Title VI Plan

Southwest Washington Regional Transportation Council

Clark County
Skamania County
Klickitat County
City of Vancouver
City of Camas
City of Washougal
City of Battle Ground
City of Ridgefield
City of La Center
Town of Yacolt
City of Stevenson
City of North Bonneville
City of White Salmon
City of Bingen
City of Goldendale
C-TRAN
Washington DOT
Port of Vancouver
Port of Camas-Washougal
Port of Ridgefield
Port of Skamania County
Port of Klickitat
Metro
Oregon DOT
14th Legislative District
17th Legislative District
18th Legislative District
20th Legislative District
49th Legislative District

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Southwest Washington Regional Transportation Council

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RTC complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information see http://www.rtc.wa.gov/info/title6/, call (360) 397-6067, (TTY) 711 or email info@rtc.wa.gov.

Persons with disabilities may request this information be supplied in alternate formats and those who do not read or speak English well may request language assistance, oral interpretation and/or written translation. Contact RTC at 360.397.6067 (TTY) 711 or email info@rtc.wa.gov.

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Title VI Plan

"It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in Federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, or disability. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients, subrecipients, and contractors whether those programs and activities are federally funded or not." (Source: US Department of Transportation)

Title VI issues and environmental justice are an integral part of the transportation planning and programming process throughout the United States, particularly in urban regions. This commitment to Title VI has, and continues to be, reflected in the Southwest Washington Regional Transportation Council's (RTC) work program, publications, communications, and public involvement efforts. This document establishes a framework for efforts that will be taken at RTC to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

Introduction

RTC is a regional planning organization that develops policies and makes decisions about transportation planning in southwest Washington. It is a forum for cities, towns, the county, transit agencies, port districts, and state agencies to address common regional transportation issues. RTC is designated under federal law as the Metropolitan Planning Organization (MPO) for Clark County, and under state law as the Regional Transportation Planning Organization (RTPO), for Clark, Skamania and Klickitat counties. Under state and federal mandates and an Interlocal Agreement signed by all its members, RTC conducts and supports numerous state and federal planning, compliance and certification programs which enable members and other jurisdictions and entities in the region to obtain state and federal funding.

As the regional transportation planning agency, RTC does not duplicate the activities of local and state operating agencies, but supports their needs with complementary planning and analyses. The agency performs strategic analyses of trends, consequences, and options related to transportation issues and air quality issues. It is a center for the

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collection, analysis, and dissemination of transportation-related information vital to citizens, businesses, jurisdictions, and governments in the region.

Members

RTC members are Clark, Skamania and Klickitat counties, 12 cities and towns within the region, five port districts, the Washington and Oregon state departments of transportation, C-TRAN, Portland Metro and the Washington State Legislators from the 14th, 17th, 18th, 20th and 49th legislative districts.

Table 1: RTC Membership

RTC Membership: Jurisdiction/Agency
Clark County
Skamania County
Klickitat County
City of Vancouver
City of Camas
City of Washougal
City of Battle Ground
City of Ridgefield
City of La Center
Town of Yacolt
City of Stevenson
City of North Bonneville
City of White Salmon
City of Bingen
City of Goldendale
C-TRAN
Washington State Department of Transportation
Port of Vancouver
Port of Camas/Washougal
Port of Ridgefield
Port of Skamania County
Port of Klickitat
Metro (Portland, OR)
Oregon Department of Transportation
Legislators from the following Washington State Districts:
14th District
17th District
18th District
20th District
49th District

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Governance, Board, and Advisory Committees

The Board of Directors is RTC's policy and decision-making body. The Board meets monthly and is comprised of fourteen voting members. The fifteen state legislative members of the 14th, 17th, 18th , 20th and 49th districts are ex-officio non-voting members of the Board. Nine RTC Board members are required to meet quorum. Valid votes require at least eight voting members plus one member who can be either a voting or non-voting member.

