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Introduction

This document is to be recognized as a continual and ongoing effort to comply with various laws. Title VI and 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. As a recipients of federal funds, public entities have direct legal requirements to comply with Title VI of the Civil Rights Act of 1964 ("Title VI"), the Americans with Disabilities Act of 1992 (the" ADA"), and other laws, executive orders and regulations related to nondiscrimination and accessibility.

Federal funds stem from tax dollars paid by all people and the programs and facilities developed from them must benefit everyone equally. In addition, recipients and sub-recipients of federal funds (those who receive federal funds as they trickle down to develop programs and projects) have contractual obligations to comply when the Assurances of Non-discrimination (Assurances) are signed as a condition of receiving those funds, and also with INDOT's annual Pre-Awarding Certification Process pertaining to the Local Public Agency (LPA) and all other Grant opportunities.

Accomplishments and Goals

Accomplishments n 2016

- Attended INDOT's Title VI Training for LPA/MPO
- Developed Title VI Implementation Plan
- Named a Title VI Coordinator and Contact Information
- Developed Title VI Posting and Grievance Policy
- Updated Town Website for easier access to ADA and to Title VI plans.
- Updated ADA Coordinator's Contact Information, Notice's, and Grievance Policy

List of Goals/Three Year Plan

- Develop and train employees on Title VI policy and procedures.
- Develop and implement procedures for collection of data.
- Develop and implement pre/post award to sub-recipients to ensure sub-recipients remain compliant with Title VI.
- Develop voluntary surveys to gather data to determine limited English speaking disparity impact (if any)

Town of Fortville

Title VI

Environmental Justice Requirement

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, us criteria, methods, or practices that discriminator 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 population and low-income populations.

The Town of Fortville has a commitment to these three environmental justice principles in all work that the Town performs.

Policy Statement/Notice

The Town of Fortville (hereafter referred to as "Town") is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, age, national origin, gender, disability or income status.

The Town assures 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 (Public Law 100-259 [S.557] March 22, 1988).

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC §794), the Town hereby gives assurance that no qualified disabled person shall, solely by reason of his 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 Federal financial assistance.

In the event the Town distributes federal aid funds to a sub-recipient, the Town will include Title VI language in all written agreements and will monitor for compliance. The Town's Title VI Coordinator, Tammy White, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 CFR 200.9 Title 49 CFR 21.

Additionally, the Town of Fortville values each individual's civil rights and intends to provide equal opportunity and equitable services for the residents and patrons of the town, and acknowledges throughout the years, additional regulations, statutes, directives and executive orders have been passed which expand the breadth of Title VI, and has endeavored to provide non-discrimination in all areas (including employment opportunities).

Therefore, regardless of receiving federally funds, the Town of Fortville prohibits discrimination and/or the exclusion of individuals from employment or participation opportunities, its municipal facilities, programs, activities and services not only based on the individual person's race, color, national origin, disability, sex, age, low income status or limited English proficiency (Title VI), but also individual person's religion, citizenship status, military status, genetic information, or any other category protected under federal, state, or local law. Further, irrespective of whether sexual orientation or transgender status are legally-protected statuses, the Town does not tolerate discrimination on the basis of sexual orientation or transgender status.

The Town of Fortville has recognized these tenets, to include INDOT's annual Pre-Awarding Certification Process pertaining to the Local Public Agency (LPA) and all other Grant opportunities, and will continue to monitor policies for compliance. (see Appendix – NOTICE)

Administration/Action of Plan

Joe Renner, Town Manager of the Town of Fortville, Indiana is responsible for ensuring the implementation of the Town's Title VI Program. The Office Manager, Tammy White serves as the Title VI Coordinator, on behalf of the Town Manager, 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, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

Title VI Coordinator
Tammy White, Office Manager
Town of Fortville
714 E. Broadway
Fortville, IN 46040
twhite@fortvilleindiana.org
317-485-4044 ext. 103
317-485-4141 fax

Non-Discrimination Measures

Elimination of Discrimination – Work with the Title VI liaisons (department heads) 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. Develop and implement the Town of Fortville's Limited English Proficiency (LEP) Plan; provide training to the Department Heads on procedure to follow when a person requests an interpreter. Establish procedures for reviewing contracts with sub-recipients, special interest programs and activities to include Title VI assurance; Attend Title VI Training as required by INDOT.

Public Dissemination – Work with the Title VI liaisons to develop and disseminate Title VI Program information to the Town employees and sub-recipients, including contractors, subcontractors, consultants, sub-consultant 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 an annual publication of the Town's Title VI Policy Statement in the newspaper and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English. (See Appendix - "ISpeak")

Collection of Data – The Town of Fortville shall utilize a voluntary Title VI public involvement survey performed by the Title VI Liaisons (Department Heads) that will be made available at public hearing, meeting, program, activity, or on participation enrollments, and review and analyze the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of the Title VI program administration, and document the analysis for the Federal Highway Administration (FHWA).

