

## **Title VI Program Plan**

### **I. Plan Statement**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The Resource Center for Independent Living, Inc. (RCIL) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTS) Circular 4702.1.A. This plan was developed to guide RCIL in its administration and management of Title VI-related activities.

#### **RCIL Title VI Coordinator:**

Amy Dewan, Executive Vice President for Corporate Resources  
Resource Center for Independent Living, Inc.  
PO Box 210, 131 Genesee Street  
Utica, NY 13503-0210  
(315) 797-4642

### **II. Title VI Information Dissemination**

Title VI information posters shall be prominently and publicly displayed on the RCIL website, www.RCIL.com, and all major facilities (see Appendix J). Additional information relating to the non-discrimination obligation can be obtained from the RCIL Title VI Coordinator.

Title VI information shall be disseminated to RCIL employees via the RCIL Employee Handbook containing the language set forth in Appendix A. This reminds employees of RCIL about the policy statement and of their Title VI responsibilities in their daily work and duties.

During New Employee Orientation, new employees shall be informed of the provisions of Title VI and the expectations of RCIL employees to perform their duties accordingly. All transportation employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgment of Receipt (see Appendix B).

### **Subcontracts and Vendors**

All subcontractors and vendors who receive payments from RCIL where funding originates from any Federal assistance are subject to provisions of Title VI of the Civil Rights Act of 1964, as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package, which becomes an associated component of the contract.

### **III. Record Keeping**

The Title VI Coordinator will maintain permanent records which include, but are not limited to, signed acknowledgments of receipts from the employees indicating the receipt of the RCIL Title VI Plan, copies of the Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI investigations. RCIL will submit a list of complaints to the New York State Department of Transportation (NYSDOT) at least semi-annually, at the end of the fiscal year, and as requested by NYSDOT.

### **IV. Title VI Complaint Procedures**

#### **How to file a Title VI Complaint**

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Complainant's name, mailing address, and contact information (*i.e.*, telephone number, email address, *etc.*);
- Details of the discrimination incident (who, how, when, where);
- The location, names, and contact information of any witnesses; and,
- Other information that they deem significant.

The Title VI Complaint Form (see Appendix C) may be used to submit complaint information. The complaint must be filed in writing with RCIL at the following address in order for RCIL to properly investigate any complaint:

Amy Dewan, Executive Vice President for Corporate Resources  
Resource Center for Independent Living, Inc.  
PO Box 210, 131 Genesee Street  
Utica, NY 13503-0210  
(315) 797-4642

NOTE: RCIL encourages all complainants to certify any mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked.

**What happens to the complaint after it is submitted?**

All complaints alleging discrimination based on race, color, or national origin in a service or benefit provided by RCIL Transportation will be directly addressed by RCIL for investigation. RCIL shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, RCIL shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven (7) days (see Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

**How will the complainant be notified of the outcome of the complaint?**

The Title VI Coordinator will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to do the following:

1. Provide additional information to RCIL for consideration of the complaint within seven (7) calendar days of receipt of the final written decision from RCIL; and/or
2. File a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to the Title VI complaints within sixty (60) working days of receipt of such complaints.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

**Federal Transit Administration Office of Civil  
Rights Attention: Title VI Program Coordinator  
East Building, 5th Floor- TCR  
1200 New Jersey Ave  
SE Washington DC 20590**

#### **V. Language Assistance Plan (LAP)**

FTA Circular 4702.1B was developed by the Federal Transit Administration (FTA) and details the administrative and reporting requirements for recipients of FTA financial assistance to comply with Title VI and related executive orders including on LEP (Limited English Proficiency) persons.

The United States Department of Transportation (DOT) published guidance that directed its recipients to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP customers. RCIL Language Assistance Plan (LAP) includes a four-factor analysis and implementation plan that complies with the requirements of the DOT LEP guidance.

