

December 2023

## Title VI Non-Discrimination Plan



**SEMCOG**

*SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS*

## **SEMCOG** . . . *Developing Regional Solutions*

### **Mission**

SEMCOG, the Southeast Michigan Council of Governments, is the only organization in Southeast Michigan that brings together all governments to develop regional solutions for both now and in the future. SEMCOG:

- Promotes informed decision making to improve Southeast Michigan and its local governments by providing insightful data analysis and direct assistance to member governments;
- Promotes the efficient use of tax dollars for infrastructure investment and governmental effectiveness;
- Develops regional solutions that go beyond the boundaries of individual local governments; and
- Advocates on behalf of Southeast Michigan in Lansing and Washington

# Title VI Non-Discrimination Plan

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## Abstract

SEMCOG serves all people of Southeast Michigan, including minority and low-income populations, the elderly, and persons with disabilities. SEMCOG recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation. The primary purpose of this Title VI Plan is to address the Title VI requirements, specifically how those requirements are addressed in SEMCOG activities and programs.

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## Introduction

SEMCOG was established in 1968 as a regional planning partnership in Southeast Michigan. We are accountable to local governments who join as members. Membership is open to all counties, cities, villages, townships, intermediate school districts, and community colleges in Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties. Citizens are represented at SEMCOG through their local elected officials. Funding for SEMCOG is provided by federal and state grants, contracts, membership dues, and designated management area fees. SEMCOG supports local planning through its technical, data, and intergovernmental resources. SEMCOG's plans improve the quality of the region's water, make the transportation system safe and effective, revitalize communities, and spur economic development.

SEMCOG has many responsibilities and federal designations. As the region's designated Metropolitan Planning Organization, SEMCOG is responsible for regional transportation planning. Under the federal Water Pollution Control Act and the Clean Air Act, SEMCOG is the designated planning agency for both water and air quality. SEMCOG is responsible for specific housing and land use planning elements as authorized by the U.S. Department of Housing and Urban Development.

SEMCOG is governed by a board of local elected officials. Staff is organized into the following groups: Executive Office, Data Collection and Analysis, Internal Support, and Planning. SEMCOG's ethic, along with state and federal regulations, require that the organization meets the provisions of Title VI of the Civil Rights Act. The primary function of this Title VI Plan is to address the Title VI requirements, specifically how those requirements are addressed in SEMCOG activities and operations. SEMCOG serves all people of Southeast Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the State of Michigan. SEMCOG recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service, or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, 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 receiving federal assistance."

- Title VI has been broadened by related statutes, regulations, and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA).
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance.
- The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority

populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility.

- In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice.
- Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, SEMCOG must provide access to individuals with limited ability to speak, write, or understand the English language. SEMCOG will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color, or national origin. Therefore, the primary goals and objectives of SEMCOG’s Title VI Program are:

- To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives.
- To ensure that people affected by SEMCOG’s programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability.
- To prevent discrimination in SEMCOG’s programs and activities, whether those programs and activities are federally funded or not.
- To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations.
- To establish procedures to annually review Title VI compliance within specific program areas at SEMCOG.
- To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in SEMCOG’s services, programs, or activities.

As a recipient and sub-recipient of federal transportation funds, SEMCOG must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socioeconomic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

SEMCOG shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. SEMCOG, as a sub-recipient who distributes federal transportation funds, shall monitor

their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, SEMCOG will make a good faith-effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons, and affected Title VI populations.

## Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “**disparate treatment**.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “**disparate impact**.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

SEMCOG’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

SEMCOG has developed this Title VI Plan to assure that services, programs, and activities are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

Southeast Michigan Council of Governments  
Organization Chart



## Southeast Michigan Council of Governments Non-Discrimination Policy Statement

SEMCOG reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

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*“No person in the United States 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.”*

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In applying this policy, SEMCOG and its sub-recipients shall not:

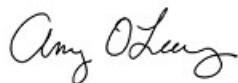
1. Deny any individual with any service, opportunity, or other benefit for which such individual is otherwise qualified.
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others.
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits.
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others.
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination.
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin.
7. Permit discriminatory activity in a facility built in whole or in part with federal funds.
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program.
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate.
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment.
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

SEMCOG will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

SEMCOG designates Yvonne Taylor, EEO Officer and Human Resources Manager, as the Title VI Coordinator. Ms. Taylor will be responsible for initiating and monitoring Title VI activities ensuring that SEMCOG complies with Title VI regulations and pursues prevention of deficiencies or violations.

