



## **Village of Key Biscayne**

### **Nondiscrimination Policy and Plan**

#### **Notice of Nondiscrimination:**

The Village of Key Biscayne (the Village) values diversity, and both welcomes and actively seeks input from all interested parties, regardless of cultural identity, background or income level. Moreover, the Village does not tolerate discrimination in any of its programs, services, or activities. The Village will not exclude participation in, deny the benefits of, or discriminate against anyone on the grounds of race, color, national origin, sex, age disability, religion, income, or family status. Additionally, the Village extends these same assurances to any protected class as recognized by any of the local governments within its service area. The Village will actively work to ensure inclusion of everyone in our community so that our programs, services and activities represent the diversity we enjoy.

The purpose of the Village Nondiscrimination program is to establish and implement procedures that comply with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990 (ADA), as well as other related federal and state statutes and regulations. These procedures have been adopted to conform to Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT) guidelines.

Juan Gutierrez, Director of Human Resources & Risk Management, Nondiscrimination Officer, is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and



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Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination laws).

If you have any questions about this notice or any of The Village of Key Biscayne's non-discrimination programs, policies or procedures, you may contact:

Juan Gutierrez, Director of Human Resources & Risk Management/Nondiscrimination Officer  
88 West McIntyre Street, Key Biscayne, FL 33149  
305-365-8904  
[jcgutierrez@keybiscayne.fl.gov](mailto:jcgutierrez@keybiscayne.fl.gov)

If you believe that you have been discriminated against with respect to a Village of Key Biscayne program or activity, you may contact the Nondiscrimination Officer identified above or visit our website at [[keybiscayne.fl.gov](http://keybiscayne.fl.gov)] to learn how and where to file a complaint of discrimination.

Note: Deaf, Hard of Hearing, Deaf/Blind or Speech Impaired (English, Spanish or French Creole): Please contact the Village by calling toll-free to the Florida Relay Service, (800)955-8770.

### **I. Nondiscrimination Assurances:**

Every three years, or commensurate with a change in executive leadership, the Agency must certify that its programs, services and activities are being conducted in a nondiscriminatory manner (general reviews will be conducted on an annual basis). These certifications are termed 'assurances' and serve two important purposes. First, they document Agency commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the Agency may be held liable for breach. Those wishing to view the Agency's Nondiscrimination Assurance may do so by visiting the Agency website or administration offices.



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### **II. Complaint Procedures:**

The Village of Key Biscayne has established a discrimination complaint procedure and will take prompt, fair, and reasonable action to investigate and eliminate discriminatory actions. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, income, family status, or as a member of any protected class as designated by a local government within the Village service area, may file a complaint with the Village's Nondiscrimination Officer.

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability, income or family status); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Village's Nondiscrimination Officer for assistance.

The Nondiscrimination Officer will respond to the complaint within sixty (60) days and will take reasonable steps to resolve the matter. Should the Village be unable to satisfactorily resolve the complaint, the Nondiscrimination Officer will forward the complaint, along with a record of its disposition, to the appropriate agency which will assume jurisdiction over the complaint for continued processing.

1. Any person who feels that he/she has been subjected to race, color, or national origin discrimination under Title VI of the Civil Rights Act of 1964, or other forms of discrimination based upon sex, age, disability, religion, family or income status discrimination under related nondiscrimination laws and regulations may file a complaint with the Village.
2. A complaint must be filed within one hundred eighty [180] days after the date of the alleged discrimination. The Village of Key Biscayne may waive the filing requirement in its discretion, in order to address allegations of potential discrimination caused by pending actions at the earliest appropriate and feasible juncture; or, for good cause, to address



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complaints filed more than [180] days after an alleged violation."

3. Complaints should be in writing, signed by the complainant or his/her representative(s), and must include the complainant(s) name, address, and telephone number. Allegations of discrimination received via e-mail will be acknowledged and processed. Allegations received by telephone will be documented in writing and provided to the complainant(s) for review before processing. The complaint form can be accessed on the website: [keybiscayne.fl.gov](http://keybiscayne.fl.gov) or you may call Juan Gutierrez at 305-365-8904 (call Florida Relay (800)955-8770 if hearing impaired) or e-mail [jcgutierrez@keybiscayne.fl.gov](mailto:jcgutierrez@keybiscayne.fl.gov).

