

## Title VI Complaint Procedures and Complaint Form

WNYIL's Title VI Complaint Procedure is available in the following locations:

- ☒ Agency website at: [www.wnyil.org](http://www.wnyil.org)
- ☒ Hard copy in the central office
- ☒ In consumer intake materials
- ☐ Other

Anyone who believes they have been discriminated against on the basis of race, color, or national origin, may file a complaint by completing and submitting the Title VI Complaint Form (contained in *Appendix B*) to the address below.

WNYIL  
Title VI Coordinator  
3108 Main St.  
Buffalo, NY 14214  
Phone (716) 836-0822  
[tbrown@wnyil.org](mailto:tbrown@wnyil.org)

The complaint form is not required to file a complaint. The complainant may submit any written report as a complaint notice. WNYIL will make reasonable modifications and take information verbally if the complainant requires this accommodation.

WNYIL investigates complaints received no more than 180 days after the alleged incident. Once the complaint is received, WNYIL will follow the steps below:

1. Acknowledge receipt of the complaint within 10 days (*Appendix C*)
2. Determine if WNYIL has jurisdiction to investigate the complaint.
3. Plan to complete the investigation within 45 days.
4. Schedule an interview, if deemed necessary.
5. Determine if other public or private entities are or should be involved.
6. Determine if additional information is needed. Complainant has 15 days to provide the additional information.
7. If WNYIL is not contacted by the complainant or does not receive the additional information within 15 days, the case can be administratively closed. Additionally, a case can be administratively closed if the complainant no longer wishes to pursue the case.
8. Determine if meetings with the affected party or other interested parties are needed.

After the investigative process has been completed, WNYIL will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF).

1. A **closure letter** summarizing the allegations and stating that there was no Title VI violation and that the case will be closed. (*Appendix D*)
2. A **letter of finding (LOF)** summarizing the allegations and the interviews regarding the alleged incident, and explaining whether any disciplinary action, additional training of the staff member, or other action will occur. (*Appendix E*)

If the complainant wishes to appeal the decision, the complainant must submit the appeal within 21 days after the date of the closure letter or the LOF.

Filing complaints with WNYIL enables the agency to properly investigate the complaint. A person may also file a complaint directly with:

- New York State Department of Transportation  
Office of Diversity and Opportunity  
50 Wolf Road, 6th Floor  
Albany, NY 12232  
(518) 457-1129 Fax (518) 549-1273  
OCR-TitleVI@dot.ny.gov
- 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

If information is needed in another language, please contact WNYIL at (716) 836-0822.

*Si se necesita informacion en otro idioma por favor contacto, (716) 836-0822.*

## Transit Related Title VI Complaints, Investigations and Lawsuits

WNYIL maintains a log of all Title VI complaints, investigations, and lawsuits pertaining to its transit-related activities since the last Title VI plan update. (Do not include the complainant's name. A case number is preferable.)

**Reporting Period:**

2021 - 2022

2022 - 2023

2023 - 2024

**Check One:**

☒ There have been no investigations, complaints and/or lawsuits filed against WNYIL during the reporting period.

☐ There have been investigations, complaints and/or lawsuits filed against WNYIL. *See list below.*

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin)	Status (open/closed)	Disposition (finding/no finding)
<b>Complaints</b>				
1.				
2.				
3.				
<b>Investigations</b>				
1.				
2.				
3.				
<b>Lawsuit</b>				
1.				
2.				
3.				

# Public Involvement Process

## Strategies and Desired Outcomes

This section describes how WNYIL will disseminate vital agency information and engage the public in the decision-making process. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems. These groups may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective public involvement methods for a given project or population.

WNYIL's transportation program serves people that have been determined to be eligible by OPWDD (Funder) and people who pay for rides. OMH also funds transportation services for individuals with mental health disabilities to be provided transportation assistance to work or work readiness programs or other services that will assist them in their journey to employment. The Funder, as a recipient of federal financial assistance, must comply with all Title VI requirements in the development and delivery of their programs. WNYIL serves all individuals who receive transportation services without regard to race, color, or national origin and low-income status.

