

# **Arc HERKIMER TITLE VI PLAN AND POLICY**

## **I. Program Description and Services**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Subrecipients of public transportation funding from the Federal Transit Administration (FTA), are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory. Arc Herkimer is a subrecipient of FTA financial assistance through a grant from NYSDOT. This Title VI plan details how Arc Herkimer incorporates nondiscrimination policies and practices in providing transit services to the ridership we serve.

Arc Herkimer is a nonprofit who receives FTA Section 5310 funding through NYSDOT to provide closed-door transit services to only individuals who are certified by the New York Office for People with Developmental Disabilities (OPWDD).

## **II. Arc Herkimer TITLE VI Policy**

Arc Herkimer commits to comply with Title VI of the Civil Rights Act of 1964 that prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that "no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance" (Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.). This requirement is included in the Section 5310 agreement between Arc Herkimer and NYSDOT and third-party contractors.

For more information on Arc Herkimer's Title VI program contact:

### **Jessica Barnes Title VI Coordinator**

Arc Herkimer  
Compliance & Quality Director  
P.O. Box 271  
Herkimer NY, 13350  
Phone (315) 574-7881  
Email [jbarnes@archerkimer.org](mailto:jbarnes@archerkimer.org)

## **III. Title VI Public Notice**

Arc Herkimer maintains required postings regarding Equal Opportunity for programs & activities receiving federal financial assistance. Arc Herkimer also maintains Nondiscrimination notices on the buses, website, and public places. Additional information relating to nondiscrimination obligation can be obtained from the Arc Herkimer Title VI Coordinator. Additionally, Arc Herkimer staff working in the Transportation Department shall review this Title VI plan and attest to their understanding of this plan.

## IV. Title VI Complaint Procedures and Complaint Form

Anyone who believes they have been discriminated against on the basis of race, color, or national origin, may file a complaint by completing and submitting the Title VI Complaint Form (*Appendix B*) to the address below.

Arc Herkimer  
Jessica Barnes Title VI Coordinator  
P.O. Box 271  
Herkimer NY, 13350  
Phone (315) 574-7881  
Email [jbarnes@archerkimer.org](mailto:jbarnes@archerkimer.org)

Arc Herkimer investigates complaints received no more than 180 days after the alleged incident. Once the complaint is received, the Arc Herkimer will follow the steps below:

1. Acknowledge receipt of the complaint within 10 days (*Appendix C*)
2. Complete the investigation within 45 days
3. Schedule an interview, if deemed necessary.
4. If additional information is needed, Complainant has 15 days to provide the additional information. Failure to provide additional information may result in administrative closure of the case.

After the investigative process has been completed, Arc Herkimer will issue one of two letters to the complainant:

1. A **closure letter** summarizing the allegations and stating that there was no Title VI violation and that the case will be closed. (*Appendix D*)
2. A **letter of finding (LOF)** summarizing the allegations and the interviews regarding the alleged incident, and explaining whether any disciplinary action, additional training of the staff member, or other action will occur. (*Appendix E*)

If the complainant wishes to appeal the decision, the complainant must submit the appeal within 21 days after the date of the closure letter or the LOF.

Filing complaints with Arc Herkimer enables the agency to properly investigate the complaint. A person may also file a complaint directly with:

- New York State Department of Transportation  
Office of Diversity and Opportunity  
50 Wolf Road, 6th Floor  
Albany, NY 12232  
(518) 457-1129 Fax (518) 549-1273  
[OCR-TitleVI@dot.ny.gov](mailto:OCR-TitleVI@dot.ny.gov)
- Federal Transit Administration  
Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor-TCR,  
1200 New Jersey Ave., SE Washington, DC 20590

If information is needed in another language, please contact Arc Herkimer at (315) 574-7000.

*Si se necesita informacion en otro idioma por favor contacto, (315) 574-7000.*

---

## **V. Transit Related Title VI Complaints, Investigations and Lawsuits**

Arc Herkimer maintains a log of all Title VI complaints, investigations, and lawsuits pertaining to its transit-related activities since the last Title VI plan update which is maintained electronically.

## **VI. Public Involvement Process**

All applicants for Federal Transit Administration (FTA) financial assistance are required to ensure their programs, policies, and activities comply with US Department of Transportation (USDOT) Title VI of the Civil Rights Act of 1964.

Arc Herkimer is a closed-door service provider and does not provide public transportation, this plan extends to the people that we support through our Transportation Services. This Public Participation Plan includes outreach methods to the population we are currently serving. Arc Herkimer ensures the following:

- Ensures the level of quality of our Transportation Services is provided in a non-discriminatory manner
- Promote full and fair participation to our transportation services, for the people we support, without regard to race, color or national origin
- Ensure availability, for the people we support, of transportation to access Arc Herkimer Services or other places within our community to all people without regard to race, color or national origin

Arc Herkimer's Transportation Department periodically communicates through outreach efforts with the people we support and their actively involved family members regarding satisfaction with transportation services and/or areas of improvement. Feedback received is identified, noted and discussed.

