

Southwest Michigan Planning Commission



Title VI Non-Discrimination Plan

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Southwest Michigan Planning Commission

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DRAFT FOR PUBLIC COMMENT

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I. Introduction

The Southwest Michigan Planning Commission (SWMPC) is one of 14 Regional Planning and Development Commissions established in 1968 by Governor George Romney to address area-wide challenges in housing, water quality, economic development, and transportation. Berrien, Cass, and Van Buren Counties were designated as Planning and Development Region IV. SWMPC was officially organized in 1973 through resolutions of the three county boards and became fully staffed in 1974.

As the regional planning organization for these counties, SWMPC serves as a skilled, impartial partner for local communities. We combine expertise in planning with a deep understanding of local priorities and a strong network of state and federal relationships. SWMPC helps communities define shared goals, develop actionable strategies, and secure resources to maintain infrastructure, advance regional mobility, promote economic vitality, and protect the region's natural and cultural assets. By fostering collaboration across municipalities, SWMPC ensures that regional planning benefits all residents while supporting sustainable and equitable growth.

SWMPC is committed to ensuring that all individuals have equal access to the benefits of its programs, services, and activities. This Title VI Plan describes how SWMPC complies with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities. The Plan outlines SWMPC's responsibilities, procedures, and commitments to uphold fairness, accessibility, and inclusivity in all aspects of its operations.

Title VI states 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 receiving federal financial assistance."

In addition to Title VI, SWMPC's nondiscrimination responsibilities are guided by related laws, including:

- Section 324 of the Federal-Aid Highway Act, prohibiting discrimination based on sex;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, ensuring fair treatment for all persons affected by federally funded projects;
- The Civil Rights Restoration Act of 1987, clarifying that Title VI applies to all programs and activities of federal-aid recipients, regardless of specific funding sources.

As a recipient of federal financial assistance, SWMPC ensures meaningful access for individuals with limited English proficiency (LEP) and prohibits discrimination based on race, color, religion, national origin, sex, age, disability, or other protected characteristics.

Goals and Objectives of the Title VI Program

SWMPC's Title VI Program is designed to:

- Define roles, responsibilities, and procedures for ensuring compliance with Title VI and related regulations;
- Guarantee that all individuals affected by SWMPC programs and projects receive equal services, benefits, and opportunities;
- Prevent discrimination in all programs and activities, whether federally funded or not;
- Identify and address potential adverse impacts of programs, services, or activities on protected populations;
- Establish procedures for annual Title VI compliance reviews;
- Provide a clear process for filing and resolving complaints of alleged discrimination.

Commitment to Compliance and Oversight

As a sub-recipient of federal transportation funds, SWMPC ensures equal access and opportunity for all individuals—regardless of civil rights status, socioeconomic background, or geographic location. Sub-recipients receiving federal funds through SWMPC are required to comply with Title VI and related nondiscrimination statutes. All contracts and agreements include Title VI assurances, and SWMPC monitors compliance through proactive reviews, data analysis, and corrective actions when necessary.

Through these efforts, SWMPC promotes a transportation planning process that is fair, inclusive, and free of discrimination, reflecting its mission to serve all communities in Southwest Michigan equitably.

Discrimination Under Title VI

Title VI of the Civil Rights Act of 1964 and its related statutes prohibit two primary forms of illegal discrimination: disparate treatment and disparate impact. Both forms can occur in federally assisted programs, whether intentional or unintentional.

1. Disparate Treatment

Disparate treatment occurs when individuals are treated differently because of their race, color, national origin, sex, disability, or age. This type of discrimination involves intentional actions or policies that result in unequal treatment of similarly situated persons.

