

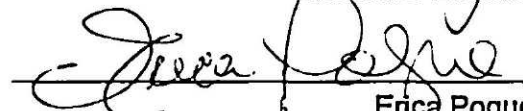


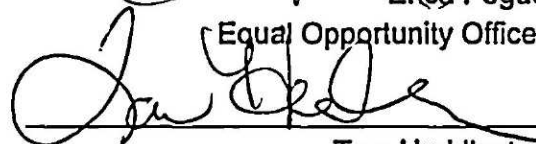
INCA Community Services, Inc.


# Title VI, Equal Opportunity, and Affirmative Action Plan

## 2017 – 2018

  
LaQuita Thornley  
Executive Director

  
Erica Pogue  
Equal Opportunity Officer

  
Tara Huddleston  
Board Chairman

  
Date

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## **INCA Community Services, Inc.**

### **MISSION STATEMENT**

INCA Community Services, Inc. shall operate programs to alleviate the causes of poverty and enhance the public health and welfare by opening to everyone the opportunity to work, have safe and affordable housing, transportation, training and education, and the opportunity to live in decency and dignity.

### ***JAMM Transit Mission Statement***

JAMM Transit is a rural public transportation system dedicated to providing excellence in transportation by providing mobility that improves the quality of life, and stimulates economic development, through the provision of safe, reliable, cost effective and accessible transit services for citizens and visitors to our service area.

### **AGENCY HISTORY**

In 1969, ten counties were consolidated into a single entity, Indian Nation Community Action Foundation, Inc., consisting of Atoka, Bryan, Carter, Coal, Garvin, Johnston, Love, Marshall, Murray and Pontotoc Counties. The Indian Nation Community Action Agency's ten counties had a population of approximately 165,000 people and covered approximately 7,000 square miles, the largest in the state of Oklahoma. On January 31, 1972, Bryan, Carter, Coal, Love, and Pontotoc counties were incorporated into the Big Five Community Services, leaving Indian Nations Community Action with Garvin, Atoka, Marshall, Murray, and Johnston counties. In 1974, the Indian Nations Community Action was retitled to be INCA Community Services, Inc. and the agency was reincorporated as a nonprofit agency. The name change came about due to the public confusing the Indian Nations Community Action as a program for Indians only. In 1977, Garvin County, for its own reason, decided to withdraw from membership in INCA Community Services and become an independent county. Atoka, Johnston, Marshall, and Murray, are the counties in our service area today.

### ***JAMM Transit History***

In 1972 NCA started operating a senior citizen program and providing transportation for Head Start children. In 1997, city council's, service agencies, and citizens approached INCA about opening their senior citizens' routes to the general public. In 1999, JAMM Transit was formed beginning with seven vehicles, five were handicapped accessible. JAMM now has a fleet of 50 vehicles serving the four counties providing transportation to all citizens.

### **EQUAL OPPORTUNITY POLICY**

INCA Community Services, Inc., is concerned that it fulfills its role as an equal opportunity employer and service provider. It shall be the policy and practice of INCA Community Services to recognize and accept the responsibility to insure that this agency does not discriminate against any employee, applicant for employment, or against any applicant or beneficiary of our services in all phases and levels of the agency's programs and activities because of age, sex, race, color, religion, national origin, physical impairment, or political affiliation.

### **TITLE VI**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in all federally assisted programs. Title VI was amended by the Civil Rights

Restoration Act of 1987 (P.L. 100-259), effective March 22, 1988 which added Section 606, expanding the definition of the terms “programs or activities” to include all of the operations of an educational institution, government entity, or private employer that receives federal funds if any one operation receives federal funds.

## **TITLE VI AND EQUAL OPPORTUNITY PROCESS**

INCA Community Services, Inc. and its subsidiaries are committed to creating and maintaining services that are free of all forms of discrimination. The agency will take whatever prevention, corrective and disciplinary action necessary for behavior that violates this policy or the rights and privileges it is designed to protect.

To achieve ultimate effectiveness in this matter, there must be total commitment on the part of every employee. All employees shall follow the intent of these guidelines in a manner that reflects agency policies. Each employee’s cooperation and support in our Title VI, Equal Opportunity, and Affirmative Action Plan is essential in assuring equal opportunity in all areas of the agency.

An Equal Employment Opportunity Officer, Erica Pogue, has been appointed by the Executive Director, and is responsible to the Executive Director to perform the duties as outlined in her job description, and under the direction of the Executive Director, to implement the Title VI, Equal Opportunity, and Affirmative Action Plan along with any related policies and procedures of INCA Community Services, Inc.

The Board of Directors Human Rights Committee (**Attachment #1**) has been selected and is constituted in such a manner as to insure adequate representation from all sectors and eligible groups.

INCA Community Services, Inc. shall give preference to those vendors, contractors and suppliers of our area who have instituted and enforced positive programs of affirmative action offering goods and services of comparable quality and value. Also, minority owned business will be given preference over other vendors offering goods and services of comparable quality and value.

INCA will strive to follow the Public Participation Policy (**Attachment #11**) which will includes racial and ethnic groups within our employment representation (**Attachment #9**), outreach programs designed to enhance the ethnic groups serving on INCA’s committees and boards (**Attachment #2**), and that each center is in the heart of the target area (**Attachment #3**). INCA focuses on providing programs to fit the needs of the problems within the smaller rural areas and to attain an equitable balance of all eligible person (**Attachment #4**).

Notice: The Equal Opportunity Officer will notify all employees, members of the public and employees of the name, office and telephone number of each Program Director and this Discrimination Complaint Procedure in writing via INCA’s website [www.incacaa.org](http://www.incacaa.org), publications and/or posting.

## **TITLE VI, EQUAL OPPORTUNITY, AND AFFIRMATIVE ACTION ADMINISTRATION**

The Executive Director shall exercise the personal leadership in establishing, maintaining, and carrying out the implementation of the Title VI, Equal Opportunity, and Affirmative Action Plan to insure equal opportunity for participation in all phases and levels of INCA's programs and activities.

The Equal Opportunity Officer shall assist the Executive Director in her efforts toward compliance by assuming the responsibility for insuring the success of the Title VI, Equal Opportunity, and Affirmative Action Plan. To achieve this, a Human Rights Committee has been appointed to oversee all operations of the Title VI, Equal Opportunity, and Affirmative Action Plan, by the Board Chairman.

**Awareness:** The Equal Opportunity Officer will develop an awareness program for the dissemination of information regarding civil rights legislation, policies and regulations. This will be accomplished by:

- Making each employee aware of the Equal Opportunity and Affirmative Action Plan at the time of employment.
- Providing training annually on Equal Employment Opportunity including sexual harassment.
- Upon request provide training to potential program recipients and participants, Board of Directors, Policy Councils and Advisory Committees as requested.
- Including the Title VI, Equal Opportunity, and Affirmative Action Plan and any other related policies and procedures on the website.
- Ensuring Equal Opportunity and Title VI posters are in all offices, vehicles, and centers, **(Attachment #10)**.
- Maintain a Public Participation Policy **(Attachment #11)**.
- Educating staff on Limited English Proficient (LEP) Policy, **(Attachment #12)**.
- Maintaining a list showing the name, language, phone number, and hours of availability of all bilingual staff persons, interpreters in the community, and apps used to translate **(Attachment #13)**.

**Access to Services by Persons with Limited English Proficient (LEP):** INCA Community Services, Inc. complies with all Limited English Proficiency (LEP) requirements whether the program is Federally funded or not, and applies the requirements regardless of the funding source. INCA is required to determine and evaluate the number, frequency, importance of the public contacts they have with individuals who are limited in the English speaking ability, and the resources available for the LEP services. This evaluation includes determining which, if any, documents must be translated and whether interpretation assistance must be provided.

**Record Keeping:** The Equal Opportunity Officer will maintain a list of any active investigations conducted by entities, lawsuits, or complaints naming INCA Community Services that allege discrimination on the basis of age, sex, race, color, religion, national origin, physical impairment, or political affiliation that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by INCA Community Services, Inc. in response to the investigations.

Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the agency. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.[U2]

**Notification to Beneficiaries:** The Equal Opportunity Officer shall be responsible for the postings and providing information to the public regarding their rights and protection against discrimination. Information shall be disseminated to the public through measures that include but shall not be limited to a posting on the agency's website. Information will be posted at all facilities, transportation vehicles, and appropriate agency documents (**Attachment #9**).

**Authority:**

This agency will abide by the following authorities in implementation and operation of the Equal Opportunity and Affirmative Action Program. Listed authorities will be kept in a current file by the Equal Opportunity Officer. The Equal Opportunity Officer will keep the Executive Director and Human Rights Committee updated.

- Title VI of the Civil Rights Act of 1964, as amended.
- Title VIII of the Civil Rights Act of 1968, as amended.
- Economic Opportunity Act of 1964, as amended.
- The Rehabilitation Act of 1973, as amended. Sections 501, 502, and 504 (Prohibition of Discrimination Based on Disability).
- The Civil Rights Restoration Act of 1987.
- Title II of the Americans with Disabilities Act of 1990.
- Public Law 88-352, Title VI, Civil Rights Act of 1964 (42 U.S.C. Section 2000d).
- Title 45, Chapter X, Part 1010, Code of Regulations, Nondiscrimination in Federally Assisted Programs of Community Services Administration.
- OEO Instruction 6710-1 Change 6, Form 395, Grantee Refunding Certification. (See III)
- OEO Notice 6004-1, Requirement for Active Civil Rights Program.
- Public Law 92-261, The Equal Employment.
- Federal Transit Circular 4702.1A – Title VI and Title VI-Dependent Guidelines - Title VI Regulations at 49 CFR Part 21. DOT's Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 15, 2005)
- Any future equal employment opportunity legislation and/or directives.

## **INCA BOARD OF DIRECTORS HUMAN RIGHTS COMMITTEE**

The Human Rights Committee (**Attachment #1**) shall consist of five board members with at least one member representing the public sector, one member representing the low income sector, and one member representing the private sector.

The Equal Opportunity Officer is advisor to the Human Rights Committee throughout the investigation process to insure prompt, fair, and impartial processing of Title VI and Equal Opportunity discrimination complaints.

*The Human Rights Committee shall:*

- Establish and oversee the process which develops and evaluates the Title VI, Equal Opportunity, and Affirmative Action Plan and any policies and procedures related to the plan.
- Annually monitor and report to the Board concerning grantee progress in meeting its Affirmative Action goals and timetables.
- Make policy recommendations to the Board concerning all aspects of Title VI, Equal Opportunity, or Affirmative Action internally or externally.
- Hear complaints of discrimination in accordance with established complaint procedures as stated in the Title VI, Equal Opportunity, and Affirmative Action Plan of the agency.
- Shall closely coordinate its functions with those of the Equal Opportunity Officer.

The Human Rights Committee may delegate individual authority for the accomplishment of these various responsibilities to individual members of the Committee, to other Board Members, or to INCA's staff through and with the concurrence of the Executive Director of the agency.

The Human Rights Committee shall meet on dates set on a definite basis or on a call basis by the Committee Chairman, or by any committee member, or by Equal Opportunity Officer.

## **TITLE VI DISCRIMINATION COMPLAINT PROCEDURES**

### **PROGRAM SERVICES**

**Title VI Discrimination (external):** Any act or omission of an act which would prevent the use or exclude a person access to agency's programs, activities or services based on age, sex, race, color, religion, national origin, physical impairment, or political affiliation.

#### **Definitions**

**Discrimination Complaint:** A written complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, national origin, sex, religion, age or disability. Person filing written complaint with agency should be within ten (10) days of act wherein complaint originates.

**Complainant:** Any applicant or beneficiary of services in all phases and levels of the agency's programs, activities or services; or member of the public who submits a complaint alleging discrimination because of age, sex, race, color, religion, national origin, physical impairment, or political affiliation.

**Respondent:** The person alleged to be responsible for the alleged discrimination contained in the complaint. The term may be used to designate persons with the responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

**Equal Opportunity Officer:** The Equal Opportunity Officer shall work with the Complainant, Respondent, applicable Program Director, Executive Director, and the Board of Director's Human Rights Committee throughout the investigation process to insure a prompt, fair, and impartial processing of formal and informal complaints of discrimination.

**Day:** Day means a working day when the agency's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

#### **Pre-Filing Procedures**

Prior to the filing of a written complaint, the Complainant is encouraged to visit with the Program Director or designated manager, as applicable, and reasonable effort should be made by the agency at this level to resolve the problem or complaint.

Person should file the complaint with agency within ten (10) days of act wherein complaint originates.

#### **Filing, Investigation, Hearing and Review Procedures**

**Filing:** The Complainant submits a written complaint to the Program Director or assigned manager, as applicable, stating the basis, nature and date of the alleged discrimination, the names of persons responsible (where known) and requested action. If the applicable staff person is the person alleged to have committed the discriminatory act(s), then the complaint

should be submitted to the Equal Opportunity Officer. Title VI Discrimination Complaint form (**Attachment #5**) are available on INCA's website [www.incacaa.org](http://www.incacaa.org) under the Human Resource Tab, Equal Opportunity or from INCA's County Offices.

Within two days of the written complaint the Equal Opportunity Officer will send a copy of complaint to the Executive Director.

**Confidentiality:** On complaints of discrimination the Program Director or assigned manager and Equal Opportunity Officer will disclose the complaint, the identity of the Complainant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law.

If a Complainant wished to remain anonymous, the Equal Opportunity Officer or Program Director or assigned manager will advise him or her that such confidentiality may limit the agency's ability to fully respond to the complaint. If the Complainant asks to remain anonymous, the Program Director or assigned manager and Equal Opportunity Officer will proceed with the investigation.

**Investigation:** Upon receipt of the written complaint the applicable Program Director or assigned manager and the Equal Opportunity Officer together will conduct a complete and impartial investigation within 10 days of receiving the complaint, the extent reasonably possible, which shall include but not be limited to, interviewing the Complainant and any witnesses, review of documents and interviewing the Respondent.

The Program Director or assigned manager will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Complainant's requested action; and (c) outline alternatives.

**Response:** Within 5 days after completing the investigation, the applicable Program Director or assigned manager and Equal Opportunity Officer will issue a written decision to the Complainant and Respondent.

**Appeal:** If the Complainant or Respondent is not satisfied with the decision, he or she must notify the applicable Program Director or assigned manager within 5 days and request, in writing, an appeal to the Executive Director. The written appeal shall contain a specific statement of the basis of the appeal.

Within 5 days after receiving the appeal, the applicable Program Director or assigned manager and Equal Opportunity Officer will refer the appeal and the evidentiary record to the Executive Director. The Equal Opportunity Officer will schedule a hearing with the Complainant, Respondent, applicable Program Director or assigned manager, within 10 days of receiving the appeal.

The Executive Director will act as an intermediate level of appeal by reviewing the principal or designee decision and the oral and written evidence presented below and making a decision. At the hearing, the Executive Director may ask for additional oral or written evidence from the

parties and any other individual he or she deems relevant. The Equal Opportunity Officer will make arrangements to audiotape any oral evidence presented.

Within 5 days after the hearing, the Executive Director will issue a final decision in writing to all parties involved.

**Second Appeal:** If the Complainant or Respondent is not satisfied with the decision, he or she must notify the Equal Opportunity Officer, in writing, within 5 days and request an appeal to INCA Board of Directors Human Rights Committee. The written appeal shall contain a specific statement explaining the basis for the appeal.

The Equal Opportunity Officer will notify the Board of Directors Human Rights Committee, in writing, within 5 days after receiving the appeal. The Equal Opportunity Officer will arrange for a hearing concerning appeal within 10 days from the date of notification to the Human Rights Committee.

