

TOWN OF EDINBURGH RESOLUTION 2018-14

A RESOLUTION ADOPTING A TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, IMPLMENTATION PLANFOR THE TOWN OF EDINBURGH

WHEREAS, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex, age, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance of the basis of race, color, sex, age, disability or national origin;

WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of Title VI;

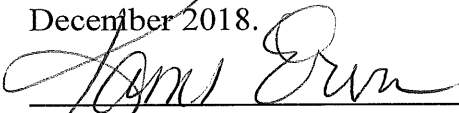
WHEREAS, the Town of Edinburgh, IN, in recognition of Presidential Executive Order 13672 (4-8-15) recognizes the term "sex" to include "sexual orientation and gender identity" as well as the biological state of being male or female;

WHEREAS, the Town of Edinburgh, IN, by its Town Council wishes to formally adopt and implement the following attached policy and procedure for the benefit of all Edinburgh citizens including members of the LGBT population of this Town; and

WHEREAS, it is a requirement of the Indiana Department of Transportation and the US Department of Transportation that communities receiving federal financial assistance adopt a Title VI Plan.

NOW THEREFORE be it resolved by the Town Council of the Town of Edinburgh that it hereby adopts the attached Title VI Program and Implementation Plan.


PASSED AND RESOLVED, Town Council of the Town of Edinburgh, this 10th day of December 2018.



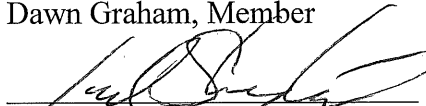
Kami Ervin, Council President



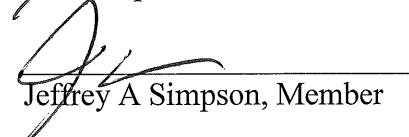
Jerry Lollar, Vice President



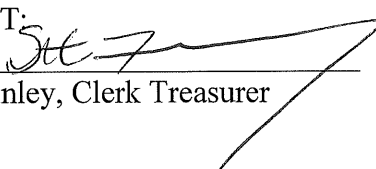
Dawn Graham, Member



Jack Shepherd, Member



Jeffrey A Simpson, Member

ATTEST:


Scott Finley, Clerk Treasurer

Town of Edinburgh, Indiana

Title VI Implementation Plan

Adopted: 12/10/2018 (MM/DD/YYYY)

Town Council of the Town of Edinburgh

Town Manager: Wade D. Watson
107 S. Holland St.
Edinburgh, IN 46124
(812) 314-5114

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II. PLAN STATEMENT

This plan was developed to guide the Town of Edinburgh, Indiana, in its administration and management of Title VI-related activities and to establish a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities to the community in which it operates and to the society it serves.

It is the Town of Edinburgh's policy to utilize its best efforts to assure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under its programs, services, activities and related benefits. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. Section 2000d).

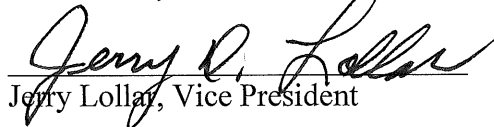
Throughout the years, additional regulations, statutes, directives and executive orders have been passed which expand the breadth of Title VI. The Town of Edinburgh has adopted these tenets and hereby makes the following Plan Statement:

The Town of Edinburgh, Indiana is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the basis of race, color, national origin, disability, sexual orientation, gender identity, religion, age, low income status or limited English proficiency. In the event the Town of Edinburgh distributes federal-aid funds to a sub-recipient, the Town of Edinburgh will include Title VI language in all written agreements and will monitor for compliance. The Town of Edinburgh's Town Manager is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 CFR 200.9 Title CFR 21.

TOWN COUNCIL OF EDINBURGH, IN



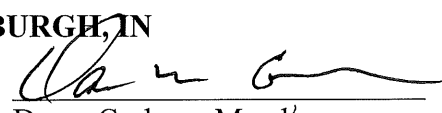
Kami Ervin, Council President



Jerry Lollar, Vice President



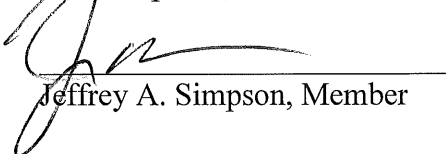
Scott Finley, Clerk Treasurer



Dawn Graham, Member



Jack Shepherd, Member



Jeffrey A. Simpson, Member

III. AUTHORITIES

Title VI of the Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9, Title 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

IV. ORGANIZATION AND STAFFING

The Director of Administrative Services, Mary Patterson shall serve as the Title VI Coordinator, on behalf of the Town Council and the Town, and is responsible for the overall management of the Title VI Program to ensure compliance with provisions of the Town's policy of non-discrimination with the law.

