

Title VI, Limited English Proficiency and Environmental Justice



SAT Employee & Tenant Annual Training

Prepared by: Barbara Patton, Title VI Coordinator



SAN ANTONIO INTERNATIONAL AIRPORT

Agenda



- Purpose & Why
- Title VI Complaint Procedure & Complaint Form
- Limited English Proficiency (LEP)
- Environmental Justice (EJ)
- Responsibilities
- Airport Best Practices

49 CFR PART 21



“[49 CFR Part 21] applies to any program for which Federal financial assistance is authorized under a law administered by the Department [of Transportation] ...”

49 CFR § 21

Purpose and Why



➤ Purpose

- Train employees and tenants on Title VI, LEP and EJ
- Provide an understanding of their responsibilities

➤ Why

- Employees and tenants interact with flying public
- Employees and tenants have an obligation to ensure nondiscrimination

Title VI

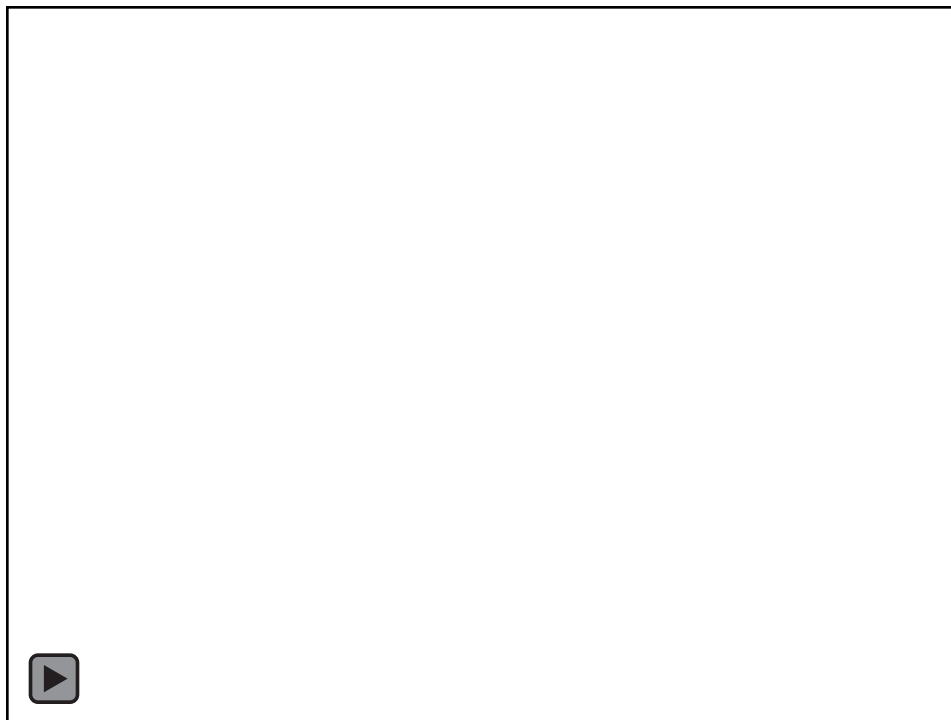


“The Secretary of Transportation shall take affirmative action to ensure that an individual is not excluded because of race, creed, color, national origin, or sex from participating in an activity carried out with money received under a grant [from DOT].”

49 U.S.C. 47123

- San Antonio Airport System(SAAS) (includes SAT/SSF) operates its programs and services without regard to race, color, and national origin, religion, sex, disability (physical or mental), age, genetic information, marital status, sexual orientation or identity, AIDs/HIV status, medical condition, political views or affiliations in accordance with Title VI Civil Rights Acts.
- Any person who believes they have been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with SAAS Title VI Coordinator or FAA.

Title VI Video



Title VI – What is it?



- Title VI of the Civil Rights Act of 1964
- 49 CFR Part 21, *Nondiscrimination in Federally Assisted Programs*

“No persons 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.”

*49 U.S.C. § 47123, *Nondiscrimination*, augments the Title VI protected bases to include sex and creed for FAA recipients

Title VI – What does it mean to me?