The Human Rights Committee will act as an appellate body by reviewing the decision and the oral and written evidence and making a decision. At the hearing, the Human Rights Committee may ask for oral or written evidence from the parties and any other individual it deems relevant. The Equal Opportunity Office will make arrangements to audiotape any oral evidence presented. Within 5 days of the hearing, the Human Right Committee will issue a final decision in writing to all parties involved.

### **General Provisions**

**Extension of time:** Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date of the complaint is filed until the Board of Director's Human Rights Committee issues a final decision shall be no more than 120 days.

**Access to Regulations:** Upon request, the Equal Opportunity Officer shall provide copies of any regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age or disability.

**Confidentiality of Records:** Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the agency. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

**Representation:** The Complainant the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

**Retaliation:** The agency prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in INCA's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The agency will take steps to prevent the alleged perpetrator or anyone

else at the agency from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying employees they are protected from retaliation, making sure the victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the agency will take strong responsive action.

**Basis of Decision:** At each step in the discrimination complaint procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent and gravity of the activities or incidents.

## **EQUAL EMPLOYMENT & AFFIRMATIVE ACTION PRACTICES AND PROCEDURES**

It is the policy and practice of INCA Community Services, Inc. to provide equal employment opportunity for all employees and applicants for employment. No person in the service of this agency or person seeking admission to its service, shall be appointed, promoted, demoted, or in any way favored or discriminated against because of race, religion, color, sex, age, national origin, physical handicap, or political affiliation. Moreover, this agency shall take steps to remove any desperate effects of past discrimination, and to insure the full realization of equal employment opportunity through a continuing program of Affirmative Action.

**Ethnic Composition of staff:** It is a policy of INCA Community Services, Inc. that the ethnic composition of staff reflects the ethnic composition of the total population in the area served by the agency, and that the percentage of females on the grantee staff reflects at a minimum the percentage of females in the labor force of the area served by the grantee.

**Equal Opportunity Employer:** INCA Community Services, Inc. states in its Personnel Policies that it is an equal opportunity employer. All advertisements of vacancies shall specify that the agency is an Equal Opportunity Employer. Staff vacancy notices for all positions will be advertised in newspapers within the area served by the agency and/or taken from applicants registering with INCA Community Services.

**Equal Opportunity Service Provider:** INCA Community Services, Inc. states in all of its handouts, flyers, brochures, applications, intake forms, etc., it is an equal opportunity service provider. INCA ensures that all applicants, participants, and customers understand that the services being provided by the agency are of equal opportunity for all citizens.

**Applications:** Applications will be accepted by the Administrative Office and/or the Local County Offices. Consideration will be given to the employment of low income individuals who have been denied the benefit of formal education and who are willing to learn to perform new functions. The agency will make a reasonable effort to increase minority staff where possible as openings or advancement in position become available.

**Education Requirements:** Formal education qualifications, unless required by Federal, State or Local Law, or funding agency shall not be made a requirement for employment or advancement in either professional or non-professional capacities if a candidate has the ability to perform the duties of the position.

**Continuing Formal Education:** Attendance at formal educational institutions, where such contributes to increased job capability, may be arranged by an employee at his expense during regular working hours. Provided that the time from work does not exceed four hours per week and is covered by rescheduled work hours or leave without pay. The time off can not affect the timely manner or quality of service given to program participants. The Program Director and Executive Director must approve all such arrangements.

Head Start employees must pursue their CDA credential, Associates Degree, Bachelor Degree or paraprofessional certification through a separate plan for employees of the Head Start program. The Head Start Director and Executive Director must approve all such arrangements.

**Employee Training:** Training has been and will be provided for staff in an effort to promote program goals and to provide more effective staff. This is accomplished by regular staff trainings and meetings which deals with all facets of agency's programs and the interrelations of staff. Employees are given opportunities to travel to area, regional, and state training meetings whenever those meetings can benefit the employees to better perform their jobs.

**Qualified Supervision:** The responsibility at the agency level is to provide qualified supervision to employees. All personnel are given job descriptions and training within the agency to better meet the challenge of their job. Training includes supervision by trained staff.

All State, Regional, and Federal Publications which apply to a given job are given to the Program Director or assigned manager and in turn passed down to the employee. It is the responsibility of the Supervisor to clarify, explain, and assemble the material in such a manner that the employee will have a better understanding of his/her job.

**Employee Evaluation:** Each Supervisor performs an annual evaluation of the employees of whom he/she is given supervisory responsibility. The evaluation will bring to the attention of the employee status, improvements made and areas where more improvement is needed. This evaluation becomes an important part of the agency's personnel records. Any recommendations when there are openings for new employment should come after a thorough investigation of the employee's work records.

**Employee Complaints:** It is the policy of INCA Community Services, Inc. to discuss and seek resolution to employee complaints. To accomplish this, the personnel policies provide a procedure whereby employees may present job-related problems and complaints for prompt investigation and resolution in a friendly and impartial manner without being subject to criticism or adverse reaction. (See, Equal Opportunity Complaint Form - Attachment #6 and Equal Opportunity Policy - Attachment #7).

**Posting and Publicity of Equal Employment Opportunity:** The Human Resource Director shall be responsible for the postings and publicity to insure that all applicants are knowledgeable concerning the agency's Equal Employment Opportunity Program in the county offices, administrative office of the agency and website.

## **EQUAL OPPORTUNITY DISCRIMINATION COMPLAINT PROCEDURES**

### **EMPLOYMENT**

**Equal Employment Opportunity Discrimination (internal):** Any act or omission of an act which a person in the employment of this agency or person seeking admission to its employment, was appointed, promoted, demoted, or in any way favored or discriminated against because on age, sex, race, color, religion, national origin, physical impairment, or political affiliation.

**Procedures for Filing, Processing and Resolving Complaints alleging Discrimination:** If a complaint concerns employment with INCA Community Services, Inc., the individual must contact the agency within 10 days of the action believed to be discriminatory. Complaint forms (**Attachment #6**) are available on INCA's website [www.incacaa.org](http://www.incacaa.org) under the Human Resource Tab, Equal Employment Opportunity or from INCA's County Offices.

#### **DEFINITIONS:**

**Discrimination Complaint:** A written complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, national origin, sex, religion, age or disability. Person filing written complaint with agency should be within ten (10) days of act wherein complaint originates.

**Complainant:** Any person in the employment of this agency or person seeking admission to employment who submits a complaint alleging discrimination because of age, sex, race, color, religion, national origin, physical impairment, or political affiliation.

**Respondent:** The person alleged to be responsible for the alleged discrimination contained in the complaint. The term may be used to designate persons with the responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

**Equal Opportunity Officer:** The Equal Opportunity Officer shall work with the Complainant, Respondent, applicable Program Director, Executive Director, and the Board of Director's Human Rights throughout the investigation process to insure a prompt, fair, and impartial processing of formal and informal complaints of discrimination.

**Day:** Day means a working day when the agency's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

#### **Pre-Filing Procedures**

Prior to the filing of a written complaint, the Complainant is encouraged to visit with the Program Director or designated manager, as applicable, and reasonable effort should be made by the agency at this level to resolve the problem or complaint.

#### **Filing, Investigation, Hearing and Review Procedures:**

**Filing:** The Complainant submits a written complaint to the Program Director or assigned manager, as applicable, stating the basis, nature and date of the alleged discrimination, the names of persons responsible (where known) and requested action. If the applicable staff person is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the Equal Opportunity Officer. Discrimination complaint forms are available on INCA's website [www.incacaa.org](http://www.incacaa.org) under the Human Resource Tab, Equal Employment Opportunity or from INCA's County Offices.

Within two days of the written complaint the Equal Opportunity Officer will send a copy of complaint to the Executive Director.

The Equal Opportunity Officer will advise complainant of his or her rights under the Equal Opportunity Act.

