



## **2018 Title VI Plan**

# TABLE OF CONTENTS

Introduction .....	4
Title VI Mission Statement.....	4
Town of Rossville Non-Discrimination Statement.....	4
Title VI Assurances .....	5
Title VI Compliance Responsibilities .....	6
• Title VI Coordinator & ADA Coordinator .....	6
• Title VI/ADA Liaisons.....	6
• Coordinator Liaison Contact Information .....	6
Title VI Compliance Review Process.....	6
External Complaint Process .....	7
• Complaint Investigation Procedure.....	7
• Who May File A Complaint .....	7
• Timeliness of Complaints .....	7
• Location/Availability of Complaint Forms .....	8
• How to File a Complaint .....	8
• Elements of a Complete Complaint .....	8
• Processing Complaints.....	9
• Corrective Action .....	9
• Pre-Investigative/Administrative Closures .....	10
• Confidentiality .....	10
• Records .....	11
Public Involvement and Outreach .....	11
• Website .....	11
• Data Collection .....	11
Manuals, Directives, and Guidance.....	11
• Town of Rossville Title VI Policy Statement.....	11
• Town of Rossville Mission Statement .....	12
Limited English Proficiency .....	12
Work Plan.....	12

Appendix A-Assurances .....13  
Appendix B-External Complaint .....24  
Appendix C-Public Involvement and Outreach.....33  
Appendix D-Language Identification Flashcards (ISpeak Card).....35

## **INTRODUCTION**

This Title VI Implementation Plan is a part of the Town of Rossville's continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Implementation Plan, the Town of Rossville seeks to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its Title VI program.

## **TITLE VI MISSION STATEMENT**

Town of Rossville will implement compliance with Title VI 49 CFR § 26; and its related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency.

## **TOWN OF ROSSVILLE NON-DISCRIMINATION STATEMENT**

The Town of Rossville values each individuals civil rights and wishes to provide opportunity and equitable service for the citizens of this town. As a recipient of federal funds, the Town of Rossville is required to conform to title VI and all related statutes, regulation, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the DOT on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. The Town of Rossville further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

The following individual has been identified as the Town of Rossville's Title VI and ADA Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

Patricia McIlrath  
Title VI/ADA Program Manager  
P.O. Box 550  
17 W. Main St.  
Rossville, IN 46065

## **TITLE VI ASSURANCES**

These are standard U.S. DOT assurances that outline the Town's guarantee for compliance with the Title VI of the Civil rights Act of 1964 as a recipient of federal financial assistance. The executed assurances are included in the following pages. See Appendix A for further information.

## **TITLE VI COMPLIANCE RESPONSIBILITIES**

### **➤ Title VI Coordinator & ADA Coordinator**

The Title VI Coordinator and ADA Coordinator oversee the coordination of the Town of Rossville compliance with Title VI and Section 504 statutes, regulations, and directives. The coordinator reports directly to the Town Council. Responsibilities include, but are not limited to:

- Implementing Town of Rossville Title VI and Americans with Disability Act (ADA) Transition Plans
- Assisting with the development of processes and procedures for the Investigation of complaints filed under Title VI and ADA
- Coordinating Title VI and ADA program development with Title VI/ADA liaisons
- Preparing required reports as necessary
- Participating in the design, development, and dissemination of Title VI and ADA information to the public; and
- Town of Rossville Title VI Implementation Plan and ADA Transition Plan as required

### **➤ Title VI/ADA Liaisons**

This interdisciplinary team is composed of department heads from each department in the Town of Rossville. They are responsible for the following:

- Ensure compliance with Title VI and related nondiscrimination laws
- Remove programmatic and architectural barriers from programs and activities in accordance with relevant nondiscrimination laws
- Ensure meaningful access to Town services and programs to minorities, persons with limited English proficiencies and low-income persons; and
- Provide input in the development and review of the Title VI and ADA Implementation plans.

