

THE TRUST FOR GOVERNORS ISLAND

NOTICE OF NONDISCRIMINATION

Governors Island Corporation d/b/a The Trust for Governors Island (“the Trust”) complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including **language**).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Educations Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

To File a Complaint

If you think that the Trust has failed to provide these services or discriminated in another way based on race, color, national origin (including language), disability, sex, or age, you can file a complaint in person or by mail or email with: Nondiscrimination Program Coordinator Donna Matthew. Any such complaint must be in writing and filed with the Nondiscrimination Program Coordinator within one-hundred-eighty (180) days following the date of the alleged discriminatory occurrence.

E-mail: dmatthew@govisland.org (fastest method to submit your complaint)

U.S. Mail:

The Trust for Governors Island
Attn: Donna Matthew,
10 South Street, Slip 7,
New York, New York 10004

Information and Services for Persons with Disabilities and Persons with Limited English Proficiency

The Trust, upon request, can:

- Provide free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), to communicate effectively with persons with disabilities.
- Provide free language services, such as foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.
- Provide reasonable accommodations to afford the full enjoyment of the Trust’s programs and activities.

If you need these services, please contact:

Nondiscrimination Program Coordinator Donna Matthew
E-Mail: dmatthew@govisland.org

**GOVERNORS ISLAND CORPORATION
d/b/a THE TRUST FOR GOVERNORS ISLAND**

NONDISCRIMINATION POLICY

I. Purpose

The Governors Island Corporation d/b/a The Trust for Governors Island's ("the Trust") nondiscrimination policy (the "Policy") establishes the procedures whereby the Trust will receive and investigate allegations of discrimination.

II. Applicability

This Policy applies to all departments, programs, activities and employees of the Trust.

III. Statutory Authority

- (i) **Title VI of the Civil Rights Act of 1964**, which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance.
- (ii) **Title IX of the Education Amendments of 1972 (Title IX)**, which prohibits discrimination on the basis of sex in any education or training program receiving federal financial assistance, with a limited number of defined exceptions.
- (iii) **Section 504 of the Rehabilitation Act of 1973 (Section 504)**, which forbids discrimination on the basis of an individual's disability by all federal agencies and in all federally funded activities.
- (iv) **The Age Discrimination Act of 1975**, as amended, which prohibits discrimination in federally supported activities on the basis of age.
- (v) **U.S. Department of Homeland Security Regulation 6 C.F.R. Part 19**, which prohibits discrimination based on religion in social service programs.

IV. Definitions

For the purpose of this Policy, the following definitions apply:

- A. **Disability:** A hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulty.
- B. **Reasonable Accommodation:** A change or modification to afford a qualified individual with disability full enjoyment of the Trust's programs or activities, unless modifications of policies, practices and procedures would fundamentally alter the nature of the programs or activities or result in undue financial, or administrative burdens on the Trust.
- C. **Limited English Proficient ("LEP") Person:** Individuals who do not speak English as their primary language and who have limited ability to read, write, speak, or understand English.
- D. **Nondiscrimination Program Coordinator:** An employee of the Trust who ensures compliance with federal nondiscrimination statutes.

V. Discussion

The Trust is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity, or service that it provides.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures 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 benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Nondiscrimination prohibitions have been further broadened and supplemented by related statutes, regulations and executive orders. The Trust is actively engaged in Title VI activities as a recipient of federal assistance from the Department of Homeland Security (“DHS”).

The Trust will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid or other benefit under any of its programs, regardless of the funding source of the program. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin.

It is impermissible for the Trust or another individual to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the DHS regulation implementing Title VI (6 C.F.R. Section 21.11(e)). Any individual alleging such harassment or intimidation may file a separate complaint with DHS.

The Trust will take reasonable measures to provide access to department services, programs and activities to individuals with limited ability to speak, write or understand English and/or those with disabilities.

VI. Procedures

- A. Public Notice of The Trust’s Nondiscrimination Program:** Public notice of the Trust’s Policy and procedures will be prominently posted:
 - 1. On the Trust’s website; and
 - 2. On the Trust’s Corporate Resources drive.
- B. Nondiscrimination Program Coordinator:**
 - 1. Ensures information regarding the Trust’s Nondiscrimination Program is internally and externally available;
 - 2. Posts and maintains public notice of, and procedure for receipt and processing of complaints and reasonable accommodation requests;
 - 3. Tracks and reviews complaints/reasonable accommodation requests received;
 - 4. Trains department staff on the Trust’s Nondiscrimination Program and procedures;
 - 5. Provides written updates to individuals on the progress of investigation; and
 - 6. Periodically reviews the efficacy of the Trust’s Nondiscrimination Program.