The voluntary survey will allow respondents to remain anonymous and will ask questions regarding any category protected under federal, state, or local law. Completed surveys will be retained by the Title VI Coordinator for three (3) years. (See Appendix – "Voluntary Survey")

Monitoring Contractors and Consultants – The Town of Fortville, Indiana will ensure that all federally Funded contracts contain required Title VI assurances prohibiting discrimination in violation the town's

policy on non-discrimination that includes consultants and contractors for compliance with the town's non-discrimination policy and will promptly investigate any alleged claim of discrimination and will work with the consultant or contractor to obtain voluntary compliance with the Town of Fortville, Indiana's non-discrimination policy.

Training of Employees – The Title VI Coordinator will train Dept. Heads and employees on Title VI compliance. In addition, Title VI training will be available to contractors and sub-contractors where required. The training will provide information on Title VI provisions and operations, and identify Title VI issues and resolutions of complaints. Training will include the collection of participation data from encounters at departments, events and programs, surveys, or complaints.

Reporting The Title VI Coordinator may conduct reviews of the Town's Title VI Program to assess for Title VI compliance to assure effectiveness in compliance with Title VI provisions. The Title VI Coordinator and the Title VI Liaisons (Department Heads) will coordinate efforts to ensure the requirements of Title VI are met.

Complaints The Title VI Coordinator will ensure the complaint procedure for filing, review, and investigating Title VI complaints received by the Town of Fortville will following procedural guidelines. Ensure every effort is made to resolve complaints and properly documented and maintain a log of all complaints. (See Appendix – "Complaint Consent/Form")

Department Head (Title VI Liaison) Responsibilities – Each Department Head within the Town of Fortville are responsible for the following under Title VI:

- Ensuring all Town contract documents contain the appropriate Title VI provisions;
- Consulting with the Mayor and the Title VI Coordinator when Title VI complaints are received or issues arise;
- Ensure that all people are treated equitably regardless of race, color, national origin, disability, gender, age, low income status or limited English proficiency;
- 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 consultant contracts and agreements is accomplished without discrimination based on race, color, national origin, disability, gender, age, low income status or limited English proficiency;
- Ensure internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference; and
- Provide information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

Department Head (Title VI Liaisons) Reporting – The Dept. Heads must submit the Title VI Compliance Review Form to the Title VI Coordinator to be used as an assessment tool to determine whether the departments are in compliance with Title VI and to ascertain instances where the Title VI Coordinator may provide training to help the Department Heads achieve its Title VI goals and maintain compliance. The Title VI Coordinator will review the data collection procedures for each department periodically to ensure compliance with the Town of Fortville's Title VI Program requirements. The Department Heads should prepare the report and submit it annually on or around June 30th of each year, and information 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; Attendance at public meeting/hearings tracked and broken down by ethnicity, race, gender and disability; Statistical data collected on ethnicity, race, gender and disability for communities impacted by construction projects, activities, events, and/or programs.

Title VI Assurances

These are standard U.S. Department of Transportation assurances that outline the Town of Fortville's guarantee for compliance with Title VI of the Civil Rights Act of 1964 as a recipient of federal financial assistance.

Standard U.S. DOT Title VI Assurances - The Town of Fortville, Indiana (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. 200d-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, (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the Unites States shall, on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status, or limited English proficiency, 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 Indiana Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

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

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

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the Federal Aid Transportation Program and, in adapted form in all proposals for negotiated agreements: *The Town of Fortville, Indiana 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 of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in 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, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency in consideration for an award.*

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

4. That the Recipient shall insert the clauses of Supplement 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 Supplement 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 Transportation 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 Transportation 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/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

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

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

Title VI – Assurances Supplement 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, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency 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 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 race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency.

(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 Town of Fortville or the Indiana Department of Transportation (INDOT) or the Federal Highway Administration (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 The Town of Fortville, or 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, The Town of Fortville shall impose such contract sanctions as it or INDOT or 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 Town of Fortville or INDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contract may request The Town of Fortville to enter into such litigation to protect the interests of the Town of Fortville and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Title VI – Assurances Supplement B

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 for the United States.

(GRANTING CLAUSE) - NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that The Town of Fortville 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 Transportation Program and the policies and procedures prescribed by INDOT or FHWA and, 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 (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 USC 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto The Town of Fortville 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 Town of Fortville 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 Town of Fortville, its successors and assigns.
The Town of Fortville, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency, 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 Town of Fortville shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, 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 reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction. *

*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.

Title VI – Assurances Supplement C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by The Town of Fortville 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 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, 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, The Town of Fortville 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 deed]**
That in the event of breach of any of the above nondiscrimination covenants, The Town of Fortville shall have the right to reenter 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 The Town of Fortville and its assigns.
The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by The Town of Fortville 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 grounds of race, color, or national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency shall 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, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permitee, 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, 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, The Town of Fortville shall have the right to terminate the [license, lease, permit, etc.] and to reenter 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, The Town of Fortville shall have the right to reenter 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 The Town of Fortville 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.*

Limited English Speaking Persons (LEP)

The Town of Fortville, Indiana will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits.

