

IOWA DEPARTMENT OF PUBLIC SAFETY

TITLE VI PROGRAM COMPLIANCE PLAN

FFY 2023



Stephan K. Bayens, Commissioner

TITLE VI PROGRAM COMPLIANCE PLAN PURPOSE

The Iowa Department of Public Safety (DPS) Title VI Program Compliance Plan is prepared in accordance with 49 CFR 21 and 49 CFR 303. This plan provides interested individuals with specific information that explains the Department's Title VI Program activities pertaining to organization and staffing, monitoring and review processes, complaint procedures, and Title VI Program assurances.

The provisions of this Title VI Program Compliance Plan apply to all recipients of Federal assistance with and through the Iowa Department of Public Safety. A recipient includes any public or private entity or any individual receiving the benefits of any Federal Motor Carrier Safety Administration Program. The program applies to all phases of the Department's operations.



IOWA DEPARTMENT OF PUBLIC SAFETY

Oran Pape State Office Building
215 East 7th Street
Des Moines, IA 50319

TITLE VI PROGRAM POLICY STATEMENT

In accordance with Title VI of the Civil Rights Act of 1964 and the Assurances contained in the Department's Title Program Compliance VI Plan, it is the policy of the Iowa Department of Public Safety to ensure that "no person shall on the grounds of race, color, national origin, sex, age, disability, low-income or Limited English Proficiency (LEP), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity" for which the Iowa Department of Public Safety receives Federal financial assistance. Additionally, it shall be the policy of the Iowa Department of Public Safety that, as a recipient of Federal-aid funding, it will ensure non-discrimination in all of its programs and activities, whether Federally-funded or not. The Iowa Department of Public Safety is committed to ensuring the uniform adoption and implementation of this policy.

Accordingly, to ensure compliance with Title VI of the Civil Rights Act and related Nondiscrimination authorities, the Iowa Department of Public Safety commits to:

1. Conducting and operating each of its programs and facilities in compliance with all requirements imposed by, or pursuant to, Title VI of the Civil Rights Act and related Nondiscrimination authorities;
2. Providing non-discriminatory methods of administration for programs and to ensure other recipients, sub-grantees, contractors, subcontractors, transferees, successors-in-interest, and other participants of Federal financial assistance under such programs will comply with all requirements imposed by Title VI of the Civil Rights Act and related Nondiscrimination authorities;
3. Promptly taking any measures necessary to effect compliance with Title VI of the Civil Rights Act and related Nondiscrimination authorities.

Further, the Iowa Department of Public Safety's efforts to prevent discrimination will address a program's impact on access, benefits, participation, treatment, services, contracting opportunities, training opportunities, and investigation of complaints. The list of aforementioned efforts, is not intended to be exhaustive.

In accordance with the United States Department of Transportation and Federal Motor Carrier Safety Administration regulations as required by 49 CFR 21 and 49 CFR Part 303, the Iowa Department of Public Safety has developed procedures for prompt processing and disposition of Title VI complaints. Any person believing the Iowa Department of Public Safety or any of its sub-recipients has violated Title VI Program requirements in the administration of its programs or activities may file a complaint

with the Iowa Department of Public Safety's Professional Standards Bureau or the Department's Title VI Coordinator.

Overall responsibility for this policy is assigned to the Commissioner of the Iowa Department of Public Safety, located at the Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa, 50319. Captain Benjamin Lampe is appointed as the Title VI Program Coordinator for the Iowa Department of Public Safety and is responsible for the implementation of the Department's Title VI Program.

Persons with questions, or who require additional information relating to the policy or the implementation of the Iowa Department of Public Safety's Title VI Program, may contact Captain Benjamin Lampe, Coordinator, Title VI Program, Iowa Department of Public Safety, 215 East 7th Street, Des Moines, IA 50319, or call 515-725-6100.

Stephan K. Bayens
Commissioner

Date

Captain Benjamin Lampe
Title VI Program Coordinator

Date

The United States Department of Transportation
Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The **Iowa Department of Public Safety** (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 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.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm (last accessed August 13, 2019).