C. **Grievance Procedures:** If an individual believes he/she/they have suffered from discrimination under the Trust's program:

1. The individual may contact the Trust's Nondiscrimination Program Coordinator to seek informal resolution.
2. If the matter cannot be resolved informally, the individual may submit a written complaint to the Nondiscrimination Program Coordinator. The complaint must be filed within 180 days of the alleged discrimination. Complaints must include the complainant's name, the nature of the complaint, the dates of the complaint, requested action, and contact information.
3. The Nondiscrimination Program Coordinator will provide written acknowledgement of the complaint within ten (10) days of receipt and inquire whether the complainant has filed the same complaint with another agency. If the complainant has filed the same complaint with another agency, the Nondiscrimination Program Coordinator will contact the relevant agency and determine a coordinated approach.
4. The Nondiscrimination Program Coordinator will review the complaint to determine whether further investigation is needed. If the preliminary review indicates an investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered.
5. If it is determined that further investigation is needed, the Nondiscrimination Program Coordinator will notify the complainant in writing and will schedule an interview where he/she/they may solicit additional information from the complainant, as needed. The Nondiscrimination Program Coordinator will promptly and impartially investigate the complaint. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.
6. The results of the investigation will be provided to the Trust President for review.
7. The complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response and a timeline to request review.
8. A complaint log will be kept by the Nondiscrimination Program Coordinator containing the name and address of the complainant, nature of the complaint, date of submission and results of the investigation. Records and investigative files will be kept for a minimum of three (3) years.

CI. **Reasonable Accommodation Procedures:** If an individual and/or his/her/their representative wishes to make a request for reasonable accommodations under the Trust's program:

1. The individual may contact the Trust's Nondiscrimination Program Coordinator to make a request for reasonable accommodation.
2. The Nondiscrimination Program Coordinator will provide written acknowledgement of the reasonable accommodation request within seven (7) days of receipt.

3. The Nondiscrimination Program Coordinator will review the request to determine whether further information is needed. The Nondiscrimination Program Coordinator may review the request to determine:
 - (i) Whether the requested accommodation will be effective in allowing the individual to participate in the activity or program in which the individual is seeking to participation;
 - (ii) Whether the request accommodation is reasonable, or an equally effective alternative to the requested accommodation is available; and
 - (iii) Whether providing the individual with requested accommodation would fundamentally alter the nature of the Trust's program or impose undue financial or administrative burdens on the Trust.
 4. If it is determined that further information is needed, the Nondiscrimination Program Coordinator may contact the individual to obtain more information about his/her/their reasonable accommodation request and to better understand his/her/their needs. In some cases, the Nondiscrimination Program Coordinator may engage in an interactive process to determine on a case-by-case basis what accommodations can be made.
 5. The results of the investigation will be provided to the Trust President for review.
 6. If the Trust determines that the reasonable accommodation request would fundamentally alter the nature of the Trust's programs and activities or impose undue financial or administrative burden, the Trust may deny the request. However, in the unlikely event that this occurs, the Nondiscrimination Program Coordinator will work with the individual to identify an alternative accommodation that allows him/her/them to effectively participate in the Trust's programs and activities.
 7. The individual will be notified in writing of the results of the request for accommodation and what actions will be/have been taken in response and a timeline to request review.
- E. **Complaint Processing:** The Trust's goal is to address complaints within sixty (60) days of receipt, though time to carefully investigate complaints may be longer depending on the nature of the complaint and complexity of the issue.
- F. **Reasonable Accommodation Request Processing:** The Trust's goal is to address requests for reasonable accommodations within fourteen (14) days of receipt.
- G. **Monitoring the Provision of Reasonable Accommodations:** A log will be kept by the Trust containing the number and type of requests for reasonable accommodations received annually; the number of such requests that were denied and reason(s) for denial; the number and type of alternate accommodations, if any, that were provided; and a summary of circumstances regarding and any denials based upon a determination of fundamental alteration or undue burden to the Trust. Records will be kept for a minimum of three (3) years.

VII. Obligations to Limited English Proficiency (LEP) and Disabled Persons

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English may be entitled to language assistance with respect to services provided by recipients of federal assistance.

As directed by Executive Order 13166, DHS has published guidance to financial assistance recipients regarding Title VI prohibition against national origin discrimination affecting LEP persons. Recipients are required to take reasonable steps to reduce language barriers that can preclude meaningful access to department programs and activities by LEP persons.

Federal guidance generally describes how recipients of federal assistance determine the extent of their obligation to provide LEP services. Four (4) factors that should be considered are:

1. The number or proportion of LEP eligible to be served or likely to be encountered by the program.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity or service provided by the program.
4. The resources available to the recipient and costs.

Additionally, recipients of federal assistance, such as the Trust, must also provide for meaningful access to programs and activities by disabled persons.

Determining precisely what steps are reasonable to ensure access for LEP and disabled persons is fact dependent. The Trust will take reasonable measures to provide the appropriate aids and services (including qualified interpreters) to LEP persons, disabled persons who are deaf or hard of hearing, and other individuals, as necessary and requested, at no cost to ensure effective communication and an equal opportunity to these individuals to participate fully in the Trust's programs and activities. Requests for language interpretation services or for disability accommodations must be made at least forty-eight (48) hours in advance by contacting the General Counsel, who serves as the Nondiscrimination Program Coordinator. A log of language interpretation and disability accommodations requests will be kept by Nondiscrimination Program Coordinator, containing the name of the LEP or disable person, nature of the request, date of request and accommodation provided.