

The OES-CRT Title VI Specialists will review the documents and information submitted by the sub-recipient. A compliance review report will be issued within 30 days following the onsite review. A copy of the report is provided to the sub-recipient and FHWA-Iowa Division. No action on the part of the sub-recipient is required on findings of compliance unless a condition of compliance is specified. If the review contains deficiencies, the subrecipient, with the assistance of the Title VI Specialists, will be required to develop a CAP to overcome any deficiencies within a period not to exceed 90 days. The OES-CRT Title VI Specialists will prepare a report of findings which may include recommendations to strengthen the LPA’s Title VI program.

The Iowa DOT will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements, both within the Iowa DOT and with its sub-recipients of federal highway funds. When irregularities occur in the administration of the federal-aid highway program’s operation, corrective action will be taken to resolve Title VI issues. The subrecipient will write a remedial action plan agreed upon by the sub-recipient and Iowa DOT to be implemented within a period not to exceed 90 days.

The Iowa DOT will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. The Iowa DOT will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Iowa DOT will submit to the FHWA – Iowa Division copies of the case file and a recommendation that the sub-recipient be found in non-compliance.

**Follow-up Monitoring**

The OES-CRT will determine if additional monitoring is needed to obtain a compliant status and ensure ongoing compliance with Title VI requirements.

Follow-up reviews may be conducted to ensure the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the subrecipient refuses to comply, the Iowa DOT may, with FHWA’s concurrence, initiate sanctions per 49 CFR § 21.13.

**Training Programs**

Title VI training will be made available to contractors upon request. Sub-recipients are provided Title VI training during their onsite reviews, via training offered through professional organizations and upon request. Iowa DOT program areas and employees receive Title VI training via participation on the Civil Rights Committee, via roundtable training and discussions, New Employee Orientation and beginning in FFY 19 via online training components. Training is always available upon request. The training will provide information on Title VI, its application
Annual Accomplishments and Goals Report

An annual executive summary reviewing Title VI accomplishments achieved during the year, changes to the program occurring during the preceding year and the goals and objectives for the upcoming year will be submitted to FHWA before October 1st of each year. Annual reports will be required for each program area. The Coordinator or designee will be responsible for coordination and preparation of the report. (Attachment G)

Title VI Plan Update

The OES-CRT will review and update the Iowa DOT Title VI plan as needed or required and present the updated plan to the Iowa DOT management team for approval and submit the final draft of the updated plan to FHWA.

Limited English Proficiency (LEP)

The Iowa DOT follows Executive Order 13166 in identifying and engaging limited English proficient (LEP) populations to ensure their involvement and knowledge of transportation planning and projects in and around their communities. An LEP person is defined as one who does not speak English as his or her primary language and has a limited ability to read, write or understand English. The Iowa DOT policy for engaging individuals with LEP is to provide interpretation/translation services to individuals who request them, if reasonable accommodations can be made. In addition, the Iowa DOT uses US Census data to proactively identify communities with high concentrations of LEP persons and employs tactics and strategies to effectively engage them in the planning process. The Iowa DOT trains staff to recognize individuals in community meetings and forums who may show difficulty or inability to read or write English and to assist them accordingly.

Public Dissemination

The OES-CRT will work with Iowa DOT staff to develop and disseminate Title VI Program information to Iowa DOT employees, sub-recipients, contractors, consultants, and beneficiaries as well as the general public. Public dissemination may include postings of policy statements, inclusion of Title VI language in contracts or other agreements, website postings and annually publishing the Title VI Policy Statement in newspapers having a general circulation and informational brochures. Ensure the public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media, and where appropriate, provide written information in languages other than English.
**Post-Grant Reviews**

Post-grant Title VI compliance reviews will be conducted annually on contractors seeking contracts with the Iowa DOT. The reviews will determine compliance with Title VI contractual provisions. Pre-grant reviews will be conducted on those sub-recipients that will be receiving Iowa DOT federal funds. The following procedures for pre-grant compliance apply to all sub-recipients of DOT funds. The sub-recipient is required to develop and execute a Title VI Non-discrimination Agreement or Title VI Plan and the associated Standard DOT Title VI Assurances. They are to provide a copy of these documents to the Iowa DOT and include the appropriate Appendices of the Standard DOT Title VI Assurances in all contracts, agreements, deeds, and permits associated with transportation projects or programs. Program managers assist in ensuring a signed Standard DOT Title VI Assurance is on file before executing a federal funding agreement with a sub-recipient. The Iowa DOT will not process any new federal-aid funding agreements with a sub-recipient until Iowa DOT receives a copy of a signed Standard DOT Title VI Assurances and a Title VI Agreement or Plan.

Post-grant reviews are conducted on those sub-recipients that have already received Iowa DOT federal funds. The procedure for sub-recipient post-grant reviews is under section E. *Title VI Reviews of Sub-Recipients* of this document.

**Elimination of Discrimination**

Work with other Iowa DOT offices to establish procedures for promptly resolving deficiencies, as identified. Recommend and implement procedures to identify and eliminate discrimination in any Iowa DOT processes when found to exist, including, but not limited to, issues of accessibility training to Iowa DOT employees, utilization of Disadvantaged Business Enterprise (DBE) contractors, public involvement, and property acquisition. Take affirmative action to correct any deficiencies found within a reasonable time, not to exceed 90 days, in order to implement Title VI compliance in accordance with this plan.

**Remedial Action**

The Iowa DOT will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements, both within the Iowa DOT and with its sub-recipients of federal highway funds. When irregularities occur in the administration of the federal-aid highway program’s operation, corrective action will be taken to resolve Title VI issues.

If remedial action plan would be necessary, the Iowa DOT will prepare an action plan agreed upon by the Iowa DOT and FHWA-Iowa within a period not to exceed 90 days. The Iowa DOT will seek the cooperation of sub-recipients in correcting deficiencies found during their reviews. The Iowa DOT will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

Sub-recipients placed in a deficiency status will be given a reasonable amount of time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.
When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Iowa DOT will submit to the FHWA copies of the case file and a recommendation that the sub-recipient be found in non-compliance.
SECTION 4 PROGRAM ADMINISTRATION

Iowa DOT Program Offices

The Iowa DOT Program Offices shall ensure equitable enforcement of specifications and policies for all participants in and beneficiaries of Iowa DOT programs and activities, regardless of protected class.

Office of Construction & Materials

The Office of Construction and Materials is located within the Project Delivery Bureau of the Highway Division. The office is responsible to:

• Provide technical and administrative support to Iowa DOT and highway construction industries by assisting in the resolution of construction and materials issues. This includes consulting with District Construction Engineers, District Materials Engineers, project engineers and other Central Office staff regarding specifications, methods, techniques and policies of highway construction and materials, inspection and contract administration.
• Identify and communicate information on quality enhancement practices in highway construction
• Evaluate and support new technologies that enhance highway quality
• Provide education and training
• Facilitate the identification and implementation of improved safety practices for the public, inspectors and contractors on highway construction projects
• Provide statewide administrative support of the highway construction program

Assurance Activities

• Ensure consistent administration of testing and specifications regardless of race, color, or national origin. Do not discriminate in the approval of materials suppliers and sources.
• Encourage opportunities for females and minorities in research activities by external sources (consultants or universities).

Office of Contracts

The Office of Contracts is responsible for conducting the lettings for the Iowa DOT highway construction projects as well as federally assisted highway projects for local jurisdictions.

Assurance Activities

• Include Required Contract Provisions (FHWA-1273) as it relates to letting and awarding of contracts.
• Ensure bidding and contract award procedures are consistent with nondiscrimination and EEO requirements.
• Ensure appropriate Appendices are included in all contracts let through the Office of Contracts.
Office of Design

Technical design work and the preparation of plans used for the construction of highway improvements is the responsibility of the Offices of Design, and Bridges and Structures. Both of these offices also coordinate work in their areas that is done by outside consultants.

Assurance Activities

- Ensure that environmental justice considerations are addressed during route and project selection.
- Ensure full and fair participation of minority, low-income, elderly and disabled people in public involvement activities for project development activities.
- Demonstrate a consistent application of design standards to eliminate, minimize or mitigate adverse impacts among affected groups and to provide equitable levels of service to those groups.
- Provide opportunities for DBE firms on consultant contracts.
- Ensure ADA Compliance

District Offices

The district offices are a critical component of the highway transportation system throughout the State of Iowa. They are involved with future transportation project selection and future project programming.

The districts take a lead role in project development starting with an initial project concept, continuing through the design and construction phases and then developing into an on-going maintenance commitment of the new project and the entire state highway system. As facilitators of highway development and maintenance, the districts make every effort to coordinate with local agencies, general public, and private sector.

Assurance Activities

- With the assistance from other offices, the district will work to ensure that all people have a full opportunity to participate fairly in the development process. They will make special efforts to include low-income, minority, disabled, and elderly populations.
- Again, with the knowledge of local conditions and with assistance, they will take steps to ensure that minority, low-income, elderly and disabled people impacted by projects are identified and that disproportionate adverse impacts to their environment are avoided, minimized or mitigated.
- Document instances where Title VI issues were identified and discrimination was prevented or corrective action taken.
- Provide notice of public consultation forums in minority newspapers and newsletters when applicable and in languages other than English when needed.
- Administer transportation-related construction contracts on behalf of the State of Iowa in counties in Iowa.
- Work with other offices to ensure that all aspects of a project’s location selection process comply with the Title VI nondiscrimination requirements.
• Ensure that facilities are designed in accordance with current ADA accessibility requirements.
• Make efforts to balance programmed projects so that all affected groups have an opportunity to benefit from the transportation system without disparate impacts.