**Confidentiality:** Complaints of discrimination the Program Director or assigned manager and Equal Opportunity Officer will disclose the complaint, the identity of the Complainant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If a Complainant wished to remain anonymous, the Equal Opportunity Officer or Program Director or assigned manager will advise him or her that such confidentiality may limit the agency's ability to fully respond to the complaint. If the Complainant asks to remain anonymous, the Program Director or assigned manager and Equal Opportunity Officer will proceed with the investigation.

**Investigation:** Upon receipt of the written complaint the applicable Program Director or assigned manager and the Equal Opportunity Officer together will conduct a complete and impartial investigation within 10 days of receiving the complaint, the extent reasonably possible, which shall include but not be limited to, interviewing the Complainant and any witnesses, review of documents and interviewing the Respondent.

The Program Director or assigned manager will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Complainant's requested action; and (c) outline alternatives.

**Response:** Within 5 days after completing the investigation, the applicable Program Director or assigned manager and Equal Opportunity Officer will issue a written decision to the Complainant and Respondent.

**Appeal:** If the Complainant or Respondent is not satisfied with the decision, he or she must notify the applicable Program Director or assigned manager within 5 days and request, in writing, an appeal to the Executive Director. The written appeal shall contain a specific statement of the basis of the appeal.

Within 5 days after receiving the appeal, the applicable Program Director or assigned manager and Equal Opportunity Officer will refer the appeal and the evidentiary record to the Executive Director. The Equal Opportunity Officer will schedule a hearing with the Complainant,

Respondent, applicable Program Director or assigned manager, within 10 days of receiving the appeal.

The Executive Director will act as an intermediate level of appeal by reviewing the principal or designee decision and the oral and written evidence presented below and making a decision. At the hearing, the Executive Director may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The Equal Opportunity Officer will make arrangements to audiotape any oral evidence presented.

Within 5 days after the hearing, the Executive Director will issue a final decision in writing to all parties involved.

**Second Appeal:** If the Complainant or Respondent is not satisfied with the decision, he or she must notify the Equal Opportunity Officer, in writing, within 5 days and request an appeal to INCA Board of Directors Human Rights Committee. The written appeal shall contain a specific statement explaining the basis for the appeal.

The Equal Opportunity Officer will notify the Board of Directors Human Rights Committee, in writing, within 5 days after receiving the appeal. The Equal Opportunity Officer will arrange for a hearing concerning appeal within 10 days from the date of notification to the Human Rights Committee.

The Human Rights Committee will act as an appellate body by reviewing the decision and the oral and written evidence and making a decision. At the hearing, the Human Rights Committee may ask for oral or written evidence from the parties and any other individual it deems relevant. The Equal Opportunity Officer will make arrangements to audiotape any oral evidence presented. Within 5 days of the hearing, the Human Right Committee will issue a final decision in writing to all parties involved.

### **General Provisions**

**Extension of time:** Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date of the complaint is filed until the Board of Director's Human Rights Committee issues a final decision shall be no more than 120 days.

**Access to Regulations:** Upon request, the Equal Opportunity Officer shall provide copies of any regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age or disability.

**Confidentiality of Records:** Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the agency. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

**Representation:** The Complainant the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

**Retaliation:** The agency prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the agency's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The agency will take steps to prevent the alleged perpetrator or anyone else at the agency from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the agency will take strong responsive action.

**Basis of Decision:** At each step in the discrimination complaint procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent and gravity of the activities or incidents.

**EQUAL OPPORTUNITY THROUGH THE EFFECTIVE USE  
OF AGENCY PURCHASING POWER**

INCA Community Services, Inc. has a basic policy of purchasing goods and services from vendors, contractors, and suppliers who are in compliance with Federal, State and Local Laws, and regulations governing equal employment practices.

INCA Community Services has adopted the policy of giving preference to minority owned businesses over other vendors offering goods and services of comparable quality and value.

**POLICY AND PROCEDURE TO CHANGE DISCRIMINATORY INSTITUTIONAL POLICIES,  
PRACTICES AND ATTITUDES WITHIN THE COMMUNITY**

INCA Community Services, Inc. on the surface sees no noticeable outright discriminatory policies, practices or voiced attitudes within the communities we serve. INCA serves small rural communities and currently does not have the outspoken discrimination.

This Agency will file complaints with proper authorities any discrimination brought to the attention of the Equal Opportunity Officer.

This Agency will provide assistance, wherever possible, to public and private institutions in the development of Equal Opportunity and Affirmative Action Plans and Policies upon request.

The Equal Opportunity Officer will assume responsibility of assistance to aggrieved individuals and groups in filing complaints of discrimination with appropriate agencies. He/She shall conduct workshops and/or discussions in areas of Affirmative Action at which local problem relates to human rights upon request.

The Agency shall actively participate in local human relations and will lend support to community efforts directed toward realization of Equal Opportunity and Affirmative Action goals and concepts.

## **AFFIRMATIVE ACTION GOALS, TIMETABLE AND EVALUATION PROCESS**

An annual self-evaluation shall be performed by the Human Rights Committee and Equal Opportunity Officer. The Evaluation shall include a summary of public outreach and involvement activities undertaken and a description of steps taken to ensure that minority person had meaningful access to the agency's programs, services and activities.

They shall use as a basis for the evaluation the goals and timetables (**Attachment #5**) set forth in the Equal Opportunity and Affirmative Action Plan, and the Annual Progress Reports of the Equal Opportunity Officer. The results of this evaluation shall be submitted in the annual up-dated Equal Opportunity and Affirmative Action Plan Evaluation. (**See Attachment #14**)

### **REPORTING**

#### **EEO Officer Report to Board of Directors:**

A report to the Board of Directors on an annual basis shall be made by the Equal Opportunity Officer. He/She shall advise the Board of the Progress made in the area of Affirmative Action based upon the projects and goals contained with the Civil Rights and Affirmative Action Plan.

#### **Title VI Compliance reporting to the Oklahoma Department of Transportation (ODOT) as required by Federal Transit Administration (FTA):**

**Title VI Complaint Procedures.** *Chapter IV, part 2; 49 CFR 21.9 (b)* – INCA Community Services, Inc. dba JAMM Transit has developed procedures for investigating and tracking Title VI complaints filed against them and makes their procedures for filing a complaint available to members of the public upon request.

**Procedure for Investigation, Complaints or Lawsuits.** *Chapter IV part 3' 48 CFR 21.9 (b).* INCA Community Services, Inc. dba JAMM Transit has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming INCA Community Services, Inc. dba JAMM Transit that allege discrimination on the basis of race, color, or national origin that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by INCA Community Services, Inc. dba JAMM Transit in response to the investigations.

**Access to Services by Persons with Limited English Proficient (LEP).** *Chapter IV, part 4: 49CFR 21.5 (b) and the DOT LEP Guidelines.* INCA Community Services, Inc. dba JAMM Transit is taking "reasonable steps" to remove the barriers for LEP individuals. INCA Community Services, Inc. dba as JAMM Transit plan is determined on a case by case basis at the local level. Any LEP individual directly impacted or benefiting from INCA Community Services, Inc. shall be offered translation proactively as a rule.

**Notifying Beneficiaries of their Rights Under Title VI.** *Chapter IV, part 5: 49CFR 21.9 (d).* INCA Community Services, Inc. dba as JAMM Transit has developed a statement for the provision of information to the public regarding their Title VI obligations and to apprise members of the public of the protections against discrimination afforded to them by Title VI.

**Inclusive Public Participation.** *Chapter IV, part 9, DOT Order 5620.* INCA Community Services, Inc. dba JAMM Transit annually reviews its Equal Opportunity and Affirmative Action Plan and completes an evaluation of the steps taken to ensure that minority persons had meaningful access to all services provided.

## **ATTACHMENT # 1**

### **BOARD OF DIRECTORS ROSTER OF HUMAN RIGHTS COMMITTEE**

This committee shall review the determination of the Equal Opportunity Officer regarding complaints of discrimination and shall oversee the enforcement of the grantee's Title VI, Equal Opportunity, and Affirmative Action Plan.