2. Disparate Impact

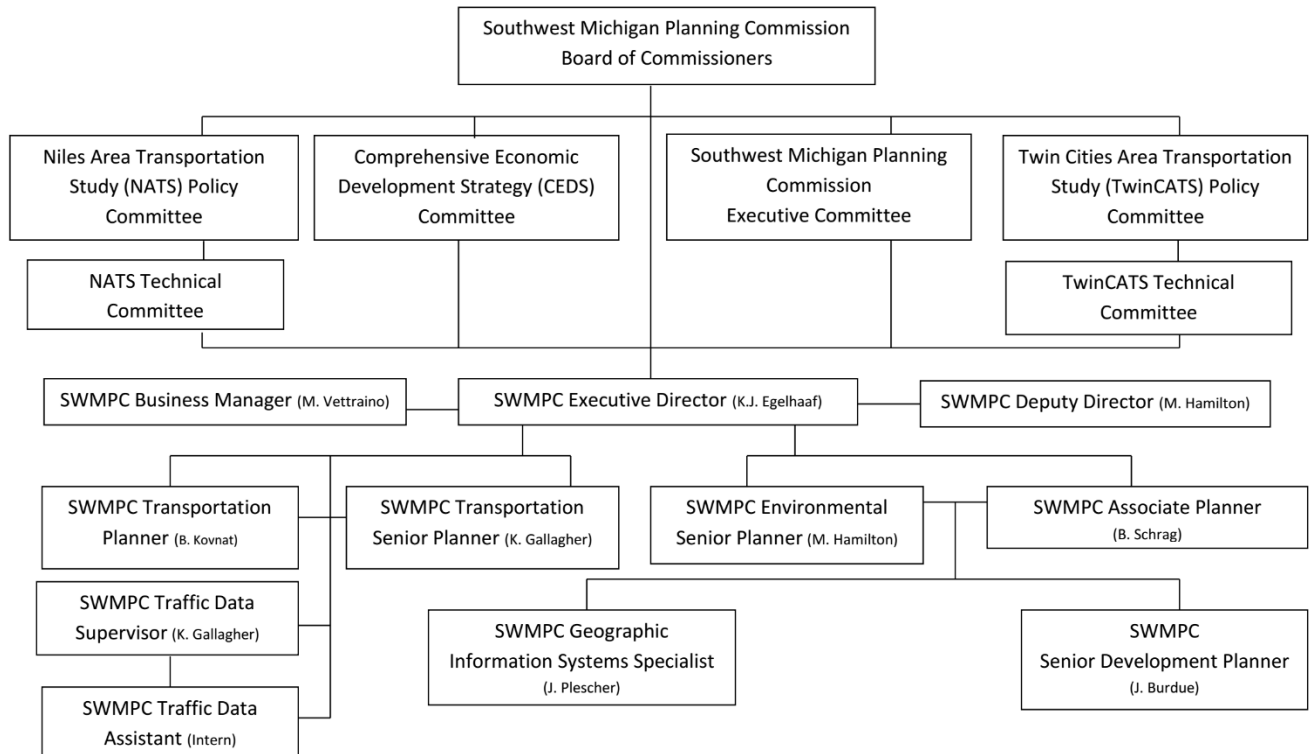
Disparate impact discrimination occurs when a neutral policy or practice disproportionately affects members of a protected group, even when there is no intent to discriminate. In these cases, the focus is on the outcomes of a decision, policy, or practice rather than the underlying intent. Disparate impact may be found when policies or practices result in fewer or lower-quality services, benefits, or opportunities for members of protected populations.

The Southwest Michigan Planning Commission (SWMPC) actively works to prevent both forms of discrimination across all areas of its operations. These efforts extend to, but are not limited to:

- Program impacts, access, and participation
- Delivery of services and benefits
- Public involvement and decision-making processes
- Contracting and procurement opportunities
- Employment and training opportunities
- Allocation of funds and prioritization of projects
- Planning, project development, right-of-way, construction, and research activities
- Investigation and resolution of complaints

SWMPC's Title VI Plan provides the framework to ensure that all programs, services, and activities are conducted and administered fairly and without regard to race, color, national origin, sex, age, or disability. Through proactive monitoring, training, and oversight, SWMPC is committed to identifying and eliminating any barriers that could result in discrimination and to ensuring compliance with all federal and state civil rights laws. (See Title VI Assurances).

SWMPC Organizational Structure - 2025



II. Non-Discrimination Policy Statement

The Southwest Michigan Planning Commission (SWMPC) is firmly committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity funded in whole or in part by the U.S. Department of Transportation (USDOT), in accordance with Title VI of the Civil Rights Act of 1964, as amended, and all other applicable federal non-discrimination laws and authorities.

Protected Classes

SWMPC prohibits discrimination based on:

- Race, color, or national origin
- Sex
- Age
- Disability (physical or mental)
- Religion
- Income status or limited English proficiency (LEP)
- Any other protected category as defined under federal, state, or local law

This policy applies to all programs, activities, and services administered by SWMPC, including but not limited to planning, construction, operations, contracting, and the administration of transportation programs funded by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA).