### **➤ Coordinator Liaison Contact Information**

All concerns should be directed to the Title VI or ADA Coordinator; however, additional contacts for each department are listed in Appendix A.

## **TITLE VI COMPLIANCE REVIEW PROCESS**

The Town of Rossville is making strides in complying with the Title VI statutes and regulations. It is proposed that the Title VI Coordinator review the Town's policies with each Title VI Liaison on an annual basis to determine town-wide compliance and identify areas of improvement.

## **EXTERNAL COMPLAINT PROCESS**

Town of Rossville will promptly investigate all properly submitted complaints of alleged discrimination. The Town will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. See Appendix B.

### **➤ Complaint Investigation Procedure**

The Title VI and ADA Coordinators will make a determination to accept, reject, or refer to the appropriate agency a complaint within seven working days of its receipt. Town of Rossville will determine whether the person or entity purportedly engaged in the alleged discriminatory act as a sub-recipient of federal funds. If the complaint does not specifically mention that the alleged discriminatory act or is a sub-recipient of federal funds, the Town of Rossville may presume so in deciding whether to accept the complaint for further processing.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and its related statutes, regulations and directives; the Americans with Disability Act of 1990, as amended; and Section 504 of Vocational Rehabilitation Act of 1973. These procedures do not affect 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.

The Town of Rossville will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. The Town may exercise the option of informal resolution at any stage of the process.

### **➤ Who May File A Complaint**

Any person who believes that he or she has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Town of Rossville service, program, or activity whether federally funded or not, based on their race, color, national origin, gender, age, disability, religion, ancestry, income status, or Limited English Proficiency may file a complaint. A complainant's representative may also file a complaint on the behalf of such a person.

### **➤ Timeliness of Complaints**

For a complaint to be considered timely, it must be filed within 180 calendar days after the alleged incident has occurred. The file date of complaint is the earlier of the postmark or date received by the Town of Rossville.

➤ **Location/Availability of Complaint Forms**

Town of Rossville will make complaint forms available online via the Town's website. Additionally, persons may contact the Title VI or ADA Coordinator to request a copy of the Complaint form via email, facsimile, or United States mail.

➤ **How to File a Complaint**

A complainant may file his or her complaint by mail, facsimile, or email. Any person with a disability may request to file his or her complaint using an alternative format. The Town of Rossville will acknowledge complaints received by fax or email and will process them once the Town establishes the identity of the complainant. Complainants must mail a signed, original copy of the fax or email transmittal to the Town to begin the complaint process. The Town of Rossville does not require a complainant to use the Town's complaint form for submitting his or her complaint.

Direct Title VI Complaints to:  
Patricia McIlrath, Clerk Treasurer  
Title VI Coordinator  
17 W. Main St  
P.O. Box 550  
Rossville, IN 46065  
[rossville@geetel.net](mailto:rossville@geetel.net)  
(765)379-2645

Direct ADA Complaints to:  
Patricia McIlrath, Clerk Treasurer  
ADA Coordinator  
17 W. Main St.  
P.O. Box 550  
Rossville, IN 46065  
[rossville@geetel.net](mailto:rossville@geetel.net)  
(765)379-2645

➤ **Elements of a Complete Complaint**

A complete complaint is written and signed. Verbal complaints must be reduced to writing and provided to the complainant for confirmation, review, and signature before processing. The Complaint form is available in the appendix of this report and on the Town's website.

Additionally, a complete complaint is filed within 180 calendar days of the alleged discriminatory act(x) and includes at minimum the following information:

- The full name and address of the complainant
- The full name and address of the respondent, the individual, agency, department, or program that allegedly discriminated against complainant; and
- A description of the alleged discriminatory act(s) that violated the Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age, or disability) and the date of occurrence.

The following items are not acceptable as a complete complaint:

- Anonymous complaints
- Inquiries seeking advice or information
- Newspaper articles
- Courtesy copies of court pleadings
- Courtesy copies of complaints addressed to other agencies
- Courtesy copies of internal grievances
- Oral complaints

The Title VI or ADA coordinator shall notify the complainant in writing if his or her complaint is incomplete and allot 15 calendar days for the complainant to respond and provide the supplemental information needed to complete the complaint.