Phillip Caulbreath	Atoka County	Elected Public
Mona Ozbirn	Murray County	Selected Private
Latoya Davis	Johnston County	Low Income
Cathy Awalt	Marshall County	Low Income
James Wallace - Chairperson	Murray County	Low Income
Erica Pogue	Atoka County	Equal Opportunity Officer
Brenna Moore	Johnston County	Human Resource Director

\*Meet when needed

## ATTACHMENT #2

### BOARD AND COMMITTEE REPRESENTATION

#### Analysis of ethnic representation of INCA's Boards and Committees:

Group	Caucasian	African American	Native American, Hispanic or Other	Total
Board of Directors	9	1	2	12
Human Rights Committee	4	2	1	7
Transit Advisory Committee	8	2	2	12
Policy Council	19	2	5	26
RSVP Advisory Council	6	1	2	9
Total	46	8	12	66

#### Analysis of male and female representation of INCA's Boards and Committees:

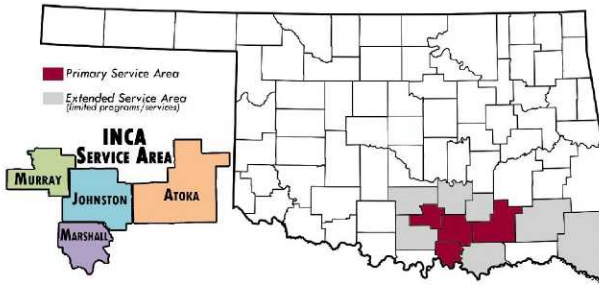
Group	Male	Female	Total
Board of Directors	4	8	12
Human Rights Committee	2	5	7
Transit Advisory Committee	3	9	12
Policy Council	4	22	26
RSVP Advisory Board	1	8	9
Total	14	52	66

#### Analysis of ethnic composition of INCA's Boards and Committees as compared to ethnic composition of the four-county population according to the last census data:

Ethnicity	Board/Committee Percentage	Population Percentage
Caucasian	70%	70%
African American	12%	2%
Native American, Hispanic, or Other	18%	28%

## ATTACHMENT #3

### MAP AND POPULATION OF SERVICE AREA



The anticipated service area consists of Johnston, Atoka, Marshall, and Murray Counties. The total population of these four counties in Oklahoma according to the 2010 census statistics was 40,979 and the estimated population of 2016 is 55,066. This demonstrates a growth of 14,087 in six years.

Johnston County	Atoka County	Marshall County	Murray County
Tishomingo Office Administrative Office 202 S. Capitol Tishomingo, OK 73460 (580) 371- 2352	Atoka Office 371 W. 10th Street Atoka, OK 74525 (580) 889-5193	Madill Office 18941 8th Street Madill, OK 73446 (580) 795-2372	Sulphur Office 112 N. 9th Sulphur, OK 73086 (580) 622-5700
	INCA Clothing Bank 412 Allen Ave. Atoka, OK 74525 (580) 889-6383		
Head Start Centers			
Milburn Head Start 200 N. 7th Street Milburn, OK 73450 (580) 443-5487	Atoka Head Start 371 W. 10th Street Atoka, OK 724525 (580) 889-5153	Kingston Head Start Kingston Public Schools North West and Main Kingston, OK 73439 (580) 443-5487	Davis Head Start 701 E. Benton Davis, OK 73070 (580) 584-4171
Mill Creek Head Start Mill Creek Public Schools 603 S. Choctaw Mill Creek, OK 74856 (580) 384-5333	Caney Head Start Caney Public Schools 402 N. Perkins Caney, OK 74533 (580) 889-6758	Madill Head Start 209 N. 2nd Street Madill, OK 73446 (580) 795-3506	Sulphur Head Start 1220 W. 9th Street Sulphur, OK 73086 (580) 622-5206
Tishomingo Head Start 809 E. 6th Street Tishomingo, OK 73460 (580) 371-3680		Oakland Head Start Hwy. 70 and 8th Street Oakland, OK 73446 (580) 677-9444	
Wapanucka Head Start Wapanucka Public Schools 502 S. Choctaw Wapanucka, OK 73461 (580) 937-4581		Oakland Head Start (Building) 18961 8th Street Oakland, OK 73446 580-795-3060	
Mannsville Head Start Mannsville Public School 509 E. School Street			

Mannsville, OK 73447 580-371-2892			
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#### ATTACHMENT #4

#### SERVICE RECIPIENTS/CLIENTS CHARACTERISTIC REPORT

##### Analysis of ethnic representation of program participant characteristics:

All Programs	Caucasian	African American	Native American, Hispanic, or Other	Total
HS, JAMM, RX OK, ESG, WX, RAVE, RSVP, & CSBG	5,788	398	1,689	7,875
Total	5,788	398	1,689	7,875

##### Analysis of male and female program participant characteristics:

All Programs	Male	Female	Total
HS, JAMM, RX OK, ESG, WX, RAVE, RSVP, & CSBG	3,447	4,425	7,875
Total	3,447	4,425	7,875

##### Analysis of ethnic composition of program participant characteristics compared to ethnic composition of the four-county population according to the last census data:

Ethnicity	Program Participants Percentage	Population Percentage
Caucasian	73%	70%
African American	5%	2%
Native American, Hispanic, & Other	22%	28%

## ATTACHMENT #5

### GOALS

Goals	Responsible Party	Target Date for Completion
I. Continue to train Managers about equal opportunity legislation, policies, procedures, and best practices.	Equal Opportunity Officer Human Resource Manager Executive Director	On-going
II. Continue to promote staff awareness of harassment and discrimination prevention policies and resolution procedure through information hand-outs and training sessions	Equal Opportunity Officer Human Resource Manager Executive Director	On-going Training will be provided to all staff on a yearly basis. New staff will be trained / made aware of our agency policies and procedures during intake and in the new employee orientation training.
III. The ethnicity, sex, and age of staff, board, and policy members shall continue to reflect a ratio of minority persons at least proportionate to the poverty population served by the agency as closely as possible, within 5%.	Equal Opportunity Officer Human Resource Manager Program Directors Executive Director	On-going
IV. The Human Rights Committee will meet and update the agency Equal Opportunity and Affirmative Action Plan	Human Rights Committee Equal Opportunity Officer Executive Director	August 2017
V. Analysis of ethnicity and gender of persons serving on boards and committees will be completed.	Equal Opportunity Officer	September 2017
VI. The updated Equal Opportunity and Affirmative Action Plan will be presented	Equal Opportunity Officer Executive Director	September 2017

to the Board of Directors for Approval		
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**ATTACHMENT #6**

**TITLE VI DISCRIMINATION COMPLAINT FORM**

**ATTACHMENT #7**

**EQUAL OPPORTUNITY DISCRIMINATION COMPLAINT FORM**

**ATTACHMENT #8**

**EQUAL OPPORTUNITY POLICY**

**ATTACHMENT #9****INCA EMPLOYEE REPRESENTATION****Analysis of ethnic representation of INCA employees:**

<b>Group</b>	<b>Caucasian</b>	<b>African American</b>	<b>Native American, Hispanic, or Other</b>	<b>Total</b>
Employees in all Programs	163	14	47	224
Total	163	14	47	224

**Analysis of male and female representation of INCA employees:**

<b>Group</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Employees in all Programs	43	181	224
Total	43	181	224

**Analysis of ethnic composition of INCA employees as compared to ethnic composition of the four county population:**

<b>Ethnicity</b>	<b>INCA Employee Percentage</b>	<b>Population Percentage</b>
Caucasian	73%	70%
African American	6%	2%
Native American, Hispanic, or Other	21%	28%

## ATTACHMENT #10

### TITLE VI INFORMATION

#### Locations of Title VI Postings

Title VI Posters are posted in on bulletin boards or in other areas that are highly viewable by the public and staff members in Tishomingo, Atoka, Oakland, and Sulphur. They are placed in each of the JAMM Offices where drivers have easy access to them and posted in each of the JAMM vehicles for the public riders. Postings are in English and Spanish make the availability to the Limited English Proficiency population that resides within our areas.