## Public Outreach Activities

WNYIL's program decision-making public involvement is limited to the population that meets the eligibility criteria set by OPWDD (Funder) and OMH. The Funder is the lead agency for public involvement in the decision-making process with the goal of offering minority and low-income individuals the opportunity to comment on the benefits of the program services being provided with federal financial assistance. The Funder outreach consists of relationship building with agencies and stakeholders (such as People, Inc., Person Centered Services, and Heritage Christian Services) that provide services to minority, low income and LEP communities

## Summary on Public Involvement Activity

Since the last Title VI plan update, WNYIL conducted the following public involvement outreach (emails, website posting, media outlets, in-person, virtual) sessions:

☒ Not applicable; WNYIL is a closed-door service provider.

Event Name	Date (Month, Day, Year)	Brief Description of Event Purpose	Outcome Methods	Summary of Attendance

## Language Assistance Plan

### Language Assistance Plan Components

Limited English Proficient (LEP) persons are people for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. To comply with the FTA Title VI requirement on nondiscrimination based on national origin, as it affects limited English proficient persons, WNYIL will take reasonable steps to ensure meaningful access to our programs and activities by LEP persons. WNYIL's Language Assistance Plan considers the following factors:

1. A number or proportion of the LEP population(s) specifically served or that could be served by WNYIL transit service.
2. The frequency with which LEP persons come into contact with WNYIL.
3. The nature and importance of WNYIL transit services to LEP population(s).
4. The resources available for LEP outreach and how employees are trained to provide language assistance to LEP persons.

### LEP Four Factor Analysis

To determine what the specific languages are spoken in our transit service area and to determine what language services are appropriate for the LEP

population, WNYIL has conducted a Four Factor Analysis<sup>1</sup>: (1) Demography, (2) Frequency, (3) Importance, and (4) Resources and costs.

*Factor 1–Demography* | Number or proportion of the LEP population(s), specifically served or could be served by WNYIL transit service.

The first step to considering the development of a Language Assistance Plan is to examine our transit services and our experiences with LEP individuals, who specifically use our transit services and determine the breadth and scope of the LEP preferred language services that were needed in providing the specific transit services.

WNYIL consumers and potential consumers are individuals certified by the New York Office for People with Developmental Disabilities (OPWDD) and OMH as eligible for services. The consumers have developmental disabilities, including intellectual disabilities, cerebral palsy, Down Syndrome, autism spectrum disorders, Prader-Willi syndrome and other neurological impairments or mental health disabilities. WNYIL also serves others in the community and if requested, we will provide interpreting services and alternate languages for our required paperwork. Since the last Title VI plan update, WNYIL has not had to provide a transit service to our consumer in another language.

*Factor 2–Frequency* | Frequency with which LEP people come in contact with WNYIL

WNYIL's day-to-day consumers are pre-assigned by OPWDD. The consumers have developmental disabilities, including intellectual disabilities, cerebral palsy, Down syndrome, autism spectrum disorders, Prader-Willi syndrome and other neurological impairments. The OPWDD assesses the consumer's language communication ability and communicates their assessments to WNYIL. OMH consumers are self-referrals. During the intake process, WNYIL is able to identify non-English speaking consumers and parents or guardians of our consumers with whom we have frequent contact; and therefore, have staff available to either provide oral interpretation or have access to a universal translation device for interaction between consumers and staff. Since the last Title VI

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<sup>1</sup> DOT LEP guidance <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

plan update, WNYIL has not had to provide a transit service to our consumer in another language.

***Factor 3—Importance*** | Importance of the service to consumers who need language assistance

The WNYIL's services are critical to the lives of its consumers and the services support the parents and guardians. WNYIL has taken positive steps at the intake process to identify non-English speaking consumers and their parents or guardians with whom we have regular contact. Therefore, WNYIL has staff available to provide oral interpretation or have access to a universal translation device as needed thus ensuring the importance of our consumer services be communicated to all consumers, parents and guardians in a language other than English.