Complaint forms should be submitted to the attention of:

Juan Gutierrez

Director of Human Resources and Risk Management/ Nondiscrimination Officer

Village of Key Biscayne

88 W McIntyre St, Suite 210

Key Biscayne FL, 33149

[jcgutierrez@keybiscayne.fl.gov](mailto:jcgutierrez@keybiscayne.fl.gov)

If information is needed in another language, contact (306) 365-8904.

### **Complaint Investigation**

1. Upon receipt of a complaint, the Village Manager or his/her designee will, within five (5) working days, provide the complainant or his/her representative with a written acknowledgment of the complaint.
2. Village staff will conduct a preliminary inquiry into the complaint to determine whether the complaint has sufficient merit to warrant an investigation. Should Village staff determine that the evidence presented is not sufficient to proceed, the complaint will be closed and the complainant or his/her representative will be notified in writing of the decision within fifteen (15) working days. This notification shall specifically state



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the reason(s) for the decision.

3. Should Village staff determine that a full investigation is necessary, the complainant or his/her representative will be notified that an investigation will take place, and additional information will be requested, if necessary. The investigation should last no more than forty-five (45) working days.
4. Should a complainant fail to provide additional information within the prescribed timeframe, this may be considered a failure to cooperate with the investigation, and the complaint will be administratively closed.
5. The preponderance of the evidence standard will be applied during the analysis of each complaint.

### **Disposition**

1. Upon completion of the investigation, a written notification of disposition will be sent by certified mail to the complainant or his/her representative within sixty (60) working days of filing the complaint.
2. If the complainant disagrees with the decision rendered by the Village, he/she will be notified of the right to request reconsideration within thirty (30) days, or to file a complaint with the FTA or FDOT, or EPA, as applicable, at the following addresses:

Federal Transit Administration,  
Region IV Office of Civil Rights  
61 Forsyth Street, S.W. Suite 171T50  
Atlanta, GA 30303-8917  
Telephone: (404) 562-3500

Florida Department of Transportation  
Equal Opportunity Office



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ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

U.S. Environmental Protection Agency  
Office of External Civil Rights Compliance  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Title\_VI\_Complaints@epa.gov

### **Retaliation**

Any claim of intimidation or retaliation related to the complaint process will be handled promptly and fairly pursuant to the above procedure and in the same manner as other claims of discrimination without interference, intimidation, coercion, or fear of reprisal. Anyone who feels he/she has been subjected to retaliation should report such an incident to the Village Manager.

### **For Complaints Involving Transportation:**

The Agency Nondiscrimination Officer has 'easy access' to the Agency Chief Executive Officer (CEO) and is not required to obtain management or other approval to discuss discrimination issues with the CEO. However, should the complainant be unable or unwilling to complain to the Agency, the written complaint may be submitted directly to the Florida Department of Transportation (FDOT). FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:



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

**III. Statement of Commitment to Serve Persons with Disabilities:**

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented in transportation programs, services and activities, and other programs, services, and activities facilitated by the Village.

The Agency will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Agency will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Agency encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the Agency will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the Agency asks that requests be made at least 3 calendar days prior to the need for accommodation.



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Questions, concerns, comments or requests for accommodation should be made to the Agency Nondiscrimination Officer:

Juan Gutierrez

Director of Human Resources and Risk Management/ Nondiscrimination Officer

Village of Key Biscayne

88 W McIntyre St, Suite 210

Key Biscayne FL, 33149

[jcgutierrez@keybiscayne.fl.gov](mailto:jcgutierrez@keybiscayne.fl.gov)