#### Title VI Posting

<b>YOUR RIGHTS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964</b>	<b>SUS DERECHOS BAJO EL TITULO VI DE LA LEY DE DERECHOS CIVILES DE 1964</b>
<p>“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.”</p> <p>For further information, or if you feel that you have been discriminated against, please contact:</p> <p>INCA Community Services, Inc.</p> <p>Johnston County – 580-371-2352 Atoka County – 580-889-5193 Marshall County – 580-795-2372 Murray County – 580-622-5700</p>	<p>“Ninguna persona en los Estados Unidos, en motivos de raza, color u origen nacional, se excluirá participación en, pueda negar los beneficios de o ser sometida a discriminación bajo ningún programa o actividad que reciba asistencia financiera Federal.”</p> <p>Para más información o si siente que le ha sido discriminado por favor póngase en contacto con:</p> <p>INCA Community Services, Inc.</p> <p>Johnston Condado – 580-371-2352 Atoka Condado – 580-889-5193 Marshall Condado – 580-795-2372 Murray Condado – 580-622-5700</p>

**ATTACHMENT #11**

**PUBLIC PARTICIPATION POLICY**

**ATTACHMENT #12**

**LIMITED ENGLISH PROFICIENCY POLICY**

**ATTACHMENT #13****LEP RESOURCES****Language Apps**

<b>Google Translate</b>	Translates words you speak or type, can also use word lense which translates signs - 60 languages
<b>iTranslate</b>	Real-time spoken word translation application - 60 languages
<b>Bing Translator</b>	Keyboard, voice, and camera usage for translations - 43 languages
<b>Jibbigo</b>	Speech translation, application will translate aloud - 21 languages

<b>Bilingual Staff</b>	<b>County</b>	<b>Phone Number</b>	<b>Language</b>	<b>Available Hours</b>
Sandrea Ricke	Atoka	580-889-5183	Spanish	Varies
Robert Trett	Murray	580-622-5700	Spanish	Varies
Sandra Travino	Marshall	580-795-2372	Spanish	8:00 - 3:00
Neftaly Salinas	Marshall	580-795-2372	Spanish	8:00 - 3:00
Clauida Moreno	Marshall	580-795-2372	Spanish	8:00 - 3:00

<b>Other Translators</b>	<b>County</b>	<b>Phone Number</b>	<b>Language</b>	<b>Available Hours</b>
Ermalinda Scroggins	Atoka	580-364-2333	Spanish	Varies
Sandi Brock	Johnston	580-951-2522	Spanish	Varies
Margarito Rojas	Johnston	580-371-6736	Spanish	Varies
School for the Deaf	Murray	580-622-4900	ASL	Varies

## **ATTACHMENT #14**

### **TITLE VI, EQUAL OPPORTUNITY, AND AFFIRMATIVE ACTION PLAN EVALUATION**

As presented in our 2017-2018 Affirmative Action Plan, INCA Community Services, Inc. has a good diversity of ethnic groups represented within all programs, program participants, boards and committees.

The statistics gathered for our agency indicates that we continue to strive in all areas to ensure equal opportunity. (Agency goal is to be within 5%) There will be continued and on-going training with all managers and Program Directors to promote awareness, ensure proper procedure with hiring practices, and keep management informed of legislation, policies, and best practices.

Attachment #2, Analysis of Ethnic Representation of INCA Boards and Committees compared to the composition of our four county populations - Our agency is on target staying within the goal of 5%. Caucasian members represent 70%, African American members represent 12% and Native American/Hispanic/Other members represent 18%. Women are well represented in this category.

Attachment #4, Service Recipients/Clients Characteristic Report compared to the composition of our four county populations – Our agency statically maintains our agency goal of staying within 5% of all populations being represented. Our Caucasian recipients were at 73%, our African American recipients were at 5%, and our Native American/Hispanic/Other recipients were at 22%. Women are well represented in this category.

Attachment #9, Analysis of Ethnic Representation of INCA Employees compared to the composition of our four county populations – Our current agency employees represent 73% in Caucasian employees, 6% in African American employees, and 21% in Native American/Hispanic/Other employees. Women are well represented in this category.

All new employees will receive training on INCA's personnel policy and procedures. New employees will also attend Orientation training on Affirmative Action, Discrimination, and Sexual Harassment.

There was one (1) discrimination complaint issued with the Equal Employment Opportunity Commission during the 2015 - 2016 review process and at that time we underwent mediation. The case was settled during the 2016 - 2017 year and no party admitted fault for the actions the claimant claimed. JAMM has not had any public transportation-related Title VI investigations, complaints, or lawsuits filed with JAMM in the last 3 years.

A yearly legal notice has ran in all four counties stating INCA Community Services, Inc. will give all minority businesses opportunity for all of our programs contracts. (DBE and WBE) All advertisements and job postings will specify that INCA Community Services is an Equal Opportunity Employer and an Equal Opportunity Service Provider.



INCA Community Services, Inc.  
JAMM Transit

# Title VI Complaint Form

JAMM Transit is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as provided by the Title VI of the Civil Rights Act of 1964, as amended. The Title VI complaints must be filed within 180 calendar days from the date of the alleged discrimination. Completed forms must be submitted to JAMM Transit. If you require any assistance in filling out this form please contact the EEO Officer at 580-889-5193.

Date of Filing:	
Name:	
Address:	
City, State, Zip Code:	
Work Phone:	
Home Phone:	
E-mail Address:	

Indicate on what ground(s) you believe you have been discriminated against (check all that apply):

☐

Race

☐

Color

☐

National Origin

Indicate the person(s) who you believe discriminated against you:

Name(s):	
Work Location (if known):	
Work Phone:	
Date of alleged incident:	

If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name:	
Address:	
Work Phone:	
E-mail Address:	

Explain why you believe discrimination has occurred. If there are witnesses, please provide names, addresses, and telephone numbers. Be sure to include how other persons were treated differently than you. Attach additional pages as necessary and any written material pertaining to your case.

What remedy are you requesting? Please be specific:

Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any other agencies (FEderal, State, or Local):

☐

Yes

☐

No

If so, please provide the following information:

Agency:

Address:

Name of Investigator (if known):

Phone Number:

E-mail Address:

Date Filed:

Status of Case:

I confirm that I have read the above charge(s) and it is true to the best of my knowledge.

Print or typed name of complainant:

Signature

Date

JAMM Transit ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors.

- e. \_\_\_\_\_ Disability (Please specify the name of your disability and/or provide a brief description of its symptoms) \_\_\_\_\_
- f. \_\_\_\_\_ Age (Please indicate your age) \_\_\_\_\_
- g. \_\_\_\_\_ National Origin (Please indicate your national Origin) \_\_\_\_\_
- h. \_\_\_\_\_ Religion (Please indicate your religion or religious beliefs) \_\_\_\_\_
- i. \_\_\_\_\_ Veteran's Status \_\_\_\_\_
- j. \_\_\_\_\_ Political Affiliation (Please indicate affiliation) \_\_\_\_\_
- k. \_\_\_\_\_ Genetics \_\_\_\_\_

5. When did the act(s) of discrimination occur: Date(s) \_\_\_\_\_

6. Briefly describe the act(s) of discrimination: (Please include names, telephone numbers, and job titles of all persons involved in the discriminator acts you describe. Additional sheets may be attached.

- For each action, please provide the following information:
- Date(s) the discriminatory action occurred;
- Names of individual(s) who discriminated;
- What happened;
- Witnesses, (if any);
- Why you believe the discrimination was because of race, sex, disability, or the basis indicated above or why you believe the action was retaliatory.

7. What would you like the agency to do as a result of your complaint? What remedy are you seeking?

I affirm that the above information is true to the best of my knowledge, information, and belief:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date




INCA Community Services, Inc.

