



Town of Francesville
TITLE VI IMPLEMENTATION PLAN
2022

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INTRODUCTION

This Title VI Implementation Plan is a part of the **Francesville** 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, **Francesville** seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.

FRANCESVILLE TITLE VI NON-DISCRIMINATION NOTICE & POLICY

Francesville values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, **Francesville** conforms 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 **Francesville** on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. **Francesville** 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.

It is the policy of **Francesville** to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq*.; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, **Francesville** hereby gives assurance that no qualified disabled person shall, solely by reason

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of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

Francesville also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, **Francesville** will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). **Francesville** will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Whenever **Francesville** distributes federal-aid funds to a second-tier subrecipient, **Francesville** will include Title VI language in all written agreements.

The following individual has been identified as **Francesville'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.

Cathy Elston
Title VI Program Manager
100 N Brooks Street
Francesville, IN 47946
francesvillect@urhere.net

Brad Stevens
ADA Program Manager
100 N Brooks Street
Francesville, IN 47946
tofwaterdept@gmail.com

Francesville affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein (see next page).

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TITLE VI ASSURANCES & IMPLEMENTATION

Fully executed Assurances are included in Appendix A and integrated into this document. This Title VI Implementation Plan has been adopted, implemented and is being adhered to by **the Town of Francesville** by council acceptance, and it is effective for **plan year 2022-23**. This plan will be renewed on or before **7/31/2025**.

Signed by: 
Tom Thomas / Council President

Date: 7-6-2022

The individual above is a duly authorized representative of **Francesville**.

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FRANCESVILLE OVERVIEW OF TITLE VI PROGRAM: DATA COLLECTION, ANALYSIS & REPORTING

The type of data collected is dependent on the program area's objective. **Francesville** collects various types of data to ensure compliance with Title VI. Some information is collected for a period of time with the objective of determining what data needs to be collected.

The following types of data are currently being collected by **Francesville**:

- Complaints received, logged, processed and investigated by **Francesville**
- Environmental Justice analysis and reports
- Limited English Proficiency reports
- Title VI Training
- Public Involvement Survey
- Records of meeting minutes and discussions related to Title VI in all program areas.
- **Francesville** collects data related to specific program areas being reviewed this year for disparate / disproportionate impacts or other evidence of potential discrimination or discriminatory outcomes.

COMPLAINTS OF DISCRIMINATION

HOW TO FILE A COMPLAINT?

While a Complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email to the Title VI Coordinator, a signed, original copy of the complaint must be mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. **Francesville** does not require a Complainant to use the **Francesville** complaint form when submitting his or her complaint.

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Direct all complaints of discrimination pursuant to Title VI to:

Cathy Elston, Title VI Coordinator
100 N Brooks Street
Francesville, IN 47946
francesvillect@urhere.net
(219) 567-9521
(219) 567-9526 (fax)

ELEMENTS OF A COMPLETE COMPLAINT

A complaint must be both written and signed to be complete. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review and signature before processing. The complaint form is available for download from the **Francesville** website at: www.francesville.net

Additionally, a complaint must include 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 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.

PROCESSING COMPLAINTS

The Title VI Coordinator will process all complaints. The Title VI Coordinator is responsible for:

- The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided, the complaint meets the filing deadline date which is 180 days from the date the alleged discriminatory act occurred and falls within the jurisdiction of the Town.
- The Title VI Coordinator will then investigate the complaint. If the complaint is against the Town then the Town Council President or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the Town Attorney.
- If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency.
- The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator.

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- Once the Town has investigated the report findings, the Town will adopt a final resolution.
- All parties associated with the complaint will be properly notified of the outcome of the Town's investigative report.
- If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal the Town's decision. Appeals must be filed within 180 days after the Town's final resolution. Unless new facts not previously considered come to light, reconsideration of the Town's determination will not be available.
- The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at:
<http://www.justice.gov/crt/about/cor/Pubs/manuals/complain.pdf>

ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

Francesville is committed to these three environmental justice principles in all work that the Town performs.

LIMITED ENGLISH PROFICIENCY (LEP) POLICY

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

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In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the Town uses to access the LEP populations in **Francesville**.

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

In addition, Francesville **has not** implemented the safe harbor provision whereby it identifies and translate all vital documents into any language where the 5% threshold is met whereby 5% or more of the population in the county both:

- Does not speak English very well AND
- Primarily speaks another specific language as identified in current census data or other publically available records.

SUMMARY OF THE FOUR FACTOR ANALYSIS

Factor 1:

The number and proportion of LEP persons eligible to be served or likely to be encountered by the Town can only be estimated until the actual number of persons who can speak English less than "very well" are documented as needing assistance by Town Staff. With this Title VI Plan being in early development stages and considered a document that may need regular updates, US Census Bureau information is being used at this time. The total population is provided below to shown general distribution of race and ethnicity in the community. The estimated number of persons that may not speak English "very well" is following in the US Census Bureau 2006-2010 American Community Survey.