Policy Application

In implementing this policy, SWMPC and its sub-recipients of federal funds shall not:

1. Deny any individual participation in, or the benefits of, any program, service, or activity for which they are otherwise qualified;
2. Provide any individual with a service, benefit, or opportunity that is inferior in quality, quantity, or manner to that provided to others;
3. Subject any individual to segregation or disparate treatment in connection with the receipt of services or benefits;
4. Restrict any individual's access to services, facilities, or other advantages, privileges, or benefits provided to others;
5. Utilize methods of administration that have the effect of limiting participation by any group or subjecting individuals to discrimination.
6. Address or treat any individual in a manner that suggests inferiority based on civil rights status;
7. Permit discriminatory practices or activities in any facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is part of a federally funded program;

9. Fail to provide meaningful access to information for individuals with limited English proficiency, as appropriate and upon request;
10. Engage in discriminatory employment practices under any federally funded program with employment-related objectives;
11. Locate a facility in a manner that limits or impedes access to federally funded services or benefits;

Commitment to Compliance

SWMPC will actively pursue the prevention of Title VI deficiencies or violations and will take all necessary corrective actions to ensure compliance. Should any irregularities arise in program administration or operations, SWMPC will promptly implement remedial procedures, with the goal of resolving all Title VI issues within 90 days of identification.

Filing a Complaint

Any person who believes they have been subjected to discrimination in the administration of, or in the provision of services, programs, or activities under, a federally funded program may file a Title VI complaint. Complaints may be submitted directly to the Southwest Michigan Planning Commission (SWMPC) or filed with one of the following agencies:

- Michigan Department of Transportation (MDOT)
- Federal Transit Administration (FTA)
- Federal Highway Administration (FHWA)

Complaints must be filed within 180 days of the alleged discriminatory act and should include as much detail as possible regarding the alleged discrimination, including the complainant's contact information, the nature of the incident, dates, and identifying information for the program or individual involved.

SWMPC will promptly acknowledge receipt of all complaints, initiate an investigation when appropriate, and ensure that findings and corrective actions are documented and reported in accordance with federal and state requirements.

Responsibilities

SWMPC designates John Egelhaaf, Executive Director, as the Title VI Coordinator. The Coordinator is responsible for:

- Initiating, monitoring, and overseeing all Title VI activities;
- Ensuring compliance with Title VI regulations and related federal and state nondiscrimination requirements;
- Facilitating staff training, data collection, and reporting related to Title VI; and
- Coordinating the investigation and resolution of Title VI complaints.

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Signature

K. John Egelhaaf, Executive Director

Date

III. SWMPC TITLE VI ASSURANCES

(FHWA & FTA Programs)

The Southwest Michigan Planning Commission (SWMPC) (hereinafter referred to as the “Recipient”) hereby agrees that, as a condition of receiving any Federal financial assistance from the U.S. Department of Transportation (USDOT), through its operating administrations including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), or from any other Federal or State agency, it will comply with the following nondiscrimination statutes and regulations:

- **Title VI of the Civil Rights Act of 1964**, 78 Stat. 252, 42 U.S.C. §§ 2000d–2000d-4 (“the Act”);
- **49 CFR Part 21**, *Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964* (“the Regulations”); and
- Other applicable provisions of Federal law that prohibit discrimination on the basis of race, color, national origin, sex, age, disability, or income status, including but not limited to 23 U.S.C. § 324; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990.

SWMPC further agrees that, in accordance with the Act, the Regulations, and all other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from USDOT.

This Assurance is required by § 21.7(a)(1) and (b) of 49 CFR Part 21 and applies to all programs, projects, and activities of the Recipient, whether federally funded in whole or in part.

1. General Compliance

The Recipient agrees that each “program” and “facility,” as defined in §§ 21.23(e) and 21.23(b) of the Regulations, shall be conducted or operated in full compliance with all nondiscrimination requirements of the Act and the Regulations.

2. Notification in Solicitations

The Recipient shall include the following statement in all solicitations for bids, requests for proposals, or other procurement documents involving Federal-aid assistance:

“The Southwest Michigan Planning Commission (SWMPC), in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d–2000d-4) and Title 49 CFR Part 21, *Nondiscrimination in Federally Assisted Programs of the Department of Transportation*, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises and minority-owned firms will be afforded full opportunity to submit bids and will

not be discriminated against on the grounds of race, color, national origin, sex, age, or disability in consideration for an award.”

3. Contract Clauses

The Recipient shall include the clauses in Appendix A of this Assurance in every contract subject to the Act and Regulations.

