

Michigan State Police

Commercial Vehicle Enforcement Division

Title VI Program Compliance Plan



July 2017

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Michigan State Police

Commercial Vehicle Enforcement Division

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Part I. Title VI Program Policy Statement

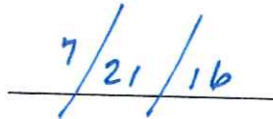
The Michigan Department of State Police, Commercial Vehicle Enforcement Division (MSP/CVED) is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21 (USDOT's Title VI regulation) and 49 CFR Part 303 (FMCSA's Title VI Program regulation). MSP/CVED assures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, or disability, including low income or Limited English Proficiency (LEP) be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any MSP/CVED program, service, or activity receiving federal financial assistance. The department further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs, services, and activities on any person, including minority populations, low-income populations, LEP, and persons with disabilities, all interested persons, and affected Title VI populations, in accordance with the Title VI Program Assurances set forth in Part II.

MSP/CVED will comply with all federal regulations and report complaints of discrimination to the federal agency responsible for compliance oversight, including the U.S. Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA), and other state and federal civil rights anti-discrimination agencies as required by Title VI and related Nondiscrimination authorities. Complaints will be responded to and investigated by the MSP Human Resources, Administrative Section or the Office of the Director, Professional Standards Section and the Title VI Program Coordinator. MSP will not tolerate discrimination against any person in any of its programs, services, and activities, whether those programs, services, or activities are federally funded or not.

To ensure compliance with Title VI, as Director of the MSP, I have designated the CVED Commander or his/her designee as the MSP's Title VI Program Coordinator. This includes the responsibility and authority to guarantee the implementation of the Title VI Program to all other personnel involved with activities impacted by the Title VI and related Nondiscrimination authorities.



Col. Kriste Kibbey Etue, Director



Date

Michigan Department of State Police

Part II. FMCSA Title VI Program Assurance

The MSP/CVED (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any federal financial assistance from the USDOT, through the 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, 3 C.F.R. 859 (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/ejustice/facts/index.htm>;

Additionally, Executive Order 13166, 3 C.F.R. 289 (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); the Guidance is a useful resource when performing a Four-Factor Analysis).

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, 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 §§ 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 FMCSA Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The MSP/CVED, 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;

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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 MSP/CVED 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. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You 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, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The MSP/CVED 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 Michigan, 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.

Michigan Department of State Police, Commercial Vehicle Enforcement Division

by Capt. Mike Thum
(Signature of Authorized Official)

DATED 7-12-17

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Assurance 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 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, 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.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through five 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.

Assurance Appendix B
[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 Department of Transportation as authorized by law and upon the condition that the Michigan State Police, Commercial Vehicle Enforcement Division (MSP/CVED) 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 **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 MSP/CVED 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 MSP/CVED 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 MSP/CVED, its successors and assigns.

The MSP/CVED, 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, 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 [,] [and]* (2) that the MSP/CVED 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.*

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

Assurance Appendix C

[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 the Michigan State Police, Commercial Vehicle Enforcement Division (MSP/CVED) 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, the MSP/CVED 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 MSP/CVED 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 MSP/CVED and its assigns.*

(*Reverter 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.)

Assurance Appendix D

[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 the Michigan State Police, Commercial Vehicle Enforcement Division (MSP/CVED) 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, 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, the MSP/CVED 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, the MSP/CVED will there upon revert to and vest in and become the absolute property of the MSP/CVED and its assigns.*

(*Reverter 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.)

Assurance 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 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (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. § 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, (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, (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.*), as implemented by 49 C.F.R. § 25.1 *et seq.*

Part III. Description of Federal-Aid Programs

The MSP/CVED is the lead agency tasked with enforcement of laws, rules, and regulations pertaining to intrastate and interstate motor carriers. The MSP/CVED receives federal funding assistance from the FMCSA through the Motor Carrier Safety Assistance Program (MCSAP). The MCSAP provides federal funds to assist states in the enforcement of federal regulations pertaining to motor carriers, drivers of commercial motor vehicles (CMVs), and equipment requirements of CMVs.

The MSP/CVED also receives federal funds under the New Entrant Program (NEP) and the Border Enforcement Grant (BEG) from FMCSA. The NEP reviews regulations with new interstate motor carriers to assure future compliance with the Federal Motor Carrier Safety Regulations (FMCSRs). The BEG provides for safety inspections at the International Ports-of-Entry assuring international motor carriers entering the United States are in compliance with the FMCSRs.