The U.S. Census Bureau provides statistics from 2020 for the **Francesville** as follows:

Total population = **852**

Population by Ethnicity: **96.4% White (Non-Hispanic); Multiracial 1.1%; Hispanic 0.77%; Other 1.76%**

Hispanic or Latino = **23** Non-Hispanic or Latino = **829**

Population by Race: **821 White (Non-Hispanic); Multiracial; 7 Hispanic; 15 Other**

White = **778**, African American = **3**, Asian = **0**, American Indiana or Alaska Native = **8**, Native Hawaiian and Pacific Islander = **0**, Other = **22**, Identified by two or more = **41**.

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The US Census Bureau 2006-2010 American Community Survey 5-Year Estimates under SELECTED SOCIAL CHARACTERISTICS estimates the number of people in **Francesville** who speak a language other than English to be 0 with those speaking English less than “very well” estimated at 0% or approximately 0 individuals who may be considered limited in English proficiency. The margin of error is +/-0%.

According to the census numbers above there may be up to 452 individuals who live in the **Francesville** that may be considered as LEP. Based on actual contact between Town Staff and the community there have been very few requests from anyone in the service area asking the Town to provide language translation services. Therefore, the LEP population is probably even less than the estimate shown above.

Factor 2: The frequency with which LEP individuals come into contact with the program, activity or service:

Due to no requests translation services, there does not appear to be a need for translation services from the Town. This may be attributed to the majority of the population who speak English with no second language.

Factor 3: The nature and importance of the program, activity, or service provided by the program:

If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the Town will provide, upon request, services to assist the LEP population including translation of vital Town documents and interpretation services.

Factor 4: The resources available to the Town and costs:

There are various sites that offer translation and interpretation services, such as <https://www.atanet.org/>, for the **Town of Francesville** to utilize, should it be repaired.

SUMMARY OF LEP ACCOMMODATION PLAN

- The **Francesville** strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to Town services.
- A U.S. Census Bureau I Speak card is available as part of this document. This card allows LEP individuals to communicate their preferred language to Town Staff whereas Town Staff may then access a translation service as determined by the Town.
- The **Francesville** utilizes 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, sex, disability status, and household income. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the Town may consider changes to their LEP policy. 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.

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- The Town reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the Town's Title VI plan and procedures as required.
- Staff for the Town will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.

TITLE VI TRAINING

EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING

At the time of Hire (and annually to all employees if applicable): Title VI policy education and literature will be provided to all **Francesville** employees. **Francesville** employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as **Francesville** deems necessary.

Ongoing Training provided to current employees: Current employees will receive training as needed. Training will consist of PowerPoint presentation training materials associated with ADA training websites and will be provided by other means as necessary.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, **Francesville** employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

PUBLIC INVOLVEMENT

DATA COLLECTION

Pursuant to 23 CFR 200.9(b) (4), **Francesville** shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

Francesville shall utilize a voluntary Title VI Public Involvement Survey (located in the appendices) that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

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The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.

COMMUNITY INVOLVEMENT & OUTREACH

Francesville is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.

The **Francesville** host meetings monthly and those meetings are open to the public. Any meetings that are open to the public are published on **Francesville** website's main page. All **Francesville** public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance.

Also published on the **Francesville** website are various meeting agenda's, meeting minutes, notices, events and news. Some departments within **Francesville** utilize signage, media and social media websites as another avenue to communicate with the community.

REVIEW OF PROGRAM AREA

This section outlines annual goals set forth by **Francesville** to comply with Title VI requirements and statutes. This list will be monitored for updates and additions.

ANNUAL WORK PLAN

[illegible]

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[illegible]

APPENDIX

- A. Assurances
- B. Complaint Policy
- C. Complaint Log
- D. External Complaint Procedure/Form
- E. Public Involvement Survey
- F. I Speak Cards
- G. Training Materials & Records of Training Attendance
- H. Reports and Outcomes of Data Collected *
- I. [Materials Related to Annual Goals & Accomplishments]*

*If applicable / as applicable. Change Appendix Title to reflect information attached.

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APPENDIX A: ASSURANCES

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Title VI Assurances

The (**Francesville** (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 Federal Aid Highway 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 Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The Indiana Department of Transportation (INDOT), 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income 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 Acts and the Regulations.

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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 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, 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, 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 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 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


Signature

5/4/2022
Date

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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

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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

* 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.

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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 event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter 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 the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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.

* 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.

Francesville - Title VI Implementation Plan

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, 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.

* 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: COMPLAINT POLICY

Francesville - Title VI Implementation Plan

Complaint Policy

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 [Company] 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 EEO Officer. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found at the Town Clerk's Office. 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:
Cathy Elston, Title VI Coordinator
100 N Brooks Street
Francesville, IN 47946
francesvillect@urhere.net
(219) 567-9521
(219) 567-9526 (fax)

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.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

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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.