- Treat everyone equally
- Do not discriminate against anyone
- Do what I can to assist SAAS to voluntarily comply with Title VI
- Know how to handle a discrimination complaint if I receive one

Allegations of discrimination should be promptly reported to:

Title VI Coordinator Barbara Patton

(210) 207-SAIA (7242)

9800 Airport Blvd. Terminal A Mezzanine, San Antonio, TX 78216

Federal regulations on unlawful discrimination are available for review in the Title VI Coordinator's Office.

Title - VI Why?



- DOT guidance states “transportation is considered an essential service to participation in modern society”
- Airports are required to ensure nondiscrimination for air passengers, tenants, Limited English Proficient (LEP) individuals and others affected by such things as environmental justice
- It is the law
- It is the right thing to do
- It could be you

Title VI Compliant Procedure - When to File



- A complaint of discrimination must be filed within **180 calendar days** of the alleged act of Discrimination, or discovery thereof; or where there has been a continuing course of conduct, the date on which that conduct was discontinued.
- Filing means a written complaint must be postmarked before the expiration of the 180-day period.
- The filing date is the day you complete, sign, and mail the complaint form. The complaint form and consent/release form must be dated and signed for acceptance.
- Complaints received more than 180 days **after** the alleged discrimination **will not be processed** and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

SAT/SSF Discrimination Complaint Form

Pages 1 & 2



San Antonio Airport System Discrimination Complaint Form

Please read the information on this page of this form carefully before you begin.

As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, SAT/SSF ensures that no person shall, on the grounds of race, religion, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any agency programs or activities. These prohibitions extend from the San Antonio Airport System, as a direct recipient of federal financial assistance, to its sub-recipients (e.g., contractors, consultants, local governments, colleges, universities, etc.). All programs funded in whole or in part from federal financial assistance are subject to Title VI requirements.

SAT/SSF is required to implement measures to ensure that persons with limited-English proficiency or disability have meaningful access to the services, benefits and information of all its programs and activities under Executive Order 13166. Upon request, assistance will be provided if you are limited-English proficient or disabled. Complaints may be filed using an alternative format if you are unable to complete the written form.

The filing date is the day you complete, sign, and mail this complaint form. Your complaint must be filed no later than 180 calendar days from the most recent date of the alleged act of discrimination. The complaint form and consent/release form must be dated and signed for acceptance. You have 30 calendar days to respond to any written request for information. Failure to do so will result in the closure of the complaint.

Submit the forms by mail to:

San Antonio Airport System
Title VI Coordinator
9800 Airport Blvd.
San Antonio, TX 78216

Or hand delivered to:
9800 Airport Blvd,
Terminal A Mezzanine Level
San Antonio, TX 78216

Via electronic mail to aviation.sbo@sanantonio.gov

If you have any questions or need additional information, please call (210)207-SAIA or e-mail aviation.sbo@sanantonio.gov.



San Antonio Airport System Discrimination Complaint Form

Please read the information on this page of this form carefully before you begin.

1

First Name _____ MI _____ Last Name _____
Street Address _____ City _____ State _____ Zip Code _____
Telephone Number _____ e-mail Address _____

2

Who do you believe discriminated against you?

First Name _____ MI _____ Last Name _____
Name of Business/Organization _____ Position/Title _____
Street Address _____ City _____ State _____ Zip Code _____
Person's Relationship to You _____

3

When did the alleged act(s) of discrimination occur?
Please list all applicable dates in mm/dd/yyyy format.

Date(s): _____
Is the alleged discrimination ongoing? ☐ Yes ☐ No

4

Where did the alleged act(s) of discrimination occur? (Attach additional pages as necessary.)

Name of Location _____

5

Indicate the basis of your grievance of discrimination.

☐ Race: ☐ Color:
☐ National Origin: ☐ Sex:
☐ Age: ☐ Disability:
☐ Religion:

SAT/SSF Discrimination Complaint Form

Pages 3-5



6 Describe in detail the specific incident(s) that is the basis(es) of the alleged discrimination. Describe each incident of discrimination separately. Attach additional pages as necessary.

Please explain how other persons or groups were treated differently by the person(s)/ agency that discriminated against you.

Please list and describe all documents, e-mails, or other records and materials pertaining to your complaint.

Please list and identify any witness(es) to the incidents or persons who have personal knowledge of information pertaining to your complaint.