Presidential Executive Order No. 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates that individuals treated differently based upon their inability to speak, read, write or understand English is a type of national origin discrimination. Presidential Executive Order No. 13166 defines limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

For any program or project receiving federal funds the Town of Fortville, Indiana will conduct a four part analysis to determine what, if any, limited English proficiency services will be required. The four factors to be considered in determining the need and type of language assistance services are:

1. Number or Proportion of LEP Individuals
2. Frequency of Contact with the Program
3. Nature and Importance of the Program
4. Resources Available to the Town of Fortville, Indiana

If a review of the first two factors show that less than five percent (5%) of the intended beneficiaries of the program or project are limited English proficient, no language assistance measures will be developed for that program or project. This will be determined through United States Census Bureau data as well as a review of Encounter Forms completed by town personnel.

However, in an effort to ensure that persons with Limited English Proficiency have meaningful access and equal opportunity, the Town of Fortville, Indiana will accommodate any and all requests for oral or written translation services. If more the five percent (5%) of the intended beneficiaries of the program or project are limited English proficient, the Town of Fortville, Indiana will review the nature and importance of the program or project to determine what language assistance measures should be developed for the program or project.

The resources available to the Town of Fortville, Indiana should be considered in determining the appropriate language assistance measures. Language assistance measures may include, but are not limited to, oral translation services, including the use of a telephone interpreter line, and written translation services.

The Town of Fortville 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 ISpeak card is available as part of this document (see Appendix "ISpeak") and on the Town's webpage and is also available at Town Hall located at 102 S Buffalo Street. This card allows LEP individuals to communicate their preferred language to Town Staff whereas Town Staff may then access a language translation service to accommodate the needs of the person with LEP. A translation service called INDY Translations, phone number 1-800-695-8772 is available to Town Staff or other translation services may be used as determined by the Town.

Filing a Complaint

Complaint Procedure Any person may who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, disability, sex, age, low income status or limited English proficiency, sexual orientation or transgender status, religion, citizenship status, military status, genetic information, or any other category protected under federal, state, or local law, or 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. (See Appendix – "Complain Consent / Form").

It is the policy of the Town of Fortville 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.

Individuals with requests for services, questions or complaints concerning "Section 504 of the ADA" or "Title VI Non-Discrimination Policy on Public Access to Facilities, Programs, Activities & Services, Employment or Participation Opportunities" should submit a written or verbal complaint to the Title VI Coordinator.

Title VI Coordinator
Tammy White, Office Manager
Town of Fortville, 714 E. Broadway, Fortville, IN 46040
317-485-4044 ext 103-office / 317-485-4141-fax / email: twhite@fortvilleindiana.org

The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found on the Town's website (www.fortvilleindiana.org) or at Town Hall located at 714 E. Broadway Fortville, IN 46040. Although it is highly recommended, individuals are not required to use the Town's complaint form. If necessary, the Town will help an individual reduce their complaint to writing for signature.

The 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.

Within 60 days of the receipt of the complaint the Town will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The Town 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. 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:

INDOT
Economic Opportunity Division
100 N. Senate, Room N750
Indianapolis, IN 46204
Phone: 317-233-6511
Fax: 317-233-0891

Indianapolis District EEOC Office
101 W. Ohio Street, Ste. 1900
Indianapolis, IN 46204
Phone: 800-669-4000
Fax: 317-226-7953
TTY: 800-660-6820

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

Processing the Complaint – The Title VI coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180 day filing deadline and falls within the jurisdiction of the Town, and will then investigate the complaint. If the complaint is against the Title VI Coordinator, then the Town Manager's office 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 and Mayor's office. Once the Town has investigated the report findings, the Town will adopt a final resolution and all parties will be property 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 Statues." available online at: http://www.justice.gov/crt/about/cor/Pubs/ manuals/complain.pdf

Title VI complaint Filing – Complaints filed with the Town of Fortville, Indiana, based on violation of Title VI of the Civil Rights Act of 1964, must include the following information: Name of Complainant; Date of Complaint; Address of Complainant; Telephone Number of Complainant; Name of Agency / Dept Accused of Discriminatory Practices; Name of Individual Accused of Discriminatory Practices; Description of Alleged Discrimination; Date of Alleged Discrimination; and/or Supporting Documentation. (See Appendix - "Complain Consent / Form").

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, the basis on which you believe these discriminatory actions were taken must be included. *Note: The Town of Fortville, Indiana 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.*

Letter Acknowledging Receipt of Complaint - Following receipt of the complaint alleging discriminatory actions / behavior, the Title VI Coordinator will send the complainant a letter acknowledging receipt by the Town of Fortville of the complaint.

Letter Notifying Complainant that the Complaint is Substantiated - If after investigation, the Town of Fortville 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.

Letter Notifying Complainant that the Complaint is Not Substantiated - If, after investigation, the Town of Fortville determines that the filed complaint alleging a Title VI violation has not been substantiated, the Town shall notify the complainant of such determination and that the Town is closing the file for this issue. Such notice shall also indicate that the complainant has the right to appeal within seven (7) calendar days of receipt of this final written decision from the Town of Fortville, and/or file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East Building, 5th Floor – TCR 1200 New Jersey Ave SE Washington DC, 20590