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
Phone: (317) 233-6511
Fax: (317) 233-0891

Indianapolis District EEOC Office
101 West Ohio Street, Ste 1900
Indianapolis, IN 46204
Phone: (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
Phone: (317) 232-2600
Fax: (317) 232-6560
Hearing Impaired: 1 (800) 743-3336

APPENDIX C: COMPLAINT LOG

Francesville - Title VI Implementation Plan

TITLE VI COMPLAINT LOG

[illegible]

APPENDIX D: EXTERNAL COMPLAINT PROCEDURE

Francesville - Title VI Implementation Plan

EXTERNAL COMPLAINT OF DISCRIMINATION

INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with the **Francesville**. 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 the **Francesville** 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 the **Francesville**. Additionally, you have the right to seek private counsel.

The **Francesville** 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.**

External Complaint Form

COMPLAINANT INFORMATION		
Name (first, middle, and last)		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Name of complainant		Date (month, day, year)

[illegible]

Francesville - Title VI Implementation Plan

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Provide the names of any individuals with additional information regarding your complaint:

Name of witness 1 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. -----		
Name of witness 2 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. -----		

Name of witness 3 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. -----		
How would you like your complaint to be resolved? -----		

Francesville - Title VI Implementation Plan

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>If yes, please provide the following information for each agency:</i>	
Name of the agency	Date complaint filed (month, day, year)
Case number assigned to your complaint	Current status of your complaint
How did you learn about your right to file a discrimination complaint with INDOT?	
Signature	Date signed (month, day, year)

APPENDIX E: VOLUNTARY PUBLIC INVOLVEMENT SURVEY

Francesville - Title VI Implementation Plan

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 Francesville 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 Francesville 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 Francesville's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact the Title VI Coordinator as indicated below. You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing 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) <table border="0"><tr><td><input type="checkbox"/> American Indian or Alaska Native</td><td><input type="checkbox"/> Asian</td></tr><tr><td><input type="checkbox"/> Native Hawaiian or Other Pacific Islander</td><td><input type="checkbox"/> White</td></tr><tr><td><input type="checkbox"/> Black or African-American</td><td><input type="checkbox"/> Multiracial</td></tr></table>			<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
<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: <table border="0"><tr><td><input type="checkbox"/> 1-21</td><td><input type="checkbox"/> 22-40</td></tr><tr><td><input type="checkbox"/> 41-65</td><td><input type="checkbox"/> 65+</td></tr></table>		<input type="checkbox"/> 1-21	<input type="checkbox"/> 22-40	<input type="checkbox"/> 41-65	<input type="checkbox"/> 65+	Disability: <table border="0"><tr><td><input type="checkbox"/> Yes</td></tr><tr><td><input type="checkbox"/> No</td></tr></table>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> 1-21	<input type="checkbox"/> 22-40							
<input type="checkbox"/> 41-65	<input type="checkbox"/> 65+							
<input type="checkbox"/> Yes								
<input type="checkbox"/> No								
Household Income: <table border="0"><tr><td><input type="checkbox"/> \$0-\$12,000</td><td><input type="checkbox"/> \$12,001-\$24,000</td><td><input type="checkbox"/> \$24,001-\$36,000</td></tr><tr><td><input type="checkbox"/> \$36,001-\$48,000</td><td><input type="checkbox"/> \$48,001-\$60,000</td><td><input type="checkbox"/> \$60,001+</td></tr></table>			<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"/> \$60,001+
<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"/> \$60,001+						
<p style="text-align: center;">Cathy Elston, Title VI Coordinator 100 N Brooks Street Francesville, IN, 47946 francesville@urhere.net (219) 567-9521 (219) 567-9526 (fax)</p>								

Francesville - Title VI Implementation Plan

APPENDIX F: ISpeak Card

<div> <div>2004 Census Test</div> <div> United States Census 2010 </div> </div> <div>LANGUAGE IDENTIFICATION FLASHCARD</div>		
<input type="checkbox"/>	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/>	Խոսողների կամ "նշանակալից" անձանց համար, խոսողների կամ "նշանակալից" անձանց համար:	2. Armenian
<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে চাপ দিন।	3. Bengali
<input type="checkbox"/>	ឈ្មោះក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/>	Motka i kahhon ya yangin untungnu' manaitai pat untungnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/>	如果你能读中文或讲中文, 请选择此框。	6. Simplified Chinese
<input type="checkbox"/>	如果你能讀中文或講中文, 請選擇此框。	7. Traditional Chinese
<input type="checkbox"/>	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/>	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/>	Mark this box if you read or speak English.	11. English
<input type="checkbox"/>	اگر خواندن و نوشتن فارسی، بلد هستید این مربع را علامت بزنید.	12. Farsi

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<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"/>	日本語を話んだり、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"/>	ໄດ້ອາບໄຊ້ວງ ຖ້າທ່ານສາມາດອາບອາສາ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

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<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Înscrisăți 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 ovaj kvadratić ukoliko čitate или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorec, 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"/>	ใส่กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	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"/>	במצוינות דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

APPENDIX G: ADA/Title VI Training

ADA /TITLE VI
ANNUAL EMPLOYEE TRAINING

1

Agenda

Introductions

American with Disabilities Act: ADAs Purpose

ADA Coordinator / Workgroup: Roles/Responsibilities

Why is this training important?