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.” When receiving Federal funds, Recipients are expected to conduct a four-factor analysis to prevent discrimination based on national origin. (*See also* U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons*,” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100).

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:

“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 FMCSA.”

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 Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) 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 the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The **Iowa Department of Public Safety**, 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, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP 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, **the Iowa Department of Public Safety** 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 **FMCSA** access to records, accounts, documents, information, facilities, and staff. The Iowa Department of Public Safety recognizes it must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. The Iowa Department of Public Safety must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, the Iowa Department of Public Safety must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Iowa Department of Public Safety 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 Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on the State of Iowa, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Iowa Department of Public Safety
(Name of Recipient)

by _____
(Signature of Authorized Official)

DATED _____

APPENDIX A

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 Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. 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, national origin, sex, age, disability, income-level, or LEP.
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 FMCSA 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 FMCSA, 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 FMCSA 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 FMCSA 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.

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

APPENDIX B

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 Department of Transportation as authorized by law and upon the condition that the Iowa Department of Public Safety will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards, the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the 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 Iowa Department of Public Safety all the right, title and interest of the 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 Iowa Department of Public Safety 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 Iowa Department of Public Safety, its successors and assigns.

The Iowa Department of Public Safety, 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, (1) that no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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, (2) that the Iowa Department of Public Safety 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, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the 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 Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

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

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Iowa Department of Public Safety 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 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, national origin, sex, age, disability, income-level, or LEP 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, Iowa Department of Public Safety 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, the Iowa Department of Public Safety 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 Iowa Department of Public Safety and its assigns.*

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

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

APPENDIX D

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Iowa Department of Public Safety 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”) (1) that no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP 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, national origin, sex, age, disability, income-level, or LEP 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, Iowa Department of Public Safety 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, Iowa Department of Public Safety will there upon revert to and vest in and become the absolute property of Iowa Department of Public Safety and its assigns.*

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

APPENDIX E

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:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- 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, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. 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 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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 non-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*).

DESCRIPTION OF FEDERAL AID PROGRAMS

The Iowa Department of Public Safety is seeking to apply for and receive Motor Carrier Safety Assistance Program (MCSAP) basic and incentive grants through the Federal Motor Carrier Safety Administration. The Iowa Department of Public Safety also may seek to obtain additional FMCSA grant funding through High Priority, Safety Data Improvement, and Performance and Registration Information Systems Management grant programs. The Iowa Department of Public Safety, through the MCSAP funding received under the grant funds allocated to the Iowa Department of Transportation, has developed strategies aimed at reducing crashes, injuries and fatalities involving large trucks and buses. Through the MCSAP funding, the Department has assigned 42 Iowa State Patrol troopers, who have plenary law enforcement authority throughout the State of Iowa, to focus on identifying dangerous or impaired drivers of large vehicles and taking appropriate enforcement actions that promote the safety of all motorists. Those troopers have all completed training and are certified to conduct the inspections of commercial motor vehicles (CMV). The troopers are supervised by an Iowa State Patrol sergeant, lieutenant and captain. They are supported by administrative and financial support staff. The receipt of federal aid from the FMCSA enables the Iowa Department of Public Safety and the Iowa State Patrol to further this important safety mission for the benefit of all who travel the state's highways.



NOTICE TO THE PUBLIC

Iowa Department of Public Safety Title VI Notice to the Public/Beneficiaries/Participants:

The Iowa Department of Public Safety gives public notice of its policy to uphold and assure full compliance with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, and related nondiscrimination authorities. Title VI and nondiscrimination related authorities stipulate that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding the Iowa Department of Public Safety's Title VI program can contact its Title VI Program Coordinator, Captain Benjamin Lampe, at the address noted below. This notice shall be posted in all DPS public-accessed facilities and uploaded to the DSP website at <https://dps.iowa.gov/divisions/iowa-state-patrol/motor-carrier-safety>

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Iowa Department of Public Safety/Title VI Program Coordinator
Captain Benjamin Lampe/Iowa State Patrol
215 E. 7th Street
Des Moines, IA 50319
(515) 725-6100
blampe@dps.state.ia.us

TITLE VI PROGRAM COMPLIANCE PLAN TRAINING

Upon being hired, all new employees are trained in the State of Iowa and Department policies regarding Title VI and non-discrimination policies. The State of Iowa and the Iowa Department of Public Safety strictly prohibit discrimination on the grounds of race, color, national origin, sex, age, disability, low-income or Limited English Proficiency.