Hearing impaired should contact: Florida Relay Service (800)955-8770

## **IV. Limited English Proficiency (LEP) Guidance:**

Title VI of the Civil Rights Act of 1964, require federal-aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the City/County's programs, services or activities;
  - The frequency with which LEP individuals come in contact with these programs, services or activities;
  - The nature and importance of the program, service, or activity to people's lives and;
  - The resources available to the City/County and the likely costs of the LEP services.
1. Using census data, the Agency has determined that LEP individuals speaking English less than well, represent 34.70% of the community. The Agency realizes approximately that such statistical data can become outdated or inaccurate. Therefore, the Agency contacted local law enforcement, social services agencies and the school board to validate the proportion of



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LEP served by those Spanish entities. Spanish was reported to be the prevalent LEP language with an estimate of 40.00% eligible to be served.

2. The Agency has received requests for translation or interpretation of its programs, services or activities into Spanish or other language(s). In addition, Agency sponsored community outreach, or public events are attended by significant numbers of LEP individual speakers. Thus, the Agency estimates its contact with LEP individuals to be frequent.
  
3. The Agency believes that all programs, services, and activities are of critical importance to its public, as access to health care, emergency services, employment, and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the agency defines as essential any document that advises the public of how to access nondiscrimination and public involvement policies, as well as those that impact public safety, health and welfare and emergency services. A full list of translated documents is available on the Agency website or by contacting the Agency Nondiscrimination Officer.
  
4. The Agency is fortunate to house within/near its jurisdiction one or more institutions of higher education which have extensive language resources. Further, the Agency maintains cordial relationships with faith based and/or community organizations that



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offer competent language services at low or no cost to the Agency. Finally, the Agency employs a number of proficient Spanish speakers are able to interpret and/or provide translation services. The analysis of these factors suggests that LEP services are required at this time.

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At a minimum, the Agency commits to:

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

In addition, the Agency will:

Staff will be available at Village events/meetings to provide translation services in Spanish. Flyers and other materials will be available in Spanish.

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

Persons requiring special language services should contact the Agency's Nondiscrimination Officer.



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### **V. Public Involvement:**

To plan for efficient, effective, safe, equitable and reliable transportation systems, the Agency must have the input of its public. The Agency spends extensive staff and financial resources in the furtherance of this goal and strongly encourages the participation of the entire community. The Agency hosts an informative website that advises the public how to access information and provide input. The Agency also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the Agency sponsors, attends and participates in other community events to promote its services to the public. Finally, the Agency is constantly seeking ways of measuring the effectiveness of its public involvement. Persons wishing to request special presentations by the Agency; volunteer in any of its activities; offer suggestions for improvement; or to simply learn more about Agency programs and services should visit: [www.keybiscayne.fl.gov](http://www.keybiscayne.fl.gov)

Or contact:

Name: Juan Gutierrez

Title: Director of Human and Risk Management/ Nondiscrimination Officer

Village of Key Biscayne

Address: 88 W McIntyre St, Suite 210

Key Biscayne FL, 33149

Email: [jcgutierrez@keybiscayne.fl.gov](mailto:jcgutierrez@keybiscayne.fl.gov)

Phone: 305-365-8904

Hearing impaired should contact: Florida Relay Service (800)955-8700



## **VI. Data Collection:**

Regulations require federal-aid recipients to collect race, national origin (including languages spoken in the home), age, sex, and disability status and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities and any other programs, services, and activities facilitated by the Village. The Agency accomplishes this annually using census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, its community development department and other methods. From time to time, the Agency may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in Agency programs, services or activities. This information assists the Agency with improving service equity and ensuring effective outreach. Self-identification of personal data to the Agency will *always* be voluntary and anonymous. Moreover, the Agency will not release or otherwise use this data in any manner inconsistent with federal regulations.

### **I. Document Updates**

The Village will annually examine its Nondiscrimination Policy and Plan to determine any updates that may be needed.

### **II. Staff Training**

The designated Village Nondiscrimination Officer has received multiple trainings on Title VI, ADA, civil rights, nondiscrimination, and environmental justice and will continue to participate in training as opportunities become available. Together, the Village Manager and the Nondiscrimination Officer will coordinate periodic training for other Village staff members, and Village Council as deemed necessary.