V. ACCESSIBILITY (ADA)

Accessibility is necessarily a part of the Town of Edinburgh’s Title VI Program as Title VI prohibits discrimination on the basis of disability. The Town of Edinburgh describes its accessibility programs in its ADA Transition Plan available upon request from the ADA & Title VI Coordinator Mary Patterson.

The Town of Edinburgh aims to comply with the American’s with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

VI. TITLE VI & ADA COORDINATOR

The Director of Administrative Services, Mary Patterson shall serve as the Title VI Coordinator, on behalf of the Town Council and the Town, and is responsible for the overall management of the Title VI Program and to ensure compliance with provisions of the Town's policy of non-discrimination.

Title VI & ADA Coordinator:	Mary Patterson
Address:	107 S. Holland St. Edinburgh, IN 46124
E-Mail:	mpatterson@edinburgh.in.us
Phone:	(812) 526-3510 TTY: 711

VII. TITLE VI/ADA COORDINATOR RESPONSIBILITIES

The Title VI Coordinator is responsible for implementing, monitoring, and ensuring the Town's compliance with Title VI regulations and the overall administration of the Title VI Program and Standard U.S. Title VI Assurances (**Assurances: Appendices A-E**). This includes the completion of the following activities:

- **Program Administration** – Administer the Title VI Program and coordinate implementation of the Town’s plan. Ensure compliance with the assurances, policies, and program objectives. Perform Title VI Program reviews to assess and update administrative procedures, staffing, and resources; provide recommendations, as required, to the Town Council.
- **Data Collection** – Review and analyze the statistical data gathering process performed by the Title VI Liaison periodically to ensure sufficiency of data for meeting the requirements of the Title VI Program Administration.
- **Training Programs** – Conduct or facilitate training programs on Title VI current and new regulations for Town employees.
- **Title VI Plan Update** – Review and update the Title VI Plan annually (in or by July 1, of each year). Present updated plan to the Town Council for approval; submit amended Plan to INDOT as required.
- **Reporting** - Conduct reviews of the Town's Title VI Program to assess Title VI compliance to assure effectiveness with Title VI provisions. The Title VI Coordinator and the Town Department Heads will coordinate efforts to ensure the requirements of Title VI are met.
- **Public Dissemination** – Work with the Town Council to develop and disseminate Title VI Program information to the Town employees and sub-recipients, including contractors, subcontractors, consultants, sub-consultants and the general public. Public dissemination may include postings of official statements, inclusions of Title VI language in contracts or other agreements, website postings, and/or publication of the Town's Title VI Policy Statement in the newspaper. The Title VI Coordinator shall ensure adherence to Indiana's Open Door laws, and, where reasonable requests are submitted, provide written or verbal information in languages other than English.
- **Complaints** – Administer the complaint procedure, including the filing process, review and investigation of Title VI complaints that may be received by the Town of Edinburgh, and following procedural guidelines. Ensure every effort is made to resolve complaints.
- **Maintenance** - Maintain a log of all complaints and upkeep training log.
- **Elimination of Discrimination** – Work with the Town Council to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in the Town's processes.
- **LEP Plan** -- Develop and implement the Town of Edinburgh's Limited English Proficiency (LEP) Plan. Train Town Employees on the procedure to follow when a person requests an interpreter.
- **Contract Compliance** -- Establish procedures for reviewing contracts with sub-recipients, special interest programs and activities to include the Title VI Assurances;

- **Collection of Data** - Collect statistical data, where available, on the impact of applicable construction projects on the different classes described in the Plan Statement;
- **Continuing Education** -- Attend Title VI Training as necessary. Maintain logs of training attendees.

VIII. DEPARTMENT HEAD RESPONSIBILITIES & DEPARTMENT HEAD REPORTING

The Town of Edinburgh employees will be expected to follow Title VI policy and the guidelines set forth. In addition, Town of Edinburgh 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 or department head, in writing, of any questions, complaints or allegations of discrimination. Department heads are responsible for:

- Ensuring applicable Town contract documents contain the appropriate Title VI provisions;
- Consulting with the Title VI Coordinator when Title VI complaints are received or issues arise;
- Comply with the Plan Statement;
- Develop and update internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.;
- Ensure all business pertaining to the selection, negotiation and administration of applicable consultant contracts and agreements is accomplished without discrimination as set out herein;
- Provide information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

Department heads should complete Title VI Review Forms and submit to Title VI Coordinator. Review Forms will be used as an assessment tool to determine compliance within the departments with Title VI. Title VI Coordinator may provide training to help the Department Heads achieve its Title VI goals and better assist to alleviate discrimination. The Title VI Coordinator will review the data collection procedures for each department periodically to ensure compliance is met with the Town of Edinburgh's Title VI Program requirements. The Department Heads should prepare the report and submit it annually on or around **June 1st of each year**. The following information should be included in each annual report submitted:

- Number of federally funded projects awarded during the past year;
- Number of Title VI complaints received during the past year, Statistical data collected on ethnicity, race, gender and disability for all right-of-way relocates.

