

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

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, Agency website (www.archerkimer.org), 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.

A sample of the post is shown on the next page.

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.

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, 5th 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

IV. Title VI Complaint Procedures and Complaint Form

The Arc Herkimer's Title VI Complaint Procedure is available on the buses, Agency website (www.archerkimer.org), and public places.

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

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. Determine if Arc Herkimer has jurisdiction to investigate the complaint.
3. Complete the investigation within 45 days.
4. Schedule an interview, if deemed necessary.
5. Determine if other public or private entities are or should be involved.

6. If additional information is needed, Complainant has 15 days to provide the additional information.
7. If Arc Herkimer is not contacted by the complainant or does not receive the additional information within 15 days, the case can be administratively closed. Additionally, a case can be administratively closed if the complainant no longer wishes to pursue the case.
8. Determine if meetings with the affected party or other interested parties are needed.

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
- 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.

Reporting Period: 2022-2023
2023-2024
2024-2025

Check One:

☒ There have been no investigations, complaints and/or lawsuits filed against Arc Herkimer during the reporting period.

_____ There have been investigations, complaints and/or lawsuits filed against Arc
 _____ Herkimer.

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin)	Status (open/closed)	Disposition (finding/no finding)
Complaints				
1.				
2.				
3.				
Investigations				
1.				
2.				
3.				
Lawsuit				
1.				
2.				
3.				

VI. Public Involvement Process

Strategies and Desired Outcomes

This section describes how Arc Herkimer will disseminate vital agency information and engage the public in the decision-making process. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems. These groups may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective public involvement methods for a given project or population.

Arc Herkimer primarily serves only clients that have been determined to be eligible for our transit service by OPWDD (Funder). The Funder, as a recipient of federal financial assistance, must comply with all Title VI requirements in the development and delivery of their programs. Arc Herkimer serves all individuals who are determined by the Funder to be eligible for services, without regard to race, color, or national origin and low-income status.

Public Outreach Activities

Arc Herkimer's program decision-making public involvement is limited to the population that meets the eligibility criteria set by OPWDD (Funder). The Funder is the lead agency for public involvement in the decision-making process with the goal of offering minority and low-income individuals the opportunity to comment on the benefits of the program services being provided with federal financial assistance. The Funder outreach consists of relationship building with agencies and stakeholders that provide services to minority, low income and LEP communities

Arc Herkimer assists the Funder during open-house events and the enrollment period as well as promoting the Funder's public involvement campaign to a diverse community. Members of the public who request notices and or handouts in a language other than English will be referred to staff who can provide interpretation assistance or to the Funder for assistance.

- Ensures the level of quality of our Transportation Services is provided in a non-discriminatory manner

Summary on Public Involvement Activity

- Since the last Title VI plan update, Arc Herkimer conducted the following public involvement outreach (emails, website posting, media outlets, in-person, virtual) sessions:
- ☒ Not applicable; Arc Herkimer is a closed-door service provider.

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:

1. A number or proportion of the LEP population(s) specifically served or that could be served by Arc Herkimer transit service.
2. The frequency with which LEP persons come into contact with Arc Herkimer.
3. The nature and importance of Arc Herkimer transit services to LEP population(s).
4. The resources available for LEP outreach and how employees are trained to provide language assistance to LEP persons.

LEP Four Factor Analysis

To determine what the specific languages are spoken in our transit service area and to determine what language services are appropriate for the LEP population, the Arc Herkimer has conducted a Four Factor Analysis¹: (1) Demography, (2) Frequency, (3) Importance, and (4) Resources and costs.

Factor 1–Demography | Number or proportion of the LEP population(s), specifically served or could be served by Arc Herkimer transit service.

The first step to considering the development of a Language Assistance Plan is to examine our transit services and our experiences with LEP individuals, who specifically use our transit services and determine the breadth and scope of the LEP preferred language services that were needed in providing the specific transit services.

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, Prader-Willi syndrome and other neurological impairments. The OPWDD assesses the client's language communication ability and communicates their assessment to Arc Herkimer. Since the last Title VI plan update, Arc Herkimer has not had to provide a transit service to our client in another language.

¹ DOT LEP guidance <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

Factor 2–Frequency | Frequency with which LEP people come in contact with Arc Herkimer

Arc Herkimer's day-to-day clients are pre-assigned by OPWDD. The clients have developmental disabilities, including intellectual disabilities, cerebral palsy, Down syndrome, autism spectrum disorders, Prader-Willi syndrome and other neurological impairments. The OPWDD assesses the client's language communication ability and communicates their assessments to Arc Herkimer. During the intake process, Arc Herkimer is able to identify non-English speaking parents or guardians of our clients with whom we have frequent contact; and therefore, have staff available to provide oral interpretation. Since the last Title VI plan update, Arc Herkimer has not had to provide a transit service to our client in another language.