The MSP/CVED serves the general populace of Michigan and the U.S. by virtue of regulating intrastate and interstate motor carriers and by providing public safety services.

While not federally funded, the MSP/CVED also provides regulatory administration of intrastate motor carriers, the Unified Carrier Registration of interstate motor carriers, and the size and weight plan/certification for the Federal Highway Administration. Since the MSP/CVED is a public safety provider, all majority and minority groups are beneficiaries of our services.

Part IV. Notification of Beneficiaries/Participants

The Title VI Program information will be posted at the MSP/CVED facilities in common areas. The posted information will include statements the MSP/CVED operates without regard to race, color, national origin, sex, age, or disability, including income-level and LEP. The posted information will include contact information for the Title VI Program Coordinator to include mailing address, phone number, and email address. The posting will also include procedures to request the Agency's Non-discrimination obligations and identify procedures for the members of the public to file a complaint against the agency.

The same information will be provided on the MSP/CVED website at <http://michigan.gov/msp>.

Reports regarding Title VI Program activities and complaints are available on the MSP website as well as being available by request from the MSP Title VI Program Coordinator.

Part V. Sub-Recipient Compliance Reports

The MSP/CVED does not have sub-recipients of federal funding.

Part VI. Training

Personnel of the MSP/CVED are trained on Title VI Program awareness in conjunction with all state and agency anti-discrimination policies as part of the annual in-service motor carrier officer training (MCO). CVED personnel are aware of Title VI complaint procedures and processes should a complaint be identified. CVED personnel are also trained in the use of language identification materials as well as interpreting services.

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Biennial training will be conducted for MSP/CVED personnel as continuing education.

Training will consist of, but not limited to, videos provided by the U.S. Department of Justice, the Title VI Program Policy Statement, and/or a PowerPoint presentation adapted from FMCSA's Basic Title VI Program presentation. Training materials are intended for explanation of the scope and purpose of the Title VI Program, as well as the internal complaint procedures and processes should a discriminatory practice be identified or a complaint filed.

Part VII. Access to Records

All records regarding Title VI Program activities will be collected and maintained at MSP/CVED Headquarters. These records will be made available by hard copy to the FMCSA officials in person upon request or transmitted electronically if desired.

Part VIII. Complaint Disposition Process

The MSP prohibits any form of harassment of or by its members. It is the policy of the department that members who engage in acts of harassment, who permit members under their supervision to engage in such harassment, or who retaliate or permit retaliation against an individual who, in good faith, reports harassment or cooperates with an investigation of harassment, are guilty of misconduct and shall be subject to discipline, up to and including, discharge.

[Recognizing and Reporting Discriminatory Harassment and Civil Rights Violations Involving Department Members]

The MSP Official Order provides resources for filing complaints with the department for members who believe they may be victims of harassment or discrimination by other members. It also establishes procedures for processing civil rights complaints directed against members of the public. It is written to protect members from harassment and undocumented allegations. It also provides the capability to adequately investigate allegations against members who are accused of improper conduct.

1. General

- A. The MSP has a tradition of high standards sustained by the individual integrity of its members. The ability of the department to ensure that members conduct themselves in a manner consistent with these standards is essential to the preservation of the integrity of the department.
- B. To encourage the greatest public cooperation and support, the department shall properly investigate and adjudicate reported violations of civil rights.
- C. The department will not tolerate, condone, or allow harassment by employees, whether sworn or civilian, permanent or contractual, or from non-employees who conduct business with this agency or the State. Sustained complaints shall result in corrective disciplinary action, up to and including termination of employment.
- D. Prohibited Conduct
 - (1) No employee(s) shall either explicitly or implicitly, ridicule, mock, deride or belittle, intimidate, threaten verbally or physically, or bully any person.
 - (2) Employee(s) shall not make offensive or derogatory comments to any person, either directly or indirectly, based on religion, race, color, national origin, age, sex, height, A PROUD tradition of SERVICE through, EXCELLENCE, INTEGRITY, and COURTESY.

weight, marital status, partisan consideration, disability, genetic information, or other characteristic. Such harassment may be a prohibited form of discrimination under state and federal law, and is considered misconduct subject to disciplinary action by this agency.