RCIL is aware of the minority and LEP populations within its service region and has established relationships with the Mohawk Valley Resource Center for Refugees, the Mohawk Valley Latino Association, the Midtown Utica Cultural Center, and other community-based organizations that provide services to those populations. By working with local organizations, RCIL will be apprised of changes to the local landscape and be able to make changes in language accessibility to adjust to those changes. Three local language translation and interpretation companies are utilized by RCIL as needed to provide translation and interpretation services to LEP individuals. RCIL documents are routinely translated into the six most commonly utilized languages in the area: Spanish, Russian, Karen, Bosnian, Arabic, and Burmese.

Documents including the Title VI Complaint Form; the Notice of a Person's Right Under Title VI; letters requiring a response from customers; materials created to inform individuals of their ability to access free language assistance; notice of denial, loss, or decrease in services; and other documents related to the provision of services will be translated into any of the six most commonly used languages in the region and other languages as needed.

RCIL requires all staff members to attend Cultural Competency training.

## Four Factor Analysis

### **1. Number of LEPs eligible or likely to be encountered by the subrecipient's program or service.**

According to the 2020 US Census, approximately 12.8% of the population of the Oneida County speaks a primary language other than English (see <https://data.census.gov/cedsci/table?q=Oneida%20County,%20New%20York&t=Language%20Spoken%20at%20Home&tid=ACSST5Y2020.S1601>).

Transportation services will be provided to individuals who are elderly and/or who have disabilities who participate in the Many Hearts Senior Care Center program, which represents fewer than one hundred people per year. It is estimated that the number of individuals with LEP who need the specialized, accessible transportation provided by RCIL will be very small. RCIL has several staff members bilingual in English and Spanish and an American Sign Language Interpreter who fulfill the language needs of program participants at this time.

### **2. Frequency that LEPs come in contact with the subrecipient's program or service.**

The small number of individuals using the service exempt RCIL from having to provide written materials in other languages; however, RCIL will provide the necessary language services to all individuals who need it. RCIL will work with its community partners to ensure that those needing accessible transportation services and language assistance will receive interpretation and/or translation services.

### **3. Nature and importance of the subrecipient's program or service to LEPs.**

For those program participants who need accessible transportation, it is vitally important. Door-to-door transportation to the Many Hearts Senior Care Center and transportation to offsite locations for enrichment activities help to enhance the quality of life and decrease the social isolation that individuals who have a language barrier and are elderly and/or who have disabilities can experience. RCIL understands the importance of this service for individuals whose primary language is other than English and will provide all necessary written and verbal communication services as needed and available to individuals who require them.

#### **4. Resources available and costs to the subrecipient.**

RCIL has made a commitment to serve individuals with disabilities regardless of language used. RCIL anticipates no barrier to continuing to provide language services as needed to individuals utilizing RCIL transportation services. Language services are provided to program participants at no cost.

#### **VI. Safe Harbor Provision**

The federal Transit Authority Circular 4702.1B states

*"DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered. Then such action will be considered strong evidence of compliance with the recipient's written translation obligation. Translations of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.*

*These Safe Harbor Provisions apply to the translation of written documents only. They do not affect the requirement to provide access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factors Analysis, that even though a language meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in a particular language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program."*

**VII. Membership of Non-elected Committees and Councils**

RCIL does not have a transit-related advisory council but relies on its participation in the Herkimer and Oneida County Transportation Council's Transportation Coordination Committee to provide updated information about transportation planning for the region.

**VIII. Title VI Equity Analysis**

RCIL does not have transit related facilities.

## **Appendix A: Employee Annual Education Form Title VI Policy**

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the Resource Center for Independent Living, Inc. (RCIL) are expected to consider, respect, and observe this Policy in their daily work and duties. If a participant or family member approaches you with a question or complaint relating to Title VI or discrimination of any kind based on race, color, or national origin, direct the individual to RCIL Title VI Coordinator.