Office of Local Systems

The Office of Local Systems serves as a liaison for the Iowa DOT to the local governmental entities throughout the state providing guidance and assistance in all phases of the highway project development process. This office also coordinates and provides support for developing project agreements with local jurisdictions.

Assurance Activities

• Support other Iowa DOT staff with implementation of Title VI requirements with respect to local jurisdictions.
• Ensure that non-discrimination requirements are properly addressed in policies, procedures, reference materials, and agreements that are produced for local jurisdictions.

Office of Location and Environment

The Office of Location and Environment secures and reports environmental, cultural and related information necessary for decision-makers to approve the location of projects constructed by the Iowa DOT. They work with the district offices, designers, and many outside agencies as well as consultants. They are responsible for preparing the environmental document for potential federal-aid projects and obtaining 404 permits for all projects that have wetland impacts.

The Office of Location and Environment is also responsible for location and pre-location studies on large projects as well as coordinating and managing public involvement activities during the development phase.

Assurance Activities

• In collaboration with other offices during the selection of project alternatives, work to identify impacts to minority, low-income, elderly and disabled people populations, and address disproportionately high impacts in the final project. Record these efforts in the environmental document.
• Ensure that environmental justice considerations are addressed during project alternative selection.
• Make any necessary special accommodations for participation by minority, low-income, elderly, disabled people, hearing impaired and persons with LEP during project public involvement activities.
• Provide opportunities for minority and female consultants and address DBE goals on consultant contracts.
Office of Maintenance

The Office of Maintenance, working with the field maintenance offices, is responsible for maintenance activities along the primary and interstate roadways throughout the state. This includes snow removal, pavement and bridge maintenance, and vegetation control. Maintenance also administers the Adopt-A-Highway litter removal program as well as ensures applicable appendices of the Assurances are included.

Assurance Activities

- Provide appropriate level of service based on established policy and procedure regardless of the nature of the population being served by any particular roadway.
- Ensure that all people have an opportunity to participate in the Adopt-A-Highway program.
- Consistently administer the utility and access policies independent of the race, color or national origin of the applicant.

Motor Vehicle Division

The Motor Vehicle Division provides services, administers programs and enforces regulations that pertain to the operation of motor vehicles in the State of Iowa. It is comprised of four offices:

The Bureau of Investigation & Identity Protection (BIIP) conducts investigations related to vehicle, odometer, and driver’s license fraud and related identity theft, and regulates motor vehicle dealers and sales. This office also serves to protect the integrity of the Motor Vehicle Division services and records.

The Office of Driver Services (DIS) conducts testing and issues licenses for all drivers, maintains driver and accident data, and conducts driver safety training. This office also suspends, revokes and reinstates driving privileges as provided by law.

The Office of Vehicle & Motor Carrier Services (OVMCS) oversees the licensing and registration of motor vehicles. This office administers the program through which county offices register noninterstate vehicles. The office also regulates motor vehicle dealers and issues registrations for vehicles with special or personalized plates. The Office of Vehicle & Motor Carrier Services also takes the lead in working with interstate and commercial carriers. The office administers fuel tax and registration programs for carriers based in Iowa. The office also issues operational permits and designates routes for over-dimensional loads on the interstate and primary systems.

Assurance Activities

- These offices will take steps to assure that the licensing and permitting processes are available to all, regardless of race, color, or national origin. Licensing and permit station locations and hours should be provided on an equitable basis for the affected groups. Efforts will be made to accommodate applicants with limited English proficiency.
- Enforcement and investigative functions must be carried out in an equitable fashion.
**Motor Vehicle Enforcement**

The Office of Motor Vehicle Enforcement (MVE) conducts most enforcement and investigative activities. This includes commercial motor vehicle and driver inspections, industry educational outreach, and enforcement of size, weight, travel authority, fuel and registration laws.

**Assurance Activities**

- This office will take steps to assure public involvement activities take into account Title VI requirements.

**Purchasing Section**

The Purchasing Section secures all purchases of goods and services used by the Iowa DOT as specified in the DOT’s internal Policy 010.10.

**Assurance Activities**

- This office must make every effort to ensure that minority and female contractors and suppliers have opportunities to work with the Iowa DOT and that processes and procedures are implemented without discrimination.
- Ensure applicable nondiscrimination language and appendices are included in contracts and agreements.

**Office of Right of Way**

The Office of Right of Way is responsible for securing the property required for highway construction. This includes identification of impacted properties, appraisal, acquisition and relocation assistance. They also manage and dispose of excess property. This work may be done with Iowa DOT staff or by consultants. This office also reviews the right-of-way processes of local jurisdictions.

**Assurance Activities**

- Make every reasonable effort to ensure clear communication when engaging in interactions with persons with LEP, or are sight impaired or hearing impaired. This includes the use of interpreters when necessary.
- Through cooperation with other offices, identify low-income and minority populations and take steps to appropriately address disproportionately high adverse effects to their health and environment.
- Ensure equitable treatment of all affected property owners, regardless of race, color, sex, age, disability, or national origin. This includes, among other impacts, appraisal values, relocation assistance and opportunities for purchase of excess property.
- Provide opportunities for minority and female consultants.
- Monitor and review the right-of-way activities of cities and counties to verify compliance with Title VI in their right-of-way processes.
- Ensure applicable nondiscrimination language and appendices are included in contracts and agreements.
Administration

In addition to the program offices described above, there are other administrative areas which have Title VI implications. These include agency staff engaged in the development of policies, procedures and directives; other legal instruments and proposed legislation; dissemination of information to the public and public involvement programs.

Assurance Activities

- Monitor continued progress on agency-wide Affirmative Action goals and encourage diversity with respect to protected classes in each of the pertinent program areas.
- Review policies, procedures, Iowa DOT directives and proposed legislation for Title VI issues.
- Review contracts, agreements and other legal instruments for appropriate Title VI language.
- The Coordinator and/or Title VI Specialists may periodically conduct Title VI training for district engineers, division directors, and Civil Rights Committee members as well as the Iowa DOT sub-recipients.
- Ensure publications and other information disseminated to the public includes Title VI policy reference.
- Ensure public involvement activities take into account Title VI requirements.

Office of Aviation

The Office of Aviation advocates for and delivers services that promote and enhance a healthy air transportation system. Included in these activities are the administration of state-funded aviation programs and ranking and submitting of pre-applications for federal improvement funds for general aviation airports in Iowa. The office is also the direct recipient of federal funds for statewide planning projects and installation of Automated Weather Observing Station units at local airports. The primary responsibility of the Office of Aviation as it relates to Title VI will be to ensure compliance in statewide contracts administered by the office and in contracts administered for locally owned airports.

Assurance Activities

- Determine DBE goals and monitor accomplishments on contracts involving FAA funding.
- Review and update publications to ensure clear communication with persons with limited English proficiency.
- Assure that environmental justice and Title VI impacts are addressed in airport improvement projects.

Office of Program Management

The Office of Program Management, in working with other Iowa DOT offices, the districts and various state and local agencies, prepares the Iowa Transportation Improvement Program (Five Year Program) and the Statewide Transportation Improvement Program (STIP). They take the lead in managing program funds to meet fiscal considerations. The distribution of funds is
critical to ensuring an opportunity for all to receive benefits of federal transportation dollars. That is especially evident in project selection and programming.

**Assurance Activities**

- Take positive steps to encourage full and fair participation by all affected groups in development of the Five-Year Program and STIP.
- Ensure that the project selection and programming process results in programs that provide opportunities for minority, low-income, disabled and elderly populations to receive benefits and avoid disparate impacts from individual projects.

**Office of Systems Planning**

The Office of Systems Planning (OSP) leads statewide planning for the Iowa DOT and administers the project selection of special grant programs such as Iowa’s Clean Air Attainment Program; Revitalize Iowa’s Sound Economy; Statewide Transportation Alternatives Program; and State and Federal Recreational Trails. OSP prepares both long- and short-range system plans through cooperation with other Iowa DOT offices and the districts, various state and local agencies, Metropolitan Planning Organizations, and Regional Planning Affiliations. These plans provide the framework for the Five-Year Program and STIP.

Title VI must be considered throughout the planning process to ensure adequate public involvement and that potential impacts to the human environment are identified and addressed.

**Assurance Activities**

- Take positive steps to ensure full and fair participation in the planning process from minority, elderly, disabled, and low-income residents.
- Ensure that the project selection process functions so that minority, low-income, disabled, and elderly populations are not subject to disparate impacts from the individual projects. Avoid, minimize, or mitigate disproportionately high adverse impacts.
- Effectively consider both positive and negative effects of various transportation system alternatives on impacted groups.
- Review grant agreements to ensure required nondiscrimination language is included.
- Review grant selection criteria for inconsistencies.

**Office of Public Transit**

Transit services in Iowa are provided by 35 designated urban and regional public transit systems. The Office of Public Transit administers federal and state transit funding programs and provides technical assistance to these public transit systems.

Since the department does not directly operate any transit systems, Title VI responsibilities will be focused on monitoring the operations of the urban or regional transit agencies. It should be noted that urban transit systems serving areas with populations greater than 50,000 engage
directly with and are monitored by the Federal Transit Administration, although the Office of Public Transit does provide guidance.

**Assurance Activities**

- Through periodic compliance reviews of regional and urban transit agencies serving populations fewer than 50,000, verify that no person is denied access and that systems comply with Title VI regulations.
- Ensure that the public is made aware of their rights and of the transit systems’ responsibilities under Title VI.
- Verify that information such as fare and route schedules are available in formats to communicate with persons with LEP.
- Include LEP analysis requirement in the Passenger Transportation Plan.
- Ensure that contracting opportunities are available for minorities and females.
- With transit agency input, determine DBE goals and monitor accomplishments on contracts involving FTA funding.
SECTION 5 ATTACHMENTS
The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The United States Department of Transportation (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Highway Administration (FHWA), 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 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," for which the Recipient receives Federal financial assistance from DOT, including the FHWA.