Inquiries concerning Title VI may be directed to:

SEMCOG  
1001 Woodward Avenue, Suite 1400  
Detroit, MI 48226  
Phone: (313) 961-4266  
Email: [infocenter@semcog.org](mailto:infocenter@semcog.org)



Amy O'Leary  
SEMCOG Executive Director  
December 19, 2023

## SEMCOG Title VI Assurances

SEMCOG (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, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, 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 received federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically, and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal-Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

"The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full 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. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall 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 of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal-Aid Highway 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, 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 Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient under the Federal-Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.



Amy O'Leary  
Executive Director  
Southeast Michigan Council of Governments  
December 19, 2023

## Authorities

### **Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h)**

**Title VI of the Civil Rights Act of 1964** provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The **Civil Rights Restoration Act of 1987** also broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

- **Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- **Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- **Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.
- **Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.
- **USDOT Order 1050.2:** Standard Title VI Assurances
- **EO12250:** Department of Justice Leadership and coordination of Non-Discrimination Laws.
- **EO12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- **28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.
- **EO13166:** Improving Access to Services for Persons with Limited English Proficiency.

## Regulatory Requirements

SEMCOG, as a recipient and distributor of federal funds, must take affirmative steps to ensure that discrimination, as addressed by Title VI, does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b)(2)** – Adequately staff the civil rights unit to effectively implement state civil rights requirements.
2. **23 CFR 200.9(b)(3)** – Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints.
3. **23 CFR 200.9 (b)(4)** – Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of, state highway programs, i.e., relocatees, impacted citizens, and affected communities.
4. **23 CFR 200.9(b)(5)** – Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning.
5. **23 CFR 200.9(b)(6)** – Conduct Title VI reviews of special emphasis areas to determine the effectiveness.
6. **23 CFR 200.9(b)(9)** – Conduct training programs on Title VI and related statutes.
7. **23 CFR 200.9(b)(11)** – Submit updated Title VI implementing plan to MDOT.
8. **23 CFR 200.9(b)(12)** – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
9. **23 CFR 200.9(b)(13)** – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
10. **23 CFR 200.9(b)(14)** – Establish procedures to identify and eliminate discrimination where found.
11. **Executive Order 12898** – Ensure that Environmental Justice principles are integrated into procedures and programs.
12. **Executive Order 13166** – Ensure that appropriate LEP processes and procedures are implemented.

## Related Laws and Statutes

1. **Civil Rights Restoration Act of 1987** – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
2. **Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of a disability.
3. **Americans With Disabilities Act of 1990** – Prohibits discrimination on the basis of a disability.
4. **Section 324 of the Federal-Aid Highway Act** – Prohibits discrimination on the basis of sex.
5. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970**
6. **42 USC 6101** – Prohibits age discrimination in any program receiving federal financial assistance.
7. **49 CFR Part 21 and 23 CFR Part 200** – Describes U.S. DOT and FHWA prohibitions against discrimination.

## Definitions

**Adverse Effects** – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to (see Appendix E for additional discussion of “significant”):

- Bodily impairment, infirmity, illness, or death
- Air, noise, and water pollution; and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms, or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in, the receipt of benefits of SEMCOG programs, policies and activities

**Federal Assistance** – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

**Limited English Proficiency** – Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service, or benefit provided by SEMCOG.

**Low-Income** – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

**Low-Income Population** – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed SEMCOG program, policy, or activity.

**Minority** – A person who is:

- Black – A person having origins in any of the black racial groups of Africa.
- Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

- Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands.
- American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Minority Population** – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed SEMCOG program, policy or activity.

**Non-Compliance** – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

**Persons** – Where designation of persons by race, color, or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin,” “Black not of Hispanic origin,” “Hispanic,” “Asian or Pacific Islander,” “American Indian or Alaskan Native.” Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

**Program** – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance, or provided by others through contracts or other arrangements with the recipient.