In all dealings with anyone in the community, use courtesy titles (*i.e.* Mrs., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

## Appendix B: Employee Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of the RCIL Title VI Plan. I have read the plan and am committed to ensuring that no participant is excluded from or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Date

## Appendix C: Public Participation Plan

RCIL will hold information sessions whenever a change in service is planned. Sessions will be held at the Many Hearts Senior Care Center where program participants can attend without additional transportation required. Changes will be posted on the RCIL website and outreach efforts will be documented to include the following information: when and how groups were contacted and the type of meeting they were invited to attend. Minutes and records of meetings will be kept, and responses and feedback requested. A summary of each outreach effort will be submitted in the Title VI Program reports.

In scheduling and planning for community outreach efforts that include individuals with Limited English Proficiency and minority populations, RCIL will take the following measures to furthest extent possible:

- Locations, facilities, and meeting times will be convenient and accessible for low-income and minority communities;
- RCIL will coordinate outreach efforts with individuals, institutions, and/or organizations and implement community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- RCIL will place public notices of activities in all agency locations and program vehicles;
- Opportunities to capture input from LEP, low-income, and minority populations will include written as well as alternative communication methods such as video and audio options;
- Meeting sizes and formats will be adjusted to meet the needs of participants;
- Social media including Facebook, Twitter, and YouTube will be used to complement, but not to supplant, other involvement strategies;
- Non-traditional methods of information sharing will be utilized to provide information to the greatest number of area residents possible.

PO Box 210, Utica, NY 13503

www.rcil.com

Phone: 315-797-4642

**Appendix D: Resource Center for Independent Living, Inc.**

131 Genesee Street, PO Box 210  
Utica, NY 13503-0210  
(315) 797-4642      www.RCIL.com

**Complaint of Discrimination Form**

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

**Basis of Complaint**

- Race
- Color
- Sex
- National Origin
- Age
- Disability (ADA)
- Low-Income
- Limited English Proficiency

**Who allegedly discriminated against you?**

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_

**If an organization, what is its name?**

Name of Organization \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_  
Name of Contact \_\_\_\_\_

**How were you discriminated against?**

\_\_\_\_\_  
\_\_\_\_\_

PO Box 210, Utica, NY 13503

www.rcil.com

Phone: 315-797-4642

**Where did the alleged discrimination occur?**


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**Date/s and times discrimination occurred?**

 First time \_\_\_\_\_  
 Second time \_\_\_\_\_  
 Third time \_\_\_\_\_

**Were there any other witnesses to the discrimination?**

Name	Title	Work Telephone	Home Telephone

**What can the Department do to resolve the complaint?**


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**Have you filed your complaint with anyone else?**

 Who \_\_\_\_\_  
 When \_\_\_\_\_  
 Complaint number, if known \_\_\_\_\_

**Do you have an Attorney in this matter?**

 Name \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
 When did you acquire \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Mail to:**

**EVP of Corporate Resources**  
**Resource Center for Independent Living, Inc.**  
**131 Genesee Street**  
**PO Box 210**  
**Utica, NY 13503-0210**  
**Phone (315) 797-4642**  
**Email: [ADewan@RCIL.com](mailto:ADewan@RCIL.com)**

**Title VI Coordinator**  
**Office of Civil Rights**  
**New York State Department of Transportation**  
**50 Wolf Road**  
**Albany, New York 12232**  
**Phone (518) 457-1129**  
**Email: [OCR-Title VI @dot.ny.gov](mailto:OCR-Title VI @dot.ny.gov)**

## APPENDIX E: Letter Acknowledging Receipt of Complaint

Date

Name

Address

City, State Zip

Dear Name:

This letter is to acknowledge receipt of your complaint against the Resource Center Independent Living, Inc. alleging \_\_\_\_\_.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office at (315) 797-4642 or in writing:

Amy Dewan, Executive Vice President for Corporate Resources  
Resource Center for Independent Living, Inc.  
PO Box 210, 131 Genesee Street  
Utica, NY 13503-0210

Sincerely,

Amy Dewan  
Title VI Coordinator

**APPENDIX F: Letter Notifying Complainant that the Complaint Is Substantiated**

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your letter dated \_\_\_\_\_ against the Resource Center for Independent Living, Inc. alleging Title VI violation has been investigated. (An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. (If a hearing is requested, the following sentence may be appropriate.) You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Amy Dewan  
Title VI Coordinator

**APPENDIX G: Letter Notifying Complaint and that the Complaint Is Not Substantiated**

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your complaint dated \_\_\_\_\_ against the Resource Center for Independent Living, Inc. (RCIL) alleging \_\_\_\_\_ has been investigated. The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

RCIL has analyzed the materials and facts pertaining to your case of evidence of the organization's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated. I, therefore, advise you that your complaint has not been substantiated and that I am closing the matter in our files.