Factor 3–Importance | Importance of the service to clients who need language assistance

The Arc Herkimer's services are critical to the lives of its clients and the services support the parents and guardians. The Arc Herkimer has taken positive steps at the intake process to identify non-English speaking clients and their parents or guardians with whom we have regular contact. Therefore, the Arc Herkimer has staff available to provide oral interpretation as needed thus ensuring the importance of our client services be communicated to all clients, parents and guardians in a language other than English. Since the last Title VI plan update, Arc Herkimer has not had to provide our client and the client's parent or guardian with assistance in another language.

Factor 4 Resources and Costs | Resources available and employee training

During new employee orientation, Arc Herkimer provides the principles on Title VI and language assistance with an emphasis that the client's parents and guardians are protected under Title VI and LEP. Our employees obtain language assistance training to continue to meet the needs of our clientele and the LEP individual. Arc Herkimer has adequate resources to provide employee training. Oral interpretation for the client's parent or guardian is provided at no cost to the client.

Implementing the Language Assistance Plan

As a result of the four-factor analysis, a Language Assistance Plan is not required. However, reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services. The Language Assistance Plan will be monitored annually for any language assistance change. If no change occurs, the Language Assistance Program will at a minimum be updated during the Title VI plan update

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 services and will review implementation annually to ensure compliance with Title VI Plan requirements. The agency's review includes verifying that all employees have received ongoing updates, and training, a copy of the Title VI policies and that all postings are in place and in good condition.

Title VI Plan Monitoring – Activity Log

Date	Activity (Review-Update-Addendum- Adoption-Distribution)	Person Responsible	Remarks
August 29, 2022	Adopted and distributed	Jessica French	Verified intake materials, postings. Verified all employees received Title VI training and copies of Title VI policy.
August 1, 2023	Annual review of implementation	Jessica Barnes	Verified all new employees received training and copies of Title VI policy. Verified intake materials and postings.
August 1, 2024	Annual review of implementation	Jessica Barnes	Verified all new employees received training and copies of Title VI policy. Verified intake materials and postings.
April 28, 2025	Updated plan, adopted and distributed	Jessica Barnes	Verified all employees received training and copies of Title VI policy. Verified intake materials, postings

Program Monitoring

The Arc Herkimer will monitor the effectiveness of the Title VI program through the feedback from clientele, employees, general public and other agencies (NYSDOT, FTA). Arc Herkimer seeks opportunities to continuously improve its Title VI plan, public participation outreach efforts and providing meaningful access of our services to LEP individuals

XI. Facility Location Equity Analysis

As a subrecipient of federal funds, Arc Herkimer understands we are required to conduct a Title VI equity analysis when planning to construct, expand, or purchase a facility. A facility includes storage facilities, maintenance facilities, and operations centers, but it does not include bus shelters, transit stations, or power substations. The equity analysis requirement applies even to facilities that do not receive direct federal funding (as long as Arc Herkimer receives federal financial assistance, Title VI requirements apply to all programs and activities). The equity analysis compares the equity impacts of various siting alternatives and must occur during the planning phase, prior to the selection of the preferred site, and must include the following:

1. A description of the outreach to persons potentially impacted.
2. A comparison of equity impacts of various siting alternatives.
3. An analysis about whether a disparate impact occurs on the basis of race, color or national origin (including potential cumulative adverse impacts from other facilities with similar impacts in the area) because of the location and construction of a facility. (If there is a disparate impact, the construction of the facility may only occur if there is a substantial legitimate justification, there are no alternative locations that would have a less disparate impact, and it is not a pretext for discrimination).

For any new facility construction, expansion, or acquisition, Arc Herkimer will work with NYSDOT to ensure that the equity analysis is completed and submitted to NYSDOT. The equity analysis will be provided upon request to NYSDOT, FTA and during the triennial review.

The below is intended to provide direction to the reader as to whether Arc Herkimer was required to, completed, and included a Title VI equity analysis with this Title VI Plan update.

Did Arc Herkimer construct, expand or acquired a facility in the past three years?

- ☒ **No.** Arc Herkimer has not constructed, expanded or acquired a facility.
- ☐ **Yes.** Arc Herkimer did (construct, expand, acquire) a facility and completed a Title VI equity analysis to compare the equity impacts of various siting alternatives.

Does Arc Herkimer plan to construct, expand or acquire a facility in the next three years? (*check the box next to the appropriate response below*)

- ☒ **No.** Arc Herkimer does not plan to construct, expand or acquire a facility.
- ☐ **Yes.** Arc Herkimer plans to (construct, expand or acquire) a facility.

If yes, was a Title VI equity analysis completed?

- ☐ **Yes.** A Title VI equity analysis was completed. A copy of the analysis is included as **Appendix X**.
- ☐ **No.** A Title VI equity analysis was not completed.

If no, when will the Title VI equity analysis be completed?

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.

In all dealings with anyone in the community, use courtesy titles (i.e. Mrs., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

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

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

☐ Yes ☐ No

If yes, check all that apply:

☐ Federal Agency: _____

☐ Federal Court: _____

☐ State Court: _____

☐ State Agency: _____

☐ Local Agency: _____

Provide information for the contact person at the agency/court where the complaint was filed.

Name and Title:

Agency:

Address:

Telephone:

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.

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, 5th 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.