



## **VILLAGE OF KEY BISCAYNE TITLE VI PROGRAM PLAN**

"No person in the United States shall, on the ground of race, color, sex, age, disability, religion, family status or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d)

Thomas Fossler, Esq.  
Title VI Coordinator  
Village of Key Biscayne  
88 West McIntyre Street, Suite 200  
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# **Village of Key Biscayne Title VI Program Plan**

## **Introduction**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, sex, age, disability, religion, family status or national origin in programs, activities, and services receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, sex, age, disability, religion, family status 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" (42 U.S.C. Section 2000d).

The Village of Key Biscayne is committed to ensuring that no person is excluded from participation in or denied the benefits of Miami-Dade transit services as well as all programs, services and activities of the Village on the basis of race, color, sex, age, disability, religion, family status or national origin, as protected by Title VI of the Civil Rights Act of 1964,, Executive Order 13166, Section 504 of the Rehabilitation Act of 1973 , The Americans with Disability Act of 1990 ADA,.

## **Information Notices**

Title VI information notices are prominently and publicly displayed at these locations: Village Hall lobby, Police Department, Community Center, Public Works Department, and Parks and Recreation.

The name and contact information of the Title VI coordinator is available on the Village's website, at [www.keybiscayne.fl.gov](http://www.keybiscayne.fl.gov). Additional information relating to the Village's nondiscrimination obligation is provided in this document.

Further information can be obtained directly from the Village's Title VI Coordinator:

Thomas Fossler, Esq.  
Title VI Coordinator  
Village of Key Biscayne  
88 West McIntyre Street, Suite 200  
Key Biscayne, FL 33149  
Email: [tfossler@keybiscayne.fl.gov](mailto:tfossler@keybiscayne.fl.gov)  
Phone: 305-365-8919  
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### **Record Keeping**

The Title VI Coordinator will maintain permanent records, which include, but are not limited to copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

### **Complaints**

The complainant may file a signed, written complaint no later than 180 days after the date of the alleged discrimination. The complaint procedures are described in detail herein (see Appendix A). Each complaint should include the following information:

Full name, Mailing address, Contact Information (i.e., telephone number, email address, etc.), how, when, where and why you believe you were discriminated against, including location, names and contact information of any witnesses' Other information that you consider significant.

The Title VI Complaint Form, (see Appendix B), may be used to submit the complaint information. The complaint may be filed in writing to the Village at the following address:

Thomas Fossler, Esq.  
Title VI Coordinator  
Village of Key Biscayne  
88 West McIntyre Street, Suite 200  
Key Biscayne, FL 33149  
Email: [tfossler@keybiscayne.fl.gov](mailto:tfossler@keybiscayne.fl.gov)  
Phone: 305-365-8919  
Fax: 305-365-7757  
Website: [www.keybiscayne.fl.gov](http://www.keybiscayne.fl.gov)

The Village encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. Complaints must be mailed to the Title VI Coordinator no later than 180 days after the date of the alleged discrimination.

All complaints alleging discrimination based on race, color, sex, age, disability, religion, family status, or national origin in a service or benefit provided by the Village will be directly addressed by the Title VI Coordinator who shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.

Additionally, the Village shall make every effort to address all complaints in an expeditious and thorough manner. A letter acknowledging receipt of complaint will be mailed within seven days (see Appendix C). Please note that in responding to any requests for

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additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

The Village of Key Biscayne will send a final written response letter (see Appendix D) to the complainant. If the complaint is found to be not substantiated (see Appendix E), the complainant is also advised of his or her right to:

- 1) Appeal within seven calendar days of receipt of the final written decision from the Village, and/or
- 2) File a complaint externally with the U.S. Department of Transportation and/or the FTA.

Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

Once sufficient information for investigating the complaint is received by the Village, a written response will be drafted subject to review by the Village Attorney. If appropriate, the Village Attorney may administratively close the complaint. In this case, the Village will notify the complainant of the action as soon as possible.

FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:

Florida Department of Transportation  
Equal Opportunity Office  
ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

In addition to the complaint process described above, a complainant may file a transit complaint with the following offices:

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

*The procedures described herein for complaints of discrimination in the provision of activities, services, programs or benefits provided by the Village of Key Biscayne is not applicable to complaints concerning actions affecting employment. The Village has adopted other procedures and processes, which are available to Village employees for employment matters, as specified and detailed in Chapter V Section 4 of the Village of Key Biscayne Employee Policies and Procedures Manual.*

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### **Limited English Proficiency (LEP)**

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US Department of Transportation (DOT) require federal-aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

**Factor 1:** The number or proportion of LEP persons eligible to be served or likely to be encountered by the City/County's programs, services or activities;

According to the 2013-2017 American Community Survey 5-Year Estimates, the Village has an estimated total population of 12,514 residents 5 year of age or older. 1,564 (12.5% of the total population) of those residents speak English less than "very well". Of those 1,564 residents 1,388 (11.09% of the total population) speak Spanish, 176 (1.41% of the total population) residents speak other Indo-European languages, and no residents speak Asian, Pacific Island, or other languages. Using this survey data, the Village has determined that LEP individuals speaking English less than "very well" represent approximately 12.5% of the community and mostly speak Spanish.

**Factor 2:** The frequency with which LEP individuals come in contact with these programs, services or activities;

The Village has received requests for translation or interpretation of its programs, services or activities into Spanish or other language(s). In addition, Village sponsored community outreach or public events are attended by significant numbers of LEP individual speakers. Thus, the Village estimates moderate contact with LEP individuals.

**Factor 3:** The nature and importance of the program, service, or activity to people's lives and;

The Village believes that transportation is of critical importance to its public, as access to health care, emergency services, employment, and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the Village defines as essential any document that advises the public of how to access the nondiscrimination and public involvement policies, as well as those that impact public safety, health and welfare and emergency services.

**Factor 4:** The resources available to the City/County and the likely costs of the LEP services.

The Village employs several proficient Spanish speakers, with an established hiring preference, that can interpret and/or provide translation services. Most Village departments have at least one or more employees that are bilingual and Spanish

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speakers are accommodated with a translator when requested. The Village regularly disseminates information via its website which can be translated into a number of languages via a button on the top right corner and most forms and mailers are provided in English and Spanish. Other translated documents are available upon request by contacting the Village Title VI/Nondiscrimination Coordinator. The Village Title VI Policy and Complaint Procedures is hosted on the Village's web page in English and made available in other languages as requested.

The Village educates our staff and contractors on the following procedure (Appendix F):

- a. Understanding the Title VI Policy and LEP Responsibilities
- b. How to Access Title VI Policy and Procedures via the Village's Website
- c. Document and Resolve Any Language Assistance Deficiencies
- d. The procedure if a Title VI and/or LEP complaint is filed.

The analyses of these factors suggest that LEP services are required at this time. At a minimum, the Village commits to:

- Maintain a list of employees who competently speak the LEP language(s) and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly has contact with the public.
- Provide public notification in the LEP language of the availability of language assistance, free of charge.

The Village understands that its community characteristics change and that the four-factor analysis may reveal the need for more or varied LEP services in the future. As such, it will at least triennially examine its LEP plan to ensure that it remains reflective of the community's needs.

Persons requiring special language services should contact the Agency's Title VI/Nondiscrimination Coordinator.

### **Public Participation Plan**

The Village of Key Biscayne seeks to engage the public in its planning and decision-making processes. Members of the public may make statements at Village Council meetings, which occur the second Tuesday of the month. Village Council agendas are available for review by the public no less than two (2) days before Council meetings.

Notices of resolutions or ordinances under Commission consideration are announced in print in local newspapers. The Village continuously seeks innovative methods to engage the public in its planning and decision-making processes, as well as its outreach activities. Recent outreach initiatives include:

- Public notices in local and county wide newspapers
- On site posting

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- Village website

Ordinances and resolutions adopted by the Village to apply for and utilize Federal and State grant funding are placed on the public hearing/meeting agenda and are subject to public notice and comment procedures.