#### ➤ **Processing Complaints**

The Title VI and ADA Coordinator will process all complaints and will:

- Maintain a log of all complaints
- Acknowledge receipt of a complaint and inform the complainant of the action taken or proposed action to be taken to process the complaint
- Inform respondent of allegations and request a position statement and response to all aspects of the complainant's allegations
- Coordinate investigation and assign a staff member to the case
- Contact the complainant at the conclusion of the investigation

#### ➤ **Corrective Action**

If the town of Rossville recommends corrective action, the Town will give the respondent 30 calendar days to inform the town of the actions taken for compliance. The Title VI or ADA coordinator shall monitor the respondent's corrective action compliance.

Corrective action may include actions that the respondent will complete at a future date of the initial 30 days and must include project time in which the respondent will complete the action.

If the respondent has not taken the recommended corrective action within the 30-day period allowed, the Town of Rossville will for the respondent to be in noncompliance with the Title VI and its implementing regulations. Noncompliance not correct by informal means as described above may be subject to sanctions as per 49 CFR § 21.13.

### ➤ **Pre-Investigative/Administrative Closures**

It is the general practice of the Town of Rossville to investigate all complete complaints; however, the Town may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and will not be investigated include, but are not limited to, the following:

- Complaints that fail to state a claim or provide any substantial or coherent claim
- Complaints that are outside the scope of the Town's VI jurisdiction
- Untimely complaints filed more than 180 days after the alleged discriminatory acts
- Complaints voluntarily withdrawn by the complainant
- Complaints in which the investigation has been impaired by the Town's ability to locate the complainant
- Complaints that are a continuation of a pattern of previously filed complaints involving the same or similar allegation against the same recipient or other recipients that repeatedly have been found factually or legally unsubstantiated by the Town of Rossville
- Complaints containing the same allegations and issues that have been addressed in a recently closed complaint or compliance review conducted by the Town
- Complaints containing allegations that are foreclosed by previous decisions by the Federal courts, Department of Justice, or Town policy determinations
- Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation
- Complaints transferred to another agency for investigation; and
- Complaints where the death of complainant makes it impossible to investigate the allegations fully

The Town of Rossville shall notify complainant in writing when a determination is made to administratively close a case without further investigation. The notification shall include an explanation of the basis for administrative close.

### ➤ **Confidentiality**

In accordance with DOT Order 1000.12, the Town of Rossville shall keep all complaint's identities confidential except to the extent necessary for carrying out an investigation. If an investigator determines that is necessary to disclose the complainant's identity to the responder or a third party, the investigator must first obtain the complainant's written permission.

➤ **Records**

The Town of Rossville shall maintain all records of an investigation in a confidential area for three years after the completion of the investigation.

## **PUBLIC INVOLVEMENT AND OUTREACH**

➤ **Website**

The Town of Rossville has a website. The website address is <https://www.rossville.net>. Title VI/ADA information will be included on the site to provide vital information to the public.

➤ **Data Collection**

The Town of Rossville plans to utilize a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status, and household income. See Appendix C.

The Town of Rossville plans to make this survey available at all public hearings and meetings. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.

## **MANUALS, DIRECTIVES, AND GUIDANCE**

The Town of Rossville will incorporate Title VI policy and mission statements into its employee handbook for the next revision.

➤ **Town of Rossville Title VI Policy Statement**

The Town of Rossville values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this town. As a recipient of federal funds, the Town of Rossville is required to conform to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the DOT on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency.

➤ **Town of Rossville Title VI Mission Statement**

The Town of Rossville will implement compliance with Title VI CFR § 26; and its related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency.

