



# Title VI Plan

2024

Scott Marshall  
CITY MANAGER  
843-525-7070  
FAX 843-525-7013



**CITY OF BEAUFORT**  
1911 Boundary Street  
BEAUFORT, SOUTH CAROLINA 29902

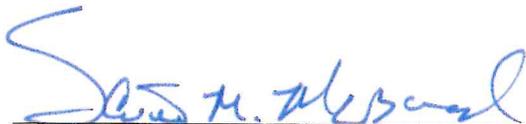
COUNCIL MEMBERS:  
Phil Cromer, Mayor  
Mike McFee, Mayor Pro Tem  
Josh Scalette  
Mitch Mitchell  
Neil Lipsitz

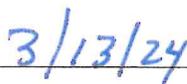
## **City of Beaufort Title VI Policy Statement**

It is the policy of the City of Beaufort to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). The City of Beaufort does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination based on race, color, or national origin.

All Federally assisted programs will be administered in a manner to guarantee that the City of Beaufort, other recipients, sub-recipients, sub-recipients, contractors, subcontractors, transferees, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, Civil Rights acts and Department of Transportation regulations. The City of Beaufort is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) Part 200 and 49 Code of Federal Regulation Part 21.

*\*Those requiring in alternative formats or in a language subject to the City's Limited English Proficiency (LEP) Plan, should contact the Title VI Coordinator.*

  
\_\_\_\_\_  
Scott Marshall, City Manager

  
\_\_\_\_\_  
Date

## **AUTHORITIES**

Title VI Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of or otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [2.557]).

Environmental Justice (EJ) (Executive Order 12898) addresses disproportionate adverse environmental social and economic impacts that may exist in communities, specifically minority and low-income populations.

Limited English Proficiency (LEP) (Executive Order 13166) addresses access to services for persons whose primary language is not English who have limited ability to read, write, speak, or understand English.

Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 324) prohibits discrimination based on handicap/disability.

## **TITLE VI PROGRAM OVERVIEW**

It is the practice of the City of Beaufort to assure affirmative compliance with Title VI of the Civil Rights Act of 1964, as amended, and in accordance with all other related statutes, regulations, and Executive Orders. The assurances previously given by the Federal Highway Administration are hereby reaffirmed and extend to the City of Beaufort. Examples of the application of this practice include, but are not limited to, the following:

No person in the United States will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which the City receives federal financial assistance from the U. S. Department of Transportation, including the SCDOT, Federal Highway Administration and the Federal Transit Administration. In addition, the City will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.

All federally funded or federally assisted programs will be administered in a manner to guarantee that the City, other recipients, sub-recipients, contractors, subcontractors, transferees, and other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants in federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations.

The City will not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, public transportation, property management, fee contracts, and other formal commitments with person for services and expenses incidental to the acquisition of right of way.

Discrimination will not be permitted against any eligible persons in making relocation payments and/or providing relocation assistance when required by highway right of way acquisitions.

Federal-aid contractors may not discriminate in their selection and retention of subcontractors who participate in Federal-aid construction, acquisition of right of way and related projects, including those who supply materials and lease equipment.

The City will not discriminate against the traveling public, business users of Federally assisted highways and public transportation users in their access to and use of the facilities and services provided for public accommodation (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under right of way.

The City will not locate, design a highway, or provide transportation services in a manner that will discriminate against any person based on his or her race, color, or national origin.

In location, design and construction of highway facilities, and transportation services, care will be exercised to ensure reasonable access to and use thereof by all persons regardless of race, color, or national origin.

## **TITLE VI PUBLIC NOTICE**

The City of Beaufort fully complies with Title VI of the Civil Rights Act of 1964 and related statutes, executive orders, and regulations in all programs and activities. The City operates without regard to race, color, or national origin. Any person who believes they have been subjected to discrimination prohibited by Title VI may by themselves or by representative file a written complaint with the City of Beaufort, Title VI Coordinator. A complaint must be filed no later than 180 days after the date of the alleged discrimination.

## **TITLE VI PROGRAM ADMINISTRATION**

The City's Title VI Plan is administered by the Human Resources Director under the direct supervision of the City Manager. An organizational chart for this division can be found in Appendix F. The Human Resources Director is responsible for ensuring implementation of the plan and will serve as the Title VI coordinator. The Title VI Coordinator is responsible for the overall management of the Title VI programs, the day-to-day administration of the plan and serves as the Limited English Proficiency (LEP) Coordinator. The Title VI Coordinator will be supported by staff from our Community Development, Downtown Operations, Public Works and City Manager departments to ensure the plan is implemented in compliance with Title VI program requirements.