The Iowa Department of Public Safety is committed to unbiased and equitable treatment of all persons in carrying out its statutory duties to enforce the law and provide services to the public. The Department has issued General Order #01-02.08, "Unbiased Enforcement and Services" as part of that commitment. The policy prohibits biased policing, provides a complaint process, and requires annual training of all sworn and non-sworn employees.

Annual training on unbiased policing is provided to all sworn personnel. Training is provided through Training Bulletins offered through "PowerDMS" and in-service training. Remedial training and training on specific topics such as police ethics, cultural diversity, police-citizen interactions, and legitimacy and procedural justice is also provided as appropriate. Each sworn officer is given an annual performance evaluation. One of the areas of evaluation is that the officer's actions and service delivery is unbiased and objective.

Further revisions are being made to the annual training and policies to ensure full compliance with Title VI Program standards, including low-income and Limited English Proficiency, and to ensure that all sworn officers and non-sworn employees working in the MCSAP program receive training that is specific to the Title VI non-discrimination policies and requirements. Iowa State Patrol MCSAP supervision will provide Title VI Program training on an annual basis. The training records will be documented and available for review.

ACCESS TO RECORDS

The Title VI Program Coordinator will maintain permanent records, which include, but are not limited to, implementation of Title VI Program requirements, training records, Title VI complaints or lawsuits and related documentation, records of correspondence to and from complainants, and Title VI investigations. These documents shall be made available to Federal Motor Carrier Safety Administration (FMCSA) and the Iowa Department of Transportation (IDOT) staff upon request for compliance reviews and/or complaint investigations conducted by the FMCSA and IDOT. These documents also shall be made available to FMCSA and IDOT staff through periodic submission as required by FMCSA and IDOT.

Pursuant to Policy #01-02.08, "Unbiased Enforcement and Services", complaints against Department personnel, including complaints which alleged violations of Title VI Program requirements will be investigated by the Professional Standards Bureau (PSB) of the Iowa Department of Public Safety. Pursuant to Iowa Code section 22.7(11) and Department policies, the records and case files of the Professional Standards Bureau are confidential records. As part of the implementation of Title VI Program requirements, a complaint log shall be maintained by the Title VI Program Coordinator. The complaint log shall including information such as the complainant's name, demography, the nature and type of the complaint, date of complaint, date of investigation and the final disposition of the complaint.

Additionally, for purposes of compliance with 49 C.F.R. §21.9(c), the Iowa Department of Public Safety as the lawful custodian of records can exercise its discretion under Iowa Code section 22.7 to allow the Secretary of the Department of Transportation or the Secretary's designee to have access to sources of information, including information in the Professional Standards Bureau case files, that may be pertinent to determining compliance with Title VI Program requirements or for purposes of investigating a Title VI complaint received by the Secretary. The records of the Professional Standards Bureau shall remain confidential records under Iowa Code section 22.7, and are not open records for purposes of either a state or federal Freedom of Information (FOIA) request. The Iowa Department of Public Safety shall be promptly contacted in the event of a FOIA request that could include confidential records so that the Department may present a legal objection to a release of the records or disclosure of information in the records. The Title VI complaint log shall not be considered a confidential record.