Have you previously reported or otherwise complained about this incident or related acts of discrimination? If so, please identify the individual to whom you made the report, the date on which you made the report, and the resolution. Please provide any supporting documentation.

Please provide any additional information about the alleged discrimination.

7 If an advisor will be assisting you in the complaint process, please provide his/her name and contact information.

First Name MI Last Name

Name of Business Position/Title Telephone Number

Street Address City State Zip Code

8 This complaint form must be signed and dated in order to address your allegations. Additionally, this office will need your consent to disclose your name, if needed, in the course of our investigation. The Discrimination Complaint Consent/Release form is attached. If you are filing a complaint of discrimination on behalf of another person, our office will also need this person's consent.

I certify that to the best of my knowledge the information I have provided is accurate and the events and circumstances are as I have described them. I also understand that if I will be assisted by an advisor, my signature below authorizes the named individual to receive copies of relevant correspondence regarding the complaint and to accompany me during the investigation.

Signature Date



San Antonio Airport System Discrimination Complaint Consent/Release Form

Please read the information on this form carefully before you begin.

First Name MI Last Name

Street Address City State Zip Code

As a complainant, I understand that in the course of an investigation it may become necessary for the San Antonio Airport System (SAT/SSF) to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of the San Antonio Airport System (SAT/SSF) to honor requests under the Freedom of Information Act. I understand that as a complainant I am protected from retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes and regulations which are enforced by the Federal Aviation Administration (FAA) of the U.S. Department of Transportation.

Please check one:

☐ I CONSENT and authorize the (SAT/SSF), as part of its investigation, to reveal my identity to persons at the organization, business, or institution, which has been identified by me in my formal complaint of discrimination. I also authorize SAT/SSF to discuss, receive and review materials and information about me from the same and with appropriate administrators or witnesses for the purpose of investigating this complaint. In doing so, I have read and understand the information at the beginning of this form. I also understand that the material and information received will be used for authorized civil rights compliance activities only. I further understand that I am not required to authorize this release and do so voluntarily.

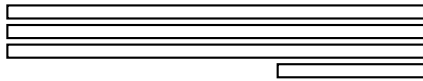
☐ I DENY CONSENT to have the San Antonio Airport System (SAT/SSF), reveal my identity to persons at the organization, business, or institution under investigation. I also deny consent to have SAT/SSF disclose any information contained in the complaint with any witnesses I have mentioned in the complaint. In doing so, I understand that I am not authorizing SAT/SSF to discuss, receive, nor review any materials and information about me from the same. In doing so, I have read and understand the information at the beginning of this form. I further understand that my decision to deny consent may impede this investigation and may result in the unsuccessful resolution of my case.

Signature Date

Title VI Compliant Procedure - Where to File



In order to be processed, signed original complaint forms may be
mailed to:



San Antonio Airport System
Title VI Coordinator
9800 Airport Blvd. Terminal A Mezzanine
San Antonio, TX 78216

Or hand delivered to:

9800 Airport Blvd.
Terminal A Mezzanine Level
San Antonio, TX 78216



Or emailed to:

Aviation.SBO@sanantonio.gov



Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability or limited-English proficiency. A complaint may also be filed by a representative on behalf of a complainant.

Persons who are not satisfied with the findings of SAAS may seek remedy from other applicable state or federal agencies.

Limited English Proficient (LEP)



We can speak your language,
please ask us.

(Bengali)

আমরা আপনার ভাষায় কথা বলতে পারি,
অনুগ্রহ করে আমাদের জিজ্ঞাসা করুন

(Somali)

Waanu ku hadli karaa luqadaada,
fadlan na waydii.

(Polish)

Potrafimy mówić w Twoim języku,
poproś nas tylko.

(Arabic)

نحن نتكلم بلغتك، يرجى السؤال

(Turkish)

Türkçe çeviri için bizden
istekte bulunabilirsiniz.