**LIMITED ENGLISH PROFICIENCY**

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It has its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

The Town of Rossville strives to service its population to the best of its ability. To accommodate these individuals, the Town of Rossville will attempt to provide, upon request, services to assist the LEP population including translation of vital documents, interpretation services, and alternative public outreach media. Language cards have been provided on our website for assistance in providing services to limited English proficiency individuals. Progress still needs to be made.

**WORK PLAN**

The Town of Rossville Title VI coordinator, liaisons, and Town Council will review on an annual basis for any changes or amendments.

# APPENDIX A-- ASSURANCES

Patricia McIlrath  
Clerk Treasurer  
Title VI/ADA Coordinator  
P.O. Box 550  
17 W. Main St.  
Rossville, IN 46065  
[rossville@geetel.net](mailto:rossville@geetel.net)  
(765)379-2645

Chad Colby  
Water, Wastewater, Street Superintendent  
P.O. Box 550  
17 W. Main St.  
Rossville, IN 46065  
[rossvilleww@geetel.net](mailto:rossvilleww@geetel.net)

David Severt  
Town Council Superintendent  
P.O. Box 550  
17 W. Main St.  
Rossville, IN 46065  
[severt@geetel.net](mailto:severt@geetel.net)

**Resolution 2018-05**  
**Adopting Updates to the Americans with Disabilities Act (ADA)**  
**ADA Coordinator and Procedures**

**WHEREAS**, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

**WHEREAS**, in compliance with Title II of the ADA the Town of Rossville shall name an ADA coordinator; and

**WHEREAS**, in compliance with Title II of the ADA the Town of Rossville shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

**WHEREAS**, in compliance with Title II of the ADA the Town of Rossville shall publish notice to the public regarding the ADA as may be required by law;

**WHEREAS**, in compliance with Title II of the ADA the Town of Rossville shall post the ADA coordinator's name, office address, and telephone number along with the ADA notice and ADA grievance procedure on its website.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Rossville, Indiana:

The Town Clerk Treasurer, Patricia McIlrath, is designated as the ADA Coordinator for the Town of Rossville.

The Notice under the Americans with Disabilities Act, a copy of which is posted to the town's website, is adopted as the Town of Rossville Notice under the Americans with Disabilities Act.

The Town of Rossville ADA Grievance Procedure under the Americans with Disabilities Act, a copy which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the Town of Rossville.

In compliance with Federal and State laws as set forth above, the Town Council resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and Town of Rossville Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

**PASSED, APPROVED AND ADOPTED** this 9th day of October, 2018.

\_\_\_\_\_  
David Severt, Council President

\_\_\_\_\_  
Jack Fingerle, Council Member

\_\_\_\_\_  
William Croto, Council Member

Attest: \_\_\_\_\_  
Patricia McIlrath, Clerk Treasurer

**Resolution 2018-06**  
**Adopting Updates for the ADA Transition Plan, Grievance Procedure and Title VI**  
**Assurances as**  
**Required by the American with Disabilities Act**

**WHEREAS**, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

**WHEREAS**, in compliance with Title II of the ADA certain local government entities are required to adopt and implement a Transition Plan for the completion of certain public infrastructure improvements required by the ADA.

**WHEREAS**, in compliance with Title VI of the ADA certain local government entities are required to adopt and implement nondiscrimination policies and grievance procedures and will update them as needed.

**NOW, THEREFORE, BE IT REVOLVED** by the Town Council of the Town of Rossville, Indiana: that the Town of Rossville adopts the attached updated Transition Plan, grievance procedures and nondiscrimination notices and that the Transition Plan shall be review by the Town every town years for assessing completion of projects and updating as deem appropriate.

**PASSED, APPROVED AND ADOPTED** this   9th   day of October, 2018.

\_\_\_\_\_  
David Severt, Council President

\_\_\_\_\_  
Jack Fingerle, Council Member

\_\_\_\_\_  
William Croto, Council Member

Attest: \_\_\_\_\_  
Patricia McIlrath, Clerk Treasurer

## **Title VI Assurances**

The Town of Rossville (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of religion, race color, or national origin, sex (23 USC 324), sexual orientation, gender identity (Executive Order 13672), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) 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 Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its (Name of Appropriate Program).