Table 2: RTC Voting Members

RTC Voting Members: Jurisdiction/Agency
Three Clark County Commissioners (elected officials)
Two representatives from the City of Vancouver (elected officials)
One elected official from the City of Camas or the City of Washougal, representing Camas and Washougal (elected officials)
One elected official from the City of Battle Ground, the City of Ridgefield, the City of La Center or the Town of Yacolt, representing these four cities (elected officials)
One elected official from Skamania County, the City of Stevenson, the City of North Bonneville, or the Port of Skamania County (elected officials)
One elected official from Klickitat County, the City of White Salmon, the City of Bingen, the City of Goldendale, or the Port of Klickitat (elected officials)
The Executive Director/CEO of C-TRAN (non-elected)
The Southwest Regional Administrator of the Washington State Department of Transportation (WSDOT) (non-elected)
One Port Commissioner from the Port of Vancouver, Port of Ridgefield, or the Port of Camas/Washougal, representing these three ports (elected officials)
The Portland Region One Manager of the Oregon Department of Transportation (ODOT) (non-elected)
One Councilor from Portland Metro (elected official)

The current make- up of the RTC Board of Directors and their contact information can be found on RTC's website – http://www.rtc.wa.gov/agency/board/#roster.

RTC's main advisory committee – the Regional Transportation Advisory Committee – coordinates and guides the regional transportation planning program within Clark County. This committee makes recommendations on key transportation issues to the RTC Board and is comprised of staff from the member jurisdictions and agencies list below.

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Table 3: RTAC Membership

RTAC Membership: Jurisdiction/Agency
Clark County Public Works
Clark County Planning
City of Vancouver, Transportation
City of Vancouver, Planning
C-TRAN
WSDOT
City of Camas
City of Washougal/Port of Camas-Washougal
City of Battle Ground/City of Yacolt
City of Ridgefield/City of La Center/Port of Ridgefield
Port of Vancouver
Human Services Transportation
ODOT
Portland Metro

The current membership of the Regional Transportation Advisory Committee and their contact information can be found on RTC's website - http://www.rtc.wa.gov/rtac/#members.

RTC utilizes two policy committees to oversee and coordinate transportation planning activities for the RTPO regions of Skamania and Klickitat counties. The committees are comprised of representatives from the jurisdictions from within each county and WSDOT. The current membership the RTPO policy committees and their contact information can be found on RTC's website - http://www.rtc.wa.gov/agency/committees/.

Title VI Policy Statement

The Southwest Washington Regional Transportation Council (RTC) assures that no person shall, on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. RTC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In the event RTC distributes federal aid funds to another governmental entity or contractor, RTC will include Title VI language in all written agreements and will monitor for compliance. RTC's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other RTC responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

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_____ _____

Matt Ransom Date
Executive Director

Authorities

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

Additional Authorities and Citations include:

- Federal-aid Highway Act of 1973 (23 USC 324) – prohibiting discrimination on the basis of sex
- Section 504 of the Rehabilitation Act of 1973 (23 USC 794, as amended) – prohibiting discrimination on the basis of disability; 49 CFR Part 27, 49 CFR Part 28, and 49 CFR Part 37
- Americans with Disabilities Act of 1990 (42 USC 12101) – prohibits discrimination on the basis of disability; 28 CFR Part 35
- Department of Justice Guidelines for Enforcement of Title VI (28 CFR Part 50.3)
- Federal Transit Administration Circular C4702.1B, Title VI Requirements and Guidelines for FTA Recipients/Subrecipients (August 28, 2012)
- USDOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (January 22, 2001 Federal Register 66 FR 6733)
- USDOT Order 5610.2(a) – May 2, 2012 – Update of 1997 Order "Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"
- FHWA Order 6640.23A – June 14, 2012 – "FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"
- Joint FTA-FHWA Planning Regulations, 23 CFR Part 450

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Notice to the Public

Title VI Notice to the Public

The paragraph below will be inserted in all significant publications that are distributed to the public, such as future versions and updates of the Regional Transportation Plan and Transportation Improvement Program for the Clark County region. The text will remain permanently on the agency's website, http://www.rtc.wa.gov/info/title6/. The version below is the preferred text, but where space is limited or in publications where cost is an issue, the abbreviated version can be used in its place.