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 Federal Highway Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (c) 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. 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 Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The [insert Department of Transportation], in accordance with the provisions of 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 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 thereof 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 of real property or an interest in real property, the Assurance will extend to 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 into 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.

By signing this ASSURANCE, Iowa Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Iowa Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Program. This ASSURANCE is binding on Iowa, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors’, transferees, successors in interest, and any other participants in the Federal Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Iowa Department of Transportation  
(Name of Recipient)

by  
(Signature of Authorized Official)

DATED  
9/26/2018
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 Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, 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 the 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.

3. Solicitations for Subcontracts, 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.

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 Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and 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 Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
   a. withholding payments to the contractor under the contract until the contractor complies; and/or
   b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six 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 subcontract or procurement as the Recipient or the Federal Highway Administration 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 by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.
APPENDIX B

CLASSES 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 Department of Transportation as authorized by law and upon the condition that the Iowa Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with laws of the state of Iowa, the Regulations for the Administration of Federal Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance 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 Iowa Department of Transportation, 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 Iowa Department of Transportation 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 Iowa Department of Transportation, its successors and assigns.

The Iowa Department of Transportation, in consideration of 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 Iowa Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to 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, 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 that above described land and facilities will thereon revert to and vest in 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 purpose of Title VI.)
APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Iowa Department of Transportation pursuant to the provisions of Assurance 7(a):

A. The (grantee, 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 property described in this (deed, license, lease, permit, 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 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 breach of any of the above Non-discrimination covenants, Iowa Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, 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, the Iowa Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of the Iowa Department of Transportation and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)
APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Iowa Department of Transportation, pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, 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 ground 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 ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (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, Iowa Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to 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, Iowa Department of Transportation will upon revert to and vest in and become the absolute property of Iowa Department of Transportation, and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose 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:

- 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); 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- 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, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 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 C.F.R. 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 12889, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations 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 with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).
Iowa Department of Transportation

Mark Lowe
Iowa Department of Transportation Director

Administrative Services Division
Lee Wilkinson, Director

Office of Employee Services
Todd Sadler, Director
DBE Liaison

Assistant Director
Linda Anderson (PSM 1)

Office Secretary
Darla Best (Gecy 2)

Health & Safety

Benefits, Employment & Data

Employee Relations and Classification

Staffing and Retention

Civil Rights
Karen Klenast (Exec Off 2) Team Lead
Civil Rights Coordinator

Nakita Rainey (AA Comp Of 2)
Tracey Bradley (AA Comp Of 2)
Kim VanCleave (Prog Plnr 3)
Steve Kerber (AA Comp Of 2)
Danny Wagener (AA Comp Of 2)
Title VI of the Civil Rights Act of 1964 and Related Statutes

Discrimination Complaint Process

Introduction
The Title VI (and related statutes) discrimination complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Iowa Department of Transportation's programs, activities and services as required by statute.

Purpose
The purpose of the discrimination complaint procedures is to describe the process used by the Iowa Department of Transportation. These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), including Section 504 of the Rehabilitation Act of 1973 (Section 504), the Age Discrimination in Employment Act of 1967 (ADEA), Civil Rights Restoration Act of 1987 (CRRA), the Americans with Disabilities Act of 1990 (ADA) (Title II), Executive Order 12898 Environmental Justice, Executive Order 13166 Limited English Proficiency, Disadvantaged Business Enterprises (DBE), Equal Employment Opportunity (EEOC), and On-the Job Training (OJT) Program components and applicable Department policies, regarding any program or activity administered by the Iowa Department of Transportation as they relate to local agencies, contractors and other sub-recipients of United States Department of Transportation funds. These procedures apply to complaints filed against a program or activity funded by the Federal Highway Administration, the Federal Transit Administration or the Federal Aviation Administration.

Intimidation or retaliation is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside enforcement agency (Iowa Labor Services, ICRC, EEOC, U.S. Dept. of Transportation, FHWA, FTA, or U. S. Dept. of Justice) or to seek private counsel for complaints alleging discrimination.

Title VI procedures are part of an administrative process, which do 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 level possible and with guidance of the USDOT modality (FHWA, FTA, FAA) with jurisdiction over the matter per 49 CFR 21.11 (d)(1). The option of formal mediation meeting(s) between
the affected parties may be utilized for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Any person who feels that he or she has been subjected to discrimination on the basis of race, color, national origin, gender, age, disability, or because they are low income, has the right to file a complaint with the Iowa Department of Transportation Office of Employee Services - Civil Rights. Title VI Complaints must be filed within 180 days of the alleged discriminatory event or practice. Complaints must be filed in person or in writing. They should be directed to:

Office of Employee Services - Civil Rights
Iowa Department of Transportation
Attn. Civil Rights Coordinator
800 Lincoln Way
Ames, Iowa 50010

Roles and Responsibilities
• The Office of Employee Services Director and Civil Rights Coordinator has overall responsibility for the discrimination complaint process and procedures.
• The Office of Employee Services Director, Civil Rights Coordinator, Title VI Specialist and Title VI Committee Members serve as points of contact statewide for the public to initiate complaints of discrimination.
• The Civil Rights Coordinator is responsible for conducting an impartial and objective investigation, collecting factual information and preparing a fact-finding report based upon the information obtained from the investigation. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant.

Filing of Formal Complaints
1. APPLICABILITY
The complaint procedures apply to the beneficiaries of the Iowa Department of Transportation’s programs, activities, and services, including but not limited to the public and other sub-recipients of Federal Transportation funds.

2. ELIGIBILITY
Any person who believes that he/she has been excluded from participation in, or has been denied benefits or services of, any program or activity administered by the Department or its sub-recipients, consultants, and contractors on the basis of race, color, national origin, sex, age, or disability may bring forth a complaint of discrimination under Title VI, Title II and related statutes.
3. TIME LIMITATIONS AND FILING OPTIONS

Title VI complaints of discrimination may be filed with:

- The Office of Employee Services-Civil Rights of the Iowa DOT
- Federal Highway Administration
- Federal Transit Administration
- U.S. Department of Transportation
- Iowa Labor Services Division
- U.S. Department of Justice

In all situations, Iowa Department of Transportation Civil Rights staff must immediately forward Title VI discrimination complaints to either FHWA or FTA.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or
- Where there has been a continuing course of conduct, the date on which the conduct was discontinued.

4. TYPE OF COMPLAINTS

All Title VI and related statute complaints are considered formal as there is no informal process. Complaints must be in writing and signed by the complainant. Complaints must include the complainant's name, address and phone number and must be sufficiently detailed to specify all issues and circumstances of the alleged discrimination.

5. COMPLAINT BASIS

Allegations must be based on issues involving race, color, national origin, sex, age, disability, or income. The term “basis” refers to the complainant's protected group status.

<table>
<thead>
<tr>
<th>Protected Group Categories</th>
<th>Definition</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>An individual belonging to one of the accepted anthropological racial groups; or the perception, based on physical characteristics that a person is a member of a racial group.</td>
<td>Black, White, Hispanic, Asian, Native American Indian, Filipino, or Pacific Islander</td>
</tr>
<tr>
<td>Color</td>
<td>Color of skin, including shade of skin within a racial group.</td>
<td>Black, white, light brown, dark brown, etc.</td>
</tr>
<tr>
<td>National Origin</td>
<td>National birth site. Citizenship is not a factor. Discrimination based on language or a persons accent is covered by national origin.</td>
<td>Mexican, Cuban, Japanese, Vietnamese, Chinese</td>
</tr>
<tr>
<td>Sex</td>
<td>Gender</td>
<td>Women and men</td>
</tr>
<tr>
<td>Age</td>
<td>Persons of any age</td>
<td>21 year old person</td>
</tr>
<tr>
<td>Disability</td>
<td>Physical or mental impairment, permanent or temporary, or perceived.</td>
<td>Visual Impaired, Hearing Impaired, mobility limitations, etc.</td>
</tr>
</tbody>
</table>
Complaint Procedures

1. INITIAL CONTACT
The Office of Employee Services Director, Civil Rights Coordinator, Title VI Specialist and Title VI Committee Members will provide complainants with:

• An explanation of their filing options.
• The discrimination complaint procedures.
• The Title VI Discrimination Complaint Form (107009).
• The Title II Discrimination Complaint Form (131103)
• The brochures, titled The Title VI and You and/or Title VI Sub-Recipient Guide Brochure(s).”

2. THE COMPLAINT REVIEW PROCESS – Title VI

a. The Civil Rights Coordinator reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and is appropriate for investigation.
   • If the complaint is not appropriate for investigation the complainant will be notified in writing and is provided with his/her rights under Title VI.

b. The complaint shall be investigated unless:
   • The complaint is withdrawn.
   • The complainant fails to provide required information after numerous requests.
   • The complaint is not timely filed.
   • Any issues that do not involve discrimination, or are not based on a protected category will be directed to the appropriate entity. Under no circumstances is the complainant to be discouraged from filing a complaint.

c. Upon determination that the complaint warrants an investigation:
   The complainant is sent a letter, acknowledging receipt of the complaint, the name of the investigator, and is provided with his/her rights under Title VI and related statutes.

d. The respondent is notified by mail that he/she has been named in a complaint and is provided with his/her rights under Title VI and related statutes. The letter also reveals the investigator's name and informs the respondent that he/she will be contacted for an interview.

e. A letter is sent to the appropriate District Engineer or Office Director when the complainant(s) or respondent(s) are located in their District or Program Area. The letter will list the names of the parties involved, the basis of the complaint and the assigned investigator.
f. The Civil Rights Coordinator is responsible for the overall Title VI program implementation. This Civil Rights Coordinator is appointed by the Manager of the Office of Employee Services who reports to the Director of Administrative Services Division who reports directly to the Director of the Iowa Department of Transportation.