Human Resources

Director

Ivette Burgess

[iburgess@cityofbeaufort.org](mailto:iburgess@cityofbeaufort.org)

843-525-7018

## **TITLE VI COORDINATOR RESPONSIBILITIES**

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the City's compliance with Title VI Regulations. Title VI responsibilities are as follows:

1. Conduct Title VI compliance reviews of department program area activities of federal financial assistance.
2. Collects statistical data (race, color, national origin, sex disability, and age) on the City's relevant boards, commissions, and committees, and participants in the beneficiaries of the City's programs, activities, and services.
3. Review pre-grant and post-grant awards for compliance with Title VI requirements.
4. Coordinate the development and implementation of a training program and conduct training programs on Title VI and other related statutes for City employees and recipients of federal grant funds.
5. Process and maintain log of Title VI complaints.
6. Ensure that Title VI requirements are included in policy directives and that the procedures used have built in safeguards to prevent discrimination.
7. Assist program personnel to correct Title VI problems or discriminatory practices or policies found when conducting self-monitoring and compliance review activities.
8. Manage the City's Limited English Proficiency (LEP) Program ensuring that City information and services are accessible to customers. Develop Title VI information for public dissemination, where appropriate, in languages other than English.

## **TRAINING PROGRAMS**

The City of Beaufort is committed to ensuring on-going Title VI training for our Title VI Coordinator. This is part of our annual training and may include a combination of FHWA Training materials, SCDOT Training Programs, as well as online and/or in-person training from private companies or agencies qualified in Title VI compliance. Training will be made available annually. The training will provide comprehensive information on Title VI provisions, application to program operations, identification of Title VI issues and resolution of complaints. Training records and logs will be maintained by the Title VI Coordinator.

## **PUBLIC NOTIFICATION AND INVOLVEMENT PLAN**

The goal of the City's communications and public participation program is to ensure early and continuous public notification about, and participation in, major actions and decisions by the City of Beaufort. In seeking public comment and review, the City makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. The City of Beaufort public involvement process is multi-faceted and utilizes various outlets to include website, social media, and traditional media to engage with our city residents, and community members. City meetings are conducted in accessible locations and upon request, materials can be provided in accessible formats and in languages other than English. The city's website, [www.cityofbeaufort.org](http://www.cityofbeaufort.org), is the landing page for projects, information, emergency communications, and alerts. If you would like accessibility or language accommodation, please contact the Title VI Coordinator. If you wish to attend a City function and require special accommodation, please give the City of Beaufort one week's notice in advance.

Project specific public involvement and communication plans are developed for each project depending on the type of project, the scope of the project and the anticipated impact it will have on the community. The City works very closely with our neighborhood associations, community leaders and city leadership to develop effective communication and engagement plans for each project.

## **LIMITED ENGLISH PROFICIENCY PLAN**

This Limited English Proficiency Plan has been prepared to address the City of Beaufort's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

The City of Beaufort has developed this Limited English Proficiency Plan to help identify

reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

## **MONITORING, EVALUATING AND UPDATING THE PLAN**

On an annual basis, the Title VI Coordinator shall review changes in demographics and services provided to determine the need to modify or update frequently used services, programs, and documents, to ensure accessibility for LEP services to the LEP public and employees. The annual LEP Review shall include:

- Assessing current and historical LEP populations in the service area or population affected or encountered.
- Assessing current and historical LEP usage, including languages served.
- Determining the frequency of encounters with LEP language groups by surveying staff on how often they use language assistance services, if they believe there should be changes in the way services are provided or the providers that are used, and if they believe that the language assistance services in place are meeting the needs of the LEP community in our service area.
- Assessing customer satisfaction by surveying LEP candidates based on their experience of the City's programs, benefits, services, and the importance of activities to LEP persons.
- Reviewing any complaints from LEP persons about their needs that were received during the previous year.
- Solicit and evaluate feedback from community-based organizations and stakeholders about the City's effectiveness and performance in ensuring meaningful access for LEP individuals.
- Updating the community demographics and needs by engaging school districts, neighborhood associations, faith communities, refugee resettlement agencies and other local resources.
- Monitor the City's response rate to complaints or suggestions by LEP individuals, community members and employees regarding language assisted services provided.
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
- Educate or refresh staff to work effectively with in-person and telephone interpreters.
- Determining whether identified sources for assistance are still available and viable.

## **DISSEMINATION OF PLAN**

The Language Assistance Plan is available on the City's website. This Plan is also available at no cost in English upon request by telephone, fax, and mail or in person. If requested to be provided in another language and it is feasible to have it translated, it shall be provided at no cost to the requester.