# Discrimination Complaint Form

## Title VI - program recipients, vendors or public

The discrimination complaint form is for all persons (program recipients, vendors or public), who feel they have been discriminated against due to race, color, religion, sex, national origin, age, disability or genetic information. The procedure for filing a complaint of discrimination is described in INCA's Title VI, Equal Opportunity and Affirmative Action Plan. To get in touch with an EEO Officer, you may call INCA's Administrative Office at (580) 371-2352 or on INCA's Website at [www.incacaa.org](http://www.incacaa.org) – Human Resource Tab, Title VI, Equal Opportunity Tab, Equal Opportunity and Affirmative Action Plan.

1. Complainant's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Alternative Phone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_
2. Program, Location, and Individual that you believe committed the act(s) of discrimination  
Program: \_\_\_\_\_  
Location: \_\_\_\_\_  
Individual: \_\_\_\_\_
3. Have you tried to resolve the complaint with the program supervisor? Yes \_\_\_\_ No \_\_\_\_  
If yes, who did you discuss your complaint with? \_\_\_\_\_  
What is the current status of the complaint? \_\_\_\_\_
4. Complainant was discriminated against because of (check all categories a through k that apply to the act(s) of discrimination:
  - a. \_\_\_\_\_ Race or Color (Please specify the racial or ethnic group) \_\_\_\_\_
  - b. \_\_\_\_\_ Gender (Please indicate gender) \_\_\_\_\_
  - c. \_\_\_\_\_ Sexual Harassment
  - d. \_\_\_\_\_ Retaliation

<b>Category:</b>		<b>INCA Community Services Policy</b> 
<b>Policy Number:</b>	000.000	
<b>Effective Date:</b>		
<b>Revised Date:</b>	10/26/2016	
<b>Forms:</b>	Discrimination Complaint Form	
Responsible: EEO Officer, Management		

## Equal Opportunity Policy

### Purpose/Introduction

The Civil rights laws of 1964 have been enacted to assure equality of opportunity, and this agency shall strive to meet the requirements of these laws to the extent that equal opportunity for all people is a reality.

### Policy

INCA Community Services, Inc. is an equal opportunity employer and service provider and prohibits discrimination and harassment of any type and affords equal employment opportunities and services to employees, applicants, participants, customers, and clients without regard to race, color, religion, sex, national origin, age, disability or genetic information.

INCA conforms to the spirit as well as to the letter of all applicable laws and regulations. Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated. INCA will promptly, thoroughly and fairly investigate every issue that is brought to its attention in this area and will take disciplinary action, when appropriate, up to and including termination of employment.

### Procedures

INCA administers our equal opportunity policy fairly and consistently by:

- Posting all required notices regarding employee rights under EEO laws in areas highly visible to employees in all the central county offices.
- Advertising for job openings with the statement "An Equal Opportunity Employer."
- Advertising services with the statement "Equal Opportunity Service Provider."
- The website will indicate Equal Opportunity Service Provider and Employer throughout.
- A yearly legal notice will be ran in all four counties stating INCA Community Services, Inc. will give all minority businesses opportunity for all of our programs contracts (DBE and WBE).
- Forbidding retaliation against any individual who files a charge of discrimination, opposes a practice believed to be unlawful discrimination, reports harassment, or assists, testifies or participates in an EEO agency proceeding.
- Requires employees to report to a member of management, the Human Resource Director or the EEO Officer any apparent discrimination or harassment.
- Promptly notifies the EEO Officer or Human Resource Director of all incidents or reports

of discrimination or harassment and takes other appropriate measures to resolve the situation.

INCA encourages employees and persons receiving services to report all incidents of harassment including sexual harassment to a member of management, the Human Resource Director, or the EEO Officer. INCA conducts harassment prevention training for all employees, and maintains and enforces a separate policy on harassment prevention, complaint procedures and penalties for violations under the **Sexual Harassment and Sexual Misconduct Policy**. Designated members investigate all complaints of harassment promptly and fairly, and, when appropriate, takes immediate corrective action to stop the harassment and prevent it from recurring.

### **Guidelines**

The policy of equal employment opportunity (EEO) and anti-discrimination applies to all aspects of the relationship between INCA and its employees, applicants, participants, customers, and clients including:

- Recruitment.
- Employment.
- Promotion.
- Transfer.
- Training.
- Working conditions.
- Wages and salary administration.
- Employee benefits and application of policies.
- All services provided by the agency.

The policies and principles of equal opportunity also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with INCA.

For more information please review the Equal Opportunity and Affirmative Action Plan where explicit detail can be found for the guidelines of filing grievances and abiding by the local, state, and federal laws regarding discrimination.

### **Procedures for Filing a Complaint**

Prior to filing a written complaint, employees are encouraged to visit with the Program Director or designated manager, as applicable, and reasonable effort should be made by the agency at this level to resolve the problem or complaint.

- The Complainant submits a written complaint to the Program Director using the Discrimination Complaint Form.
- If the complaint is against the supervisor or Program Director the complaint should be submitted to the Equal Employment Opportunity Officer or the Human Resource Director.
- Within two days of receiving the complaint the EEO Officer will send a copy to the Executive Director.
- The EEO Officer will advise the complainant of his or her rights under the Equal Opportunity Act.
- The Program Director or assigned manager and the EEO Officer will conduct a complete and impartial investigation within 10 days of receiving the complaint.
- The Program Director or assigned manager will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Complainant's requested action, and (c)

outline alternatives.

- Within 5 days after completing the investigation, the applicable Program Director or assigned manager and the EEO Officer will issue a written decision to the Complainant and Respondent.

### ***Appeal***

- If the Complainant or Respondent is not satisfied with the decision, he or she must notify the applicable Program Director or assigned manager within 5 days and request, in writing, an appeal to the Executive Director.
- Within 5 days of receiving the appeal, the applicable Program Director or assigned manager and EEO Officer will refer the appeal and the evidentiary record to the Executive Director.
- A hearing will be scheduled by the EEO Officer with the Complainant, Respondent, and Program Director or assigned manager within 10 days of receiving the appeal.
- The Executive Director will act as an intermediate level of appeal by reviewing the principal and designee decision and the oral and written evidence presented.
- Within 5 days of the hearing the Executive Director will issue a final decision in writing to the parties involved.

### ***Second Appeal***

- If the Complainant or Respondent is not satisfied with the decision of the Executive Director, he or she must notify the EEO Officer within 5 days and request an appeal to INCA Board of Directors Human Rights Committee.
- The written appeal shall contain a specific statement explaining the basis for the appeal.
- The EEO Officer will notify the Human Rights Committee, in writing, within 5 days after receiving the appeal.
- The EEO Officer will arrange for a hearing concerning the appeal within 10 days from the date of notification to the Human Rights Committee.
- The Human Rights Committee will act as an appellate body by reviewing the decision and the oral and written evidence and making a decision.
- The Human Rights Committee may ask for oral or written evidence from the parties and any other individual it deems relevant.
- The EEO Officer will make arrangements to audiotape any oral evidence presented.
- Within 5 days of the hearing

### **Documentation Required**

- Discrimination Complaint Form
- Any written correspondence, photos, or other documentation
- Written reports upon completion of investigation

### **Definitions**

**Discrimination Complaint:** A written complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, national origin, sex, religion, age or disability. Person filing written complaint with agency should be within ten (10) days of act wherein complaint originates.

**Complainant:** Any person in the employment of this agency or person seeking admission to employment who submits a complaint alleging discrimination because of age, sex, race, color, religion, national origin, physical impairment, or political affiliation.

**Respondent:** The person alleged to be responsible for the alleged discrimination contained in the complaint. The term may be used to designate persons with the responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.


**Equal Opportunity Officer:** The Equal Opportunity Officer shall work with the Complainant, Respondent, applicable Program Director, Executive Director, and the Board of Director's Human Rights throughout the investigation process to insure a prompt, fair, and impartial processing of formal and informal complaints of discrimination.

**Day:** Day means a working day when the agency's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

**EEO:** Equal Employment Opportunity

### **Dissemination of Policy**

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.