> The Southwest Washington Regional Transportation Council (RTC) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which RTC receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with RTC. Any such complaint must be in writing and filed with RTC's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, call RTC's Title VI Coordinator at (360) 397-6067.

Abbreviated Title VI Notice to the Public

The following shortened version of the above paragraph can be used in publications where space or cost is an issue, such as classified newspaper announcements.

> RTC complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information see http://www.rtc.wa.gov/info/title6/, call (360) 397-6067, (TTY) 711 or email info@rtc.wa.gov.

Organization

The Executive Director of RTC is responsible for ensuring the implementation of the RTC Title VI program. The RTC Title VI Coordinator (hereafter referred to as Coordinator), on behalf of the Executive Director, is responsible for oversight and day-to-day administration of the Title VI program and Assurances (see Appendix 1).

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All of RTC's work activities have been classified into following four Title VI Program Areas: (1) Communications & Public Involvement, (2) Planning & Programming, (3) Consultant Contracts, and (4) Education & Training. The agency's Title VI-related responsibilities fall into two main categories – "general responsibilities," applicable to all four Title VI Program Areas, and "Program Area responsibilities" that are specific to each Title VI Program Area. It is important to note that Program Areas 1 and 2 (noted above) are extremely interrelated – they have been treated separately for purposes of clarity and corresponding to agency organization. For example, the Communications & Public Involvement program area applies to and affects the agency work program as a whole, particularly agency efforts and responsibilities related to planning and programming.

One of RTC's Transportation Planners will serve in the role of Title VI Coordinator for all program areas. The Title VI Coordinator, under the supervision of the RTC Executive Director, is responsible for the day-to-day administration of the Title VI program, and for carrying out the "Program Area responsibilities" for each Title VI Program Area identified in this Plan. Other staff members are assigned to assist the coordinator or consulted and involved, as needed. Refer to Appendix 4 for an organization chart of staff with specific responsibilities in the agency's Title VI program.

General Responsibilities

General Title VI Program Responsibilities

Following are general Title VI responsibilities of the agency. The Executive Director is responsible for ensuring these elements of the plan are appropriately implemented and maintained across all Program Areas, while the Title VI Coordinator is responsible for day-to-day implementation and maintaining these elements across all Program Areas.

1. Data collection

Demographic data on race, color, national origin, income level, language spoken, and sex of the region's population is to be collected and maintained by RTC (See Environmental Justice Demographic Profile for Clark County). This demographic data will be used to develop public outreach efforts and to conduct environmental justice analyses.

2. Annual Title VI Report

An Annual Title VI Report is to be submitted in August each year, to WSDOT's Office of Equal Opportunity. The document is to include:

Any changes to the Title VI Plan

Organization and Staff

Complaints

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Accomplishments and Updates on the four Reporting Areas

3. Annual review of Title VI program

Each year, in preparing for the Annual Title VI Report, the Title VI Coordinator will review the agency's Title VI program to assure compliance with Title VI. In addition, s/he will review agency operational guidelines and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of information related to the Title VI program

Information on the agency's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "Program Area Responsibilities" section of this document, and in other languages when needed.

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint with RTC, if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, income, sex, or disability. RTC will make a concerted effort to resolve complaints informally at the lowest level, using the agency's Nondiscrimination Complaint Procedures, as described in Appendix 3.

Responsibilities of the Title VI Coordinator

RTC's Executive Director is responsible for supervising the Title VI Coordinator in implementing, monitoring, and reporting on RTC's compliance with Title VI regulations. The Title VI Coordinator will:

- Identify, investigate, and eliminate discrimination when found to exist.
- Process Title VI complaints received by RTC, as described in Appendix 3.
- Periodically review the agency's program areas (UPWP, et al) to ensure equitable distribution of benefits, determine the effectiveness of program activities, staffing is appropriate, and adequate resources are available to ensure compliance.
- Development and dissemination of Title VI information to the public.
- Meet with appropriate RTC staff to monitor and discuss progress, implementation, and compliance issues related to the RTC Title VI Plan.
- Ensure that consultants, contractors, and subrecipients are aware of and compliant with Title VI requirements.