## CONTACT INFORMATION

Questions or comments about this plan may be submitted to the City's Title VI Coordinator at:

Human Resources Department  
Attn: Ivette Burgess, Human Resources Director/Title VI Coordinator  
1911 Boundary Street  
Beaufort, SC 29907  
[iburgess@cityofbeaufort.org](mailto:iburgess@cityofbeaufort.org)  
843-525-7018

## TITLE VI COMPLAINT PROCEDURE

The City has also developed the following procedures for addressing complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by the City of Beaufort or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. The City of Beaufort will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

If you believe you have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin, you may contact the City of Beaufort Title VI Coordinator at (843) 525-7018 or file your complaint using the form on the City's website.

## STANDARD U.S. DOT TITLE VI ASSURANCES

The City of Beaufort (LPA) (hereinafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA), is subject to and will comply with the following:

### STATUTORY/REGULATORY AUTHORITIES

- Title VI of the Civil Rights Act of 1964 (§42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin).
- 49 C.F.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964).
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964),

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

## GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that

“No person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from the Department of Transportation, including the FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA).

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

## SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs:

1. The Recipient agrees that each "activity", "facility", or "program", as defined in §§21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated or will be (with regard to a facility) operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and, the Regulations.
2. That the Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source: *“City of Beaufort (LPA), in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon, or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition or real property or an interest in real property, the Assurance will extend to the rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses,

permits, or similar instruments entered by the Recipient with other parties:  
(a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and  
(b) for the construction or use of, or access to, space on, over or under real property acquired, or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under any program or activity and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.



## City of Beaufort Title VI Complaint Processing Procedures

### **Introduction**

These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by the City of Beaufort or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. The City of Beaufort will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

### **Filing**

Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, or national origin may file a written complaint to Ivette Burgess the City's Title VI Program Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

- Complaints must be in writing and signed by the complainant(s).
- Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct).
- Complaint must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.

### **Receipt and Acceptance**

Upon receipt of the complaint, the Title VI Program Coordinator will determine its jurisdiction, and need for additional information. The complaint will be forwarded to the proper agency for

a determination of acceptability. The Title VI Program Coordinator will notify the complainant, in writing, within five (5) days of receipt of the complaint.

In order to be accepted, a complaint must meet the following criteria:

- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- b. The allegation(s) must involve a covered basis such as race, color, or national origin.
- c. The allegation(s) must involve a program or activity that receives Federal financial assistance.

The City of Beaufort will assume responsibility for investigating complaints against any of its sub-recipients. Complaints in which the City of Beaufort is named as the Respondent, shall be forwarded to SCDOT or the appropriate federal agency for proper disposition, in accordance with their procedures.

### **Dismissal**

A complaint may be recommended for dismissal for the following reasons:

- a. The complainant requests withdrawal of the complaint.
- b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The complainant cannot be located after reasonable attempts to contact the complainant.

### **Investigation of Complaints**

Once a complaint is recorded on the log sheet, it will be promptly investigated by the Title VI Coordinator. Within 10 working days of receipt of the formal complaint, the Title VI Coordinator will notify the complainant and begin an investigation (unless the complaint is filed with an external agency first or simultaneously). The City will designate an investigative team responsible for evaluating the complaint, developing an investigative plan, conducting interviews, collecting and analyzing evidence, and preparing an investigative report. Investigation will be conducted for complaints received within 180 days of the alleged incident and will be completed within 60 days of the formal complaint.

### **Appeals**

If FHWA concludes that the respondent is in compliance with laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.



City of Beaufort  
Title VI Complaint Form

<b>Section I:</b>						
Name:						
Home Phone:		Work Phone:				
Address:						
Email:						
Accessible Format Requirements?	Large Print	TTD	Audio Tape	Other		

<b>Section II:</b>		
Are you filling this complaint on your own behalf?	Yes	No
If you answered no, please supply the name and relationship of the person for whom you are complaining:		
Please explain why you have filled for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filling on behalf of a third party.	Yes	No

<b>Section III</b>			
I believe that discrimination I experience was based on:	Race	Color	National Origin
Date of Alleged Discrimination (Month, Day, Year):			
Explain 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.			

<b>Section IV</b>	
Have you previously filed a Title VI complaint with this agency?	Yes                      No

<b>Section V</b>	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	Yes                      No
If yes, then what agency or court?	

Please provide information about a contact person at the agency/ court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Phone:	

<b>Section VI</b>	
Name of agency complaint is against:	
Contact person:	
Title:	
Phone Number:	

# City of Beaufort, South Carolina Organizational Chart