## **VII. Language Assistance Plan**

Limited English Proficient (LEP) persons are people for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. To comply with the FTA Title VI requirement on nondiscrimination based on national origin, as it affects limited English proficient persons, Arc Herkimer will take reasonable steps to ensure meaningful access to our programs and activities by LEP persons. Arc Herkimer's Language Assistance Plan considers the following factors:

- Identifying LEP Individuals -LEP Individuals are those individuals speaking a language other than English or using sign language that request assistance. Arc Herkimer does not currently have any individuals that require any other help other than English, Sign Language or Prompts.
  - Providing Services -Arc Herkimer does not currently have an on-going need for professional translation Services, through its own, Arc Herkimer will contract with translation services as needed.
  - Communicating Availability of Language Assistance-Arc Herkimer will inform those who request services of the process to provide an independent contractor for translation.
  - Monitoring-Satisfaction Surveys offer an opportunity for individuals served and their care givers to provide input or suggest additional services. To date Arc Herkimer has not had the need to use translation services provided by either in-house staff or through outside providers
-

- **Employee Training** - As part of the Accessibility Plan, Arc Herkimer encourages staff interest and education in learning to more effectively communicate with individuals served.

Arc Herkimer clients and potential clients are individuals certified by the New York Office for People with Developmental Disabilities (OPWDD) as eligible for services. Our individuals supported have developmental disabilities, including intellectual disabilities, cerebral palsy, Down syndrome, autism spectrum disorders, and/or other neurological/physical impairments. As a result of the analysis, a Language Assistance Plan is not required. However, reasonable attempts will be made to accommodate any persons who require written translation or oral interpretation services.

## **VIII. Minority Representation on Advisory Boards**

Arc Herkimer does not have a non-elected transit-related advisory councils at this time.

## **IX. Recordkeeping and Reporting**

Arc Herkimer maintains records related to the agency's implementation of Title VI program, including records of the Title VI Plan Board adoption, records of Title VI staff training, public involvement activities, complaints, investigations, language assistance services and other implementation activities.

## **X. Plan and Policy Review**

The Title VI policy will be disseminated to employees through new employee orientation or as requested. Arc Herkimer will review its Title VI Plan at least once every three years to determine if modifications are necessary and submit the plan to the New York State Department of Transportation (NYSDOT) for approval. Arc Herkimer directly operates all transportation services and will review implementation annually to ensure compliance with Title VI Plan requirements which includes verifying that all employees have received ongoing updates, and trainings.

## **XI. Facility Location Equity Analysis**

Arc Herkimer does not have transit-related facilities.

## **XII. Service Policies**

### ***Vehicle Assignment***

Vehicle assignments take into account the operating characteristics of vehicles, which are matched to the operating characteristics of the route, trip purpose of passengers, and volume of ridership along a given route.

### **Employee Education of Title VI Policy**

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

All employees of Arc Herkimer are expected to consider, respect, and observe this policy in their daily work and duties. If a participant or family member approaches you with a question or complaint relating to Title VI or discrimination of any kind based on race, color, or national origin, direct him or her to Arc Herkimer Title VI Coordinator.

---

## **Employee Acknowledgement of Receipt of Title VI Plan**

I hereby acknowledge the receipt of the Arc Herkimer Title VI Plan. I have read the plan and am committed to ensuring that no participant is excluded from or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Administration (FTA) Circular 47002.1.A.

---

Employee signature

---

Print name

---

Date

---

## APPENDIX A: Documentation of Board Approval

## Arc Herkimer Title VI Plan Board Approval

On behalf of Arc Herkimer, we the Board have reviewed and adopted the Arc Herkimer Title VI plan. We the Board are committed to ensuring that all decisions are made in accordance with the adopted Title VI plan, to that end no person is excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any Arc Herkimer services and activities based on race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit law under Title 49 Part 21.

**Effective:** April 29, 2025

**Adopted:** April 28, 2025

**Adopted By:** Arc Herkimer Board of Directors

**Revised:** \_\_\_\_\_

**Adopted By:** \_\_\_\_\_

## APPENDIX B: Title VI and ADA Complaint Form

## Arc Herkimer Title VI and ADA Complaint Form

Section I:					
Your Name:					
Address:					
Telephone (Home):			Telephone (Work/Mobile):		
Email Address:					
Accessible Format Requirements?	Large Print			Audio Tape	
	TDD			Other	
Section II:					
Are you filing this complaint on your own behalf?			Yes*		No
<i>*If you answered "yes" to this question, go to Section III.</i>					
If not, please supply the name and relationship of the person for whom you are complaining:					
Please explain why you have filed for a third party:					
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes		No
Section III:					
I believe the discrimination I experienced was based on (check all that apply):					
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability					
Date of Alleged Discrimination (Month, Day, Year): _____					
Agency name complaint is against: _____					
Location of where the alleged discrimination occurred:- _____					
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.  _____  _____  _____  _____  _____					

