



# Non-Discrimination Policy

August 1, 2023

Pima Association of Governments (PAG) complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. PAG operates without regard to race, color, or national origin. PAG meetings are held in accessible locations, and materials are provided in accessible formats in languages other than English upon request within a reasonable advance notice period.

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## Introduction:

Pima Association of Governments (PAG) is the designated metropolitan planning organization (MPO) for Pima County. As the MPO, PAG is responsible for developing federally required plans and programs related to regional planning/management of the following:

- Transportation Planning Organization per Title 23, U.S.C. Section 134
- Water Quality Management Planning Agency per Section 208 of the federal Water Pollution Control Act of 1972
- Lead Air Quality Planning Agency per agreement with Arizona Department of Environmental Quality (ADEQ) to meet requirements of the federal Clean Air Act
- Solid Waste Planning Agency per the federal Resource Conservation and Recovery Act of 1976

As both the recipient and programming agency for federal funding, PAG has the responsibility to follow federal nondiscrimination laws and policies, as well as assist with the compliance of recipients of the federal funds that are programmed through the PAG process. The Civil Rights Act of 1964 and several Presidential Executive Orders outline these responsibilities. Applicable federal requirements are included in:

- Civil Rights Act of 1964
- Civil Rights Restoration Act of 1987
- Federal-Aid Highway Act of 1973
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Age Discrimination Act of 1975
- Uniform Relocation Act of 1970
- Executive Orders 12898 and 13166

## Nondiscrimination Measures:

PAG has policies and procedures in place to promote open access to the PAG process and/or allow participation to all interested parties. These efforts include but are not limited to:

- **Staff Training.** PAG staff is trained annually on the MPO's responsibilities to follow federal non-discrimination laws.
- **Public Involvement Policy (PIP).** The PAG PIP includes a discussion of Title VI and Environmental Justice issues. Strategies to engage traditionally under-served populations are incorporated throughout.
- **Meeting Location and Times.** PAG strives to hold public events at locations that are convenient to public transit. Public events are held late in the afternoon into the early evening to facilitate most traditional "working schedules." Event locations are accessible per the Americans with Disabilities Act (ADA).

- **Development of a Limited English Proficiency (LEP) Plan.** PAG has conducted the U.S. Department of Transportation-recommended, four-factor analysis to determine what language assistance is appropriate for the PAG region.
- **Agendas.** PAG agendas contain a footnote in English and Spanish that translations are available upon request.
  - *In compliance with the Americans with Disabilities Act (ADA), those requiring special assistance, such as large typeface print, sign language or other reasonable accommodations, may request those through the administrative offices at: (520) 792-1093 at least two business days before the meeting.*
  - *PAG operates its programs without regard to race, color and national origin in compliance with Title VI of the Civil Rights Act. We invite you to complete our voluntary self-identification survey (Available in English and Spanish).*
  - *If you need translation assistance, please call (520) 792-1093 and ask for Zonia Kelley. Si necesita ayuda con traducción, llame por favor al (520) 792-1093 y comuníquese con Zonia Kelley.*
- **Website.** PAG's website provides a link to program summary materials translated into Spanish.
- **Public Notice.** Public notice and advertisements to public meetings include a note, in English and Spanish, that translation is available upon request.
- **Posted Public Notice.** A notice has been posted in public view in the display case that holds the agendas for upcoming public meetings; the notice states that PAG complies with Title VI and provides direction to the website for the complaint form and process.
- **Procurement Policies.** PAG procurement policies and contracts contain provisions for DBE outreach and nondiscrimination language.
- **Nondiscrimination Process and Log.** PAG has developed a discrimination complaint process and has it posted on the website. Additionally, PAG keeps a log to track discrimination-related investigations, lawsuits and complaints.

### **Complaint Process:**

Any person who believes that he or she has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 or the Rehabilitation Act of 1973 may file a Title VI discrimination complaint.

PAG maintains a Title VI complaint log and provides a Title VI complaint form on PAG's website as well as at the office front desk. PAG staff have been trained on the federal Title VI requirements and how to assist any member of the public who would like to file a Title VI complaint.

The Title VI complaint procedures described below apply to PAG and its programs, as well as to consultants and contractors funded through PAG.

The Arizona Department of Transportation (ADOT) has the principal responsibility for processing, investigating and resolving all Title VI complaints relating to services and programs funded by FHWA dollars. Complaints related to services or programs funded by FTA dollars may be processed and investigated by PAG.