COMPLAINT DISPOSITION PROCESS

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the Title VI Program Coordinator, Captain Benjamin Lampe.
2. Complaints must be filed within one hundred and eighty (180) days of the date of the act of alleged discrimination. Complaints filed after 180 days cannot be evaluated under this policy.
3. Written complaints shall be signed by the complainant and/or the complainant's representative, and should contain all of the facts and circumstances relating to the claimed discrimination, to the extent possible. Verbal complaints of discrimination may be made to the Title VI Program Coordinator. The Coordinator may respond to the complaint immediately or may refer the complaint to the Department's Professional Standards Bureau, which will conduct an investigation, including assistance in putting the complaint in written form for signing by the complainant, and conducting an interview of the complainant. Complaints shall be handled by according to the Department's investigative procedures. In addition, the Iowa Department of Administrative Services, Human Resources Enterprise has authority to investigate Title VI complaints, in lieu of an investigation by the Department of Public Safety.
4. Within ten (10) days, the Title VI Program Coordinator will acknowledge receipt of the allegation, inform the complainant of the action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the Iowa Department of Transportation.
5. The Iowa Department of Public Safety will advise the Iowa Department of Transportation within 10 days of the receipt of the allegations. Generally, the following information will be included in every notification to the Iowa Department of Transportation:
 - a. Name, address, and phone number of the complainant.
 - b. Name(s) and address(es) of alleged discriminating employees.
 - c. Basis of the complaint (i.e. race, color, national origin, sex, age, disability, low income or LEP).
 - d. Date of alleged discriminatory acts.
 - e. Date the complaint was received.
 - f. A statement of the complaint.
 - g. Other agencies, (state, local, or federal) where the complaint has been filed.
 - h. An explanation of the actions the Iowa Department of Public Safety has taken or proposed to resolve the issue(s) raised in the complaint.
6. Within 60 days, the Professional Standards Bureau will conduct an investigation of the allegation and based on the information obtained, will submit a general investigation report to the Title VI Program Coordinator. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the general investigation report.

7. Within 90 days of receipt of the complaint, the Title VI Program Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The Title VI Program Coordinator will advise the complainant of his or her appeal rights, as set out in Iowa Administrative Rules, Chapter 661-10 (17A).

TITLE VI PROGRAM DISCRIMINATION COMPLAINT

Iowa Department of Public Safety
215 East 7th Street
Des Moines, IA 50319

Case Tracking # _____

Note: The information on this form should be completed for all alleged Title VI Program discrimination complaints. The completed complaint form should be signed by the complainant. Upon completion, please mail to: Iowa Department of Public Safety, 215 East 7th Street, Des Moines, IA 50319.

1. Complainant's name:

2. Home address:

3. Phone number

Home:

Mobile:

4. Location of alleged discrimination:

5. Date of the alleged discriminatory practice:

6. Basis of the alleged discriminatory practice (check all that apply):

Race

Color

Age

Sex

Disability

National Origin

Low Income

Limited English Proficiency

Other (specify)

7. Facts of the Alleged Discriminatory Practice or Incident Are:

8. Please provide supporting documents which form the basis for the discriminatory practice or incident.

List of attachments:

9. Person(s) who you believe discriminated against you:

Name:

Title/Agency:

Phone number (if known)

10. Have you filed your complaint with any other entity or agency?

If yes, what agency(s) did you file with?

Complainant signature

Date

Printed name of Complainant

I, Title VI Program Coordinator for the Iowa Department of Public Safety, acknowledge receipt of this complaint

Title VI Program Coordinator

Date

**STATUS OF CORRECTIVE ACTION IMPLEMENTED BY APPLICANT
TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING THE
TITLE VI PROGRAM COMPLIAN REVIEW**

If the Iowa Department of Transportation and/or the Federal Motor Carrier Safety Administration conducts a Title VI Program compliance review of the Iowa Department of Public Safety, the department will identify the deficiencies noted. The department will then provide a status report regarding the progress made developing and implementing corrective actions to address the deficiencies.

COMMUNITY PARTICIPATION PROCESS

The Iowa Department of Public Safety does not provide/conduct motorist licensure/motor vehicle registration-related services/activities. Therefore, this section is not applicable to the Iowa Department of Public Safety.