The Village and its records are available to the public and the Village welcomes their input. The Village's Title VI Complaint Procedure is available to the public via the Village's website [www.keybiscayne.fl.gov](http://www.keybiscayne.fl.gov).

### **Decision Making Bodies**

The Village of Key Biscayne does not have any transit related non-elected planning boards or advisory councils or planning boards or committees. If any such committees are established in the future, this plan will be amended to depict minority representation on such committees and to describe the efforts made to encourage participation of minorities on such committees.

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**Appendices**

**Appendix A:** Complaint Procedures

**Appendix B:** Complaint Form

**Appendix C:** Letter Acknowledge Receipt of Complaint

**Appendix D:** Letter Notifying Complainant That the Complaint is Substantiated

**Appendix E:** Letter Notifying Complainant That the Complaint is not Substantiated

**Appendix F:** Employee Annual Education Form

**Appendix G:** Record of Investigations, Complaints and/or Lawsuits

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## **Appendix A**

### **Complaint Procedures**

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color, sex, age, disability, religion, family status, 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."

Any person who believes he or she has been discriminated against on the basis of race, color, sex, age, disability, religion, family status, or national origin by the Village of Key Biscayne may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. A complaint may be filed no later than 180 days after the date of the alleged discrimination. The Village or its designated Title VI Coordinator will process complaints that are complete.

Once the complaint is received, the Title VI Coordinator will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgment letter informing him/her whether the complaint will be investigated by our office.

The Village has 60 days to investigate the complaint. If more information is needed to resolve the case, the Village's Title VI Coordinator may contact the complainant. The complainant will have 10 business days from the date of the letter to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the Title VI Coordinator can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the case is investigated he/she will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, he/she has 10 business days after the date of the LOF to do so.

FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:

Florida Department of Transportation  
Equal Opportunity Office  
ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

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In addition to the complaint process described above, a complainant may file a transit complaint with the following offices:

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

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**Appendix B  
Complaint Form ADA/Title VI Grievance/Complaint Form  
Formulario de Queja del ADA/Titulo VI**

<b>Section I/Seccion I:</b>		
Name/Nombre:		
Address/Direccion:		
Telephone (Home)/ Telefono (Casa):	(Work/Trabajo):	(Cell/Celular):
Email Address/Correo Electronico:		
<b>Section II/Seccion II:</b>		
Are you filing this complaint on your own behalf? <i>Esta usted presentando esta queja en su nombre?</i>		
<input type="radio"/> Yes/Si* <input type="radio"/> No/No		
*If you answered "Yes" to this question, go to Section III. * Si contesto "Si" a esta pregunta, vaya a la Seccion III.		
If you answered "No" to this question, please supply the name and relationship of the person for whom you are complaining: <i>Si contesto "No" a esta pregunta, por favor provea el nombre y el tipo de la relacion de la persona por la cual se esta quejando:</i>		
Please explain why you have filed for a third party: <i>Por favor explique porque esta presentando por una tercera persona:</i>		
<b>Section III/Seccion III:</b>		
I believe the discrimination I experienced was based on (check all that apply) <i>Yo creo que la discriminacion que experimente esta basada en (marque todas las que apliquen)</i>		
<input type="radio"/> Race/Raza	<input type="radio"/> Color/Color	<input type="radio"/> National origin/Origen Nacional
<input type="radio"/> Sex/Sexo	<input type="radio"/> Age/Edad	<input type="radio"/> Disability/Discapacidad
<input type="radio"/> Religion/Religion	<input type="radio"/> Family Status/Estado Familiar	

Date of alleged Discrimination (month/day/year):  
*Fecha de alegada discriminacion (mes/dia/año):*

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 use the back of this form or attach additional sheet(s).)