Section IV	
<p><b>Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, check all that apply:</i></p> <p><input type="checkbox"/> Federal Agency: _____</p> <p><input type="checkbox"/> Federal Court: _____ <input type="checkbox"/> State Agency: _____</p> <p><input type="checkbox"/> State Court: _____ <input type="checkbox"/> Local Agency: _____</p>	
<p><b>Provide information for the contact person at the agency/court where the complaint was filed.</b></p>	
<p><b>Name and Title:</b></p> <p>_____</p>	
<p><b>Agency:</b></p> <p>_____</p>	
<p><b>Address:</b></p> <p>_____</p>	
<p><b>Telephone:</b></p> <p>_____</p>	

**You may attach any written materials or other information that you think is relevant to your complaint.**

**Signature and date required below.**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

**Please submit this form by mail, email or in person to the address below.**

Arc Herkimer  
 Jessica Barnes Title VI/ADA Coordinator  
 P.O. Box 271  
 Herkimer NY, 13350  
 Email Jbarnes@archerkimer.org

*This complaint may also be filed directly with the New York State Department of Transportation, Office of Civil Rights, 50 Wolf Road, 6th Floor, Albany, NY 12232, (518) 457-1129 Fax (518) 549-1273, OCR-TitleVI@dot.ny.gov or the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.*



## **APPENDIX C: Letter Acknowledging Receipt of Complaint**

Date

Name

Address

City, State Zip

Dear Name:

This letter is to acknowledge receipt of your Title VI complaint against Arc Herkimer alleging

---

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact our office at (315) 574-7000 or in writing to Arc Herkimer, P.O. Box 271 Herkimer NY, 13350

Sincerely,

Jessica Barnes

Title VI Coordinator

P.O. Box 271

Herkimer NY, 13350

Phone (315) 574-7881

---

## APPENDIX D: Title VI Complaint Letter of Closure

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your Title VI complaint dated \_\_\_\_\_ against Arc  
Herkimer alleging \_\_\_\_\_ has been  
investigated. The results of the investigation did not indicate that the provisions of Title VI of the  
Civil Rights Act of 1964, had in fact been violated. As you know Title VI prohibits discrimination  
based on race, color, or national origin in any program receiving federal financial assistance.

Arc Herkimer has analyzed the materials and facts pertaining to your case. There was no  
evidence identified that a violation of your Title VI rights were denied. I therefore advise you that  
your complaint was not substantiated and that I am closing the matter in our files.

You have the right to 1) provide additional information to this office for reconsideration of your  
complaint within seven (7) calendar days of receipt of this final written decision and/or 2) file a  
complaint externally with the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East  
Building, 5th Floor- TCR 1200 New Jersey Ave., SE Washington DC 20590

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

Sincerely,

Jessica Barnes

Title VI Coordinator

P.O. Box 271

Herkimer NY, 13350

Phone (315) 574-7881

---

## **APPENDIX E: Title VI Complaint Letter of Finding**

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your letter dated \_\_\_\_\_ against Arc Herkimer alleging Title VI violation has been investigated. The investigation determined non-compliance by Arc Herkimer in administering the Title VI obligations of nondiscrimination in the programs and services we administer. Immediate efforts are underway to correct the findings.

Thank you for bringing this important matter to our attention. You were extremely helpful during our review of the program to correct our implementation of the Title VI Program. If I can be of assistance to you in the future, do not hesitate to call me at \_\_\_\_\_.

Sincerely,

Jessica Barnes

Title VI Coordinator

P.O. Box 271

Herkimer NY, 13350

Phone (315) 574-7881

---

## APPENDIX F: Title VI Notice to the Public

### Notifying the Public of Rights under Title VI and the ADA

#### Arc Herkimer

The Arc Herkimer operates its programs and services without regard to race, color, and national origin, in accordance with Title VI of the Civil Rights Act of 1964, and for persons with disabilities under the Americans with Disabilities Act of 1990. Any person who believes they have been aggrieved by any unlawful discriminatory practice under Title VI or the ADA may file a complaint with the Arc Herkimer.

For more information on **Arc Herkimer's** program, and the obligations and procedures to file a complaint, contact (315) 574-7000, or visit our office at **Arc Herkimer** 350 S. Washington St. Herkimer NY, 13350, or visit [www.ArcHerkimer.org](http://www.ArcHerkimer.org).

A complainant may file a complaint directly with **Arc Herkimer** TITLE VI Coordinator by following the **Arc Herkimer** complaint procedures. A complaint can also be filed with the New York State Department of Transportation on its Civil Rights website at <https://www.dot.ny.gov/main/business-center/civil-rights/title-vi-ej>. Finally, a complaint can be filed directly with the Federal Transit Administration Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.

If information is needed in another language, contact (315) 574-7000

*Si necesita información en otra idioma, por favor contacto (315) 574-7000.*

---