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- Coordinate with appropriate federal, state, and regional entities to periodically provide RTC staff with training opportunities regarding Title VI and related statutes.
- Work with staff to maintain and update the Title VI Plan and disseminate to appropriate parties internally and externally (i.e, RTC Board, committee members, WSDOT, general public)
- Develop/maintain list of interpretation/translation service providers for disseminating information about RTC's activities in languages other than English, when appropriate.
- If a subrecipient is found to be in non-compliance with Title VI, work with the Title VI Coordinator, the Fiscal Officer, and the subrecipient to resolve the deficiency status and write a remedial action if necessary.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs, as appropriate.

Program Area Responsibilities

Program Area 1: Communications and Public Involvement

Note: The Communications & Public Involvement Program Area applies to and affects the agency work program as a whole, particularly agency efforts and responsibilities related to the Planning & Programming Area. It has been treated as a separate program area for purposes of clarity, and corresponding to agency organization.

The goal of RTC's communications and public involvement program is to ensure early and continuous public notification about, and participation in, major actions and decisions by RTC. In seeking public comment and review, RTC makes a concerted effort to reach all segments of the population, including minority and low-income populations, and community-based organizations representing these and other protected classes. RTC utilizes a broad range of public information and participation opportunities, including dissemination of proposals and alternatives, process for written comments, public meetings after effective notice, settings for open discussion, communication programs, information services, and consideration of and response to public comments.

Operational Guidelines

- RTC's Public Participation Plan
- Limited English Proficiency (LEP) Plan

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Title VI Coordinator's Responsibilities

The Title VI Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's public involvement process. The Coordinator will:

- Ensure all communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public. Provide information in languages other than English, as needed.
- Disseminate information to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in the region are represented in the planning process.
- Include the abbreviated Title VI Notice to the Public (see Appendix 2) in all press releases and on the agency Web site.
- Notify affected, protected groups of public hearings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified.
- Collect statistical information on attendees of public meetings using an "Attendance Form" to track how well different segments of the population are represented.
- Ensure that any Advisory Committee RTC creates has representation from Title VI relevant populations, to the extent that is reasonable and practical.

Program Area 2: Planning & Programming

RTC is responsible for developing long- and short-range transportation plans to provide efficient transportation services to Southwest Washington. A comprehensive transportation planning process is used, which entails the monitoring and collection of varied data pertaining to transportation issues. RTC coordinates with WSDOT, cities, and counties; seeks public involvement; and provides technical support when needed. Refer to "Program Area 1: Communications & Public Involvement" for a description of how interaction with the public is handled in regards to this Program Area and the agency in general.

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Operational Guidelines

Primary guidance is provided by:

- The Metropolitan Planning Organization (MPO) Regulations 23 CFR 450.
- RCW 47.80 Regional Transportation Planning Organization (RTPO).
- RTC's Interlocal Agreement
- Moving Ahead for Progress for the 21st Century (MAP-21)
- State and Federal Clean Air Acts and Amendments
- Washington State Growth Management Act

Key Planning and Programming Activities

RTC is mandated by state and federal law to maintain the region's adopted, long-range *Regional Transportation Plan*, and the Transportation Improvement Program (TIP), a three year program of federally funded projects in the region. RTC conducts and supports numerous state and federal planning, compliance, and certification programs, which enable counties, cities, transit agencies, and WSDOT to obtain state and federal funding. The agency provides forecasts of population, housing, and transportation trends that provide the basis for addressing current issues and exploring future needs and options that could benefit the region's transportation systems. RTC also serves as a center for the collection, analysis, and dissemination of Census information vital to residents and governments in the region. The RTC's Interlocal Agreement with member governments establishes the agency's growth management, transportation, database, forum, and technical assistance responsibilities. The agreement highlights the following functions:

- Fulfill MPO responsibilities for Clark County, develop a regional transportation plan, review and approve expenditures of federal transportation funds, and identify short-range transportation system development needs and financial strategies.
- Fulfill RTPO requirements prescribed by state law for Clark, Skamania and Klickitat counties; ensure that regional transportation and land-use plans are integrated; and ensure that state, regional, and local transportation plans are consistent.
- Develop and maintain a regional database, and forecast and monitor economic, demographic, and travel conditions in the region as the foundation for local and regional planning.
- Provide technical assistance to local governments, to state and federal governments, and to business and community organizations.

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- Provide a forum for the discussion of emerging regional transportation issues.

Major Programs

- *Regional Transportation Plan* – Provide the long-range regional investment strategy to implement transit, roadway, freight, and goods mobility; non-motorized transportation; and demand and system management programs. Address full-cost planning, major investment studies, and discussions regarding how to finance transportation improvements.
- Regional TIP – Maintain a regional TIP that incorporates all projects using federal funds, including funds managed by RTC and the state and all regionally significant projects, regardless of funding source; conduct ongoing analyses related to plan consistency, air quality, and financing; and provide training and assistance to agencies in the region.
- *Air Quality Analysis and Planning* – RTC provides air quality modeling services to local jurisdictions and agencies using Environmental Protection Agency (EPA) approved models and procedures.
- *Policy, Plan, and Project Review* – Ensure that local, regional, and state planning efforts are compatible and mutually reinforcing, and work with local governments, countywide growth management planning groups, and state agencies in the review of policies, plans, and projects for consistency with state and regional planning goals.
- *Technical Services and Regional System Data* – Provide demographic, economic, travel, and geographic data to member jurisdictions, other agencies, businesses, and the public; assist in planning activities of member jurisdictions; collect, analyze, maintain, and improve data; and identify, monitor, and forecast trends.

Title VI Coordinator's Responsibilities

The Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's planning process. In addition, the Coordinator will:

- Ensure all aspects of the planning and programming process operation comply with Title VI.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. Make the document available to the public and member agencies on RTC's Web site (See Environmental Justice Demographic Profile for Clark County).

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- Develop a process for assessing the distributional effects of transportation investments in the region as part of actions on plan and programming documents.

Program Area 3: Consultant Contracts

RTC is responsible for selection, negotiation, and administration of its consultant contracts. RTC operates under its internal contract procedures and all relevant federal and state laws.

Operational Guidelines

- Title 48, Chapter 1, Part 31 – Contract Cost Principles and Procedures
- Title 23, CFR 172 – Administration of Engineering and Design Related Service
- Contracts
- RCW 39.29 – Personal Service Contracts
- RCW 39.80 – Contracts for Architectural and Engineering Services.

Contract Procedures

RTC verifies Title VI compliance by consultants (subrecipients of federal funds) annually. In addition, Title VI text is included in all RTC Requests for Proposals (RFP) and contracts.

Disadvantaged Business Enterprises (DBE) Program

When contracting for outside services, RTC utilizes WSDOT for determining DBE goals for each contract for outside services.

Title VI Coordinator's Responsibilities

RTC's Title VI Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's consultant contracts process. The Coordinator will:

- Include Title VI language in contracts and Requests for Proposals (RFP) as described below:
  - Ensure the text in Appendix 1 is included in all agency contracts.
  - Notify contractors of the appropriate text from Appendix 1 to be included in any subcontracts.
  - Ensure the Title VI Notice to the Public is included in all RTC RFPs.

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- Ensure the abbreviated Title VI Notice to the Public is included in all published announcements of RTC's RFPs (such as those published in newspapers).
- Ensure the text in number 2 of the RTC Title VI Assurances (Appendix 1) is included in all RTC RFPs.

- Review consultants for compliance with Title VI laws and regulations.