E. Reporting a Complaint

- (1) All complaints alleging harassment or discrimination, or information indicating the same, shall be properly documented, investigated, and resolved.
- (2) All members, including the parties directly involved, witnesses, and investigators, shall act with discretion and maintain strict confidentiality, to the extent possible, in all matters addressed herein.
- (3) Members who believe that harassment or discrimination has occurred or is occurring shall report it in writing through their normal chain of command as soon as possible.
 - a. Members shall be informed that supervisors are required to ensure an investigation is conducted on all alleged violations of law or department policy.
 - b. This policy is not designed to hinder members from coming forward with violations, but to aggressively confront and eliminate harassing and discriminatory behavior.
- (4) Supervisors shall assist members in assessing the situation, providing information, suggesting other resources, exploring possible strategies available for problem resolution when appropriate, and/or starting the formal complaint process.

Due to the sensitive nature of many harassment and discrimination complaints, the MSP Human Resources, Administrative Section, or the Office of the Director, Professional Standards Section, and the Title VI Program Coordinator shall be informed of the complaint by the supervisor and included in the process of all complaints.

- (5) When a complaint alleging a violation is initiated, the investigative findings, and actions taken shall be logged into, documented in writing, and maintained in the department's electronic Automated Incident Complaint System (eAICS).

2. Civil Rights Violations

A. Complaints Alleging That a Person Unlawfully Violated the Civil Rights of Another Person

- (1) Complaints alleging violation of a person's rights because of religion, race, color, national origin, height, weight, marital status, and (in the case of employment) disability, age or sex, shall be accepted at any level where reported. The complaints, which shall bear a 56000 file class, shall be investigated. Disposition of reports shall be in the usual manner.
 - a. When a preliminary investigation reveals that the alleged discrimination is a violation for which criminal penalties are provided, the incident shall be investigated and reported in the same manner as other incidents.
 - b. If the preliminary investigation reveals that the alleged violation is not a criminal violation, a summary of the complaint and investigation shall be forwarded through channels to the MSP Human Resources, Administrative Section for transmittal to the Civil Rights Commission for further investigation and action.
- (2) The civil rights within the jurisdiction of the Civil Rights Commission are those guaranteed by law and the constitution including, but not limited to, the areas of equal protection of the laws, employment, education, housing, transportation, and public accommodations.

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B. Public Complaints Alleging That a Member Violated the Civil Rights of a Person

- (1) Complaints against members shall be accepted at any level where reported.
 - a. A Complaint against Member form shall be completed and submitted for each complaint according to MSP Official Orders.
 - b. Alleged civil rights violations involving department members shall be promptly and thoroughly investigated.

C. Complaints Initiated By the Civil Rights Commission

- (1) When a formal complaint is submitted to the Director by the Civil Rights Commission, a written report of the complaint shall be submitted on the Complaint against Member form.
- (2) The Complaint against Member form shall be completed by the assigned investigator as an initial report. The Director shall order an investigation according to the needs of each particular case.

Such an investigation shall not interfere with the Civil Rights Commission and shall be for the purpose of determining all facts pertaining to the allegation.

- (3) When investigating a complaint against a member, a Civil Rights Commission member may, after obtaining clearance from the Director through the appropriate Deputy Director, interview a department member during his or her on-duty time and at the convenience of the post work schedule.
 - a. The interview shall be conducted in the presence of the MSP Human Resources, Administrative Section, and a record shall be made of the meeting and shall be placed in an incident file maintained by the MSP Human Resources, Administrative Section.
- (4) Members of the Civil Rights Commission requesting department records or copies of records are required to submit their requests in writing to the Director.

Department records or copies of records shall not be released to any agency without the consent of the Director.

- (5) Since there are time limits imposed on the Director in answering formal complaints to the Civil Rights Commission, all reports shall be forwarded to the Director through channels without delay.
- (6) Civil Rights Commission conciliation hearings shall be attended by the MSP Human Resources, Administrative Section. The accused member may be required to attend this conciliation hearing.

Part IX. Status of Corrective Action Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review

The MSP/CVED has had no Title VI deficiencies identified by any previous FMCSA or other federal agency review.

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Part X. Community Participation Process

This section is not applicable to the MSP/CVED.