4. Real Property Transfers

The Recipient shall include the clauses in Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States that effects a transfer of real property, structures, or improvements thereon, or any interest therein.

5. Facilities Constructed with Federal Assistance

Where the Recipient receives Federal financial assistance for the construction of a facility, or part thereof, this Assurance shall extend to the entire facility and all facilities operated in connection therewith.

6. Real Property Acquisitions

Where the Recipient receives Federal financial assistance for the acquisition of real property or an interest therein, this Assurance shall extend to rights to space on, over, or under such property.

7. Future Property Agreements

The Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, or similar agreements entered into by the Recipient for:

- (a) the subsequent transfer of real property acquired or improved with Federal assistance; and
- (b) the construction or use of, or access to, space on, over, or under such property.

8. Duration of Obligation

This Assurance obligates the Recipient for the period during which Federal financial assistance is extended to any program or project.

When the assistance is in the form of real or personal property, or interests therein, this Assurance obligates the Recipient or any transferee for the longer of:

- (a) the period during which the property is used for the purpose for which the assistance was provided, or for a similar purpose; or

- (b) the period during which the Recipient retains ownership or possession of the property.

9. Methods of Administration

The Recipient shall provide such methods of administration as are necessary to give reasonable assurance that it, its subrecipients, contractors, subcontractors, transferees, successors in interest, and all other participants will comply with all requirements imposed by or pursuant to the Act, the Regulations, and this Assurance.

10. Judicial Enforcement

The Recipient acknowledges that the United States has the right to seek judicial enforcement of this Assurance and any related obligations under Title VI, the Regulations, or other applicable Federal nondiscrimination authorities.

Binding Effect

This Assurance is made in consideration of, and for the purpose of obtaining, any and all Federal grants, loans, contracts, property, or other forms of Federal financial assistance extended after the date hereof to the Recipient under any USDOT-funded program.

It is binding on the Recipient, its successors, transferees, contractors, subcontractors, subrecipients, and all other participants. The undersigned official(s) are authorized to sign this Assurance on behalf of the Southwest Michigan Planning Commission.

Authorized Signatory:

Name and Title: _____

Date: _____

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IV. AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

- **Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- **Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.
- **Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.
- **Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.
- **USDOT Order 1050.2: Standard Title VI Assurances Executive Order 12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.
- **28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.
- **Uniform Relocation Assistance and Real Property Acquisition Act of 1970**
- **Michigan’s Elliott-Larsen Civil Rights Act** – Prohibits discrimination on the basis of based on race, color, religion, sex, national origin, height, weight, and marital status.

V. REGULATORY REQUIREMENTS

SWMPC, as a recipient and distributor of federal funds, must take affirmative steps to ensure that discrimination, as addressed by Title VI, does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b)(2)** – Adequately staff the civil rights unit to effectively implement state civil rights requirements.
2. **23 CFR 200.9(b)(3)** – Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints.
3. **23 CFR 200.9 (b)(4)** – Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of, state highway programs, i.e., the relocated, impacted citizens, and affected communities.
4. **23 CFR 200.9(b)(5)** – Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning.
5. **23 CFR 200.9(b)(6)** – Conduct Title VI reviews of special emphasis areas to determine the effectiveness.
6. **23 CFR 200.9(b)(9)** – Conduct training programs on Title VI and related statutes.
7. **23 CFR 200.9(b)(11)** – Submit updated Title VI implementing plan to MDOT.
8. **23 CFR 200.9(b)(12)** – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
9. **23 CFR 200.9(b)(13)** – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
10. **23 CFR 200.9(b)(14)** – Establish procedures to identify and eliminate discrimination where found.

VI. RELATED LAWS AND STATUTES

1. **Civil Rights Restoration Act of 1987** – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
2. **Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of a disability.
3. **Americans With Disabilities Act of 1990** – Prohibits discrimination on the basis of a disability.
4. **Section 324 of the Federal-Aid Highway Act** – Prohibits discrimination on the basis of sex.
5. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970**
6. **42 USC 6101** – Prohibits age discrimination in any program receiving federal financial assistance.
7. **49 CFR Part 21 and 23 CFR Part 200** – Describes U.S. DOT and FHWA prohibitions against discrimination.