Remedial Action Related to Consultant Reviews

RTC will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with this Title VI program, both within RTC and with RTC's contractors. In conducting reviews of subrecipients, if a subrecipient is found to not be compliance with Title VI, the Financial Officer and Title VI Coordinator will work with the subrecipient to resolve the identified issues.

If the issues cannot be resolved, RTC will issue a notification of deficiency status and remedial action for the subrecipient, as agreed upon by RTC and WSDOT, within a period not to exceed 90 calendar days. RTC will seek the cooperation of the subrecipient in correcting deficiencies, and will provide the technical assistance and guidance needed for the subrecipient to comply voluntarily. Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 calendar days after receipt of the deficiency letter and remedial action, to voluntarily correct deficiencies. If a subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, RTC will submit to WSDOT, FHWA, and FTA two copies of the case file and a recommendation that the subrecipient be found in noncompliance.

A follow-up review will be conducted within 180 calendar days of the initial review to ensure the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the subrecipient refuses to comply, RTC may, with WSDOT's, FHWA's, and FTA's concurrence, initiate sanctions per 49 CFR 21.

Program Area 4: Education & Training

Minorities, women, veterans, individuals with a disability, and other individuals protected by Title VI and federal and state anti-discrimination laws are provided an equal opportunity and fair treatment in all employment-related decisions, including opportunities for education and training.

Operational Guidelines:

- Clark County Human Resources Policy Manual

Employees Encouraged to Participate in Training

RTC employees are encouraged to participate in continued professional development and training. Materials received by the agency on training and education opportunities are

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made available to employees, which includes information on federally funded training, such as courses provided by the National Highway Institute (NHI) and the National Transit Institute (NTI).

Title VI Coordinator's Responsibilities

The Title VI Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the education and training program. WSDOT will provide information on training opportunities open to RTC staff and subrecipients, including information on training provided by NHI and NTI. The Coordinator will:

- Assist WSDOT in the distribution of information to RTC staff on training programs regarding Title VI and related statutes.
- Track staff participation in Title VI, NHI, or NTI courses.

Questions

For questions on the RTC's Title VI Plan or procedures, please contact Mark Harrington, at (360) 397-6067 ext. 5207 or mark.harrington@rct.wa.gov. For information on RTC's work program or publications, including reports, data forecasting, maps, other information available for use, current public comment periods and meetings open to the public, visit RTC's website at www.rtc.wa.gov.

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Appendix 1

RTC Title VI Assurances

The Southwest Washington Regional Transportation Council (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the "Act"), and 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 (hereinafter referred to as the "Regulations"), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility", as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

> "The Southwest Washington Regional Transportation Council, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and 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 Issued Pursuant to Such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business

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enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Part A of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Part B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Part C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.

8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

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9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

_____ _____

Matthew Ransom, Executive Director Date

Part A

The text below, in its entirety, is in all contracts entered into by RTC. All of the text except the final section, entitled "Incorporation of Provisions," should be included in any contract entered into by any RTC contractor.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor"), agree as follows:

1. **Compliance With Regulations**
   The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination**

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment**
   In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. **Information and Reports**
   The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Southwest Washington Regional Transportation Council or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Southwest Washington Regional Transportation Council, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance**
   In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Southwest Washington Regional Transportation Council shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   - Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
   - Cancellation, termination, or suspension of the contract, in whole or in part.

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6. **Incorporation of Provisions**

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the Southwest Washington Regional Transportation Council or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Southwest Washington Regional Transportation Council enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

Part B

The following clauses shall be included in any and all 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 Southwest Washington Regional Transportation Council (RTC)—as authorized by law, and upon the condition that the state of Washington will accept title to the lands and maintain the project constructed thereon, in accordance with and in compliance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and 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 (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d-4)—does hereby remise, release, quitclaim, and convey unto the state of Washington all the right, title, and interest of the RTC in and to said land described in Exhibit A attached hereto and made a part thereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the state of Washington, and its successors forever, subject, however, to the covenants, conditions, restrictions

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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 the 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 Washington, its successors, and assigns.

