

## **Title VI Plan**

Pioneer Adult Rehabilitation Center (PARC),  
((Agency)) Federally Funded Transportation Program

### **TITLE VI PLAN**

April 13, 2023

Kenneth Naegle, PARC Regional Executive Director

**Prepared by** Matt Elston,  
Community Integrated Services Manager - PARC

Updated by Melissa Bippes, PARC Program Manager

July 28, 2023

## Policy Statement, Authorities and Citations

PARC Community Partnership Foundation, Clearfield, Utah, Davis County Utah, (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

### Statutory/Regulatory Authorities

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

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

### General Assurances

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

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

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

### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

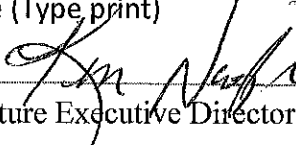
*"PARC, Clearfield, Utah, Davis County Utah, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, PARC, Clearfield, Utah, Davis County Utah also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

PARC, Clearfield, Utah, Davis County Utah, gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on PARC, Clearfield, Utah, Davis County Utah, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Kenneth Naegle  
Name (Type print)  
  
Signature Executive Director

\_\_\_\_\_  
Recipient: PARC, Clearfield, Utah, Davis County Utah  
9.26.204  
Date

## Organization, Staffing and Structure

### A. Organizational Chart – Reporting Relationships

Please see attachment

### A. Staffing and Structure

*The (Agency) Administrator is authorized to ensure compliance with provisions of the (Agency)'s policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The (Agency)'s grants compliance function and Title VI coordination shall be performed under the authority of the (Agency) Administrator.*

#### *Title VI Coordinator*

*PARC has added duties to the Rehab Program Manager to perform the duties of the Title VI Coordinator and ensure implementation of the PARC's Title VI Federally Funded Transportation Program. The Rehab Program Manager has other duties and responsibilities in addition to Title VI. The Rehab Program Manager has a direct reporting relationship and access to the PARC Executive Director.*

*As authorized by the PARC Executive Director, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring PARC's compliance with Title VI requirements as follows:*

*A. Program Administration. Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the PARC Executive Director.*

*B. Complaints. Review written Title VI complaints that may be received by PARC following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.*

*C. Data Collection. Review the statistical data gathering process performed by agency program staff periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See the UTA Master Plan for Data Collections)*

*D. Environmental Impact Statements. Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by the UTA for projects receiving Federal Highway Administration or other Federal assistance.*

*E. Training Programs. Conduct or facilitate training programs on Title VI issues and regulations for PARC and UTA employees; and facilitate Title VI training for appropriate staff, contractors and sub-*

recipients. A summary of training conducted will be reported in the annual update.

*F. Title VI Plan Update. Review and update PARC Transportation Program, Title VI Plan every 3 years or as needed or required. Present updated plan to the PARC Executive Director for approval; submit amended Plan to ODOT.*

*G. Title VI Plan Update. Review and update the PARC Transportation Program, Title VI Plan every 3 years or as needed or required. Present updated plan to the (Agency) Administrator for approval; submit amended Plan to ODOT.*

*H. Annual Accomplishment Report. Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required; and submit by working with UTA to make sure we have the right numbers.*

*I. Public Dissemination. Work with PARC and UTA staff to develop and disseminate Title VI program information to PARC and UTA employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the (Agency)'s Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.*

*J. Elimination of Discrimination. Work with ServiceSource Policy and Procedures, 11IR- 100 Nondiscrimination Policy and Complaint Procedures:*

- 1. STATEMENT OF NONDISCRIMINATION PARC does not discriminate on the basis of race, color, religion, national origin, sex, disability, age, or veteran status in its programs and activities. This policy extends to all aspects of the PARC's programs, as well as to the use of all PARC's facilities, and participation in all PARC sponsored activities.*
- 2. COMPLIANCE OFFICERS PARC's Compliance Officers will be responsible for implementing the complaint procedures of this policy.*

*2.2. Employment. Complaints alleging discriminatory conduct in employment practices on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation, gender identity, or veteran status may be directed to the following*

*Compliance Officer: Rubitha Logan, Vice President of Talent Management/EEO Officer  
10467 White Granite Dr., Oakton, VA 22124; 703-461-6000*

*3. COMPLAINT PROCEDURE: In compliance with applicable federal and state law, it is the policy of PARC to investigate promptly and resolve equitably all complaints and reports of discrimination on the basis of race, color, religion, sex, national origin, age, disability, or veteran status in its programs and activities, and any other alleged violation of civil rights. An individual who believes that he or she has been subjected to unlawful discrimination may personally or through a representative file a complaint as provided herein.*