1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) 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 and made in connection with all (Name of Appropriate Program) and, in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

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

4. That the Recipient shall insert the clauses of Appendix 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 receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix 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 (Name of Appropriate Program); and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under (Name of Appropriate Program).

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, 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.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, 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 enforcement 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 Department of Transportation under the (Name of Appropriate Program) and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the (Name of Appropriate Program). The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

\_\_\_\_\_  
Recipient

\_\_\_\_\_  
Date

## APPENDIX A

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

(1) Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, 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 Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements 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 grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.

(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 Indiana Department of Transportation (INDOT) or the FHWA 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 INDOT or the FHWA 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, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

- (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b.) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements 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 subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: 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 Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and 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 and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (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 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Indiana Department of Transportation all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Indiana Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Indiana Department of Transportation its successors and assigns.

The Indiana Department of Transportation, 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income 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 [,] [and]\* (2) that the Indiana Department of Transportation shall use the lands and interests in 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 in Federally assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Indiana Department of Transportation (INDOT) pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "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 (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, Indiana Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

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

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age,

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

disability/handicap and low income shall be excluded from participation in, denied the benefits of, or he 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 the furnishing of services thereon, no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other 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), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## **APPENDIX B—EXTERNAL COMPLAINT**

## External Complaint of Discrimination

The purpose of this form is to help any person interested in filing a discrimination complaint with Town of Rossville. You are not required to use this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability/handicap, or income status in connection with programs or activities receiving federal financial assistance for the United States Department of Transportation, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to Town of Rossville as a sub-recipient of federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats such as computer disk, audiotape, or Braille.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to Town of Rossville. Additionally, you have the right to seek private counsel.

Town of Rossville is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address below.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

**\*\*Your complaint cannot be processed without your signature.**

## Complainant Consent/Release Form

Name (first,middle,last)	Telephone
Address:	
<p>As a complainant, I understand that during an investigation it may become necessary for the Town of Rossville in the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for the Town of Rossville to share information, including personal details collected as part of its compliant investigation. In addition, I understand that as a complainant, I am protected by Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the nondiscrimination statutes enforced by the Town of Rossville.</p>	
<p>Please read both paragraphs below, check your choice of Consent or Consent Denied and sign below.</p> <p><input type="checkbox"/> CONSENT: I have read and understand the above information and authorize the Town of Rossville to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize the T own of Rossville to receive, review, and discuss material and information about me relevant to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize and volunteer to do so.</p> <p><input type="checkbox"/> CONSENT DENIED: I have read and understand the above information and do not want the Town of Rossville to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without the Town of Rossville making a determination in my case.</p>	
Signature:	Date:

# Grievance Form

## Town of Rossville, Indiana

Complainant Information:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_  
Telephone and Email Address: \_\_\_\_\_

Person preparing complaint if other than complainant/relationship to complainant:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone and Email Address: \_\_\_\_\_  
Relationship to Complainant: \_\_\_\_\_

Please specify date/time/location related to the complaint/or grievance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide a detailed description of complaint/or grievance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If there are witnesses, please list names and addresses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested action by the Town to correct complaint/or grievance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return to: ADA Coordinator/Clerk Treasurer  
Town of Rossville  
P.O. Box 550  
Rossville, IN 46065

Date Received: \_\_\_\_\_ Action Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Name of complainant	Date (month, day, year)
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Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
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*If yes, please provide the following information for each agency:*

Name of the agency	Date complaint filed (month, day, year)
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Case number assigned to your complaint	Current status of your complaint
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How did you learn about your right to file a discrimination complaint with INDOT?