The state of Washington, 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, sex, disability, national origin, age, or religion, 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*, (2) that the state of Washington 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 of 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, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter 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, RTC and its assigns as such interest existed prior to this instruction.[1]

Part C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by RTC pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree 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 lease, for a purpose for which a RTC program or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain 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, as said Regulations may be amended.

[1] 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 Civil Rights Act of 1964.

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That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by RTC pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises 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. That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

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Appendix 2

Notice to the Public

Title VI Notice to the Public

The paragraph below will be inserted in all significant publications that are distributed to the public, such as future versions and updates of the Metropolitan Transportation Plan and Metropolitan Transportation Improvement Program for the Clark County region. The text will remain permanently on the agency's website, www.rtc.wa.gov. The version below is the preferred text, but where space is limited or in publications where cost is an issue, the abbreviated version can be used in its place.

> The Southwest Washington Regional Transportation Council (RTC) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which RTC receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with RTC. Any such complaint must be in writing and filed with RTC's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, call RTC's Title VI Coordinator at (360) 397-6067.

Abbreviated Title VI Notice to the Public

The following shortened version of the above paragraph can be used in publications where space or cost is an issue, such as for the Regional View and in classified newspaper announcements.

> RTC complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information see http:/www.rtc.wa.gov/info/title6/, call (360) 397-6067, (TTY) 711 or email info@rtc.wa.gov.

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Appendix 3

Nondiscrimination Complaint Form and Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by RTC or its subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with RTC's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

    a. Complaint shall be in writing and signed by the complainant(s).

    b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).

    c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.

    d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the

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complainant is required to mail a signed, original copy of the fax or e-mail transmittal for RTC to be able to process it.

e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to RTC for processing.

2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of RTC's subrecipients of federal funds, RTC will assume jurisdiction and will investigate and adjudicate the case. Complaints against RTC will be referred to the Washington State Department of Transportation's (WSDOT) Office of Equal Opportunity (OEO), the Federal Highway Administration or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.

3. In order to be accepted, a complaint must meet the following criteria:

   a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.

   b. The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability, or retaliation.

   c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity open to the public.

   d. The complainant(s) must accept reasonable resolution based on RTC's administrative authority (reasonability to the determined by RTC).

4. A complaint may be dismissed for the following reasons:

   a. The complainant requests the withdrawal of the complaint.

   b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.

   c. The complainant cannot be located after reasonable attempts.

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5. Once RTC or WSDOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in RTC's or WSDOT's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.

6. In cases where RTC assumes the investigation of the complaint, RTC will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of RTC's written notification of acceptance of the complaint to furnish his/her response to the allegations.

7. In cases where RTC assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, RTC's Investigator* will prepare an investigative report for review by the agency's Legal Counsel and Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. *This can be RTC's Title VI Coordinator.

8. The investigative report and its findings will be sent to RTC's Legal Counsel for review. The Counsel will review the report and associated documentation and will provide input to the Investigator within 10 calendar days.

9. Any comments or recommendations from RTC's Legal Counsel will be reviewed by RTC's Investigator. The Investigator will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.

10. RTC's final investigative report and a copy of the complaint will be forwarded to WSDOT's OEO within 60 calendar days of the acceptance of the complaint. WSDOT's OEO will share the report with FHWA and FTA, Washington Division Offices, as part of its Annual Title VI Update and Accomplishment Report.

11. RTC will notify the parties of its preliminary findings, which are subject to concurrence from WSDOT's OEO. WSDOT's OEO will issue the final decision to RTC based on RTC's investigative report.

12. Once WSDOT's OEO issues its final decision, RTC will notify all parties involved about such determination. WSDOT's final determination is not subject to an appeal.

13. WSDOT will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by RTC. WSDOT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

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14. A Title VI complaint may also be filed with Federal agencies, including; the Department of Justice, US Department of Transportation, the Federal Transit Administration, and/or the Federal Highway Administration.