VII. Definitions

Adverse Effects – The totality of significant individual or cumulative human health, social, economic, or environmental effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness, or death
- Air, noise, and water pollution, or soil contamination
- Destruction or disruption of natural or man-made resources
- Loss or diminution of aesthetic values
- Disruption of community cohesion or economic vitality
- Reduction in availability or quality of public or private facilities and services
- Negative impacts on employment
- Displacement of individuals, businesses, farms, or non-profit organizations
- Increased traffic congestion, isolation, or separation of minority or low-income individuals from the broader community
- Denial, reduction, or significant delay in receiving benefits from SWMPC programs, policies, or activities

Federal Assistance – Includes grants, loans, donations of federal property or interests in property, provision of federal personnel or property at no or nominal cost, and any federal agreement, arrangement, or contract that provides assistance.

Limited English Proficiency (LEP) – Individuals whose primary language is not English and who have limited ability to read, speak, write, or understand English, requiring communication in their primary language to participate effectively in or benefit from SWMPC programs, services, or activities.

Low-Income – A person whose household income is at or below the **Department of Health and Human Services (HHS) Poverty Guidelines** (see <http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons living in geographic proximity or, when applicable, geographically dispersed or transient populations (e.g., migrant workers or Native Americans) who are similarly affected by a proposed SWMPC program, policy, or activity.

Minority – A person who identifies as:

- a. **Black** – having origins in any of the black racial groups of Africa;
- b. **Hispanic** – of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. **Asian American** – having origins in the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or
- d. **American Indian or Alaskan Native** – having origins in the original peoples of North America and maintaining cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable group of minority persons living in geographic proximity or, when applicable, geographically dispersed or transient populations (e.g., migrant workers or Native Americans) who are similarly affected by a proposed SWMPC program, policy, or activity.

Non-Compliance – The failure of a recipient to meet prescribed Title VI requirements, including a lack of good faith effort in implementing all obligations under Title VI and related statutes.

Persons – When designating individuals by race, color, or national origin, SWMPC may use the following categories:

- White, not of Hispanic origin
- Black, not of Hispanic origin
- Hispanic
- Asian or Pacific Islander
- American Indian or Alaskan Native

Additional subcategories based on national origin or primary language may be used when appropriate, either nationally or regionally.

Program – Any activity, project, or service, including planning, construction, operations, or delivery of benefits such as education, training, work opportunities, health, welfare, or rehabilitation. Programs include those provided directly by SWMPC or indirectly through contracts or other arrangements.

Recipient – Any entity (state, territory, possession, District of Columbia, Puerto Rico, political subdivision, public or private agency, institution, or organization) receiving federal assistance, directly or indirectly. Includes successors, assignees, or transferees, but does not include ultimate beneficiaries of the program.

Significant Adverse Effects on Minority and Low-Income Populations – An adverse effect that:

- a. Is predominantly borne by a minority and/or low-income population; or
- b. Is suffered by a minority and/or low-income population to a greater magnitude or severity than that experienced by non-minority and/or non-low-income populations.

Sub-Recipient – Any agency, such as a council of governments, regional planning agency, educational institution, local government, contractor, or consultant, that receives FHWA or FTA funds through the State DOT rather than directly from the FHWA or FTA.

VIII. Administration – General

The Southwest Michigan Planning Commission (SWMPC) designates John Egelhaaf, Executive Director, as the Title VI Coordinator (hereinafter referred to as the “Coordinator”). The Coordinator is responsible for overseeing the administration of this Title VI Plan, ensuring compliance with Title VI and related civil rights statutes, and coordinating all programs, plans, and assurances related to nondiscrimination.

Complaints

Any individual who believes they, or any other program beneficiary, have been subjected to unequal treatment or discrimination based on civil rights status—including Limited English Proficiency (LEP)—may file a complaint with SWMPC. Complaints may be submitted directly to the Title VI Coordinator.

SWMPC will make every effort to resolve complaints informally at the lowest possible level. Formal complaints will be investigated in accordance with SWMPC’s Title VI Complaint Procedures.

Data Collection

SWMPC collects and maintains statistical data on participants and beneficiaries of its programs, including those with protected civil rights status or LEP. This includes impacted citizens and affected communities.

Data collection procedures are reviewed annually to ensure they are sufficient to meet the requirements of the Title VI program. SWMPC also collects quarterly data on:

- Public meetings and hearings
- Public information dissemination
- Policy actions
- Requests for information services

These activities are documented in staff progress reports to monitor equitable participation.

Program Reviews

The Coordinator will conduct program reviews based on the annual summary of Title VI activities, accomplishments, and challenges. These reviews ensure SWMPC programs comply with Title VI provisions and promote equitable participation at all levels.