***Factor 4 Resources and Costs*** | Resources available and employee training

During new employee orientation, WNYIL provides the principles on Title VI and language assistance with an emphasis that the consumer's parents and guardians are protected under Title VI and LEP. Our employees obtain language assistance training to continue to meet the needs of our consumers and the LEP individual. WNYIL has adequate resources to provide employee training. Oral interpretation or translation using WNYIL's universal translation device for the consumer's parent or guardian is provided at no cost to the consumer.

## Implementing the Language Assistance Plan

As a result of the four-factor analysis, a Language Assistance Plan is not required. However, reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services. The Language Assistance Plan will be monitored annually for any language assistance change. If no change occurs, the Language Assistance Program will at a minimum be updated during the Title VI plan update.

## Minority Representation on Advisory Boards

WNYIL has no transit-related, non-elected committees or advisory councils.

## Efforts to Encourage Minority Representation on Boards and Committees

WNYIL understands diverse representation on committees, councils and boards results in sound policy reflective of its entire service area. As such, the WNYIL encourages participation of all its consumers/patrons and interested parties on boards, committees or councils.

As vacancies on boards, committees, and councils become available, WNYIL will make efforts to encourage and promote diversity with active participation of consumers/patrons, community organizations and interested parties. WNYIL contacts advocates of the minority community, such as organizations that serve minority communities and leaders to garner interest in participating onboards, committees or councils.

## Recordkeeping and Reporting

WNYIL maintains records related to the agency's implementation of Title VI program, including records of the Title VI Plan Board adoption, records of Title VI staff training, public involvement activities, complaints, investigations, language assistance services and other implementation activities.

WNYIL shall update the Title VI Plan, every three years and submit the plan to the New York State Department of Transportation (NYSDOT) for approval.

## Plan and Policy Review

The Title VI policy will be disseminated to employees through new employee orientation and periodic email messages. WNYIL will review its Title VI Plan at least once every three years to determine if modifications



are necessary. WNYIL directly operates services and will review implementation annually to ensure compliance with Title VI Plan requirements. The agency's review includes verifying that all employees have received ongoing updates, training, and a copy of the Title VI policies and that all postings are in place and in good condition.

#### ***Title VI Plan Monitoring – Activity Log***

<b>Date</b>	<b>Activity</b> (Review-Update- Addendum- Adoption- Distribution)	<b>Person Responsible</b>	<b>Remarks</b>
6/18/2025	Adopted and distributed	Tina Brown	
	Annual review of implementation		
	Annual review of implementation		
	Updated plan, adopted and distributed		

### **Program Monitoring**

WNYIL will monitor the effectiveness of the Title VI program through the feedback from consumers, employees, general public and other agencies (NYSDOT, FTA). WNYIL seeks opportunities to continuously improve its Title VI plan, public participation outreach efforts and providing meaningful access of our services to LEP individuals.

### **Facility Location Equity Analysis**

As a subrecipient of federal funds, WNYIL understands we are required to conduct a Title VI equity analysis when planning to construct, expand, or purchase a facility. A facility includes storage facilities, maintenance facilities, and operations centers, but it does not include bus shelters, transit stations, or power substations. The equity analysis requirement applies even to facilities that do not receive direct federal funding (as long as WNYIL receives federal financial assistance, Title VI requirements apply to all programs and activities). The equity analysis compares the equity impacts of various siting alternatives and must occur during the planning phase, prior to the selection of the preferred site, and must include the following:

1. A description of the outreach to persons potentially impacted.

2. A comparison of equity impacts of various siting alternatives.
3. An analysis about whether a disparate impact occurs on the basis of race, color or national origin (including potential cumulative adverse impacts from other facilities with similar impacts in the area) because of the location and construction of a facility. (If there is a disparate impact, the construction of the facility may only occur if there is a substantial legitimate justification, there are no alternative locations that would have a less disparate impact, and it is not a pretext for discrimination).