You have the right to 1) provide additional information to this office for reconsideration of your complaint within seven (7) calendar days of receipt of this final written decision from RCIL; and/or, 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator  
East Building, 5th Floor- TCR 1200 New Jersey Ave., SE Washington DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Amy Dewan  
Title VI Coordinator

## **APPENDIX H: Sample of Narrative to be included in Posters to be displayed in Participants Transport Vehicles and Facilities**

The Resource Center for Independent Living, Inc. (RCIL) is committed to ensuring that no person is excluded from participation in, denied the benefits of, or be subjected to discrimination in the receipt of its services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964.

If you feel you are being denied participation in or being denied benefits of the services provided by RCIL or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at (315) 797-4642.

**APPENDIX I: NYSDOT Public Transportation Programs  
Title VI Investigations, Complaints & Lawsuits Log**

**AGENCY: Resource Center for Independent Living, Inc.**

**TITLE VI OFFICER: Amy Dewan, Title VI Coordinator**

**E-MAIL: ADewan@RCIL.com**

**CONTACT: (315) 797-4642**

**FISCAL YEAR:**

**REPORTING PERIOD** (check appropriate box):

1ST Half   
(July-December)

2<sup>nd</sup> Half   
(January-June)

Complete Fiscal Year   
(July-June)

1. Were any investigations, lawsuits or complaints filed during this time period?
2. If YES, please provide the following information for each investigation, lawsuit, or complaint received during this time period: date the investigation, lawsuit, or complaint was filed, summary of the allegation, and resolution status.
3. Based on the investigations, lawsuits or complaints filed during the Fiscal Year, please provide a status of each allegation. **(Report on separate paper at the end of the Fiscal Year).**
4. Please indicate if or what actions were taken by the sub recipient in response to the investigation, lawsuit or complaint. **(Report on separate paper at the end of the Fiscal Year).**

## Appendix J

### **Resource Center for Independent Living, Inc.**

PO Box 210, 131 Genesee Street  
Utica, NY 13503-0210  
(315) 797-4642  
www.RCIL.com

### **Notifying the Public of Rights under Title VI**

The Resource Center for Independent Living, Inc. (RCIL) operates its programs and services without regard to race, color, or national origin, in accordance with Title VI of the Civil Right Act of 1964.

To obtain additional information about your rights under Title VI, contact RCIL by phone, 315-797-4642, or email, [info@RCIL.com](mailto:info@RCIL.com).

If you believe you have been discriminated against on the basis of race, color, or national origin by RCIL, you may file a Title VI complaint by completing, signing, and submitting the agency's Title VI Complaint Form.

### **How to file a Title VI complaint with the Resource Center for Independent Living, Inc.:**

1. To obtain a Complaint Form from RCIL, contact

Amy Dewan, Executive Vice President for Human Resources  
Resource Center for Independent Living, Inc.  
PO Box 210, 131 Genesee Street  
Utica, NY 13503-0210  
315-797-4642  
[ADewan@RCIL.com](mailto:ADewan@RCIL.com)

2. In addition to the complaint process at RCIL, complaints may be filed directly with the Federal Transit Administration, Office of Civil Rights, Region VII, 901 Locust Street, Suite 404, Kansas City, MO 64106.
3. Complaints must be filed within 180 days following the date of the alleged discriminatory occurrence and should contain as much detailed information about the alleged discrimination as possible.
4. The form must be signed and dated and include your contact information.

**If information is needed in another language, please contact Amy Dewan at 315-797-4642.**