Title VI Reviews of Sub-Recipients

The Coordinator will conduct annual Title VI compliance reviews of sub-recipients and contractors receiving federal funds through SWMPC. Priority will be given to programs or recipients with the greatest potential impact on protected groups.

Reviews will evaluate adherence to all Title VI requirements, and the status of each review will be reported in SWMPC's annual Title VI update. Reports may also be submitted to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting

The Coordinator is responsible for compiling and submitting annual Title VI reporting data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT Form #0179) by October 5 each year. Data may also be submitted to federal agencies as appropriate.

Title VI Plan Updates

Updated copies of the Title VI Plan will be submitted to MDOT, Civil Rights Program Unit as soon as updates are completed or within 30 days of any significant changes.

Public Dissemination

SWMPC will disseminate Title VI program information to employees, sub-recipients, contractors, and the general public. Methods include:

- Incorporating Title VI language in contracts
- Publishing the Title VI Plan on the SWMPC website: www.swmpc.org

Remedial Action

The Coordinator will actively work to prevent Title VI deficiencies or violations. When deficiencies are identified, SWMPC will implement corrective procedures within 90 days of discovery. Corrective actions will be documented in writing and implemented promptly to ensure full compliance with all program requirements.

IX. Limited English Proficiency (LEP)

The Southwest Michigan Planning Commission (SWMPC) is committed to ensuring that individuals with Limited English Proficiency (LEP) have meaningful access to programs, services, and activities, in accordance with Title VI of the Civil Rights Act of 1964.

Definition: LEP individuals are those whose primary language is not English and who have a limited ability to read, write, speak, or understand English. Without appropriate language assistance, these individuals may be unable to access services or benefits for which they are otherwise eligible.

LEP Compliance

As a recipient of federal financial assistance, SWMPC is required to provide language access services to LEP individuals to ensure equitable participation in all programs and activities. Federal financial assistance includes, but is not limited to:

- Grants and funding programs
- Training and technical assistance
- Use of equipment or facilities
- Donations of federal property or surplus materials

Title VI applies to SWMPC's entire program and operations, even if only a portion of the activities receives federal funding. SWMPC ensures that all aspects of its programs comply with Title VI, including providing meaningful language assistance where necessary.

LEP Services

SWMPC takes reasonable steps to provide LEP individuals with access to its programs, including:

- Translation of key documents and forms
- Interpretation services for meetings, public hearings, and consultations
- Assistance in completing applications or accessing services

LEP Plan

SWMPC has developed a Limited English Proficiency (LEP) Plan to identify LEP populations, determine language assistance needs, and establish procedures for providing timely and effective language support. A copy of the LEP Plan is available on the SWMPC website at: www.swmpc.org.

X. Public Participation Plan (PPP)

The Southwest Michigan Planning Commission (SWMPC) Public Participation Plan (PPP) outlines how the agency communicates with the public, distributes information, and provides opportunities for public input. The plan emphasizes outreach to traditionally underserved populations, ensuring their needs and perspectives are considered in SWMPC's planning and decision-making processes.

Title VI Goals in Public Participation

Through its public involvement efforts, SWMPC seeks to achieve the following Title VI objectives:

- Ensure full and fair participation by all potentially affected communities in the transportation decision-making process.
- Prevent the denial, reduction, or significant delay in the receipt of benefits by minority and low-income populations.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance. SWMPC is committed to ensuring that input and feedback from all individuals are considered in the development of MPO planning documents and activities.

Reducing Participation Barriers

To promote equitable public participation, SWMPC implements the following measures:

1. Accessible Materials: Upon request, all SWMPC work products and documents will be made available in alternative formats, including Braille, large type, or languages other than English.
2. Non-Discrimination Statement: All SWMPC documents will include the following statement:

“The Southwest Michigan Planning Commission does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in the provision of services.”

3. Accessible Meetings: All public meeting announcements will include:

“All public meetings held by SWMPC are accessible to persons with disabilities under Title II of the Americans with Disabilities Act (ADA). Accommodations, including alternately formatted materials or auxiliary aids, are available upon request. For questions or to request accommodations, please call 269-925-1137. Providing at least five days advance notice helps ensure availability.”

4. Annual Evaluation: SWMPC will annually review the effectiveness of its public involvement efforts, including compliance with Title VI requirements, and update the PPP as needed.