- Affirmation that staff understands the Title VI Policy and procedures set in place for the Town.
- Information related to the public dissemination of the Title VI Policy or Policy Statement.
- Information on number of individuals who received Title VI training in each department including attendees, dates and locations.
- Information on number of LEP persons needing assistance including services used related cost, and a description of the communication needs of LEP persons.

IX. TRAINING

The Title VI Coordinator will make Title VI Program training available to employees, contractors, sub-recipients, and Department Heads. The training will be documented on the Training Log (**Attachment B**).

The training will provide information on Title VI provisions and operation, and identify Title VI issues and resolution of complaints. A record of the training conducted will be kept by the Title VI Coordinator.

X. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

This Limited English Proficiency Plan has been prepared to address the Town of Edinburgh, Indiana's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, U.S.C. 2010. It implements regulations that provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Presidential Executive Order No. 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all Town of Edinburgh's departments and divisions receiving federal grant funds.

Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the Town of Edinburgh's programs and activities. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language. The Town of Edinburgh will determine when interpretation and/or translation are needed and are reasonable. The Town of Edinburgh staff shall consider the following to identify if an interpreter is needed or if an LEP person needs language assistance:

- Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events.
- Have Language Identification Flashcards (**Attachment C**) available at Town Hall and other Town venues near customer service areas, easily accessible to the staff. Individuals self-identifying as persons not proficient in English may not be able to be accommodated with translation assistance at the time, but it will assist in identifying language assistance needs for future events.

Language Assistance Measures

The 2011-2015 American Community Survey indicates Johnson County area to be a population of less than 5% responding as "Language other than English" of whom less than 3% responding as "Speak English less than very well." Although there is a low percentage in the Town of Edinburgh of LEP individuals, that is, persons who speak English "not well" or "not at all", the Town of Edinburgh will strive to offer language assistance using the following measures:

- If an individual asks for language assistance and the Town of Edinburgh determines that the individual is an LEP person and if language assistance is necessary to provide meaningful access. The Town of Edinburgh has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.
- When an interpreter is needed, in person or on the telephone, staff will attempt to determine what language is required and access the language interpreting service to be used.
- The Town of Edinburgh will periodically assess the need for language assistance based on requests for interpreters and/or translation.

XI. COMPLAINT PROCEDURES

Overview

Title VI of the Civil Right Act of 1964, as amended, and with its related statutes and regulations, prohibits unequal treatment or discrimination. Any person who believes they have faced unequal treatment or discrimination as to the receipt of benefits and/or services based on their race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency, has the right to file a complaint as described herein. Complaints should be filed with the Town of Edinburgh, Indiana's Title VI Coordinator.

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Act of 1987, the Americans with Disabilities Act of 1990, and other relevant regulations, statutes, directives and Executive Orders relating to any federally-funded contract or activity administered by the Town. It also applies to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties, the Title VI Coordinator and the Department Heads may be utilized for resolution.

Who May File a Complaint?

Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by the above-described nondiscrimination requirements may file a written complaint with the Town of Edinburgh's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence.

(See Attachment D for Discrimination Complaint form).

Complaint(s) Timeliness

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

Location/Availability of Complaint Forms

The Town of Edinburgh will make complaint forms available via the Town's Website. Persons may contact the Title VI/ADA Coordinator to request a copy of the complaint form via e-mail, United States mail, or by other means offered by the Town. Copies of complaint forms are available in alternative formats upon request.

How to File a Complaint

A complainant may file his or her complaint by mail, email, or drop off with the Title VI Coordinator. The Town of Edinburgh will acknowledge complaints received and will process them once the Town establishes the complainant identity. Complainants must mail a signed, original copy of the fax or email transmittal to the Town to begin the complaint process. The Town of Edinburgh does not require a complainant to use the Town Complaint form for submitting his or her complaint.