Community's Compliance

Reasonable Accommodation Role

Questionnaire Review Examples

Title VI

Q&A

2

Why is this Training Important?

The Community hasn't "suddenly" decided nondiscrimination and equal access for handicapped individuals is important.

The Community has made it a practice to comply with this legislation since enactment.

HOWEVER... Because the Community is a recipient to receive federal funds through grant programs, highway projects, etc., we are **REQUIRED** to do more to demonstrate our compliance with these regulations **OR** the Community **will be at risk to losing our Federal funding assistance.**

3

ADA

AMERICANS WITH
DISABILITIES ACT

Prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in mainstream of American Life, regarding employment, state and local government services, private businesses, telecommunications, and transportation.

This means they must be able to enjoy employment opportunities, to purchase goods and services, and to participate in all State and local government programs and services.



Signing of the Rehabilitation Act of 1973
July 26th, 1973

Modeled after the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 - the ADA is an "equal opportunity" law for people with disabilities.

What is Americans with Disabilities Act?

4

What the Community must do to demonstrate compliance with ADA/Section 504

A state or local government with 50 employees or more is required to:

- Designate a Community employee, as ADA Coordinator, responsible for coordinating compliance with the ADA and investigating any ADA complaints:
- Develop & Post an ADA Policy (for all persons who may be involved in Community programs, activities, and services)
- Complete a self-evaluation of all Public Facilities & programs to determine their accessibility to disabled individuals. (Implement a process to bring any known deficiencies into compliance)
- Develop an ADA Transition Plan
- Have a complaints and public-input procedure (train departments on how to handle any requests for accommodation and/or complaints)
- Review & Monitor compliance

5

Why ADA Matters?

- For the you, the Employees
- For the public you encounter
- If front-line staff or volunteers are not aware of ADA Policies or do not know how to implement them, problems can arise.
- Staff who routinely interact with the public need to understand
 - Requirements on modifying policies and practices
 - Communicating with and assisting customers
 - Identifying alternate ways to provide access to programs and services, when necessary, to accommodate individuals with a disability.

6

1


Barriers and How to Identify Them

Physical (*measurements, too tall, not wide enough, etc.*)

- Telephones
- Drinking fountains
- Mirrors and Paper Towel Dispensers
- Conventional doorknobs and operating controls

Communication (*Blind, Deaf, Mentally Challenged*)

- Lack of Conventional Signage
- No Audible Alarm Systems
- No Auxiliary Aids
- Braille, etc.
- Language Barrier



If you notice a potential barrier, inform the ADA Coordinator so the appropriate steps can be taken to remove or address the barrier.

7

Americans with Disabilities Act (ADA): 5 Titles Related to Areas of Public Life

Title I: Employment: Equal Employment Opportunity for Individuals with Disabilities

Title II: State & Local Government: Nondiscrimination, on the Basis of Disability, in State and Local Government Services

Title III: Public Accommodations: Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

Title IV: Telecommunications: This title also requires closed captioning of federally funded public service announcements. This title is regulated by the Federal Communication Commission.

Title V: Miscellaneous: Relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees

8

What is ADA's Purpose?

- Ensures that **people with disabilities have the same rights and opportunities as everyone else.**
- Gives **civil rights protections to individuals** with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion.
- Guarantees **equal opportunity** for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.
- Prohibits discrimination** in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. (*applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities*)

9

Who is protected by the ADA?

- Persons with physical or mental impairment that substantially limits one or more major life activities (like sitting, standing, sleeping, walking, interacting with others, learning, working etc.)
- A person with a record of or who is regarded as if she/he has a **substantially limiting impairment.**
- ADA only protects a person who is **qualified** for the job she/he has or wants.
- The individual with a disability **must meet job-related requirements** (*for example, education, training, or skills requirements.*)
- She/he **must be able to perform the job's essential functions** (*i.e. its fundamental duties*) with or without a reasonable accommodation.

EXAMPLE

Discrimination may consist of exclusion from participation in or denial of the benefits of programs and activities operated by a department, agency, or other instrumentality of state or local government.

10

Non-Discrimination Statement

"In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town **will not** discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities."

A link to this statement will be added to the Community website as well as posted in common areas of Community facilities.

11

Title VI Contact

TITLE VI COORDINATOR

Cathy Elston
francesvillect@urhere.net
100 N Brooks Street
Francesville, IN 47946

12

ADA Contact

ADA COORDINATOR

Brad Stevens
tofwaterdept@gmail.com
100 N Brooks Street
Francesville, IN 47946

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ADA Coordinator Role:

Responsible for implementing, monitoring and ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Functions

- Monitoring the Community's current policies/practices for implementing ADA and compliance
- Identifying shortcomings in compliance and developing remedies.
- Evaluating remedial steps taken to eliminate the effects of discrimination.
- Monitoring complaint procedures that incorporate appropriate due process standards
- Providing for prompt and equitable resolutions of complaints filed under ADA.