Communication and Notification to the Public

SWMPC ensures open and equitable communication by:

- Disseminating agendas and public meeting information via accessible printed and electronic media, including postings on the SWMPC website: www.swmpc.org
- Including a Title VI compliance statement in appropriate documents:

“SWMPC complies with Title VI of the Civil Rights Act of 1964 and assures that no person shall, on the grounds of race, color, national origin, gender, age, or disability, be excluded from participation in, denied the benefits of, or subjected to discrimination under any SWMPC program, activity, or service.”

These practices ensure all members of the public, including minority, low-income, and disabled populations, have meaningful access to information, programs, and decision-making opportunities.

XI. Complaint Procedures

Any individual who believes that they, or another person, has been subjected to discrimination or unequal treatment under any Southwest Michigan Planning Commission (SWMPC) program or activity—on the basis of race, color, national origin, sex, disability, creed, or age—has the right to file a complaint with SWMPC.

These procedures apply to complaints filed under:

- Title VI of the Civil Rights Act of 1964,
- Section 504 of the Rehabilitation Act of 1973,
- The Civil Rights Restoration Act of 1987, and
- The Americans with Disabilities Act (ADA) of 1990.

They cover all programs or activities administered by SWMPC, including those conducted by subrecipients, consultants, contractors, or other entities carrying out SWMPC programs or services.

Intimidation, coercion, or retaliation of any kind against a person who files a complaint or participates in an investigation is strictly prohibited by law.

SWMPC encourages the prompt and informal resolution of complaints whenever possible. Informal mediation may be offered between the affected parties and the SWMPC Title VI Coordinator. These procedures do not restrict the complainant's right to file a formal complaint with state or federal agencies, or to seek private legal counsel.

1. Who May File

Any person who believes they have been excluded from participation in, denied the benefits of, or subjected to discrimination in any SWMPC program or activity on the basis of race, color, national origin, sex, age, disability, or limited English proficiency (LEP) may file a complaint. Complaints may also be filed on behalf of another individual.

2. Applicability

These procedures apply to all beneficiaries, participants, and partners of SWMPC programs and activities, including:

- Members of the public
- Contractors, consultants, and vendors
- Subrecipients and partner agencies

3. Time Limitation

Complaints must be filed within 180 calendar days of the alleged discrimination. If the complainant could not reasonably have known that discrimination occurred, an additional 60 days may be granted upon review by the funding agency (e.g., MDOT, FHWA, FTA).

4. How to File a Complaint

Complaint Format

1. Complaints must be in writing and signed by the complainant or their authorized representative.
2. The complaint must include a description of the alleged discriminatory act, including relevant facts, dates, and persons involved.
3. If the complainant is unable to submit a written statement, SWMPC staff will assist in documenting and preparing a written complaint.

Items Not Considered Formal Complaints

The following will not be treated as formal complaints unless accompanied by a signed cover letter alleging a Title VI violation:

- Anonymous complaints too vague for investigation
- Requests for advice or information
- Courtesy copies of court pleadings or internal grievances
- Newspaper articles

Submission

Complaints should be submitted to:

John Egelhaaf, Executive Director / Title VI Coordinator

Southwest Michigan Planning Commission

376 W. Main Street, Suite 130

Benton Harbor, MI 49085

Phone: (269) 925-1137

Email: swmpc@swmpc.org

5. Complaint Form and Submission Options

Title VI Complaint Forms are available:

- On the SWMPC website: www.swmpc.org
- At the SWMPC office reception area
- As Attachment D to this plan

Instructions for Submission

- The form must be signed by the complainant or their representative.
- SWMPC staff can provide assistance upon request.
- The original signed complaint must be mailed or hand-delivered to SWMPC.
- Complaints sent by email or fax must be followed by the original signed copy.
- All signed complaints will be forwarded to the Title VI Coordinator for review.

6. Complaint Review and Referral

Upon receipt, SWMPC will:

- Review the complaint for jurisdiction, completeness, and validity.
- If the complaint involves SWMPC or one of its federally funded programs, it will be forwarded within 10 business days to the appropriate Title VI oversight agency (e.g., the Michigan Department of Transportation, Office of Civil Rights).
- Notify the complainant that the complaint has been received and indicate the agency responsible for investigation.
- Forward a copy to SWMPC legal counsel for recordkeeping.
- If the complaint falls outside SWMPC's jurisdiction, it will be referred to the appropriate agency, and the complainant will be notified of this action.