For any new facility construction, expansion, or acquisition, WNYIL will work with NYSDOT to ensure that the equity analysis is completed and submitted to NYSDOT. The equity analysis will be provided upon request to NYSDOT, FTA and during the triennial review.

The below is intended to provide direction to the reader as to whether WNYIL was required to, completed, and included a Title VI equity analysis with this Title VI Plan update.

Did WNYIL construct, expand or acquired a facility in the past three years?

- ☒ **No.** WNYIL has not constructed, expanded or acquired a facility.
- ☐ **Yes.** WNYIL did (construct, expand, acquire) a facility and completed a Title VI equity analysis to compare the equity impacts of various siting alternatives.

Does WNYIL plan to construct, expand or acquire a facility in the next three years? *(check the box next to the appropriate response below)*

- ☒ **No.** WNYIL does not plan to construct, expand or acquire a facility.
- ☐ **Yes.** WNYIL plans to (construct, expand or acquire) a facility.

If yes, was a Title VI equity analysis completed?

- ☐ **Yes.** A Title VI equity analysis was completed. A copy of the analysis is included as **Appendix X**.
- ☐ **No.** A Title VI equity analysis was not completed.

If no, when will the Title VI equity analysis be completed?

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## List of Appendices

- A. Documentation of Board Approval
- B. Title VI Complaint Form
- C. Letter Acknowledging Receipt of Title VI Complaint
- D. Title VI Complaint Letter of Closure
- E. Title VI Complaint Letter of Finding
- F. Title VI Notice to the Public

## **APPENDIX A: Documentation of Board Approval**

## WNYIL Title VI Plan Board Approval

On behalf of the Western New York Independent Living, Inc. Board of Directors, we the Board have reviewed and adopted the WNYIL Title VI plan. We the Board are committed to ensuring that all decisions are made in accordance with the adopted Title VI plan, to that end no person is excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any WNYIL services and activities based on race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit law under Title 49 Part 21.

**Effective:** *June 18, 2025*

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**Adopted:** *June 18, 2025*

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**Adopted  
By:** *Western New York Independent Living, Inc. Board of  
Directors*

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**Revised:** *NA*

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**Adopted  
By:** *NA*

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## **APPENDIX B: Title VI Complaint Form**

## WNYIL Title VI and ADA Complaint Form

Section I:				
Your Name:				
Address:				
Telephone (Home):			Telephone (Work/Mobile):	
Email Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
<i>*If you answered "yes" to this question, go to Section III.</i>				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability				
Date of Alleged Discrimination (Month, Day, Year): _____				
Agency name complaint is against: _____				
Location of where the alleged discrimination occurred:- _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.				

Section IV	
<p><b>Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If yes, check all that apply:</i></p> <p><input type="checkbox"/> Federal Agency: _____</p> <p><input type="checkbox"/> Federal Court: _____ <input type="checkbox"/> State Agency: _____</p> <p><input type="checkbox"/> State Court: _____ <input type="checkbox"/> Local Agency: _____</p>	
<p><b>Provide information for the contact person at the agency/court where the complaint was filed.</b></p>	
<p><b>Name and Title:</b></p>	
<p>_____</p>	
<p><b>Agency:</b></p>	
<p><b>Address:</b></p>	
<p><b>Telephone:</b></p>	

**You may attach any written materials or other information that you think is relevant to your complaint.**

**Signature and date required below.**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

**Please submit this form by mail, email or in person to the address below.**

WNYIL  
Title VI/ADA Coordinator  
3108 Main Street  
Buffalo, NY 14214  
tbrown@wnyil.org

*This complaint may also be filed directly with the New York State Department of Transportation, Office of Civil Rights, 50 Wolf Road, 6th Floor, Albany, NY 12232, (518) 457-1129 Fax (518) 549-1273, OCR-TitleVI@dot.ny.gov or the 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.*