

Oklahoma Department of Transportation
Civil Rights Division

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Oklahoma City, OK 73105
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Oklahoma Relay: 1-800-722-0353



The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email ODOT-ada-titlevi@odot.org.

<https://www.ok.gov/odot/>



KNOW YOUR RIGHTS

ADA and Title VI

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ADA and Title VI

Obligations Under the Americans with Disabilities Act (Title II) and Section 504 of the Rehabilitation Act

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Title II (28 CFR Part 35) is part of the Americans with Disabilities Act of 1990 (Public Law 101-336), this law prohibits discrimination on the basis of disability in State and local government services regardless of whether the public entity received Federal financial assistance.

Section 504 requires recipients to follow the Americans with Disabilities Accessibility Guidelines (ADAAG) when constructing new facilities and altering existing facilities.

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Under Title II ADA, all public entities must comply with this regulation. This includes any State or local government, as well as any department, agency, special purpose district, or other instrumentality of a State or local government.

The Access Board has published a revised version of the draft of Public Rights-of-way accessibility guidelines (PROWAG). PROWAG is currently recommended as best practices, and can be considered the state of the practice that could be followed for areas not fully addressed by the present ADAAG standards because the FHWA has determined that they are consistent with the ADA's requirement that all new facilities (and altered facilities to the maximum extent feasible) be designed and constructed to be accessible to and useable by people with disabilities.

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Section 504 (49 CFR Part 27) is a component of the Rehabilitation Act of 1973 (Public Law 93-112) which prohibits discrimination on the basis of disability in programs, activities and services that receive Federal financial assistance.

For more see "Steps for ADA Compliance for Recipients and Public Entities" On page 2.

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Under Section 504, any recipient of federal financial assistance must comply with this regulation.

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A recipient is defined as any State, territory, possession, political subdivision, instrumentality, public or private agency, organization, entity or individual to whom federal financial assistance is extended either directly or through another recipient. This includes any successor, assignee, or transferee, but not the ultimate beneficiary of a program or activity. This includes not only primary recipients, but also sub-recipients who receive Federal financial assistance from the primary recipient.

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Steps for ADA Compliance for Recipients and Public Entities

- Notify public of obligations under ADA and Section 504.
- Designate an ADA/504 Coordinator.
- Develop and implement policies/procedures for ADA and Section 504.
- Evaluate current services, policies and practice for accessibility.
- Develop and implement a transition plan. *(For recipients and public entities with responsibilities over roads, highways and pedestrian facilities, the transition plan must include a curb ramp installation schedule)*
- Provide a written assurance that the program or activity will conduct or the facility operated in compliance with all of the requirements.
- Conduct programs, services and activities in accessible facilities or provide alternative means of accessibility.
- New and altered buildings and facilities must be made accessible in accordance with accessibility guidelines.
- Provide effective communications through the use of auxiliary aids (sign language interpreters, large print or Braille text) to ensure that individuals with hearing, visual, sensory or cognitive impairments have access to programs, services and activities.

<https://www.ok.gov/odot/documents/ADA%20checklist%20for%20Recipients.pdf>

For a checklist for Recipients and Subrecipients:

Title II Complaint Process

In the event an individual believes that the Department has failed to comply with ADA by not providing equivalent access to a Department service, program, or activity, that individual or group of individuals may file a complaint with the Department. The process for filing an ADA Title II Complaint will be as follows:

1. A written complaint should be filed within 180 calendar days of the alleged occurrence using the Department's ADA Complaint Form (Form T2-504). Copies of this form may be printed from the Department's website or a copy may be obtained and submitted by contacting the ADA/504/508 Coordinator.
2. The complaint will be reviewed within 10 calendar days of receipt to determine whether it contains all the necessary information required for acceptance.
3. Within 90 calendar days of the receipt of the signed Complaint Form, the Department will investigate the complaint. An extension of up to 90 calendar days may be granted if both parties agree to such in a written form.
4. The Department will then provide a written decision to the complainant, which includes a finding of "Cause" or "No Cause" to believe any discrimination has occurred, as well as any actions discussed with the complainant.
5. If the complainant disagrees with the result of the complaint, a Petition for Appeal may be filed with the Civil Rights Division Administrator.