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Title VI
Complaint Form and Procedures

Complaint Form

Instructions: If you would like to submit a Title VI complaint to the Southwest Washington Regional Transportation Council, please fill out the form below and send it to: Southwest Washington Regional Transportation Council, Attn: Mark Harrington, PO Box 1366, Vancouver, WA 98666-1366. For questions, please contact Mark Harrington at 360-397-6067 x5207 or mark.harrington@rct.wa.govFor a copy of the RTC's full Title VI Plan or Notice to the Public, see our Web site at http://www.rtc.wa.gov/info/title6 or contact info@rtc.wa.gov.

1. Name (Complainant):	2. Phone:	3. Home address (street #, city, state, zip):
4. If applicable, name of person(s) who allegedly discriminated against you:		
5. Location and position of person(s) if known:		6. Date of alleged incident:
7. Discrimination because of: □ Race/Color □ National origin □ Creed/Religion □ Disability	□ Sex (includes harassment) □ Sexual orientation □ Marital status □ Age	□ Vietnam era veteran □ Disabled veteran □ Retaliation
8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.		

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9. Why do you believe these events occurred?	
10. What other information do you think is relevant to the investigation?	
11. How can this/these issue(s) be resolved to your satisfaction?	
12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses, fellow employees, supervisors, others): Name: Job Title: Address: Phone number:	
Signature:	Date:

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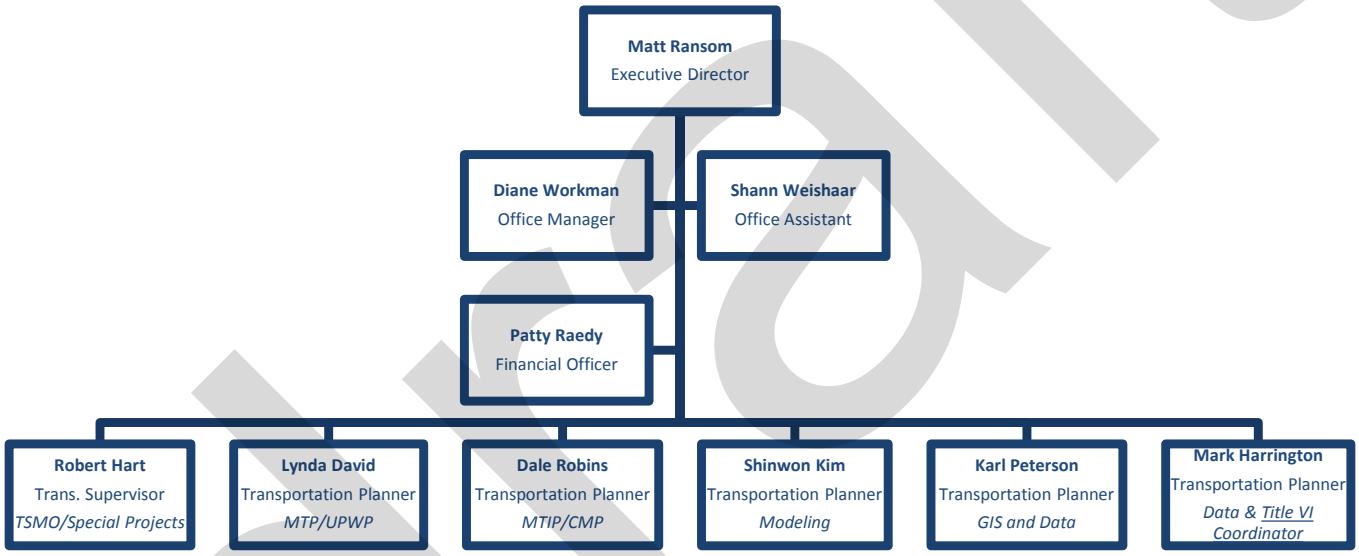
Appendix 4

Organization Chart with Title VI Responsibilities

As of January 2014



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