(Chinese)

我們可以用中文與你交談，請向我們查詢。

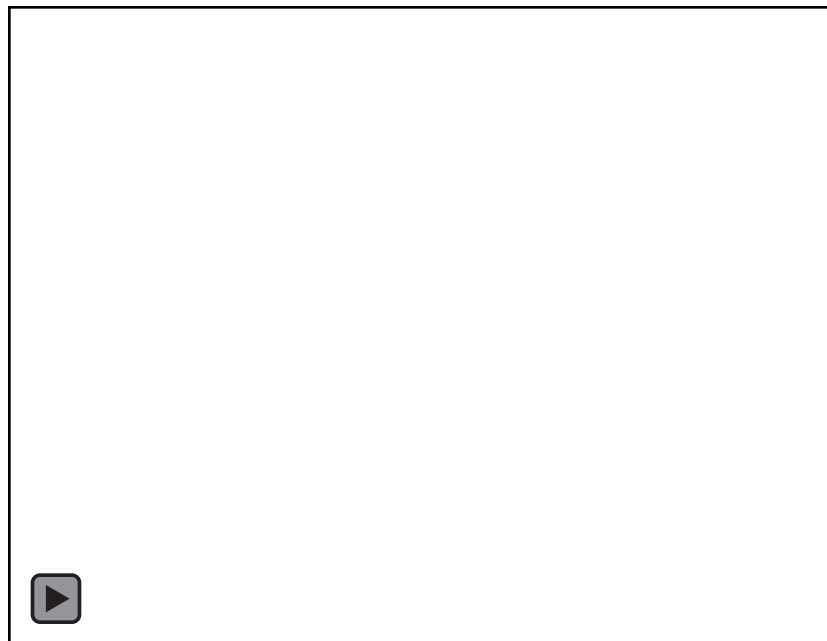
(Vietnamese)

Chúng tôi có thể nói ngôn ngữ của quý vị,
xin hỏi chúng tôi.

“Title VI and its regulations require recipients to take reasonable steps to ensure ‘meaningful’ access to the information and services they provide.”

Federal Register 50123

LEP Video



LEP - What is It?



- Title VI of the Civil Rights Act of 1964
- Executive Order 13166 *Improving Access to Services for Persons with Limited English Proficiency*
- U.S. Department of Transportation LEP Guidance in Federal Register, Volume 70, No. 239, *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons*
- Limited English Proficient Individual
- Interpretation (verbal)
- Translation (written)

LEP – What does it mean to me?



- Know what language assistance options are available
- Know what to do if an LEP individual approaches you
- Be familiar with the airport, for example can you direct someone to:
 - Information booth(s)
 - Baggage claim
 - Airport maps
 - restroom
 - Police
- If you are bilingual or multilingual and are willing to assist LEP individuals – let SAAS know

LEP – Why?



- LEP individuals may not:
 - Understand English instructions
 - Be able to read English
 - Communicate their need(s)
- There may be an emergency
- Airports are required to ensure nondiscrimination and meaningful access for LEP individuals
- It's the law
- It's the right thing to do
- It could be you somewhere in the world

Four Factor Analysis Overview



➤ Recipients should apply these four factors to determine the extent of their obligation to provide LEP services:

1. Number/proportion of LEP persons in a recipient's area
2. Frequency of contact between LEP individuals and the recipient's services
3. Importance of the service provided by the recipient
4. Resources available to the recipient and costs

Four Factor Analysis – 1st Factor



- Number/proportion of LEP persons in a recipient's area
 - The greater number or proportion of LEP individuals in the service area, the more likely language services will be needed

Four Factor Analysis – 2nd Factor



- Frequency of contact between LEP individuals and the recipient's services
 - The more frequent the contact between the services and the LEP population, the more likely the need for enhanced language services

Four Factor Analysis – 3rd Factor



- Importance of the service provided to the recipient
 - The more important the activity or service or the greater consequences of the contact to the LEP individuals, the more likely language services are needed
 - In essence, if a delay or denial of access to a particular service could have serious health or life threatening implications it is probably “important”

Four Factor Analysis – 4th Factor



- Resources available to the recipient and costs
 - A recipient's level of resources and the costs imposed may have an impact on the nature of steps it should take in providing meaningful access for LEP individuals

LEP and Plans



➤ Language assistance plan

➤ Emergency plan

- Identify how LEP individuals will be assisted during an emergency
 - Alert Notification & warning
 - Emergency Public Information
 - Protective Actions



Environmental Justice (EJ)



“Environmental justice ensures no low-income or minority population bears a disproportionate burden of effects resulting from Federal [funding recipients] actions.”

FAA Airports Desk Reference,
Chapter 10

EJ VIDEO



EJ - What is it?