3. THE ADA WORK REQUEST PROCESS – Title II/ADA
   a. When a complaint of an ADA violation is received by the ADA Coordinator, the action to be taken will be determined in order to resolve the complaint. If the complaint is a request for services or modifications to facilities, then the ADA Coordinator will forward the request to the appropriate office for handling.

   b. The District Offices may receive a work request for services or for a modification of some part of Iowa DOT’s facilities that, currently, do not meet ADA guidelines. The district or program office, upon receipt of an ADA-related work request, will direct it to the ADA Coordinator. The ADA Coordinator will forward the request to the appropriate office for handling. The ADA Coordinator will log-in the request in its work request system.

   c. After a review of the work request and an assessment has been completed and the modification required by the work request for ADA compliance is too costly, then the district or program office will submit a proposal to the Highway Division Director for a determination. A modification can be determined to be unduly burdensome and, therefore, not be provided. But, consideration of all reasonable alternations must be exhausted and a detailed cost estimate must be made and kept on file. Complaints may be received by phone, by fax, by email or in person.

   d. When an ADA-related work request is not completed by the Iowa DOT within a reasonable amount of time and the person making the complaint believes their civil rights have been violated, then a complaint may be filed in accordance with the Iowa DOT’s Complaint Procedures under the Americans with Disabilities Act.
Investigation Process

1. INVESTIGATION PLAN
   The investigator shall prepare a written plan, which includes, but is not limited to the following:
   - Names of the complainant(s) and respondent(s);
   - Basis for the complaint;
   - Issues, events or circumstances that caused the person to believe that he/she has been discriminated against;
   - Information needed to address the issue;
   - Sources necessary to obtain the information;
   - Identification of key people;
   - Estimated Investigation time line;
   - Remedy sought by complainant(s)

2. CONDUCTING THE INVESTIGATION
   - The investigation shall address only those issues relevant to the allegations in the complaint.
   - Confidentiality shall be maintained.
   - Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint.
   - Interviews may be tape recorded with the interviewees consent.
   - A chronological contact sheet is maintained in the case file throughout the investigation.

3. INVESTIGATION REPORTING PROGRESS – Title VI
   - Within 40 days of receiving the complaint, the investigator prepares an Investigative report and submits the report and supporting documentation to the Administrative Services Director for review.
   - The Director of Administrative Services reviews the file and investigative report. Subsequent to the review, the Civil Rights Coordinator, makes a recommendation and prepares a letter for review and signature for the Director of Administrative Services.
   - The Civil Rights Coordinator shall prepare and submit a written report, outlining the following complaint details:
     a. Date of written complaint;
     b. Complaint basis (race, color, national origin, etc.);
     c. Complaint disposition.

4. INVESTIGATION REPORTING PROGRESS – Title II/ADA
   - Within 15 calendar days of receiving the complaint, the ADA Coordinator or his designee may meet with the complainant to discuss the complaint and the possible resolutions.
   - Within 15 calendar days of the meeting, the ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain
the positions of the Iowa DOT and offer options for substantive resolution of the complaint.

• If the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Highway Division Director.

• Within 15 calendar days after receipt of the appeal, the Highway Division Director or his designee may meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, Appendix D, the Highway Division Director or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a letter of finding to the complainant.

**Reporting Requirements**

A copy of the complaint, together with a copy of the report of investigation, is forwarded to the appropriate federal agency (FHWA or FTA) within 60 days of the date the complaint was received.

**Records**

All records and investigative working files are maintained in a confidential area within the Office of Employee Services-Civil Rights. Records will be kept for three years internally then archived for a period of ten years.

**Complaint Process Flow Chart – Complaints filed with OES**
Complaint Process Flow Chart – Complaints filed with Districts/Program Offices

Authorities

**Title VI of the Civil Rights Act of 1964, (42 USC 2000d to 2000-4):**
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 (including Limited English Proficiency), 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.

**The Civil Rights Restoration Act of 1987, (Pub. L. No. 100-259):**
The Civil Rights Restoration Act of 1987 broadens the scope of Title VI by expanding the definitions of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors.

**23 CFR 200 and 49 CFR 21:**
23 CFR 200 and 49 CFR 21 are administrative Regulations from USDOT and FHWA that specify requirements for state DOTs to implement Title VI policies and procedures at the state and local levels.

**Federal Aid Highway Act of 1973, (23 USC 324):**
The Federal Aid Highway Act of 1973 provides that no person on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.
**Age Discrimination Act of 1975, (42 USC 6101):**
The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

The Americans With Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

**Section 504 of the Rehabilitation Act of 1973:**
Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

**Executive Order 12898:**
Executive Order 12898 regards federal actions to address Environment Justice in minority populations and low-income populations.

**Executive Order 13166:**
Executive Order 13166 regards the improvement of access to services for persons with limited English proficiency.
Authority: Director of Transportation.

Contents: This policy establishes responsibilities for monitoring and reporting compliance with Title VI to ensure that no person is denied benefits of programs administered by the Department due to discrimination. Title VI also prohibits national origin discrimination as it affects limited English proficient persons. An appendix is included to provide guidance to Department staff in assisting persons with limited English proficiency.

Affected Offices: All districts and offices that provide any services or programs to the public.

Who to Contact for Policy Questions: Title VI Program Administrator in the Office of Employee Services, telephone 515-233-7970.

Definitions:

FHWA – Federal Highway Administration.

FMCSA- Federal Motor Carrier Safety Administration.

Limited English Proficiency (LEP) – Individuals are considered to have limited English proficiency if they do not speak English as their primary language and if they have limited ability to read, speak, write or understand English. Applicable regulations and executive orders include, but are not limited to, the following:

- Executive Order 13166 dated August 11, 2000 by President Clinton
- 23 CFR Part 200
- U.S. DOT LEP Policy Guidance, Federal Register, Volume 70, No. 239, Pages 7408774100

Title VI – Title VI of the federal Civil Rights Act of 1964. The term includes related federal statutes and regulations that prohibit discrimination on the basis of race, color, sex or national origin in programs or activities receiving federal financial assistance. Applicable statutes and regulations include, but are not limited to, the following:

- 42 U.S.C. 2000d to 2000d-4 {Title VI of the Civil Rights Act of 1964}
- 42 U.S.C. 3601-3619 {Title VIII (Fair Housing) of the Civil Rights Act of 1968}
• 42 U.S.C. 4601 to 4655 {Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970}

• 23 U.S.C. 109(h) {Consideration of Adverse Economic, Social and Environmental Effects}

• 23 U.S.C. 324 {Prohibition of Discrimination of the Basis of Sex}

• 49 CFR Part 21 {Nondiscrimination in Federally Assisted Programs of the Department of Transportation}

• 23 CFR Part 200 {Title VI Program and Related Statutes—Implementation and Review Procedures}

Forms: None

Policy and Procedure:

I. Program Administrator

A. The Civil Rights Coordinator in the Office of Employee Services shall serve as the Department's Title VI Program Administrator.

B. The Title VI Program Administrator is responsible for the administration, coordination and control of Title VI compliance procedures throughout the Department and shall also:

1. Initiate and monitor Title VI activities by establishing goals and objectives to be accomplished within specific time limits.

2. Advise, consult and provide training for district engineers, office directors and their Title VI program area coordinators concerning the accomplishment of Title VI program objectives.

3. Assist the district engineers, office directors and Title VI program area coordinators in investigating and resolving Title VI and related discrimination complaints.

4. Prepare and submit to the FHWA and/or FMCSA the required annual report and the supporting documentation.

II. Implementation

Each district engineer or office director who administers federally-funded programs is responsible for the implementation of the Title VI commitments in those programs. The district engineer or office director shall also:
A. Appoint a Title VI program area coordinator and inform the Title VI Program Administrator of any changes in the appointment.

B. Monitor compliance in all programs and perform compliance reviews of Departmental districts or offices in cooperation with the FHWA and/or FMCSA. When deficiencies in compliance are found, the district engineer or office director shall, with the assistance of the Title VI program area coordinator, negotiate corrective actions. The district engineer or office director shall refer deficiencies that cannot be corrected through negotiation to the Title VI Program Administrator for resolution.

C. Ensure that personnel and budgets are adequate to accomplish Title VI commitments.

D. Ensure that disadvantaged businesses are given an opportunity to participate in programs, activities or services.

III. Monitoring

The Title VI program area coordinator is responsible for monitoring all Title VI activities of the district or office and shall also:

A. Inform all recipients of federally funded programs administered by the district or office of prohibited discriminatory practices.

B. Develop procedures for the collection of racial and ethnic data on participants to ensure compliance.

C. Submit an annual report on district or office compliance and a program update to the Title VI Program Administrator.

Any exceptions to this policy must be approved by the Director of Transportation.
Appendix to Policy No. 300.05, *Title VI Program*

*Limited English Proficiency (LEP)*

A. General

President Clinton signed Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" (LEP) on August 11, 2000. For LEP individuals, language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the Iowa Department of Transportation's (Iowa DOT) programs and activities. Programs and services normally provided in English must be accessible to persons with LEP in order to avoid national origin discrimination that is prohibited by Title VI. As a result, recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access to important government services by LEP persons.

The central goal of Executive Order 13166 is to provide meaningful access for LEP persons to programs and services offered by recipients of federal financial assistance. The Iowa DOT continues to be subject to these federal non-discrimination requirements even though Iowa has statutes requiring use of the English language (see Iowa Code sections 1.18, 618.1, and 618.2) because federal requirements supersede state and local ones. Additionally, Iowa Code section 307.44 provides that if "funds are allotted or appropriated by the government of the United States for the improvement of transportation facilities and services in this state, the department...may comply with the federal statutes and rules..." This authorizes the Iowa DOT to carry out its LEP responsibilities under Federal law.