Title VI complaints may be submitted to any of the contacts below.

Preston McLaughlin  
Title VI Coordinator  
Pima Association of Governments  
1 E. Broadway Blvd, Suite 401  
Tucson, AZ 85701  
Telephone (520) 792-1093, FAX (520) 620-6981  
[pmclaughlin@pagregion.com](mailto:pmclaughlin@pagregion.com)

ADOT Civil Rights Office  
206 S. 17th Ave.  
Mail Drop 155A  
Phoenix, AZ 85007  
(602) 712-8946  
[civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov)

Federal Highway Administration  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-105  
Washington, DC 20590  
(202) 366-0693  
[Civilrights.fhwa@dot.gov](mailto:Civilrights.fhwa@dot.gov)

**Required procedures for FHWA Title VI Complaints filed against PAG, PAG's subrecipients, contractors or consultants:**

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FHWA-related activity or program as prohibited by the legal

provisions of Title VI on the basis of race, color, national origin, can file a formal complaint with PAG. A copy of the Complaint Form may be accessed electronically at: <https://pagregion.com/title-vi/>

2. The complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to the complainant or the last date of the incident.
3. Complaints should be in writing, signed, and may be filed by mail, fax, in person, or email. However, the complainant may call PAG and provide the allegations by telephone for transcription. Once transcribed PAG will send the written complaint to the complainant for correction and signature.
4. A complaint should contain at least the following information:
  - a. A written explanation of what has happened;
  - b. A way to contact the complainant;
  - c. The basis of the complaint (e.g., race, color, national origin);
  - d. The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated;
  - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal Highway Administration financial assistance; and is a consultant, contractor or subrecipient of PAG and
  - f. The date(s) of the alleged discriminatory act(s).
5. Upon receipt of a completed complaint, PAG will forward all FHWA Title VI complaints to the Arizona Department of Transportation (ADOT) Civil Rights Office (CRO) within 72 hours.
6. ADOT CRO will forward all FHWA Title VI complaints to the FHWA Division Office.
7. All Title VI complaints received by the FHWA Division Office will be forwarded to the FHWA Office of Civil Rights for processing and potential investigation.
8. If the FHWA Office of Civil Rights determines a Title VI complaint against a subrecipient can be investigated by the ADOT CRO, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to the ADOT CRO. The ADOT CRO will conduct the investigation and forward the Report of Investigation to the FHWA Office of Civil Rights for review and final disposition.

9. The disposition of all Title VI complaints will be undertaken by the FHWA Office of Civil Rights, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the FHWA Division Office.
10. The complainant may also file a discrimination-related complaint on an FHWA program or activity directly with ADOT or with the Federal Highway Administration using the contact info above.

All FHWA Title VI complaints will be forwarded to ADOT within 72 hours for processing.

**Complaints regarding FTA funding and programs may be investigated by PAG, according to the following procedures:**

1. Any person who believes he and/or she has been discriminated against on the basis of race, color, national origin, or disability may file a discrimination complaint by completing and submitting the agency's Title VI Complaint Form.
2. Formal complaints must be filed within 180 calendar days of the last date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
3. Complaints must be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The ADA/Title VI contact person will assist the complainant with documenting the issues if necessary.
4. Allegations received by fax or email will be acknowledged and processed, once the identity of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or email transmittal for the complaint to be processed.
5. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return for processing.
6. Once submitted PAG will review the complaint form to determine jurisdiction. All complaints will receive an acknowledgement letter informing her/him whether the

complaint will be investigated by PAG or submitted to the state or federal authority for guidance.

7. PAG will notify the ADOT Civil Rights Office of ALL discrimination complaints within 72 hours via telephone at (602) 712-8946; or email at [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov).
8. PAG has 60 business days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has 60 business days from the date of the letter to send 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 60 business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.
9. After the investigator reviews the complaint, she/he 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 discrimination 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.
10. A copy of either the closure letter or LOF must also be submitted to ADOT within 72 hours of that decision. Letters may be submitted by hardcopy or email.
11. A complainant dissatisfied with the PAG decision may file a complaint with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) offices of Civil Rights:

ADOT: ATTN ADA/Title VI Program Coordinator  
206 S. 17th Ave MD 155A RM: 183  
Phoenix, AZ 85007

FTA: Attention Title VI Program Coordinator,  
East Building, 5th Floor-TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

12. A copy of these procedures can be found online at: <https://pagregion.com/title-vi/>