- Title VI of the Civil Rights Act of 1964
- Executive Order 12898, *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*
- U.S. Department of Transportation Order 5610.2A, *Use of Standard DOT Title VI/Nondiscrimination Assurances*
- Low-income population
- Minority population

EJ - What does it mean to me?



- Can help to ensure that discrimination does not occur
- Can help with community involvement/outreach
- Can help to identify low-income and/or minority communities near the airport

EJ – Why?



- Environmental justice concerns must be considered at all stages of a project (development and planning)
- Community size does not matter
- It's the law
- It's the right thing to do
- It could be you living near the airport

Responsibilities



“Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious.”

President John F. Kennedy, 1963

Responsibilities - FAA



- Enforce:
 - Title VI of the Civil Rights Act of 1964
 - 49 CFR Part 21
 - 49 U.S.C. 47123
 - Executive Order 13166 (LEP)
 - Executive Order 12898 (EJ)
- Conduct compliance reviews of SAAS' Title VI/ Nondiscrimination programs
- Conduct consultations with SAAS
- Provide training and technical assistance SAAS
- Investigate and resolve Title VI complaints of discrimination

Responsibilities – SAAS



- Abide by the laws
- Ensure all employees and tenants understand their responsibilities
- Ensure all contracts* include a clause regarding 49 CFR Part 21 and nondiscrimination obligations
- Identify how LEP individuals will be assisted during an emergency
- Report discrimination complaints received to the FAA within 15 days of receipt
- Post “Unlawful Discrimination” poster

Unlawful Discrimination Poster



Unlawful Discrimination

It is unlawful for airport operators and their lessees, tenants, concessionaires and contractors to discriminate against any person because of race, color, national origin, sex, creed, or disability in public services and employment opportunities. Allegations of discrimination should be promptly reported to the Airport Manager or:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Federal regulations on unlawful discrimination are available for review in the Airport Manager's Office.

Coordinator: San Antonio Airport System Title VI Coordinator
Phone: (210) 207-3450 or aviation.sbo@sanantonio.gov
Address: 9800 Airport Blvd. Terminal A Mezzanine
San Antonio, TX 78216

Discriminación Ilegal

Se prohíbe a los operadores de aeropuertos y a sus arrendatarios, inquilinos, concesionarios y contratistas discriminar contra cualquier persona por motivo de raza, color, nacionalidad de origen, sexo, creencias religiosas, impedimento físico o discapacidad en lo que respecta a servicios públicos y oportunidades de empleo. Las alegaciones de discriminación deberán ser dirigidas inmediatamente al Administrador del Aeropuerto o a:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Los reglamentos sobre discriminación ilegal están a la disposición de los interesados para su examen en la oficina del Administrador del Aeropuerto.

Coordinador: San Antonio Airport System Title VI Coordinator
Teléfono: (210) 207-3450 or aviation.sbo@sanantonio.gov
Dirección: 9800 Airport Blvd. Terminal A, Mezzanine
San Antonio, TX 78216



U.S. Department of Transportation
Federal Aviation Administration

14C-01088

Responsibilities – Others



➤ Airport Employees:

- Knowledgeable of the airport language assistance plan

➤ Tenants:

- Be aware and knowledgeable of nondiscrimination clause in contracts

➤ Everyone:

- Abide by the laws
- Do not discriminate
- Report discrimination complaints to SAAS

Airport Best Practices



Airport Best Practices – Title VI



- Title VI Coordinator
- Formal discrimination complaint procedures
- “Unlawful Discrimination” posters displayed
- All contracts include the appropriate nondiscrimination clause
- Periodically informs/trains employees and tenants regarding Title VI
- Title VI complaint procedures and complaint forms posted on website

Airport Best Practices - LEP



- Telephonic language assistance service
- Bilingual and multilingual staff and/or volunteers
- Name tags identifying language(s) the individual speaks
- Universal signage
- Documents, signage and/or announcements in multiple languages
- Language assistance plan
- Website available in language(s) other than English
- iPad/computer with Google translate
- I-Speak (translation) cards

Airport Best Practices - EJ



- Knows communities surrounding airport
- Conducts outreach to communities when preparing to do projects
- Noise program
- Information about projects posted on website
- Notices in local newspapers about projects and meetings