Direct Complaints regarding Title VI/ADA to:

Title VI Coordinator:	Mary Patterson
Address:	107 S. Holland St. Edinburgh, IN 46124
E-Mail:	mpatterson@edinburgh.in.us
Phone:	(812) 526-3510 TTY: 711

If the person alleging the complaint is unable to or incapable of providing a written statement, a verbal complaint may be made to the Town of Edinburgh's Title VI Coordinator. Under these circumstances, the person filing the complaint will be interviewed and the Town of Edinburgh's Title VI Coordinator will assist in completing a written statement. Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions if applicable.

Complaint Processing

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 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, Town Council and Town Manager's office.

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 www.justice.gov.

The Title VI Complaint Filing – Complaints filed with the Town of Edinburgh, Indiana, based on violations of Title VI of the Civil Rights Act of 1964, must include the following information:

- Name of Complainant
- Address of Complainant
- Name of Agency / Department
Accused of Discriminatory Practices
- Address of Agency
- Description of Alleged
Discrimination
- Date of Complaint
- Telephone Number of Complainant
- Name of Individual Accused of
Discriminatory Practices
- Date of Alleged Discrimination

Attachment D provides a sample complaint form that may be used for this process.

Alleged Discrimination – If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or

department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

- Race / Color / Religion
- Age
- Disability
- National Origin
- Sexual Orientation
- Income Status
- LEP
- Other

Explanation of alleged discrimination – Please explain as clearly as possible what happened. Provide the name(s) of witness(s) and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written material pertaining to your case.) Include signature of complainant and date of complaint.

Note: The Town of Edinburgh prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the Town. Please inform the Title VI Coordinator if you feel you were intimidated or experience perceived retaliation in relation to filing a complaint.

Following receipt of the complaint of alleged discriminatory acts, the Town of Edinburgh's Title VI Coordinator will send the complainant a letter of acknowledging receipt by the Town of the Complaint.

If, after investigation, the Town determines that the filed complaint alleging a Title VI violation has been substantiated, the Town shall notify the complainant of such determination and that the Town has implemented measures to correct the issue. Such notice shall also indicate that the complainant may be notified again by the Town or state or federal authorities if an administrative hearing process is initiated.

If, after investigation, the Town of Edinburgh determines that the filed complaint alleging a Title VI violation has not be substantiated, the Town shall notify the complainant of such determination and that the Town is closing the file for the issue. Such notice shall also indicate that the complainant has the right to:

1. Appeal within seven (7) days of receipt of this final written decision from the Town, and/or
2. File a complaint externally with the U.S. Department of Transportation, Indiana Department of Transportation (INDOT), and/or the Federal Transit Administration Office of Civil Rights Attention: Title Program Coordinator East Building, 5th Floor – TCR 1200 New Jersey Ave SE, Washington DC, 20590.

XII. RECORDS

The Title VI Coordinator will maintain all records of an investigation for the amount of time dictated by the State's Record Retention Schedule (INDOT recommends retaining records for three years.)

XIII. PUBLIC PARTICIPATION AND OUTREACH

The Town of Edinburgh 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. Any meetings that are open to the public are published on the main page of the Town of Edinburgh's website and distributed to local media outlets. The Title VI Coordinator will update the Town's webpage, to include pertinent Title VI information as it becomes available.

All Town of Edinburgh's public meetings are held in locations accessible to individuals with disabilities. Various meeting agendas, meeting minutes, Town of Edinburgh notices, events and news can be found on the Town's website.

XIV. TITLE VI CIVIL RIGHTS COMPLIANCE REVIEWS

The Town of Edinburgh, Indiana shall perform annual reviews to determine overall compliance with its Plan Statement, including performing annual reviews through interviews and document reviews within each department. In addition, the Town has adopted these 2019 goals set out in **Program Goals Attachment 1**.

XV. SOCIAL EQUITY AND ENVIRONMENTAL JUSTICE

Ensuring the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities is a key component of the Town's public participation activities. The Town of Edinburgh's policies, procedures, and programs are consistent with federal and state environmental justice laws, regulations and requirements, Title VI, related nondiscrimination requirements and reflect the principles of social equity and environmental justice. Social equity means ensuring that all communities are treated fairly and given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind. Environmental justice means ensuring that plans, policies, and action do not disproportionately affect low income and minority communities. 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.

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

PROGRAM GOALS ATTACHMENT 1

2019 GOAL	GOAL DATE (<i>Estimated</i>)
Publish Title VI Statement in the local newspaper(s)	1st Qtr. (2/1/2019)
Place the Title VI statement and complaint form on the City's website	1st Qtr. (2/1/2019)
Review Title VI Implementation Plan	2nd Qtr. ANUALLY
Ensure Title VI training and/or information to sub-recipients	3 rd Qtr. (9/1/2019)
Have Title VI Training Scheduled for Employees to Attend	3 rd Qtr. (9/1/2019)

APPENDIX A: Assurances (USDOT)

The United States Department of Transportation (USDOT)

TITLE VI/Nondiscrimination Assurances

The Town of Edinburgh (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Office of the Assistant Secretary for Research and Technology (OST-R), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. § 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209, (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Title II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 — 12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et. seq.*).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the OST-R".