*3.1. Site-Level Complaint. The site administrator is the individual responsible for receiving complaints of discrimination at the building or department level. Complainants are encouraged to work with site administrators in an effort to reach a mutually acceptable resolution to a complaint at the level or site of the incident in an informal manner. If the complaint is against the site administrator, the complaint may be filed directly with the Compliance Officer.*

*3.2. Corporate-Level Complaint. Complainants who are not satisfied with initial efforts to resolve a complaint of discrimination may file a complaint with the Compliance Officer identified in Section 2 of this policy or, if the complaint is against the Compliance Officer, the complaint may be filed with the CEO, who will direct the implementation of the procedures contained in this policy.*

*3.2.1. Complaints filed with the Compliance Officer or the CEO shall be in writing and contain the following information: [a] Complainant's name, home address, and telephone number, and school or work location; [b] a brief description of the alleged discrimination or civil rights violation including the date, place, and time; [c] names of any Respondents accused of discrimination (if known); [d] a brief description of the communication that has already occurred to address the issue; and [e] any other relevant information.*

*The Complainant may also include a statement of requested relief or corrective action.*

*3.2.2. Alternate methods of filing complaints shall be made available to individuals with disabilities unable to file written complaints.*

*3.2.3. Complaints shall be reported as soon as possible, but not later than sixty (60) days after the incident(s) in order to be effectively investigated and resolved unless the time for reporting is extended by PARC for good cause shown.*

*3.2.4. Complaint forms are available through PARC or the designated Compliance Officer. The use of District provided forms is not mandatory but intended as a method to assist individuals in collecting and organizing required information.*

*3.2.5. PARC reserves the right to reassign a complaint to another Compliance Officer if, upon initial review, the receiving Compliance Office determines the complaint involves laws or regulations within another Compliance Officer's area of responsibility.*

### *3.3. Corporate Complaint Processing:*

*3.3.1. Initial Meeting. Within ten (10) business days after receipt of the complaint, the designated Compliance Officer or his/her designee will meet with the Complainant to discuss the complaint and possible resolutions.*

*3.3.2. Compliance Officer's Response. Within ten (10) business days after the initial meeting, the designated Compliance Officer will respond in writing, and where appropriate, in a format accessible to the Complainant, such as large print, Braille, or audio tape. The response will explain the position of PARC and offer options for substantive resolution of the complaint.*

*3.3.3. Appeal of Compliance Officer's Response. If the response by the designated Compliance Officer or his/her designee does not satisfactorily resolve the issue, the Complainant may appeal the response in writing within ten (10) calendar days after receipt of the response to the CEO.*

*3.3.4. Appeal Meeting. Within ten (10) business days after receipt of the appeal, the CEO or his/her designee will meet with the Complainant to discuss the complaint and possible resolutions.*

*3.3.5. Final Response. Within fifteen (15) calendar days after the meeting, the CEO or his/her designee will respond in writing, and, where appropriate, in a format accessible to the Complainant, with a final resolution of the complaint. This final response shall serve as the final administrative action in the matter.*

*3.3.6. Extension of Time. Any time limits established by this policy and these procedures may be extended for good cause by mutual consent of the parties involved.*

## *4. OTHER AVENUES OF REDRESS*



4.1. The complaint procedures of this policy do not preclude a Complainant from seeking alternative forms of redress. At any time, if a participant, parent, employee, or member of the public believes that he/she has been subjected to discrimination in violation of the law, the individual may file a complaint with the appropriate state or federal agency.

4.1.1. Utah Anti-Discrimination Division (UADD); Industrial Commission of Utah; 160 East 300 South, 3rd Floor; P. O. Box 146600; Salt Lake City, UT 84114-6600; tel: (801) 530-6801; TDD-Hearing Impaired: (801) 530-7685.

4.1.2. Office for Civil Rights (OCR), U. S. Department of Education; Region VIII; Cesar E. Chavez Memorial Building; 1244 Speer Blvd. Suite #310; Denver CO 802043582; tel: (303) 844-4303

## 5. CRIMINAL ACTS

5.1. Where a complaint contains evidence that the discriminatory act or civil rights violation may involve elder abuse, child abuse, violence, or criminal activity, the Compliance Officer and site administrator shall immediately refer the complaint to appropriate law enforcement authorities, DSPD or DCFS for investigation in addition to any administrative action deemed appropriate.

5.2. PARC encourages any individual who has knowledge of discriminatory acts involving violence or criminal activity to independently report the information to law enforcement authorities.