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14

ADA Coordinator Role:

- Collaborating/coordinating with the "Work Group" (heads of departments) to enable ADA compliance efforts.
- Establishing/maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.

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Disability Impacts ALL of US

61 million adults in the United States live with a disability

26% of adults in the United States have some type of disability (1 in 4)

Percentage of adults with functional disability types

Disability Type	Percentage
Mobility	13.7%
Hearing	10.8%
Vision	6.8%
Cognitive	5.9%
Speech	4.6%
Physical	3.7%

ADA Coordinator Role:

- Monitoring the Community's ADA Transition Plan to ensure that all Department facilities remain in compliance with applicable accessibility standards.
- Monitoring established procedures to ensure that requested auxiliary aids are provided for persons with disabilities.
- Conducting annual reviews of ADA program areas.
- Conducting ADA training programs for department managers and employees (such as today!)
- Monitoring the preparation of ADA information for dissemination to the general public, including the "Notice to the Public" offer to provide reasonable accommodation upon request.
- Identifying, investigating, and addressing ADA discrimination when it is found to exist.

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ADA Work Group & Role

ADA Coordinator
Brad Stevens

Members of this group span several functions based on their varied expertise.

The collaboration's intent is to leverage the skills, experience, and expertise of the constituent members for matters and issues involving ADA compliance and accessibility.

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Recognizing Disabilities Covered Under ADA

An individual with epilepsy, paralysis, HIV infection, AIDS, a substantial hearing or visual impairment, intellectual disability, mental illness, or a specific learning disability is covered.

An action requiring significant difficulty or expense in light of certain factors.

<https://youtu.be/X6P9kSqGVt4>

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For the Department Heads: *What Is A “Reasonable Accommodation”?*

REASONABLE ACCOMMODATIONS

THE ADA AND THE FEHA BOTH REQUIRE EMPLOYERS TO PROVIDE REASONABLE ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES.

REASONABLE ACCOMMODATIONS INCLUDE:

- CHANGES TO WORK SITES AND SCHEDULES
- REASSIGNMENT OF JOB DUTIES
- THE STRUCTURE AND CONFIGURATION OF THE WORKPLACE

ALL OF THESE WILL ALLOW AN EMPLOYEE WITH A DISABILITY TO DO THE JOB. HOWEVER, THE BURDEN IS ON THE EMPLOYEE TO ASK FOR A REASONABLE ACCOMMODATION. THE EMPLOYER MUST THEN WORK WITH THEM TO COME UP WITH AN ACCOMMODATION THAT WILL ALLOW THEM TO DO THEIR JOB.

An accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

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ADA: EMPLOYER-Reasonable Accommodation Examples

Example of Reasonable accommodations

- Making existing facilities accessible such as:
 - Simple ramping of a few steps, the installation of grab bars where only routine reinforcement of the wall is required, the lowering of telephones, and similar modest adjustments.
- Job restructuring/modifying work schedules, reassignment to a vacant position
 - A person who has to take short breaks to inject insulin
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.
- Reduced/modified work schedules

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ADA: TITLE I-EMPLOYER-Reasonable Accommodation

Undue Hardship: What if it costs too much to accommodate?

An employer does not have to provide a reasonable accommodation that would cause an “undue hardship”. Instead, undue hardship **must be based on an individualized assessment of current circumstances** that show that a specific reasonable accommodation would cause significant difficulty.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Example of Undue Hardship: *“more detailed explanations can be found on the EEOC’s website: <https://www.eeoc.gov/policy/docs/accommodation.html#undue>*

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Other Accommodations: Program Accessibility

Program accessibility may be achieved in a variety of ways. Community governments may choose to make structural changes to existing facilities to achieve access. But Community governments can also pursue alternatives to structural changes to achieve program accessibility.

EXAMPLE 1

Community governments can move public meetings to accessible buildings and can relocate services for individuals with disabilities to accessible levels or parts of buildings. When choosing between possible methods of program accessibility, however, Community governments must give priority to the choices that offer services, programs, and activities in the most integrated setting appropriate. In addition, all newly constructed Community facilities must be fully accessible to people with disabilities.

EXAMPLE 2

If an old courthouse does not have ADA restrooms, the Community must make the necessary repairs or structural changes to make it accessible. Each restroom in a facility need not be made accessible but must accommodate one for accessibility. Signage directing people with disabilities to the accessible features and spaces in a facility should also be provided.

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ADA Notice: Program Accessibility

Section 504 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.

Examples of the Target Audience for the ADA Notice

- a recipient of social services, food stamps, or financial assistance provided by the state or local government
- an applicant for a public library card
- a person who uses the Community recreation center
- a grandmother attending her grandchild’s high school graduation in a Community park
- a member of a citizen’s advisory committee
- a recipient of a grant from the state or local government
- a citizen who wants to participate/attend in a town council meeting

“The Town does not discriminate on the basis of disability in its programs, services, activities and employment practices. If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator as soon as possible, preferably 3 days before the activity or event. A grievance procedure is available to resolve complaints. Upon request, this notice is available in alternative formats such as large print or Braille.”