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Signature	Date signed (month, day, year)
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## Town of Rossville Contractor Complaint Procedure

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of Town of Rossville to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any company supervisor or to the company Title VI Coordinator. The complaint should be submitted within 60 days of the alleged discrimination. Complaint forms may be found on the Town of Waterloo website: [www.rossville.net](http://www.rossville.net) or at the Town Hall. Individuals are not required to use the company's complaint form. If necessary, the company will help an individual reduce his or her complaint to writing for his or her signature.

Generally a complaint should include the name, address and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

Complaints should be directed to:

Patricia McIlrath  
Clerk Treasurer  
P.O. Box 550  
17 W. Main St.  
Rossville, IN 46065  
[rossville@geetel.net](mailto:rossville@geetel.net)

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential. These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Within 60 days of the receipt of the complaint the company will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The company will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation  
Economic Opportunity Division  
100 N. Senate, Room N750  
Indianapolis, IN 46204  
Telephone: (317) 233-6511  
Fax: (317) 233-0891

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
Indianapolis, IN 46204  
Telephone: (800) 669-4000  
Fax: (317) 226-7953  
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission  
100 N. Senate Ave., Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Telephone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336



**APPENDIX C**  
**PUBLIC INVOLVEMENT AND OUTREACH**

## VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CFR §200.9 (b)(4)). The Town of Rossville is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the Town of Rossville will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the Town of Rossville's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Patricia McIlrath, title VI Coordinator, P.O. Box 550, 17 W. Main St, Rossville, IN 46065, [rossville@geetel.net](mailto:rossville@geetel.net)

You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing it to the address below.

Date:		
Project Name:		
Proposed Project Location:		
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male   Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino		
Race: (check one or more) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White <input type="checkbox"/> Black or African-American <input type="checkbox"/> Multiracial		
Age: <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40 <input type="checkbox"/> 41-65 <input type="checkbox"/> 65+		Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No
Household Income: <input type="checkbox"/> \$0-\$12,000 <input type="checkbox"/> \$12,001-\$24,000 <input type="checkbox"/> \$24,001-\$36,000 <input type="checkbox"/> \$36,001-\$48,000 <input type="checkbox"/> \$48,001-\$60,000 <input type="checkbox"/> \$60,000+		
Patricia McIlrath, Title VI coordinator 17 W. Main St P.O. Box 550 Rossville, IN 46065 (765)379-2645 rossville@geetel.net		

**APPENDIX D**  
**LANGUAGE IDENTIFICATION**  
**FLASHCARDS**  
**(ISpeak Card)**

<input type="checkbox"/> <p>ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.</p>	<p>1. Arabic</p>
<input type="checkbox"/> <p>Խոսողո՞ւմ ե՞նք հնչողո՞ւմ կատարե՞ք այս քառակուսում, եթե խոսողո՞ւմ կամ կարողո՞ւմ եք հայերեն:</p>	<p>2. Armenian</p>
<input type="checkbox"/> <p>যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।</p>	<p>3. Bengali</p>
<input type="checkbox"/> <p>ឈ្មួញបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។</p>	<p>4. Cambodian</p>
<input type="checkbox"/> <p>Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.</p>	<p>5. Chamorro</p>
<input type="checkbox"/> <p>如果你能读中文或讲中文，请选择此框。</p>	<p>6. Simplified Chinese</p>
<input type="checkbox"/> <p>如果你能讀中文或講中文，請選擇此框。</p>	<p>7. Traditional Chinese</p>
<input type="checkbox"/> <p>Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.</p>	<p>8. Croatian</p>
<input type="checkbox"/> <p>Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.</p>	<p>9. Czech</p>
<input type="checkbox"/> <p>Kruis dit vakje aan als u Nederlands kunt lezen of spreken.</p>	<p>10. Dutch</p>
<input type="checkbox"/> <p>Mark this box if you read or speak English.</p>	<p>11. English</p>
<input type="checkbox"/> <p>اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.</p>	<p>12. Farsi</p>

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

DB-3309

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Economics and Statistics Administration  
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<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратикћ уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องสี่เหลี่ยมหรือทศภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

DB-3309

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