B. Guidance

As a recipient of federal financial assistance, the Iowa DOT is required to take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. It is important to note that because of the Civil Rights Restoration Act of 1987 (P.L. 100-259) this applies to all activities and programs, not just those that involve federal assistance. It is, therefore, necessary to determine what level of effort is reasonable to ensure meaningful access. That determination is based on a case-by-case assessment that balances four factors:

1. The number or proportion of LEP persons served or encountered in the eligible service population.

   The more LEP persons who are served or directly affected by a particular project or service, the more likely it is that language services will be needed. Prior experience with LEP persons should be considered when determining the scope of services that are needed. It is important to note that eligible recipients may currently be underserved or unrecognized because of existing language barriers.
Valuable data resources that may need to be considered include the census, school systems, community and religious organizations and legal aid entities.

2. The frequency in which LEP individuals come in contact with the program, activity or service.

The more frequently that LEP individuals have contact with the Iowa DOT over an issue, the more likely it is that language services will be needed. What is reasonable for a service needed only once will be significantly different for something that is needed repeatedly. The frequency of contact with any particular language should also be considered. For example, meaningful access efforts for a document issued multiple times in one language may be much different than for the same document needed only once in another. If access is needed on a daily basis, the effort required may be much more significant than for something needed infrequently. On the other hand, infrequent need does not mean that no effort is required, but suggests that a reduced effort may be satisfactory.

3. The nature and importance of the program, activity or service.

As the information being exchanged becomes more important, the consequences to the user increase. As a result, the likelihood that an increased level of language services is necessary increases as well. It should be determined how serious the implications are to the LEP person due to a delay or denial of the information in question. As an example, the U.S. DOT LEP Policy Guidance indicates that the obligation to provide information about public transportation would be different than the obligation to provide information about recreational programming. U.S. DOT and U.S. Department of Justice Policy Guidance suggest that the importance of the activity is heightened when denial or delay of access to services could have serious or life-threatening implications for the LEP individual. Additionally, the fact that a federal, state or local entity has made an activity compulsory, such as the requirement that a person must have a license before driving, is strong evidence of the importance of the activity.

4. The resources available.

The level of resources needed and the costs imposed may have an impact on the nature of the steps taken in providing meaningful access for LEP persons. Reasonable steps may cease to be reasonable if the costs imposed substantially exceed the benefits. U.S. DOT LEP Policy Guidance cautions; however, that larger entities and entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using a claimed lack of resources or excessive cost as a reason to limit language assistance.
C. Language Assistance Services

The four factor analysis applied on a case-by-case basis results in a "mix" of language services. These services are provided in two main ways: interpretation and translation.

1. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language).

An effort should be made to ensure the competency of interpreters. This involves more than interpreters identifying themselves as bilingual. However, it does not necessarily mean formal certification, although that is beneficial.

Interpreters should demonstrate proficiency and the ability to communicate information accurately in both English and the other language, and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization or sight translation). Interpreters should have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and of any particularized vocabulary and phraseology used by the LEP person and understand and follow confidentiality and impartiality rules to the same extent as the Iowa DOT employee for whom they are interpreting and/or to the extent their position requires. They should understand and adhere to their role as interpreters without deviating into other roles such as counselor or legal advisor.

Quality and accuracy of the language service provided and relative to the information being provided are critical. For example, accuracy in a right-of-way transaction would need to be extremely high, while the accuracy for bicycle trail information may not need to meet the same standard.

There are many options available for interpretation services.

- Bilingual staff.
- Hiring staff interpreters.
- Contracting for interpreters.
- Telephone interpreter lines.
- Community volunteers.
- Family members.

U.S. DOT LEP Policy Guidance indicates the Iowa DOT should not plan to rely on family members, friends and other service participants, and should use them as interpreters only in exigent circumstances that are not reasonably foreseeable, and then only when appropriate in light of the circumstances existing. Care should be taken to ensure that the interpreter is competent to interpret, that
the interpreter does not have either a personal or business interest in the matter being interpreted and that use of that person as an interpreter will not violate any duty of confidentiality or privacy to the LEP person.

An LEP person may desire to use an interpreter of his or her own choice (whether professional interpreter, family member or friend) in place of or as a supplement to the free language services offered by the Iowa DOT. This is generally permissible when done at the LEP person's own expense, but again care should be taken to ensure that the person is competent to interpret and does not have either a personal or business interest in the matter being interpreted and that use of the person as an interpreter will not violate any duty of confidentiality or privacy to the LEP person.

2. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

Vital documents must be translated when reaching the safe harbor threshold for the number or percentage of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

A document will be considered vital if it contains information that is critical for obtaining the program's services and/or benefits, or if it is required by law. An overview of documents that may be considered vital can be found in the U.S. DOT LEP Policy Guidance, Federal Register, Volume 70, No. 239, pages 74094 to 74095.

The "safe harbor" provisions of the U.S. DOT LEP Policy Guidance (see page 74095) shall be followed when determining whether to translate a vital document. Following the "safe harbor" provisions, the Iowa DOT shall:

a. Provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

b. If there is a language group for which fewer than 50 persons reaches the 5 percent trigger in paragraph "a" above, translation of vital written materials is not necessary as long as written notice in the primary language of the LEP language group is provided stating the right to receive competent oral interpretation of those written materials at no cost.

3. Published Notices
Compliance with Title VI and LEP guidelines may require oral interpretation or written translation of notices required by law to be published. Iowa Code section 618.1 provides that "[a]ll notices, proceedings, and other matter whatsoever, required by law or ordinance to be published in a newspaper, shall be published only in the English language and in newspapers published primarily in the English language."

Iowa Code section 618.2 provides that a public official that violates Code section 618.1 is guilty of a simple misdemeanor. Again, the Iowa DOT continues to be subject to the federal non-discrimination requirements despite Iowa's English language requirements because federal requirements supersede state and local ones and Iowa Code section 307.44 permits the Iowa DOT to comply with federal statutes and rules when it has received federal funding. This allowance includes the use of non-English language newspapers when deemed necessary to reach an affected LEP language group. In the interest, however, of minimizing conflict with Iowa Code section 618.1, notices required by law to be published in a newspaper should be translated to a language other than English only when required by careful application of the four-part balancing test and the safe harbor provisions described above.

D. References

Iowa Code sections 1.18, 307.44, 618.1 and 618.2
FHWA LEP Desk Reference (available from the Iowa DOT's Offices of Contracts and Employee Services, and the Iowa DOT Library)
Iowa DOT "I Speak" language identification tool (available on DOTNET)
Iowa DOT list of interpreters (available on DOTNET)
www.census.gov
## Equal Employment Opportunity and Affirmative Action (PPM 230.03)

**Title:** Equal Employment Opportunity and Affirmative Action

<table>
<thead>
<tr>
<th>Title</th>
<th>Policy No.</th>
</tr>
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<tbody>
<tr>
<td>Equal Employment Opportunity and Affirmative Action</td>
<td>230.03</td>
</tr>
</tbody>
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**Responsible Office:** Director's Staff Division

**Related Policies and Procedures:** 230.02, 230.08, 230.09, 230.10

**Effective/Revision Dates:** 9-1-76/12-5-05

**Approval(s):** Mary Christy

**Authority:** Director of the Director's Staff Division.

**Contents:** This policy prohibits unlawful discrimination, discriminatory harassment and sexual harassment and establishes employee responsibilities for equal employment opportunity and affirmative action. **Affected Offices:** All

**Who to Contact for Policy Questions:** Affirmative Action Officer in the Director's Staff Division; telephone 515-239-1102.

**Definitions:**

- **Affirmative action** - Positive action appropriate to overcome the documented effects of past or present practices, policies or other barriers to equal employment opportunity.

- **Affirmative action appointment** - Selection of a protected class applicant when:
  - The position is in a job class that has been documented as underutilized for a protected class, and
  - The applicant possesses the skills and abilities identified in the essential functions for the position.

- **Affirmative Action Officer** - The position in the Department, organizationally placed in the Director's Staff Division, that oversees the DOT's equal employment opportunity and affirmative action programs, efforts and progress.

- **Alternative dispute resolution process** - An informal procedure to assist parties with fashioning an agreement that mitigates areas of conflict.

- **Discriminatory harassment** - Adverse treatment of an employee or a group of employees, whether intentional or unintentional, based on such characteristics as race, religion, national origin, sex, color, creed, mental or physical disability, or age.

- **EEO/AA complaint** - Any oral or written report or observation alleging a violation of this policy.
Equal employment opportunity - Prohibition against unlawful discrimination in employment policies and practices on the basis of race, religion, national origin, sex, color, creed, mental or physical disability, or age.

Protected classes -

- Ethnic minorities. Persons having origins in any of the following--African racial groups (Blacks); Spanish cultural groups (Hispanic); original North American racial groups (American Indian or Alaskan native); or Far Eastern, Southeast Asian, Indian, or Pacific Island groups (Asian or Pacific Islander).

- Women.

- Persons with disabilities. Persons who a) have a physical or mental impairment that substantially limits one or more major life activities, b) have a record of such an impairment, or c) are regarded as having such an impairment.

- Persons age 18 or older.

Reasonable accommodation: A modification or adjustment to a job, an employment practice, or work environment that makes it possible for an individual with a disability to enjoy the benefits and privileges of employment equal to those enjoyed by individuals without disabilities, as long as such accommodation does not cause an undue hardship for the Department.

Sexual harassment - Any act that uses sexual submission or rejection as a condition of employment, or conduct of a sexual nature that interferes with an employee's work performance by creating an intimidating, hostile or offensive work environment.