<https://ok.gov/odot/documents/Form%20T2-504.pdf>

For the Americans with Disabilities Act (Title II) / Section 504 Complaint Form:

Title VI Complaint Process

Each Federal agency that provides Federal financial assistance as well as the ODOT as a recipient of Federal financial assistance is responsible for investigating complaints of discrimination on the basis of race, color, or national origin in the use of its funds. If you believe that you or others protected by Title VI have been discriminated against, you may file a complaint with the Federal agency that provides funds for the program where you believe the discrimination is occurring or the ODOT. Complaints filed with the ODOT should be directed to:

**Oklahoma Department
of Transportation
Civil Rights Division
200 N.E. 21st Street, Room 1-C1
Oklahoma City, OK 73105-3204**

A signed, written complaint should be filed **within 180 days** of the date of the alleged discrimination. The Title VI Complaint form is available on the ODOT's website or by contacting the ODOT's Civil Rights Division. Information from the complaint should include:

1. Your name, address, and telephone number. Your complaint must be signed. If you are filing on behalf of another person, include your name, address, telephone number, and your relation to that person (e.g. friend, attorney, parent, etc.).
2. The name and address of the agency, institution, or department you believe discriminated against you.
3. How, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Include names of individuals whom you allege discriminated against you, if you know them.

4. The names of any persons, if known, that the investigating agency may contact for additional information to support or clarify your allegations.

What will ODOT do with my complaint?

Once a complaint is filed, it will be reviewed by the department to determine whether it has jurisdiction to investigate the issues you have raised. If it is determined that ODOT has jurisdiction to investigate the complaint, the allegations will be investigated. If violations of the Title VI are found, the department will attempt to resolve them. If the complaint is against the ODOT it will be forwarded to the Federal agency which provided funds for the program or project in question.

What if a recipient Retaliated against me for asserting my rights or filing a complaint?

You should be aware that a recipient is prohibited from retaliating against you or any person because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under the Title VI. If you believe that you have been retaliated against, you should immediately contact the Department.

<https://ok.gov/odot/documents/TITLE%20VI%20Complaint%20Form.pdf>

For the Title VI Complaint Form:

What Is Title VI?

Title VI of the Civil Rights Act of 1964 is the Federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive Federal financial assistance.

Title VI Covers

- All Advertisements;
- Bid proposals, requests, and evaluations; Contracts/subcontracts;
- Title VI reports, issues, and complaint: Public meetings and internal meetings relating to Title VI will be documented and reports forwarded to the Title VI Coordinator;
- The Title VI contract provisions and other legal documents;
- Other office areas where discrimination may exist.

What Discrimination is Prohibited by Title VI?

There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color or national origin, either directly or through contractual means:

- Deny a program services, aids, or benefits;
- Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

Who may file a Title VI Complaint?

Complaints may be filed by any individual or group who believes:

- That their rights, under the Title VI have been violated in a discriminatory manner.
- That the department's programs or activities do not comply with Federal civil rights laws.
- That they have been treated in a disparate manner.

Discrimination:

An act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, gender, or national origin has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration, the Federal Transit Administration, or the Federal Aviation Administration.

Disparate Treatment:

Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes. Disciplining Hispanic and African-American employees for tardiness, while ignoring tardiness among other employees is an example of disparate treatment.

For a checklist for Recipients and Subrecipients: <https://www.ok.gov/odot/documents/Title%20VI%20Checklist.pdf>

Title II Appeals Process

In the event that the complainant is not satisfied with the final complaint response issued by the Department, an appeal can be filed as follows:

1. An appeal should be filed with the Department Civil Rights Administrator within 30 days of the date of the decision by the deciding Department. The appeal must be filed in writing and must provide detailed information with a copy of the initial complaint attached.

Civil Rights Administrator

200 N.E. 21st Street

Oklahoma City, OK. 73105

Phone: 405-521-2072

Fax: 405-522-2136

Oklahoma Relay: 1-800-722-0353

2. Upon receipt of the appeal, the Administrator will review the written evidence for appropriateness and timeliness.

3. The Administrator will then follow the complaint process, interview and/or request written evidence from any individual the Administrator believes to have information relevant to the issues raised.

4. The Administrator will provide a written decision to the petitioner within 30 days of the date of receipt. If there is an agreement reached during the process, the Administrator will prepare a written memorandum of agreement to be signed by the individual and the department.

Section 508 of the Rehabilitation Act

Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public. 508 also requires entities to provide individuals with disabilities with reasonable accommodations.