7. Recordkeeping and Reporting

- Each complaint will be date-stamped and logged in SWMPC's Title VI Complaint Binder and electronic records system.
- Copies of relevant correspondence and investigation materials will be attached to the complaint file.
- Summaries of complaints and resolutions will be compiled annually and included in required Title VI reporting.
- Within 10 business days of receipt, SWMPC will:
 - Forward the complaint to the appropriate funding agency's Civil Rights Office.
 - Send an acknowledgment letter to the complainant.

SWMPC will provide the complainant with the investigative agency's findings and will implement any corrective actions required by that agency. Appeals must follow the funding agency's Title VI appeal process.

8. Complaint Resolution and External Reference

SWMPC will comply fully with all Title VI complaint procedures established by its primary funding agencies.

A complete description of the Michigan Department of Transportation (MDOT) Title VI Complaint Procedures is provided in Attachment D.

MDOT's Title VI Non-Discrimination Plan is available online at:
https://www.michigan.gov/mdot/0,4616,7-151-9621_31783---,00.html

APPENDIX A - FEDERAL-AID CONTRACTS NONDISCRIMINATION CLAUSE

[TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

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 shall comply with all applicable regulations prohibiting discrimination in federally assisted programs of the U.S. Department of Transportation (DOT), including Title 49, Code of Federal Regulations, Part 21, as amended (hereinafter referred to as the "Regulations"). These Regulations are incorporated by reference and made part of this contract.

2. Nondiscrimination

The Contractor shall not discriminate on the basis of race, color, national origin, sex, age, disability, or other protected civil rights status in the selection, retention, or treatment of subcontractors, including procurement of materials and equipment. The Contractor shall also ensure nondiscrimination in all employment practices associated with any federally assisted program covered by this contract.

3. Solicitation of Subcontracts, Materials, and Equipment

In all solicitations for work to be performed under a subcontract—including procurement of materials or equipment—whether by competitive bidding or negotiation, the Contractor shall notify each potential subcontractor or supplier of the Contractor's obligations under this contract and the Regulations prohibiting discrimination on the basis of civil rights status.

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or related directives and shall allow access to its books, records, accounts, other information sources, and facilities as deemed necessary by the State Highway Department, Federal Highway Administration, or other oversight agency to ensure compliance.

If required information is in the possession of another entity who refuses to provide it, the Contractor shall certify the situation to the appropriate funding or oversight agency and document efforts made to obtain the information.

5. Sanctions for Noncompliance

In the event of noncompliance with the nondiscrimination provisions of this contract, the State Highway Department or FHWA may impose sanctions, including but not limited to:

- a. Withholding contract payments until compliance is achieved; and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions in Subcontracts

The Contractor shall include the provisions of Sections 1–6 in every subcontract, including those for procurement of materials or equipment, unless explicitly exempt by the Regulations.

The Contractor shall take necessary actions to enforce these provisions, including the imposition of sanctions for noncompliance. If the Contractor becomes involved in, or threatened with, litigation with a subcontractor or supplier arising from these requirements, the Contractor may request the State Highway Department and/or the United States to enter the litigation to protect their interests.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the state and federal Departments of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations Nondiscrimination in Federally-assisted programs pertaining to 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 State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached here to and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, 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 shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, 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 shall on the grounds of race, color, 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 State of Michigan shall use the 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, Nondiscrimination in Federally-assisted programs of the Department of Transportation

– Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above-described land and facilities shall 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 deed.

*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 of the Civil Rights Act of 196.

APPENDIX C - PERMITS, LEASES, AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*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 the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

SOUTHWEST MICHIGAN PLANNING COMMISSION TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of any civil rights status, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint SWMPC based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180-day period, you have 60 days after you became aware to file your complaint.

If you need assistance completing this form, please contact John Egelhaaf by phone at 269-925-1137 or via email at info@swmpc.org

Date: _____

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Date: _____

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

(Please explain your relationship with the individual(s) indicated above:

Name of agency and department or program that discriminated: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination: _____

Date discrimination began: _____

Last or most recent date: _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

- ☐ Race Religion
- ☐ Color National Origin
- ☐ Age Sex
- ☐ Disability
- ☐ Other

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____ Date: _____

Please return the completed form to:

John Egelhaaf, Executive Director,
376 W. Main Street Suite 130, Benton Harbor, Michigan 49085
Phone: 269-925-1137 Email: swmpc@swmpc.org