Underutilized class - Comparison of the composition of the Department’s workforce to the availability of females, minorities, and persons with disabilities within the relevant labor market. When employment of specific groups in the workforce is below the percentage of those groups in the relevant labor market, the workforce is considered underutilized.

Undue hardship - An action that rises to the level of being significantly difficult or expensive to implement.

Unlawful discrimination - The act of making an unlawful distinction or decision concerning applicants or employees on the basis of race, religion, national origin, sex, color, creed, mental or physical disability, or age, when such act affects those persons' employment situations in any way.

References: Applicable statutes and regulations relating to civil rights, equal employment opportunity and affirmative action include, but are not limited to, the following:

42 USC Section 2000e et. seq. {Title VII of the Civil Rights Act of 1964}
42 USC Chapter 126 {Americans with Disabilities Act of 1990}
Iowa Code Chapter 19B {Equal Opportunity and Affirmative Action}
Iowa Code Chapter 216 {Iowa Civil Rights Act of 1965}
State of Iowa Executive Orders 15(4-2-73), 34(7-22-88), 44(4-30-92), and 18(3-28-2001)
State of Iowa Equal Opportunity, Affirmative Action and Anti-discrimination Policy (11-12001) {Section 2.40 of the Managers and Supervisors Manual}
Iowa Department of Administrative Services rules 11 IAC Chapter 68
Managers and Supervisors Manual, Chapters 2 and 4

Forms:

140009 - Hiring Decision Justification/Applicant Interview Report {available on DOTNET}
140039 - Internal Complaint of Discrimination {available on DOTNET}
CFN 552-0674 - Individual Performance Plan and Evaluation (IPPE) {available on DOTNET}
P-1 - Report of Personnel Action {mainframe program} Policy and Procedure:

I. Policy

A. The Department is an equal employment opportunity and affirmative action employer. All employees shall receive affirmative action training.

B. Managers and supervisors shall appoint, promote, assign, train and evaluate the performance of employees on the basis of individual qualification and merit and shall not unlawfully discriminate against applicants and employees. Unlawful discrimination is a violation of this policy and is prohibited.

C. Reasonable accommodations for employees with disabilities shall be made unless these accommodations would create undue hardship for the Department.

D. Hiring goals for underutilized job classes shall be established when vacancies are anticipated and hiring opportunities exist.

E. All employees shall have access to training and career development information. Training and career development opportunities shall not be withheld from any employee for any reason that is considered unlawful discrimination.

F. Sexual harassment and discriminatory harassment of employees and individuals who are doing business with the Department are violations of this policy and are prohibited. Examples of prohibited conduct include, but are not limited to:
• Inappropriate or offensive touching, hugging or kissing; requests for sexual favors; sexual advances; or comments or actions that are sexually suggestive or are sexual in nature.

• Comments or actions that are offensive or discriminatory based on membership in a protected class, gender, religious beliefs, or ancestry.

Forms of sexual or discriminatory harassment include, but are not limited to, jokes, pictures, drawings or objects such as calendars, magazine centerfolds, cartoons, posters, t-shirts or caps.

G. Any employee who alleges an act of unlawful discrimination, discriminatory harassment or sexual harassment has the right to seek resolution of the situation without jeopardizing employment or future career opportunities.

H. The Department will not tolerate any attempt at retaliation, punishment, reprisal, or adverse treatment against a person who reports conduct prohibited by this policy. Any employee who engages in or attempts to engage in such retaliatory behavior is subject to disciplinary action up to and including discharge.

II. Responsibilities of Employees, Managers and Supervisors

A. Employees. All employees of the Department, including managers and supervisors, are responsible for maintaining a work environment free of unlawful discrimination, discriminatory harassment and sexual harassment. Employees shall:

• Be a positive role model for co-workers.
• Tell a person who is acting in violation of this policy to stop.
• Report, in detail, acts of unlawful discrimination, discriminatory harassment or sexual harassment that the employee has experienced or witnessed to a supervisor, the Affirmative Action Officer in the Director's Staff Division or the Office of Employee Services.
• Cooperate with any investigation by offering detailed information and responding openly, truthfully and completely to all questions.

B. Managers and Supervisors. In addition to the responsibilities listed above, managers and supervisors shall:

1. Assure compliance with this policy and assist employees in understanding the concept of affirmative action and its application at the Department of Transportation. The Affirmative Action Officer in the Director's Staff Division is available to help managers and supervisors educate employees.

2. In the hiring process, implement the affirmative action requirements of this policy as follows:
• Initiate recruitment activities when necessary to meet affirmative action goals. Managers and supervisors shall contact the Recruitment Coordinator in the Office of Employee Services for guidance on recruitment activities. The Recruitment Officer will work with the Department of Administrative Services as needed.

• Consider protected class applicants for all hires and make affirmative action appointments when feasible (see Definitions on page 1).

• (Selecting authority) Complete Form 140009, Hiring Decision Justification/Applicant Interview Report, after the candidates have been interviewed but prior to extending a job offer, and forward the form to the Affirmative Action Officer in the Director's Staff Division. This form is required for the following permanent full-time appointments: new hires, promotions, reinstatements, demotions, outplacements and non-contract transfers.

• (Selecting authority) As an attachment to Form 140009 or in an E-mail to the Affirmative Action Officer, provide justification that addresses the essential functions of the position, the screening criteria used, and a comparison of applicants to the essential functions and screening criteria. The justification shall also indicate that reference checks are complete. The Affirmative Action Officer will advise the selecting authority whether or not the justification is sufficient.

3. Provide fair and equitable access to appropriate training opportunities and work assignments.

Policy No. 230.03

4. Include training plans in the performance plans of the employees they supervise, as appropriate.

5. Make reasonable accommodations for individuals with disabilities unless the accommodation would create an undue hardship. See Policy No. 230.10, Restricted Duty and Reasonable Accommodation. The manager or supervisor must contact the Affirmative Action Officer if a reasonable accommodation under Policy No. 230.10 is requested or is being made.

6. Take steps to prevent unlawful discrimination, discriminatory harassment and sexual harassment by making a reasonable effort to:
   • Be aware of and sensitive to all employees' behavior.
   • Establish and maintain an environment that makes it comfortable for employees to report acts of unlawful discrimination, discriminatory harassment and sexual harassment.
• Act promptly to stop observed acts of unlawful discrimination, discriminatory harassment, sexual harassment or retaliation without waiting for a written EEO/AA complaint.

7. Investigate and resolve acts that violate this policy, as follows:

• Notify the Office of Employee Services if they have observed, intervened in, or received a report of an act that violates this policy.

• When notified by the Office of Employee Services of an EEO/AA complaint, work with the Office of Employee Services and the Affirmative Action Officer in the Director’s Staff Division to investigate the complaint promptly, thoroughly and sincerely. All investigations must be conducted in accordance with Policy No. 230.09, Investigations.

• Implement and support any discipline or other corrective action to be taken following an investigation. See Policy No. 230.02, Discipline and Other Corrective Action.

• Periodically, verify with the work unit or employee that no retaliatory behavior has occurred following the close of an investigation. If such behavior has occurred, follow the complaint procedure in this policy.

III. EEO/AA Complaint Process

A. Filing complaints within the DOT.

1. To file an EEO/AA complaint, the employee shall report the incident in writing, including all pertinent details, to an Employment Relations Officer in the Office of Employee Services. Form 140039 may be used.

2. The Employment Relations Officer shall inform the Affirmative Action Officer of the complaint. The Employment Relations Officer and the Affirmative Action Officer shall meet with the complainant to determine if an alternative dispute resolution process, such as mediation, is a viable option for resolution of the issue.

3. If the employee is willing to attempt an alternative dispute resolution process, the Employment Relations Officer and the Affirmative Action Officer shall coordinate the process with the appropriate staff.

4. If an investigation is necessary, the Employment Relations Officer and the Affirmative Action Officer shall work with the appropriate division director to determine who will
conduct the investigation. The investigation shall be conducted in accordance with Policy 230.09, *Investigations*.

5. The Employment Relations Officer and the Affirmative Action Officer shall keep the division director or the division director’s designee and the employee informed of the status of the investigation.

6. After the investigation is complete, the person conducting the investigation shall so notify the Employment Relations Officer. The Employment Relations Officer shall provide to the Affirmative Action Officer and the division director a copy of the completed investigation report and schedule a meeting with the person conducting the investigation, other appropriate management staff and the Affirmative Action Officer to review the results of the investigation.

7. If the results of the investigation indicate that a violation of this policy has occurred, a determination shall be made as to if and what level of discipline or other corrective action is warranted. See Policy No. 230.02, *Discipline and Other Corrective Action*, for details of this process.

B. **Filing complaints with external compliance agencies.** Nothing in this or any other DOT policy is intended to restrict the rights of an employee to pursue any other remedies that may be authorized by law. The Iowa Civil Rights Commission and the U.S. Equal Employment Opportunity Commission are two agencies that may be consulted for further advice and procedures, including applicable time limits.

C. **Grievance.** Do not use the grievance policy in lieu of this policy for filing or resolving a complaint alleging discrimination, unlawful discrimination or sexual harassment.

IV. **Disciplinary Matters**

To ensure that all employees are treated fairly in matters of discipline, managers and supervisors shall work with the Employment Relations Officer in the Office of Employee Services on disciplinary matters in accordance with Policy No. 230.02. The Employment Relations Officer shall keep the Affirmative Action Officer informed of the status of discipline involving members of protected classes.

V. **Other Equal Employment Opportunity and Affirmative Action Activities**

The Affirmative Action Officer in the Director’s Staff Division shall:

A. Coordinate the preparation of the agency's affirmative action plan and required reports, distribute the plan and reports, advise employees regarding implementation of the plan, and maintain records required by law.