ADA Coordinator, Brad Stevens

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Who is protected by the ADA?

If you have a disability and are qualified to do a job, the ADA protects you from job discrimination on the basis of your disability. **You must have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. (EX: not a broken limb, but the loss of one).**

You must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation.

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IMPORTANT: Changes that Impact You

Public Requests for ADA Access

If you, or anyone in your department, receives a request for ACCOMMODATION from a citizen who states they are disabled OR a complaint about their ability to access Community services:

If a request for ADA ACCOMMODATION is encountered:

- Do NOT make a personal judgment as to whether or not the person really needs/deserves accommodation OR ignore their request.
- Notify your Department Head (if encountered by an employee) AND
- Department Head should immediately call: ADA Coordinator
- The two will determine best course of action; involving legal consultation where necessary.

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IMPORTANT: Changes that Impact You

Public Complaints for ADA Access

If a COMPLAINT, regarding ADA access or ability, to utilize Community services is encountered:

- Direct the individual to the Community Website where they can obtain a formal complaint form AND provide them with the ADA Coordinator contact information:

ADA Coordinator Brad Stevens
Brad Stevens
Email: tofwaterdept@gmail.com

- If the individual is extremely upset, or you/your staff feel ill-equipped to handle the situation, contact the Title VI Coordinator.

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Other Physical Barrier Examples

(Clerk's Office)
Counter space width/height to accommodate wheelchair

(Jail)
LEP Language (Spanish written instruction/documents not available), Unknown Counter width/Height HC Accessibility?

(Voter Reg)
No on-hand materials for the hearing/sight impaired

(Community Hall) LEP
Language (Spanish written instruction/documents, etc. not available) No grab bar in HC Restroom.

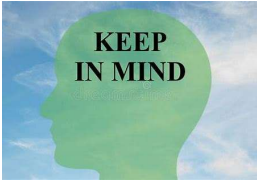
(Circuit Court)
Larger wheelchairs (some motorized), will need to expand gateway between main courtroom for better access.

(Street Dept)
Unknown if lobby/restroom is HC Accessible since it is public-accessible?

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ADA Self-evaluations:

Priorities for Accessible Facilities



The checklist follows the four priorities in the Department of Justice ADA title III regulations. These priorities are equally applicable to state and local government facilities.

- Priority 1 - Accessible approach and entrance
- Priority 2 - Access to goods and services
- Priority 3 - Access to public toilet rooms
- Priority 4 - Access to other items such as water fountains and public telephones

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ADA Self-evaluations:

Where to begin

- High pedestrian traffic areas (Community sidewalks downtown, parks, etc.)
- Areas near facilities frequently used by pedestrians (Parks, Community Hall, etc.)
- Checklist guide to identify physical barriers that might restrict access to individuals with disabilities that should be considered, although it is not considered to be all-inclusive:

Visual Impairment • Mobility Impairment • Hearing Impairment • Emotional Psychological Disorders • Speech Impairment • Learning Disabilities • Coordination Disabilities • Life Threatening Diseases (HIV, AIDS virus) (impairments of muscle control • Missing Limbs resulting in loss of faculty coordination)

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ADA Self-evaluations:

Physical Accessibility to Facilities Used by the Public

The following list for facilities should be evaluated, although it is not considered to be all-inclusive:

Elevators • Parking Spaces • Ramps • Entrances • Doors and Doorways • Stairs • Rest Rooms • Floors, Floor Coverings • Water Fountain • Public Telephones • Identification (for room or offices) • Lighting • Switches and Controls • Emergency Signals (lights, heat, etc.) • Public Meeting Rooms • Hazards (manholes, protruding • Fire Exits or low-hanging objects) • Communication

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5

ADA Self-evaluations:

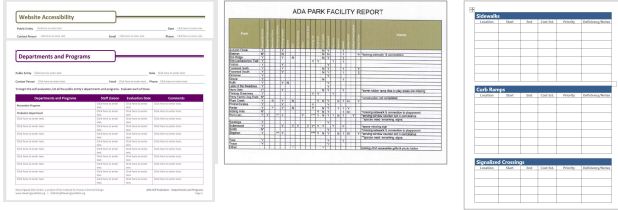
To conduct a self-evaluation

1. **Identify** all programs, activities, and services and their locations.
2. **Determine** whether employees and officials are familiar with the public entity's ADA obligations, including the requirement to make reasonable modifications to policies, practices and procedures.
3. **Determine** whether employees and officials know how to arrange for auxiliary aids and services, such as sign language interpreters, material in Braille and assistive listening systems; to ensure that communication with people with disabilities is as effective as others.
4. **Review** service, activity and program's policies and procedures to determine whether they ensure an equal opportunity for people with disabilities to participate and benefit.
5. **Survey** facilities and determine whether there are physical barriers to access programs. If non-structural changes, such as moving programs, should be made, include them in the action plan. If structural changes are needed, include them in the transition plan

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ADA Self-evaluations:

Where to begin



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ADA Self-evaluations:

ADA Checklist/Guides

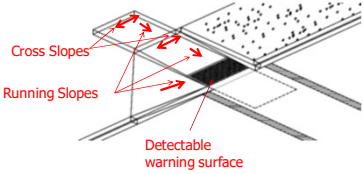
Discussion/Worksheets

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There is no construction tolerance for slopes. If the cross slope is 2.00% maximum, **2.01% is not compliant**.