**Recipient** – Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

**Significant Adverse effects on Minority and Low-Income Populations** – An adverse effect that:

- Is predominantly borne by a minority population and/or a low-income population, or
- Will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

**Sub-Recipient** – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## Structure for Organization Oversight and Compliance

### SEMCOG Officers

SEMCOG's officers are comprised of a Chairperson, First Vice Chairperson (who is Chairperson elect), four Vice Chairpersons, and Immediate Past Chairperson. SEMCOG Bylaws require that officers be balanced between four membership blocs: Counties, Cities & Villages, Townships, and Education. Voting delegates or elected-official alternates to SEMCOG's Executive Committee are eligible for SEMCOG officer positions. Officers are elected at SEMCOG's Annual Meeting.

### SEMCOG General Assembly

The General Assembly provides input and takes action on SEMCOG's major regional plans. It consists of all delegates and alternates from SEMCOG member governments and education institutions. All elected officials in each member community and other regional stakeholders are encouraged to attend meetings of the General Assembly; only the delegate or alternate, who have been appointed by their governing bodies, can vote. It meets two-three times annually.

### SEMCOG Executive Committee

The Executive Committee conducts the main policy-committee work of the organization and monitors the operation of SEMCOG. As the chief working committee and the financial control body for the organization, it proposes, discusses, and reviews regional studies, and plans and takes action on policies and legislative positions.

The Executive Committee is a representative subset of the General Assembly. Members are seated as follows:

- All General Assembly delegates representing Counties and the City of Detroit;
- Representatives of cities, villages, and townships from each of the counties (selected by their peers); and
- Representatives of Intermediate School Districts and Community Colleges (selected by their peers).

### SEMCOG Committees and Task Forces

SEMCOG's decision-making process reflects the mission of the organization, which is to improve the efficiency and effectiveness of the region's local governments as well as the quality of life in Southeast Michigan. All SEMCOG policy decisions are made by local elected officials, ensuring that regional policy reflect the interests of member communities, which include diverse constituencies. The decision-making process is enriched through input from numerous technical advisory committees, task forces, and comments from the general public.

### Voting

Both the General Assembly and Executive Committee use a two-tiered voting structure. The first tier is generally one-government-one-vote, with additional county and City of Detroit votes. The second tier is proportional to population. For actions to pass, they must pass using both tiers.

## SEMCOG Programmatic Roles and Responsibilities

### Executive Office

This group enhances the effectiveness of SEMCOG's planning and intergovernmental functions by fostering relationships with its member communities, the media, and other partners, and by maintaining the decision making process and guiding member services. Major activities are SEMCOG's routine operations; developing newsletters and other publications; facilitating General Assembly and Executive Committee meetings; and facilitating public information and outreach activities. Also included here is managing the Metropolitan Affairs Coalition, SEMCOG's private-sector, regional civic affairs partner. SEMCOG's Title VI Coordinator is part of the Executive Office.

### Data Collection and Analysis

The goal of this work group is to collect, assemble, analyze, and map data using GIS to increase the understanding of the region for member governments, and provide core information for plan and policy development and implementation.

Major work items include the regional forecasts of population, households, and jobs; collection and analysis of economic data in support of regional planning and economic development efforts; and transportation asset management data collection.

### Planning

Goals of the planning areas include developing plans and policies to enhance decision-making for the region and local governments, including ensuring the region has access to federal and state departments. Planning also seeks to enhance regional prosperity and quality of life in the region by implementing adopted plans and policies through local government technical assistance, working through partners, and shaping federal and state programs to meet regional and local government needs.

The work of the Planning Group includes developing the regional transportation plan; developing and administering the transportation improvement program; planning for sustainable infrastructure; economic development activities; and air quality and climate change planning. The Planning Group also provides assistance to local governments to improve and maintain Southeast Michigan's transportation systems, environmental quality, economic interests, and infrastructure.

### Internal Support

The internal support group provides administrative and technical support, such as information technology and accounting for SEMCOG's planning, implementation, and intergovernmental functions.

## Administration – General

SEMCOG designates Yvonne Taylor as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Ms. Taylor shall have lead responsibility for coordinating the administration of Title VI and related statutes, programs, plans, and assurances.