Policy No. **230.03**

B. Each year, establish hiring goals for underutilized job classes in consultation with DOT senior management.
C. Review exit interviews and summaries of grievances and disciplinary actions provided by the Office of Employee Services to determine if patterns of discrimination exist. Notify appropriate staff of situations that appear to violate this policy. D. Maintain files of EEO/AA complaint investigations.

E. Receive formal notice of complaints filed with external compliance agencies. Notify the affected division director and appropriate staff of a complaint, assist in drafting a reply, and ensure that the reply is complete and filed in a timely manner. Notify the division director and appropriate staff of actions taken or decisions made by external compliance agencies.

VI. Policy Violations

A. Managers and supervisors are subject to potential disciplinary action if they fail to take appropriate action when:
   • They are aware of acts of unlawful discrimination, discriminatory harassment or sexual harassment and
   • These acts have occurred within their areas of responsibility.

B. Any employee is subject to potential disciplinary action:
   • For the employee's own acts of unlawful discrimination, discriminatory harassment, sexual harassment or retaliatory behavior in, or reasonably related to, the workplace.
   • For failing to cooperate with an investigation of acts prohibited by this policy.
   • For failing to mitigate or report acts prohibited by this policy.

VII. Conflict

If any provision of this policy conflicts with a collective bargaining agreement or Iowa Department of Administrative Services administrative rule, the agreement or rule, as applicable, shall prevail in all issues except for those in conflict with state and federal laws regarding civil rights.

VIII. Required Posting

Supervisors shall post this policy on bulletin boards within their respective work areas. This policy is also on DOTNET.
Attachment F – Disadvantaged Business Enterprise Participation (PPM 300.18)

Title

Disadvantaged Business Enterprise Participation

Policy No.

300.18

Responsible Office

Office of Employee Services

Related Policies and Procedures

300.04, 300.05, 300.12

Effective/Revision Dates

10-9-1980/3-2-2012

Approval(s)

Lee A. Wilkinson

Authority: Director of the Operations and Finance Division in accordance with 49 CFR Part 26; Iowa Code sections 307.44, 313.10, 314.1 and 314.15; and Article 1102.17 of the Standard Specifications.

Contents: This policy establishes procedures to encourage and increase participation by disadvantaged business enterprises in federal-aid highway contracting opportunities.

Affected Offices: All Highway Division Offices and the Office of Employee Services.

Who to Contact for Policy Questions: Office of Employee Services, telephone 515-239-1422.

Definitions:

Affirmative Action – Specific steps to be taken to assure that disadvantaged business enterprises will have an equitable opportunity to compete for federally-funded contracts.

Disadvantaged Business Enterprise (DBE) – A small business that is both owned and controlled by socially and economically disadvantaged individuals. Socially and economically disadvantaged individuals must own 51 percent or more of the business and control the management and daily operations of the business. There shall be a rebuttable presumption that members of the following groups who are U.S. citizens (or lawfully admitted permanent residents) are socially and economically disadvantaged:

- Black Americans – Persons having origins in any of the Black racial groups of Africa.
- Hispanic Americans – Persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.
- Native Americans – Persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians.
- Asian-Pacific Americans – Persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia,
Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kirbati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong.

- Subcontinent Asian Americans – Persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka.

- Women.

- Any additional groups whose members are designated as socially and economically disadvantaged by the U.S. Small Business Administration.

**Forms:**

- 102115 - *Disadvantaged Business Enterprise Information: Statement of DBE Commitments*
- 102116 - *Certification of DBE Accomplishment*
- 650194 - *Uniform Certification Application Policy and Procedure:*

**I. Policy**

It is the policy of the Iowa DOT that disadvantaged business enterprises (DBEs) shall have the maximum practicable opportunity to participate in the performance of contracts financed in whole or in part with federal-aid highway funds.

**II. Responsibilities**

A. The Director of the Operations and Finance Division shall serve as DBE Liaison Officer for the federal-aid highway program and shall be responsible for:

1. The overall development, coordination, and implementation of the Iowa DOT's DBE program.

2. The assurance that all reasonable effort is undertaken to provide the necessary staff, funding, authority, and administrative support to maximize efforts in carrying out the program.

B. The DBE Coordinator shall be responsible for developing the Iowa DOT’s DBE program. The Highway Division shall be consulted during the DBE plan development.

C. The DBE Coordinator shall be responsible for managing the Iowa DOT's DBE program on a day-to-day basis.

D. The DBE Coordinator may delegate responsibilities in sections III. B., C. and D. of this policy to the Civil Rights Team in the Office of Employee Services.
III. Procedures

A. Overall Goals for Federal-Aid Highway Contracts

The DBE Coordinator shall:

1. Review proposed federal-aid highway contracts to identify those contracting activities which have the greatest potential for DBE participation.

2. Establish separate overall goals for the percentage of work to be performed by DBEs. Overall goals shall be based on:
   a. Projections of the number and types of federal-aid highway contracts to be awarded and the number and types of DBEs likely to be available to compete for the contracts.
   b. The past level of DBE participation and the capabilities of known firms.


B. Federal-Aid Highway Construction Contracts

1. Affirmative Action Techniques. The DBE Coordinator shall:
   a. Coordinate activities as appropriate with the Highway Division's letting schedule to facilitate participation of DBEs.
   b. Provide technical assistance to DBEs and aid them in overcoming barriers such as the inability to obtain bonding or financing.
   c. Disseminate information to DBEs regarding highway construction contracting opportunities.

2. Certification. The DBE Coordinator shall certify the eligibility of DBEs and joint ventures involving DBEs.
   a. An applicant DBE firm must complete a Uniform Certification Application (Form 650194) with documentation of the firm's ownership and control according to the requirements of 49 CFR Part 26, Subpart D, and submit the application and documentation to the Office of Employee Services. The application form is available from the Office of Employee Services; the form is also available on the Iowa DOT's DBE or forms websites.
   b. The Civil Rights Team shall review the application and documents to determine the firm's eligibility for certification by investigating and analyzing information in accordance with the requirements of 49 CFR Part 26.
3. **DBE Directory.** The Civil Rights Team shall:
   
a. Maintain a current directory of certified DBEs, identifying their general interest to perform specific types of work.

b. Make the directory available to all recipients of U.S. DOT funds.

A copy of the directory is available on the Iowa DOT's DBE website.

4. **Contract Involvement Goals.** The DBE Coordinator shall:
   
a. Review proposed federal-aid highway construction contracts to identify those contracting activities which have the greatest potential for DBE participation.

b. Establish contract involvement goals for the percentage of work to be performed by DBEs on prime federal-aid contracts with subcontracting possibilities. Goals for a specific contract shall be based on the known availability of certified DBEs.

5. **Solicitation and Contract Award.** When specific contract involvement goals have been established, bidders shall be required to meet the goals or meet or exceed the average commitments of other bidders as the measure of good faith effort.
   
a. Bidders shall complete Form 102115 as required by Article 1102.17 of the Standard Specifications. Failure to provide the information specified shall render the bid non-responsive.

b. The successful bidder shall be selected on the basis of having submitted the lowest responsive bid. To be considered responsive, the bidder must have exceeded the goal, met the goal, or made a good faith effort to meet the goal.

6. **Contract Performance.**
   
a. The contractor shall use the DBEs listed on Form 102115 for the amounts submitted at the letting. If any DBE is unable to perform items that were listed on this form, the DBE shall provide to the DBE Coordinator a signed statement saying why it is unable to complete the work. If a DBE is unable to perform any item, the prime contractor shall document its efforts to have another DBE perform that item or to have a DBE perform other items to replace the original DBE goal amounts.

b. The contractor shall maintain records of eligible DBE work for the contract. The contractor shall submit a certification (Form 102116) listing all DBE firms that were engaged in the contract and report the total dollar amount paid, or which will be paid, to each. This certification must be submitted to the DBE Coordinator as part of the final project documents. It must be dated and signed by a responsible official legally representing the contractor.
c. On receipt of the final documents, the DBE Coordinator will verify that the contractor has attained the DBE commitment specified on Form 102115. Failure to meet the specified DBE commitment will result in a penalty of an amount equal to the difference between the actual DBE dollars paid and the contractor's DBE commitment.

d. For the repeated failure of the contractor to meet the DBE commitment, the contracting firm may have limitations imposed on its bidder qualifications in accordance with Article 1102.03 of the Standard Specifications by the Office of Employee Services in consultation with the Contracts Engineer.

C. **Federal-Aid Transportation Consultant Contracts**  (See Policy No. 300.04, *Prequalification of Architectural, Engineering and Related Professional and Technical Firms*, and Policy No. 300.12, *Negotiated Contracts for Architectural, Engineering, and Related Professional and Technical Services.*)

1. **Pre-Selection.**

   a. The DBE Coordinator shall:

      (1) Certify the eligibility of DBEs and joint ventures involving DBEs.

      (2) Maintain a current directory of certified DBEs.

      (3) Assure that affirmative action techniques are used to encourage DBEs to prequalify in accordance with Policy No. 300.04 and to assist them in doing so.

      (4) Assure that DBE contract involvement goals are established when warranted.

   b. If information in an application for prequalification is not satisfactory and the applicant is a DBE, the Consultant Contract Coordinator in the Office of Design shall contact the DBE and make a good faith effort to assist the firm in becoming prequalified.

   c. The office to be responsible for administration of the contract (administering office) shall establish a DBE involvement goal if the contract will be funded in whole or in part with federal-aid transportation funds.

2. **Selection.** The Consultant Contract Coordinator and the Selection Committee shall:

   a. Assure that full consideration is given to the use of prequalified, certified DBEs as prime consultants and that a good faith effort is made in meeting a DBE involvement goal.
b. Assure that the consultants considered are furnished with the names of prequalified (if required), certified DBE consulting firms that could be involved as subconsultants.