Preferred Slopes vs. Maximum Slopes (IDM)

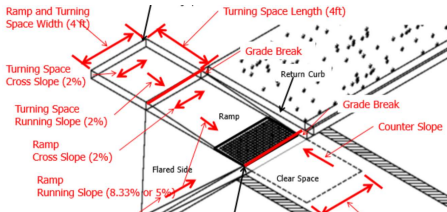
- Ramp Running Slope: 8.00% preferred (8.33% maximum)
- Cross Slope: 1.50% preferred (2.00% maximum)



ADA Self-evaluations

Curb Ramps "SLOPES"

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ADA Self-evaluations

Curb Ramps "SLOPES"

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Clinometer + Bubble level [iPhone](#) / [Android](#)



ADA Self-evaluations

Curb Ramps

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1. Perpendicular curb ramp

2. Parallel curb ramp

3. Blended transition curb ramp

4. Depressed corner, and

5. Diagonal curb ramp (Prohibited for New Construction)

ADA Self-evaluations

Curb Ramps

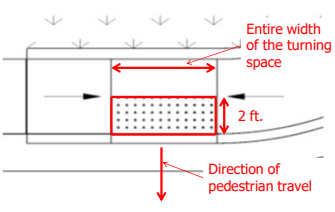
37

• **Curb Ramps:** a detectable warning surface shall be placed at each street, highway or railroad crossing.

• **Detectable warning surface** shall extend the entire width of a ramp & 2 ft. in the direction of pedestrian travel***

• Detectable warnings are NOT required for residential or commercial drive crossings that do not have a stop/yield sign or traffic signal.

• Detectable warnings ARE required for drives with stop/yield signs or traffic signals.

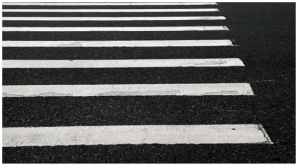


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Crosswalks

• Whether crosswalks are present at any or all crossings

• If present, measure the width, type, if there are islands



ADA Self-evaluations

Crosswalks

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ADA Self-evaluations

Frequently Asked Questions

• What to do at alleys?

• If the existing sidewalk stops before intersecting the street do we still need to construct a curb ramp?

• Do I have to worry about the railroad crossing?

• Do all curb ramps need to be designed to preferred cross slopes and running slopes?

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ADA Self-evaluations

Frequently Asked Questions (Public ROW)

• What to do at alleys?

• An alley should be treated like a commercial driveway.

• Alley has a stop sign, yield sign, or traffic signal a curb ramp with detectable warning surface must be used. (for new construction, reconstruction, and preventative maintenance projects.

• Alley does not have a stop sign, yield sign, or traffic signal a driveway crossing should be used. (for new construction and reconstruction projects but should be considered on preventative maintenance projects.


• If the existing sidewalk stops before intersecting the street do we still need to construct a curb ramp?

• Short answer, Yes. Normally this comes into consideration within a town where the sidewalk stopped between blocks, 10 to 20 ft short of the intersection. In this case placing a curb ramp and highly consider placing sidewalk if it is needed to connect the curb ramp to the existing sidewalk.

• Do I have to worry about the railroad crossing?

• Yes, this is just as important as a street crossing.

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TITLE VI: Non-Discrimination

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What is Title VI?

Just \$1 of Federal Funds= A Recipient

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, prohibits discrimination based on race, color, or national origin in programs and activities that receive federal financial assistance.


"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 subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. 2000d)

This includes direct recipients of funds or "subrecipients".

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Civil Rights: Restoration Act of 1987

The goal of Title VI is "voluntary compliance"....



- Clarified and restored the *intent* of Title VI.
- Scope of Title VI includes ALL programs and activities of Federal-aid recipients and contractors regardless if the programs are federally funded or not.


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What is Title VI Purpose?

- Assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations.
- Takes reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP).
- Where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

The primary purpose of Title VI is to "prevent discrimination"...

FHWA Nondiscrimination Assurances



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Demonstrate Compliance with Title VI

- Designate an official Title VI Coordinator
- Develop and Post the Title VI policy publicly
- NOT discriminate in our programs, facilities, activities and employment practices.
- Submit assurances (signed by Commissioners) that no such discrimination will occur.
- Communicate and train our employees on Title VI requirements; including what to do if they receive a complaint.