<b>Category:</b>	Agency	<b>INCA Community Services Agency Policy</b>  
<b>Policy Number:</b>	000.000	
<b>Effective Date:</b>	2/28/17	
<b>Revised Date:</b>		
<b>Forms:</b>	Discrimination Complaint Form	
Responsible: EOO Officer, Management		

## Limited English Proficiency Policy

### Purpose/Introduction

The Limited English Proficiency Policy has been prepared to address INCA Community Services, Inc. responsibility as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The policy has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000D, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

### Title VI Guidelines

Title VI of the 1964 Civil Rights Act is one of two federal mandates that guarantee the provision of meaningful access to federally-funded services for LEP individuals:

- Title VI of the 1964 Civil Right Act provides 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 benefits of, or be otherwise subjected to discrimination under any program or activity that receives federal financial assistance. This includes meaningful access to LEP customers.
- President's Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (August 11, 2000): instructs federal agencies to improve access to services by mandating that any federally conducted or assisted programs of activities (i.e. recipients of federal funding) must provide meaningful access to LEP customers.

### Policy

INCA Community Services, Inc. will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs, and other benefits. This policy provides for communication of information of documents applicable to the agency. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served. Customers and their families will be informed of the availability of such assistance free of charge.

### Procedures

#### 1. Identifying LEP Persons and Their Language


- INCA will promptly identify the language and communication needs of the LEP

<p>person. If necessary, staff will use a language identification card (or “I speak cards”) or posters to determine the language.</p> <ul style="list-style-type: none"> <li>Records will be kept of past interactions with customers or family members about the language used to communicate with the LEP person.</li> </ul>
<p><b>2. Obtain an Interpreter</b></p>
<p>The Equal Opportunity Officer will be responsible for:</p> <ul style="list-style-type: none"> <li>Advising staff members on Language Translation apps that can be used to translate quickly and efficiently.</li> <li>Maintaining a list showing the name, language, phone number, and hours of availability of all bilingual staff persons.</li> <li>Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available.</li> <li>Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.</li> <li>The LEP may request to use a family member or friend as an interpreter, however it is not required that any person bring their own interpreter to receive services.</li> </ul>
<p><b>3. Provide Written Translations</b></p>
<ul style="list-style-type: none"> <li>Documents will be translated into frequently-encountered languages as needed.</li> <li>The website is available in 53 languages.</li> </ul>
<p><b>4. Providing Notice to LEP Persons</b></p>
<p>INCA will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum notices and signs will be posted and provided in foyers of county offices and website. Notification will also be provided through one or more of the following: outreach documents, advertisements, and/or community based events.</p>
<p><b>5. Monitoring Language Needs and Implementation</b></p>
<p>On an ongoing basis, INCA will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, INCA will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from customers, and community organizations.</p>
<p><b>Documentation Required</b></p>
<p>1. Intake Form</p>
<p><b>Definitions</b></p>
<p><b>Limited English Proficiency (LEP)</b> - a person who has limited English speaking skills.  <b>Interpreter/Translator</b> - a person who interprets, especially one who translates speech orally.  <b>Title VI of the 1964 Civil Rights Act</b> - was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.  <b>Language Translation apps</b> - cell phone applications that allow for the translation of languages</p>

by speaking or typing into them as needed.

### **Dissemination of Policy**

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.

<b>Category:</b>		<b>INCA Community Services Agency Policy</b>  
<b>Policy Number:</b>	000.000	
<b>Effective Date:</b>	2/28/2017	
<b>Revised Date:</b>		
<b>Forms:</b>	Discrimination Complaint Form	
Responsible: EOO Officer, Management		

## Public Participation Policy

### Purpose/Introduction

INCA Community Services, Inc. is committed to ensuring it serves the communities in which it serves fairly, consistently, and in the most cost-efficient and appropriate manner using available resources. Through public participation INCA is able to assess the quality and reliability of the services offered as well as introduce new and needed services within the scope of the agencies abilities and funding.

### Policy

As part of the Title VI, Equal Opportunity, and Affirmative Action Plan, INCA Community Services is establishing a Public Participation Policy to strengthen the community involvement by the agency, programs, staff members, and the public. This policy serves as a guideline for the agencies participation within the communities and how to actively engage the public sector.

### Public Participation Process

As a public agency, INCA Community Services, Inc. encourages participation, input, and guidance from our communities as well as encourages staff members to participate within the communities at various functions and events.

- The Leadership Team will establish strategies to involve public participation in events. INCA encourages members from the public to participate and volunteer for various activities.
- INCA will seek members from the community to serve on committees and councils within the agency but individuals may request to be considered for positions open and available.
- The Leadership Team is strongly encouraged to present themselves as INCA's representatives within the community.
- All staff representing INCA must uphold the Code of Ethics and other agency policies to the highest regard.
- Employees seeking to explore community opportunities and represent the agency must provide a written statement to the Executive Director who will then approve or deny such requests if it is outside the scope of their job duties.

### Public Participation Outreach Opportunities

- Each program will conduct a Customer Satisfaction Survey once a year within a designated month. Also, annually an agency wide survey will be conducted. (see Customer Satisfaction Policy)

- Every three years INCA will conduct a Community Needs Assessment and the public within the counties served will be surveyed.
- Members from the public will be appointed to serve on the Board of Directors, Community Housing Development Organization (CHDO) Board, Transit Advisory Council, and RSVP Advisory Council.
- Parents or guardians of children participating in the Head Start and Community representatives will be elected to serve on the Head Start Policy Council.
- Head Start Parents are encouraged to actively serve on Local Parent Committees within the Head Start Program.
- JAMM Transit will hold public forums throughout each of the counties yearly and encourage the public to attend.
- JAMM Transit will hold yearly public hearings as mandated by the Oklahoma Department of Transportation.
- Emergency Solutions Grant (ESG) and CHDO will hold an annual input session throughout each of the counties yearly and encourage the public to attend.
- Board Meetings, Transit Advisory Council Meetings, RSVP Advisory Meetings, and Policy Council meets are all open to the public and will be posted.
- INCA will make every effort to ensure Limited English Proficiency (LEP) participants are equally surveyed and able to attend meetings. (see LEP Policy)

#### **Public Presence**

- Designated staff members will attend and actively take part in community meetings including but not limited to Chambers of Commerce, Turning Point Coalitions, City Council Meetings and County Commissioner Meetings.
- Staff members are encouraged to serve on committees and other organizations of their choosing to be actively involved within the community.
- INCA will participate in community events and encourage staff members to volunteer time to their community.
- Programs will post promotional flyers and information throughout the year that focuses on their program. Including but not limited to the following.
  - JAMM Transit - fare rates and hours of operation.
  - Head Start - enrollment opportunities
  - RSVP - volunteer opportunities
  - General - various promotions, fundraising, and other agency projects
- INCA's website will be used to promote programs, services, activities, and events throughout the area. It will also provide accurate and up-to-date information regarding current programs and services to continually educate and advocate to the public on available resources both offered by the agency and within the communities.
- Social media will be:
  - Maintained by designated staff members who will actively promote programs, services, activities, and events
  - Utilized to promote various time relevant agency priorities including but not limited to job opportunities, program promotions, service activities, fundraising, agency publications, and more.
  - Utilized as a communication tool for public seeking additional agency information.
  - Staff will be encouraged to share promotions, photos, and posts to increase community reached.

#### **Documentation Required**

The appropriate grant application or program director will maintain information regarding public forums and input sessions which will include proofs of advertisements, agendas, and sign-in sheets.

Newsletters will highlight special participation events and other actions throughout the community.

### **Definitions**

**Public Forum and Input Session** - an open meeting that allows for the discussion of grants, events, and programs within the agency.

**Limited English Proficiency (LEP)** - a person who has limited English speaking skills. (see LEP Policy)

**Title VI** - was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

**Affirmative Action** - an action or policy favoring those who tend to suffer from discrimination, especially in relation to employment or education; positive discrimination.

**Equal Opportunity** - the policy of treating employees and others without discrimination, especially on the basis of their sex, race, or age.

### **Dissemination of Policy**

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.