**Complaints:** If any individual believes that he/she or any other program beneficiaries has been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age, or disability, he/she may exercise his/her right to file a complaint with SEMCOG. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

**Data Collection:** Statistical data on race, color, national origin, English language ability, and sex of participants in and beneficiaries of SEMCOG programs, e.g., impacted citizens and affected communities will be gathered and maintained. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

SEMCOG collects data on a monthly basis with regard to public meetings; public information dissemination; public notification of hearings, meetings, and policy actions; and requests for information services processed by all staff members in the form of progress reports. All of this data is summarized and published on an annual basis in the form of a product completion report. In addition, sample products are collected and maintained for several years.

**Program Reviews:** Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. SEMCOG does not have any special emphasis programs at this time.

**Title VI Reviews on Sub-Recipients:** Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

**Annual Reporting Form:** The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5 of each year.

**Title VI Plan Updates:** If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

**Public Dissemination:** SEMCOG will disseminate Title VI Program information to employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors, and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts, and

publishing SEMCOG's Title VI Plan within 90 days of approval on the SEMCOG's website, at [www.semcog.org](http://www.semcog.org).

**Remedial Action:** SEMCOG, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

## Limited English Proficiency (LEP)

On August 11, 2000, President William J. Clinton signed an Executive Order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>1</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This Executive Order stated that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>2</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only are all federal agencies required to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

SEMCOG receives funds from the U.S. Department of Transportation via the Federal Highway Administration and the Federal Transit Administration.

For more information regarding SEMCOG policies on LEP, a copy of our LEP plan can be found on our website at [www.semco.org](http://www.semco.org), or requested from:

Southeast Michigan Council of Governments  
InfoCenter  
1001 Woodward Avenue  
Suite 1400  
Detroit, MI 48226  
Phone: (313) 961-4266  
Fax: (313) 961-4869  
Email: [infocenter@semco.org](mailto:infocenter@semco.org)

<sup>1</sup> The executive order verbatim can be found online at <https://www.justice.gov/crt/federal-coordination-and-compliance-section-180>.

<sup>2</sup> Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

## Environmental Justice

Compliance with Title VI includes ensuring that no minority or low-income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies, and activities” undertaken by any agency receiving federal funds. This obligation will be met by SEMCOG in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those that are appreciably more severe for one group or predominantly borne by a single group. SEMCOG will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, SEMCOG will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.;
- The project’s impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low-income population groups are present in the project area, SEMCOG will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, SEMCOG will administer a potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minorities and/or low-income population groups:

**Step One:** Determine if a minority or low-income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

**Step Two:** Determine whether project impacts associated with the identified minority and low-income populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

**Step Three:** Propose measures that will avoid, minimize, and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by the proposed project.

**Step Four:** If after mitigation, enhancements, and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low-income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the minority or low-income population?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action, or (b) have increased costs of extraordinary magnitude?

**Step Five:** Include all findings, determinations, or demonstrations in the environmental document prepared for the project.

## Public Participation

SEMCOG is strongly committed to providing information to citizens regarding its regional plans, programs, and other quality-of-life issues that impact Southeast Michigan residents. We also encourage citizens to participate in plan development and implementation. SEMCOG strives to ensure that adequate information is available for interested parties who want to evaluate and have an impact on its programs. SEMCOG provides forums and makes presentations to local governments and citizen groups to ensure that citizen views are heard on planning and project-related issues.

Our public involvement activities revolve around three goals:

1. **Educate and publicize** to raise awareness of the planning process, to communicate how and when to get involved, and to illustrate good government practices.
2. **Listen** to input from stakeholders throughout the region to help guide SEMCOG's planning work.
3. **Evaluate** to improve through the public involvement process, ensuring that SEMCOG is effective in facilitating full and open access to the regional planning process.

Taken together, these activities provide members of the public with complete information, timely notice of meetings, full access to key decisions, and support for early and continuing involvement in every aspect of the planning and decision making process at SEMCOG. SEMCOG's *Public Participation Plan* details the specific ways in which SEMCOG works to achieve these public involvement goals.

## Filing a Title VI Complaint

### Introduction

Title VI complaint procedures are intended to provide aggrieved persons with an avenue to raise complaints of discrimination regarding SEMCOG programs, activities, and services as required by statute. Per the Federal Highway Administration (FHWA), recipients and subrecipients do not investigate complaints filed against themselves. FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

### Purpose

The purpose of the discrimination complaint procedures is to describe the process used by SEMCOG for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of SEMCOG programs, activities, and services, including but not limited to the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by SEMCOG or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of SEMCOG must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180-day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (Unless the items contain a signed cover letter specifically alleging a violation of Title VI) include, but are not limited to:

- An anonymous complaint that is too vague to obtain required information.
- Inquiries seeking advice or information.
- Courtesy copies of court pleadings.
- Newspaper articles.
- Courtesy copies of internal grievances.