## 6. CONFIDENTIALITY

6.1. It is PARC's policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this complaint procedure. However, because an individual's right to confidentiality must be balanced with PARC's obligations to cooperate with police investigations or legal proceedings, or to take appropriate disciplinary action, PARC retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances.

6.2. Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate law enforcement authorities, DSPD or DCFS and the anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by Utah Code Ann. § 62A-4a-412. 7.

## *DISCIPLINARY ACTION*

*7.1. Any employee or participant who commits a discriminatory act or civil rights violation may be subject to PARC's disciplinary proceeding in compliance with the applicable policies and laws.*

*7.2. The Compliance Officer shall notify the Complainant and Respondent in writing of the outcome of the complaint, i.e., whether the complaint was found to be credible. However, the release of information regarding the specific disciplinary action imposed on a participant or employee must meet the requirements of the applicable state and federal laws.*

## *8. MAINTENANCE OF RECORDS*

*The Compliance Officer shall maintain all records of complaints made under this policy for three (3) years following the date of the original complaint.*

## *9. RETALIATION*

*9.1. PARC will not tolerate retaliation or intimidation of any kind towards anyone filing a complaint under this complaint procedure. Such retaliation and intimidation not only violates PARC policy, but also may violate state and federal law. All complainants shall be informed of their right to be free from retaliation and intimidation.*

*9.2. PARC will take swift and strict disciplinary action against any individual who retaliates against a Complainant, or who retaliates against a person who testifies, assists, or participates in an investigation, proceeding or hearing in connection with a complaint.*

*9.3. For purposes of this policy, retaliation includes, but is not limited to, any form of physical or verbal intimidation, reprisal, coercion, discrimination, physical or verbal harassment, threats, extortion, or unwanted sexual contact.*

*10. POLICY DISSEMINATION A summary of this complaint procedure shall be posted in a prominent place in each District facility. This complaint procedure shall also be provided to each student and to each employee in other appropriate school publications (such as participant and employee handbooks) as directed by the Compliance Officer.*

*DEFINITIONS "Board" means PARC's Foundation Board "Complaint" means an allegation that an action, policy, procedure, or practice violates a law or regulation listed in this*

policy. "Respondent" means the person alleged to have violated a law or regulation mentioned in the policy. "Compliance Officer" means a person identified as being responsible at the Corporate level for receiving complaints involving the laws or regulations mentioned in the policy. "CEO" means the Chief Executive Officer of ServiceSource.

*REFERENCES Office for Civil Rights, Implementing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794). These regulations require recipients of federal funds to adopt grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints of discrimination on the basis of disability. U. S. Department of Justice Regulations Office for Civil Rights Regulations, Implementing Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d)). Prohibits discrimination based on race, color or national origin in educational programs or activities that receive Federal financial assistance. Regulations (29 C.F.R. § 1641) Implementing Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e)). Prohibits employment discrimination based on race, color, religion, sex and national origin. Office of Civil Rights Regulations (29 C.F.R. § 16225.1) Implementing the Age Discrimination Act of 1975 (29 U.S.C. § 631). Prohibits age discrimination in employment against individuals 40 years of age or older. The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. § 4212). Prohibits job discrimination and requires affirmative action to employ and advance in employment of disabled veterans, recently separated veterans, other protected veterans, eligible family members of veterans, and Armed Forces service medal veterans. Utah Code Ann. Title 34A, Chapter 5 – Utah Antidiscrimination Act FORMS Discrimination and Civil Rights Complaint Form*

- K. PARC, UTA and other ServiceSource locations to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any (Agency) processes.*
- L. Maintain Legislative and Procedural Information. Federal laws, rules and regulations, UDOT guidelines, the current PARC Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the (Agency)'s Title VI program will be maintained and updated by the Coordinator. Information will be made available to other (Agency) departments, or the public as requested or required.*

#### **SCOPE OF TITLE VI COMPLAINTS**

The scope of Title VI covers all external PARC, Clearfield, Utah, Davis County Utah activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with PARC, Clearfield, Utah, Davis County Utah for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

#### **FORMAL TITLE VI COMPLAINT PROCEDURE**

**PARC, Clearfield, Utah, Davis County Utah** Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, and income status\*, 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 **PARC, Clearfield, Utah, Davis County Utah**, its recipients, subrecipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

**PARC, Clearfield, Utah, Davis County Utah** uses the following procedure for prompt processing of all Title VI complaints received directly by it.

- a. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint form and file the complaint with **PARC, Clearfield, Utah, Davis County Utah**. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of **PARC, Clearfield, Utah, Davis County Utah** programs for it to be considered and processed as an allegation of a discriminatory practice.