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted University Transportation Centers Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all University Transportation Centers Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Town of Edinburgh, Indiana in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will 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 will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or 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 will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, 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 Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, **The Town of Edinburgh, Indiana** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the OST-R access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by OST-R. You must keep records, reports, and submit the material for review upon request to OST-R, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

ASSURANCE ATTACHMENT: 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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Office of the Secretary for Research and Technology (OST-R), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, 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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin, sex, and disability, and low income.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient or the OST-R to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the OST-R, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the OST-R may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies, and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto.

The contractor will take action with respect to any subcontract or procurement as the Recipient or the OST-R may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Signed By: _____
(Signature of Authorized Official)

Company Name: _____
(Signature of Authorized Official)

Dated: _____
(MM/DD/YYYY)

ASSURANCE ATTACHMENT: APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that _____ will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), the regulations for the administration of the University Transportation Centers Program, and the policies and procedures prescribed by the Office of the Secretary of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation 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 _____ all the tight, title and interest of the U.S. 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 _____ 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 will be binding on the _____, its successors and assigns.

The _____, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that

(1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]*

(2) that the _____ will use the lands and interests in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office

of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction]. *

*(*Reverted clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)*

ASSURANCE ATTACHMENT: APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the ease of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non- discrimination covenants, will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non- discrimination covenants, the _____ will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of _____ and its assigns.*

*(*Reverted clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)*

ASSURANCE ATTACHMENT: APPENDIX D

**CLAUSES FOR CONSTRUCTION / USE. ACCESS TO REAL PROPERTY
ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by (Title of Recipient) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her 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
 - (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,
 - (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits or, or otherwise be subjected to discrimination,
 - (3) That the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above of the above Non-discrimination covenants, _____ will have the right to terminate the (license, permits, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, _____ will there upon revert to and vest in and become the absolute propriety of _____ and its assigns.*

*(*Reverted clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)*

ASSURANCE ATTACHMENT: APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities, including, but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat.252), prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, prohibits discrimination on the basis of disability; and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123, as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38.
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq*).

**Attachment C: FLASH CARDS
(LEP)**

Attached are Language Identification Flashcards (US Census Bureau ISpeak Cards), "*If you can read this or speak this mark this box.*" Additional steps will be developed throughout the year to help improve communication and ensure the Town can provide the best language assistance possible to individuals whom may be a Limited English Proficient person.

Attachment D: COMPLAINT POLICY AND DISCRIMINATION FORM

Title VI Coordinator: Mary Patterson
Address: 107 S. Holland St.
Edinburgh, IN 46124
E-Mail: mpatterson@edinburgh.in.us
Phone: (812) 526-3510 **TTY:** 711

INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with the Town of Edinburgh, Indiana. If the complaint is against the Town of Edinburgh, Indiana, the Town's Title VI Coordinator will forward it to the appropriate state or federal agency for investigation.

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 printed above or contact the Title VI coordinator and arrangements can be made where the coordinator may write a complainant and accept the complainant's signature on the prepared complaint document.

All items in bold must be completed. Failure to provide complete information may impair the investigation of your complaint.

The Town of Edinburgh, Indiana will provide assistance 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. For TTY customers, dial 711 to reach the Indiana Relay Service.

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

The Town of Edinburgh, Indiana and its sub-recipients, consultants, and contractors are prohibited from retaliating against any individual because he or she, in good faith 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. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address above.

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.

▪ **Section 5: Witness #2 Description**

Please provide a brief description of the relevant information that will help support this claim against alleged discriminatory act:

▪ **Date of You Witnessed Discriminatory Act:**

▪ **Contact Information:**

Signature:

Phone:

Alt. Phone:

E-mail:

▪ **Section 6: Additional Information**

If you have any suggestions or would like to provide any helpful information in ways this can be changed to prevent future discriminatory acts, please provide us with your input.

Please sign and date this form.

Signature

Date

Mail completed complaint form to:

Title VI Coordinator:

Mary Patterson

Address:

107 S. Holland St.

Edinburgh, IN 46124

E-Mail:

mpatterson@edinburgh.in.us

Phone:

(812) 526-3510

TTY: 711