### Filing a Complaint

**Step One:** If/when a Title VI discrimination complaint is received, the Title VI Coordinator will log and acknowledge receipt of the complaint within ten (10) days, then forward it to the Statewide Title VI Coordinator.

**Step Two:** Within 60 days of receipt of complaint, the MDOT Statewide Title VI Coordinator must log the complaint and send it to FHWA Michigan Division's Civil Rights Specialist.

**Step Three:** Upon receipt of complaint, FHWA Division Civil Rights Specialist must promptly send it to FHWA Headquarters Office of Civil Rights (HCR) for processing.

**Step Four:** HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or Subrecipients of Federal financial assistance. HCR will notify the Complainant, the FHWA Division Office, State DOT, and Subrecipient. For FHWA HRC, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

There are four potential outcomes for processing complaints:

- Accept: If a complaint is timely filed contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
- Preliminary review: If it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- Procedural Dismissal: If a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.

- Referral\Dismissal: If the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOT's and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to the primary Recipient State DOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but the State DOT will conduct all data requests, interviews, and analysis.

#### Retaliation

The laws enforced by this MPO prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint, please contact:

Southeast Michigan Council of Governments  
Information Center  
1001 Woodward Avenue  
Suite 1400  
Detroit, MI 48226

Phone: (313) 961-4266  
Fax: (313) 961-4869  
Email: [infocenter@semcog.org](mailto:infocenter@semcog.org)

#### Records

All records are maintained in a confidential area and are kept for three (3) years.

## Appendix A: [To be inserted in all Federal-Aid Contracts]

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - Withholding payments to the contractor under the contract until the contractor complies and/or
  - Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the state, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## Appendix B: Transfer of Property

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)\*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## Appendix C: Permits, Leases, and Licenses

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

## Appendix D: Southeast Michigan Council of Governments (SEMCOG) Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with SEMCOG for alleged violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form, please contact SEMCOG by phone at (313) 961-4266, or via e-mail at [infocenter@semcog.org](mailto:infocenter@semcog.org).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

### **Individual(s) discriminated against, if different from above (use additional pages, if needed):**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

### **Name of agency and department or program that discriminated:**

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### **Date(s) of alleged discrimination:**

Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

## ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken. (Check all that apply.)

Race  Color

Age  Disability

## Sex

**Explain:** Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written materials pertaining to your case.)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return completed form to:** SEMCOG Title VI Coordinator, Southeast Michigan Council of Governments, 1001 Woodward Avenue, Suite 1400, Detroit, MI 48226; email: [infocenter@semcog.org](mailto:infocenter@semcog.org); phone: (313) 961-4266; fax: (313) 961-4869

**Note:** SEMCOG prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the Metropolitan Planning Organization (MPO). Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.

## Appendix E: Determine/Distinguish Significant/Non-Significant Effects

“Significant” requires considerations of both context and intensity:

- *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
  - Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the Title VI Coordinator.

## Appendix F: Program Compliance/Program Review of Goals for Current Plan Year

1. SEMCOG's Title VI Plan will be communicated to each Department Head who will review the plan with departmental employees. All SEMCOG employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. SEMCOG's Title VI Plan will be published on SEMCOG's website [www.semco.org](http://www.semco.org), within 90 days of approval.
3. Appendix A will be included in all SEMCOG contracts as outlined in the Title VI Plan.
4. The language in Number 2 of SEMCOG's Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. A review of SEMCOG's facility will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** The number of requests for language assistance that were requested or required; the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
  - g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
  - h. **Program Participants:** Racial data of program participants where possible.



**SEMCOG Officers  
2023-2024**

**Pauline Repp**  
Chairperson  
Mayor,  
City of Port Huron

**Mandy Grewal**  
First Vice Chairperson  
Supervisor,  
Pittsfield Township

**Laura Kropp**  
Vice Chairperson  
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Supervisor,  
Orion Township

**Amy O'Leary**  
Executive Director