The complaint **must** be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. **PARC, Clearfield, Utah, Davis County Utah** Title VI Complaint Form **must** be used.

- a. The complaint may also be filed with the U.S. Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C. 20590. The complaint **must** be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of the U.S. Department of Transportation.

\*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap,

29 U.S.C. 790; and low income, E.O. 12898.

## **Title VI Implementation Activities**

### **A. Planning**

#### *Public Involvement in Planning Activities & Title VI*

*Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement. PARC will follow UTA Plan.*

*PARC with UTA staff, will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.*

*To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout Davis County and with UTA, including those along transit routes that serve as a means of transportation for PARC clients, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.*

#### **Public Outreach and Education**

##### **LEP Plan**

##### **Training Program**

PARC will follow UTA plan for all of the above areas. PARC will attend any training that is offered by UTA and or US Department of Transportation.

Pioneer Adult Rehabilitation Center (PARC),

**Title VI/Non-Discrimination Assurances**

The Pioneer Adult Rehabilitation Center (PARC), Clearfield, Utah, Davis County Utah, (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

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

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

**General Assurances**

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

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

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

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

1. The Recipient agrees that each "activity", "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"PARC, Clearfield, Utah, Davis County Utah, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, PARC, Clearfield, Utah, Davis County Utah also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all

applicable provisions governing the Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

PARC, Clearfield, Utah, Davis County Utah, gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on PARC, Clearfield, Utah, Davis County Utah, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Kenneth Naegle  
Name (Type/print)

\_\_\_\_\_  
Recipient: PARC, Clearfield, Utah, Davis County Utah

[Signature] 9-26-2024  
Signature Exec. Dir. Date



**PARC, Clearfield, Utah, Davis County Utah**  
**RECIPIENT**  
**APPENDIX A OF THE TITLE VI ASSURANCES**

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

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

**PARC, Clearfield, Utah, Davis County Utah**  
**APPENDIX B OF THE TITLE VI ASSURANCES**

**CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the PARC, Clearfield, Utah, Davis County Utah will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the PARC, Clearfield, Utah, Davis County Utah all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

**(HABENDUM CLAUSE)**

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

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

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

**PARC, Clearfield, Utah, Davis County Utah**  
**APPENDIX C OF THE TITLE VI ASSURANCES**

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE  
ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by PARC, Clearfield, Utah, Davis County Utah pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, PARC, Clearfield, Utah, Davis County Utah will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, PARC, Clearfield, Utah, Davis County Utah will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the PARC, Clearfield, Utah, Davis County Utah and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

PARC, Clearfield, Utah, Davis County Utah  
**APPENDIX D OF THE TITLE VI ASSURANCES**

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE  
ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by PARC, Clearfield, Utah, Davis County Utah pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, PARC, Clearfield, Utah, Davis County Utah will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants PARC, Clearfield, Utah, Davis County Utah will there upon revert to and vest in and become the absolute property of PARC, Clearfield, Utah, Davis County Utah and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

PARC, Clearfield, Utah, Davis County Utah  
**APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

**Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures no n - discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

PARC, Clearfield, Utah, Davis County Utah  
TITLE VI/NONDISCRIMINATION AND ADA POLICY STATEMENT

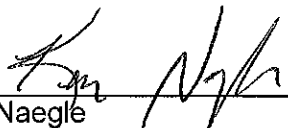
Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." In addition to Title VI, there are other Nondiscrimination statutes which include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability). Taken together, these requirements define an over-arching Title VI/Nondiscrimination and ADA Program. Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

There are two Presidential Executive Orders that place further emphasis upon the Title VI protections of race and national origin. Executive Order 12898 ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations. Executive Order 13166 directs recipients of Federal financial assistance that to ensure compliance with Title VI, they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

I, Ken Naegle as Regional Executive Director of PARC, Clearfield, Utah, Davis County Utah, am personally committed to and support taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, 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 PARC, Clearfield, Utah, Davis County Utah, its recipients, sub recipients, and contractors.

Matt Elston, Program Manager is appointed as the Title VI Coordinator and Melissa Bippes, HR Manager as ADA Coordinator and are granted the authority to develop, administer, and monitor the Title VI/Nondiscrimination and ADA Program as promulgated.

Anyone who believes that he or she has been discriminated against should contact Matt Elston or Melissa Bippes, respectively, Title VI Coordinator and ADA Coordinator, PARC, 485 PARC Circle, Clearfield, Utah, 84015, at 1-801- 402-0950. TTY users may call Relay Utah at 211 or 1-801-346-4128.

  
\_\_\_\_\_  
Kenneth Naegle  
PARC

9-26-2024  
\_\_\_\_\_  
Date