**Note:** Prime consultants must be prequalified. Prequalification of subconsultants is also required if a work category exists for the services to be provided by the subconsultant.

3. **Negotiations and Contract Award.** The administering office shall assure that the DBE involvement goal will be met or that a good faith effort has been provided.

4. **Contract Performance.**
   a. The prime consultant shall use DBEs as subconsultants or suppliers as indicated in its proposal. Failure to do so shall be reported in writing to the administering office.

   b. The prime consultant shall make a good faith effort to replace a DBE unable to perform successfully with another DBE. The administering office in consultation with the DBE Coordinator shall approve all substitutions both before execution of the contract and during contract performance to assure that the substitute firms are prequalified (if required), certified DBEs.

   c. The administering office shall review the prime consultant's DBE involvement effort to assure that all DBE obligations are met.

D. **Denial of Certification and Removal of Eligibility**

1. Any DBE that is judged to be ineligible for certification shall be notified in writing by the DBE Coordinator of the reasons for the denial of certification and of the steps that may be taken to appeal the action.

2. The aggrieved firm shall have 15 days to appeal the denial of certification in writing from the date the notice was received.

3. The appeal shall be reviewed by the DBE Appeal Committee.
   a. A six-member DBE Appeal Committee shall be appointed by the Director of the Operations and Finance Division.

   b. One member of the committee shall be from the Office of Employee Services and shall serve as chairperson. This member will be a non-voting member of the committee.

4. The chairperson of the committee shall notify the aggrieved firm of the date, time and place the committee will meet with the aggrieved firm to consider the appeal.
5. The DBE Certification Auditor from the Office of Employee Services may brief the committee prior to the meeting.

6. The committee shall meet to thoroughly discuss the reasons for denial of certification and to receive the aggrieved firm's rebuttal. A secretary from the Office of Employee Services shall attend to take notes and prepare a synopsis of the meeting.

7. As soon as possible after this meeting with the aggrieved firm, the committee shall come to an agreement and render a decision. Another meeting may be held with only committee members present to discuss the decision.

8. The chairperson of the committee shall notify the aggrieved firm of the committee's decision within 7 days after the meeting with the aggrieved firm. If the denial of certification is upheld, the notice shall include the steps for appeal to the FHWA.
Format for Annual Accomplishments Report

On an annual basis, the Title VI Update should contain the necessary information to evaluate the State's Title VI program as it pertains to accomplishments, shortfalls, and problem areas. The various program areas should cover at least the information listed below:

Policy Statement
If the Title VI Policy Statement was updated during the reporting period, provide a copy of the new or revised policy statement. Explain how it was disseminated throughout the State.

Organization, Staffing, Structures
Update as necessary any changes to the organization regarding personnel, or staffing of those officials responsible for Title VI within each program area or office. An organizational chart should be provided in each Update Report.

Title VI Monitoring and Review Process
Provide a summary of Title VI reviews conducted, including findings, recommendations, action items, and status thereof.

Complaints
Provide a summary of each complaint filed. Include the basis, status, and actions proposed and/or taken by the State.

ACCOMPLISHMENT REPORT FOR EACH PROGRAM AREA

At the minimum, the following should be included in the annual Title VI update for each of the various program areas:

Planning

• How many consultant projects for planning were awarded during the reporting period? What is the dollar value?

• What efforts were made to utilize minority and female consultants and subcontractors?

• Were there any studies conducted which provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits? If so, what type of assistance was provided by those individuals responsible for Title VI to ensure that Title VI considerations were included in the studies?

• Number of hearings held during the reporting period. What efforts were utilized to ensure citizen participation in the hearings, particularly minorities and women? Were
minorities and women, both individually and through their organizations, represented in the citizen participation effort? How many, and in what capacity?

**Project Selection**

- Were any consultant contracts awarded during the last year and what efforts were made to utilize minority-owned and women-owned firms?

- How Title VI considerations are addressed through stakeholder involvement mechanisms?

- Describe how minorities and low-income populations were provided opportunities to be involved in project selection processes.

- Describe what project selection decisions, if any, were affected by Title VI or Environmental Justice issues.

- How many public hearings, and in what locations, were held on adoption of the STIP or in making other project selection decisions?

**Design**

- How many consultant firms currently have design contracts? What is the dollar value? How many contracts are currently held by minority-owned and women owned firms? What is the dollar value?

- What efforts were made to increase minority and female participation in obtaining consultant contracts? Is there currently a separate list maintained on minority and female consultants? How many firms are included on the list? How many are receiving contracts?

- Were any public hearings held during the design phase of any highway? Did minorities (individuals or organizations) participate in the hearings? If no, why not? Provide a summary of any concerns and issues raised. Describe actions taken by the Coordinator to facilitate and/or address the concerns raised.

- List the employees in the Design Program area by title, ethnicity, and gender. Where minority and female representation is low, what efforts were made to increase their representation?

- Were there any complaints filed in the Design Program area? If so, provide a summary with basis, status, plus actions proposed and taken.

- List any significant problem areas, accomplishments, and actions to take during the ensuing year.
Environmental Services

- As a result of the choice of highway location or the procedure used for arriving at the choice, were any complaints filed? If so, how many? Summarize each complaint and explain status, with actions proposed and taken.

- Identify the titles, ethnicity and gender of employees working in the environmental program area. Were there any vacancies during the reporting period? What efforts were made by the Civil Rights Committee Liaison to increase the representation of minorities and women if they are underrepresented? What efforts were made to encourage adequate representation of minorities and women to serve as members of citizen advisory committees for a community project?

- During the reporting period, how many pre-draft Environmental Impact Statements (EISs) were reviewed? Summarize comments provided on EISs where minority or low-income populations, etc. were adversely impacted.

- How many consultants currently have contracts involving environmental studies? What is the dollar value? How many minority and women-owned firms currently have contracts involving environmental studies? What is the dollar value? Where minority and women participation on consultant contracts is low, describe efforts taken to increase their participation.

- How many public hearings were held during the reporting period concerning location of a project? How were the hearings advertised, and was it adequate to provide notification to minorities and low-income communities?

- How were minority and low-income community representatives identified and encouraged to become involved in the location and environmental phase?

- During the reporting period, was there a need to utilize bilingual advertisements, announcements, notices, LEP and/or sight/hearing assistance, etc.?

Right of Way

- During the reporting period, did the State receive any civil rights complaints in the following right-of-way functional areas? If so, how many?
  a. Appraisals
  b. Negotiations
  c. Relocation Assistance and Payments
  d. Property Management
• How many fee appraisers were utilized during the reporting period? How many are minority and female? If the representation of minority and female appraisers is low, what efforts were made by the Civil Rights Committee Liaison to increase their representation?

• How many negotiations were made during the reporting period? Does the negotiator’s log reflect any disparity in the conduct of negotiations between minorities and non-minorities?

• Were there any concerns raised by minorities or women concerning their options in the negotiation phase? Explain.

• Number of relocations during the reporting period:
  ➢ Minority relocations;
  ➢ Female relocations;
  ➢ Elderly relocations; Disabled relocations;
  ➢ Low-income relocations.

• Were any concerns raised by minorities, women, elderly, disabled or low income on replacement housing, referral housing, etc.?

Research & Technology

• How many research projects are currently underway?
• List of universities and/or consultants currently conducting research projects.
• Summarize actions taken to encourage universities to utilize minority and female students to participate on highway research projects.
• Summarize actions taken to increase minority and women-owned consultant firms in obtaining research projects.
• List any significant actions planned for the ensuing year.

Contracts

• Has the office received any civil rights complaints involving competitive bidding procedures? What corrective action, if any, was needed/has the State taken?
• During the review period, were any procedures reviewed to assure subcontract agreements, first and second tier, and material supply and equipment lease agreements were contained in Title VI contract provisions?
• List any significant accomplishments and/or action items for the ensuing year.

Education and Training

• During the reporting period, what efforts were made to encourage participation by minorities and women in the National Highway Institute’s (NHI) educational and training programs?
• List the types of NHI-sponsored or co-sponsored programs. How many State participants? How many minorities and women?

• Identify the agency's staff personnel responsible for training by job title, ethnicity and gender.

• Were there any civil rights complaints filed concerning training and educational opportunities? If so, what corrective actions has the State taken? Provide summary of concerns raised, complaints filed, status, etc.

**Motor Carrier Safety Assistance Program (MCSAP)**

• How many contracts and inter-agency agreements are currently in effect involving MCSAP funds?

• Describe the advertising and selection process for contracts with consultant or professional service firms. Were DBE firms encouraged to submit proposals? Were DBE goals assigned to contracts?

• What was the total dollar value of contract work last year? What amount went to DBE firms, either as primes or sub-contractors?

• What steps, if any, are planned for next year to increase DBE participation?

• Were any civil rights complaints (Title VI) received regarding the MCSAP?

**Administration**

• Provide a list of employees (Civil Rights Committee Liaisons) by ethnicity, gender, and title in each of the Iowa DOT’s program offices assigned Title VI duties (Civil Rights Committee Description, Page 13).

• All Iowa DOT program offices shall provide a summary of all activities undertaken during the reporting period, to the Title VI Specialists, which provide for assurances of Title VI compliance both internally and externally. For example, are Title VI requirements included in all contracts and consultant agreements; were reviews made to ensure contractors and consultants are adhering to Title VI requirements?

• Was any Title VI training provided during the reporting period? If so, how many participants attended and what were their titles? Was any other kind of civil rights training conducted? If so, what type of training and what was the course content? Provide a list of participants by job title, i.e., supervisor, manager, etc.