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Important Changes that Impact YOU

"As a recipient of federal funds, and in support of the Community of Huntingburg's efforts to ensure nondiscrimination and equal access to all citizens, the Community gathers statistical data regarding participants in Community activities. Therefore, we have provided a VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY at this meeting. You are not required to complete this survey. However, the form is anonymous and will be used solely for the purpose of monitoring our compliance with Title VI and ADA."

PUBLIC MEETINGS

Voluntary Title VI Public Involvement Survey



- The following statement, to the right, shall be displayed next to survey copies at public meetings held on Community premises
- If you schedule or lead any public meetings on behalf of the Community, be sure you read the statement before the meeting and direct citizens to the form.
- An ENVELOPE will be left in each Community meeting room that includes this statement AND a supply of voluntary survey forms.
- After your meeting concludes, please return any completed forms to James Hopf in timely manner.
- The Mayor's office will also distribute these instructions to all Community boards.
- If you have questions as to whether or not a meeting falls under this requirement, please contact James Hopf.

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Important Changes that Impact YOU

PUBLIC COMPLAINTS – TITLE VI DISCRIMINATION

If you, or anyone in your department, receives a complaint regarding discrimination:

- Handle the situation calmly
- Be professional; empathize without admitting any blame
- Can submit by Community website's online form, mail, facsimile, or email to the Title VI Coordinator
- If the individual is upset, or you/your staff feel ill-equipped to handle the situation, feel free to call the Title VI Coordinator via cell phone 24/7 for assistance.
- A courtesy email to CATHY ELSTON, provide whatever limited information you may have (as a heads up to a possible complaint) is advised and appreciated.

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FOUR FACTOR ANALYSIS

Factor One
Number/Proportion of LEP Persons in Service Area

- Include data from sources such as Census Bureau, American Community Survey (ACS), etc.
- Include a listing of the counts and percentages of LEP individuals present in your service area by language.
- Identify if any of the LEP languages reach the LEP threshold of 5%, or the Safe Harbor Threshold (1000 persons).

Factor Two
Frequency of Contact with LEP Persons

- How frequently does your organization encounter LEP persons?
- Are you in contact with LEP persons within a specific language group, and that language is not identified in Factor One?
- Include information gathered from face-to-face meetings with LEP persons or from surveys of LEP persons.
- Include information gathered from interviews with agency staff who typically come in contact with LEP persons.
- Include information kept by your organization on past interactions with members of the public who are LEP.

Factor Three
Nature & Importance of the Service to LEP Persons

- Provide a brief summary of the services, benefits, and activities offered by your organization.
- Gather input from CBO/FBOs on the importance of this service to LEP persons.

Factor Four
Resources Available & Overall Costs

- Include a brief summary of the resources available and overall costs of providing language assistance.
- Analyze budget to identify available funding for providing language assistance.

Title VI: The Language Barrier Limited English Proficient (LEP)

- The Community has performed a four-factor Limited English Proficiency analysis & continues to monitor non-English-speaking census data for the Community.
- Current statistics show that only 1.8 % of Spencer Community's citizens speak a language other than English.
- At present, there is a low probability that you will encounter citizens who are not able to access our services due to a language barrier.
- The Community does not print documents nor have interpreters readily available. However, if you have a citizen who is clearly struggling with access to our services due to a language barrier, please call (and document when possible) the Title VI Coordinator for assistance.
- The Community will monitor statistical data gathered and census information ongoing to ensure all citizens have access to Community services.

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Title VI: Sexual Orientation/Gender Identity

- The Community recognizes that nondiscrimination on the basis of Sexual Orientation and Gender Identity has now been included in the Federal Nondiscrimination language – effective April 8, 2015.
- The Community will handle any concerns of discrimination, including those around sexual orientation and gender identity, in a professional manner consistent with our Title VI nondiscrimination policy and plan.

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Title VI: Contractors to the Community

- Any and all contracts that are funded in any part by Federal dollars will include language that assures the Community that such contractor is in compliance with Title VI.
- The Town will ensure such language is included and must review all contracts of this nature for compliance.
- If you contract with any company/individual/organization and pay for the services using a Grant and/or Federal funds, please be sure you inform the Title VI Coordinator and include appropriate, Community-required assurances.

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Next Steps in Training

Department Heads, Elected Officials and other leaders who have received this initial training are required to:

Provide this training to all employees under their supervision within 60 days of receiving this training.

This can be done in person or via email with verification that your employees have reviewed this PowerPoint presentation. Documentation of training can be in the form of a signed training sheet or copies of email verification from the employee(s) – or combination thereof.

Each employee is required to sign the Title VI Nondiscrimination statement and attest to having received training.

Please send all signed forms/proof of training to James Hopf for tracking and retention.

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Thank you for being an advocate for equal access and the fair treatment/nondiscrimination of the citizens we serve.

QUESTIONS?

CATHY ELSTON
francesvillect@gmail.com
100 N Brooks Street, Francesville, IN 47946
Phone: (219) 567-9521

PLEASE DON'T FORGET TO SIGN THE ACKNOWLEDGEMENT FORMS BEFORE YOU LEAVE

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