*Explique los mas claro posible lo que paso y porque usted cree que fue discriminado. Describa todas las personas ques estuvieron involucrada. Incluya el nombre y tambien la informacion de contacto de las persona(s) que discriminaron en su contra (si lo sabe) y tambien los nombres y la informacion de contacto de cualquier testigo. (Si necesita mas espacio para escribir use la parte de atras de esta pagina o le puede añadir otra(s) pagina(s).)*

Signature and date required below.  
*Firma y fecha requerida abajo.*

Signature/*Firma:*

Date/*Fecha:*

Please submit this form in person at the address below, or fax, mail or email to:  
*Favor de someter este formulario en persona a la direccion que aparace abajo o enviar por fax,  
correo o correo electronico a:*

Thomas Fossler, Esq.  
Title VI Coordinator, ADA Coordinator  
Village of Key Biscayne  
88 West McIntyre Street, Suite 200  
Key Biscayne, FL 33149  
Email: [tfossler@keybiscayne.fl.gov](mailto:tfossler@keybiscayne.fl.gov)  
Phone: 305-365-8919  
Fax: 305-365-7757

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**Appendix C  
Letter Acknowledging Receipt of Complaint**

Village Letterhead

Date

Complainant's Name  
Complainant's Address

Dear (Mr. /Ms.):

This letter is to acknowledge receipt of your complaint against the Village of Key Biscayne 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 this office by telephoning 305-365-8919, or write to me at this address.

Sincerely,

Thomas Fossler, Esq.  
Title VI Coordinator  
Village of Key Biscayne

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**Appendix D  
Letter Notifying Complainant that the Complaint is substantiated**

Village Letterhead

Date

Complainant's Name  
Complainant's Address

Dear (Mr. /Ms.):

The matter referenced in your letter of (date) against the Village of Key Biscayne alleging Title VI violation has been investigated. The violation of the Title VI of the Civil Rights Act of 1964 mentioned in your letter was identified. Corrective action of this deficiency(s) is being implemented to ensure that this issue does not arise again

Thank you for bringing this important matter to our attention.

Sincerely,

Thomas Fossler, Esq.  
Title VI Coordinator  
Village of Key Biscayne

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**Appendix E**

**Letter Notifying Complainant that the Complaint is not substantiated**

Village Letterhead

Date

Complainant's Name  
Complainant's Address

Dear (*Mr. /Ms.*)

The matter referenced in your complaint of the Village of key Biscayne 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, sex, age, disability, religion, family status, or national origin in any program receiving federal financial assistance.

The Village Attorney has analyzed the materials and facts pertaining to your case for evidence of the Village's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated. I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to:

- 1) Appeal within seven calendar days of receipt of this final written decision from the Village, and/or
- 2) 2) File a Title VI complaint externally with the U.S. Department of Transportation or a transit complain with the Federal Transit Administration at:

Florida Department of Transportation  
Equal Opportunity Office  
ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

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

**Village of Key Biscayne  
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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 at 305-365-8919.

Sincerely,

Thomas Fossler, Esq.  
Title VI Coordinator  
Village of Key Biscayne

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**Appendix F  
Employee Annual Education Form**

To all employees of the Village the Village receives sufficient information for investigating the complaint of Key Biscayne:

No person shall, on the grounds of race, color, sex, age, disability, religion, family status, 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 the Village of Key Biscayne and its contractors are expected to consider, respect, and observe this policy in their daily work and duties.

If a citizen approaches you with a question or complaint, direct him or her to contact:

Thomas Fossler, Esq.  
Title VI Coordinator  
Village of Key Biscayne  
88 West McIntyre Street, Suite 200  
Key Biscayne, FL 33149  
Email: [tfossler@keybiscayne.fl.gov](mailto:tfossler@keybiscayne.fl.gov)  
Phone: 305-365-8919  
Fax: 305-365-7757  
Website: [www.keybiscayne.fl.gov](http://www.keybiscayne.fl.gov)

In all dealings with citizens, use courtesy titles (i.e. Mr., Ms., etc.) to respectfully address the citizens without regard to race, color, sex, age, disability, religion, family status, or national origin.

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**Appendix G  
Record of Investigations, Complaints and/or Lawsuits**

<b>Type of Complaint</b>	<b>Date of Complaint</b>	<b>Basis of Complaint</b>	<b>Status of Complaint</b>	<b>Action(s) taken</b>

Note: The Village of Key Biscayne does not have any investigations, complaints, or lawsuits to disclose at this time. Any future disclosures will be listed under the Title VI Program Plan.