An accessible information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user. For example, a system that provides output only in visual format may not be accessible to people with visual impairments and a system that provides output only in audio format may not be accessible to people who are deaf or hard of hearing. Some individuals with disabilities may need accessibility-related software or peripheral devices in order to use systems that comply with Section 508.

This includes websites, video and audio tapes, electronic books, televised programs, and other such media.

- ◆ Section 508 was originally added as an amendment to the Rehabilitation Act of 1973 in 1986.
- ◆ In 1998, Congress amended the Rehabilitation Act of 1973 to require Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities.
- ◆ Section 508 was passed by the Oklahoma Legislature and signed by the Governor of Oklahoma in 2004.



Section 508 Complaint Process

In the event an individual believes that the Department has failed to comply with Section 508 of the Rehabilitation Act of 1973, the individual or group of Individuals may file a complaint with the Department. The process for filing a Section 508 complaint will be as follows:

1. A written complaint should be filed using the Department's Section 508 complaint form (Form 508-01). Copies of this form may be printed from the Department website or a copy may be obtained by contacting the ADA/504/508 Coordinator.
2. Upon receipt of a complaint, the ADA/504/508 Coordinator will review the complaint to determine whether the technology listed in the complaint is subject to the IT accessibility standards.
3. The Coordinator will then send a written notice to the complainant within ten (10) business days, excluding holidays, from the receipt of the written complaint, which will include:
 - 1) A statement indicating whether the technology in question is or is not subject to the IT Accessibility Standards;
 - 2) A statement that the agency will conduct a review to confirm whether the technology in question is non-compliant, if the technology in question has been determined to be subject to the IT Accessibility Standards; and
 - 3) A copy of these complaint procedures.
4. The Coordinator will conduct a review within thirty (30) days from the receipt of the written complaint to determine whether the technology in question is noncompliant. The

Information Services Director, Office of State Finance and/or the Electronic and Information Technology Accessibility (EITA) Advisory Council may assist the review, if necessary.

5. Upon completion of the review, the agency shall provide written notice of the results of the review to the complainant, the Office of State Finance and the EITA Advisory Council, which shall include one of the following:
 - 1) Documentation that the technology conforms to all applicable accessibility standards;
 - 2) A documented explanation that any non-conformance with accessibility standards was exempted due to an exception or undue burden; or
 - 3) An agreement in part or in whole with the written complaint that includes a plan with reasonable timelines for conforming to applicable IT Accessibility Standards.
6. If the complainant disagrees with the result of the complaint, a Petition for Appeal may be filed with the Civil Rights Administrator and/or the Office of State Finance.

<https://ok.gov/odot/documents/Form%20508-01.pdf>
Section 508 Complaint Form:

Section 508 Appeals Process

In the event that the complainant is not satisfied with the final complaint response issued by an Department, an appeal can be filed as follows:

1. An appeal may be filed with the Department's Civil Rights Administrator or with the Chief Information Officer of the Office of State Finance (OSF). The appeal must be filed in writing and must provide detailed information with a copy of the initial complaint attached.

Civil Rights Administrator
Civil Rights Division
200 N.E. 21st Street
Oklahoma City, OK. 73105
Phone: 405-521-2072
Fax: 405-522-2136
Oklahoma Relay: 1-800-722-0353

AND/OR

Office of State Finance
Chief Information Officer
2300 N. Lincoln Blvd., Room 122
Oklahoma City, OK. 73105
Phone: 405-521-2444
Email: Accessibility@omes.ok.gov
Website: <https://ok.gov/cio/Accessibility.html>

2. Written notice of receipt of a complaint pursuant to this section shall be sent to the complainant, within ten (10) business days, excluding holidays, from the date the complaint is filed with either entity.
3. The review team shall evaluate the complaint and the agency response and may gather additional information as necessary to render an independent decision.
4. The final written notice to the complainant and the agency will be sent no later than sixty (60) calendar days from the receipt of the written complaint with OSF.

In compliance with the Americans with Disabilities Act, the Oklahoma Department of Transportation will provide reasonable accommodations for persons with disabilities, upon request. To request an accommodation, please call the office of the ADA/504/508 Coordinator or Oklahoma Relay at 1-800-722-0353, no later than 72 hours before any scheduled event.

Coordinator Contact Information

Kyle Stevens
ADA/504/508 Coordinator
Civil Rights Division
200 NE 21st Street, Room 1-C1
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