



**THE TOWN OF NORTH MANCHESTER, NORTH
MANCHESTER, INDIANA**

TITLE VI IMPLEMENTATION PLAN

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A. 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.

B. ACCOMPLISHMENTS & GOALS

Accomplishments in 2016

- Attended INDOT’s Title VI Training for LPA/MPO
- Participated in IACT’s Webinar for Title VI & ADA/How They Work Together
- Developed Title VI Implementation Plan
- Named a Title VI Coordinator and Contact Information
- Developed Title VI Posting and Grievance Policy
- Updated Towns 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.
- Compile a list of programs, activities, and the facilities where they are held, that could have Title VI implications.
- Develop a plan to correct implications.
- Develop and implement procedures for collection of data.
- Develop and implement pre/post-award to sub-recipients to ensure sub-recipient(s) remain complaint with Title VI
- Work with liaisons, representatives, and Title VI team members on ways to improve communication and community involvement.
- Work with GIS to develop and identify public participation plan maps.
- Develop voluntary surveys to gather data to determine limited English speaking disparity impact (if any).

C. POLICY STATEMENT /NOTICE

The Town of North Manchester (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, Jennifer Whitaker, 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 North Manchester 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 North Manchester 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 North Manchester 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)

D. ADMINISTRATION / ACTION OF PLAN

Adam Penrod , Town Manager of the Town of North Manchester, Indiana is responsible for ensuring the implementation of the Town’s Title VI Program. Adam Penrod also serves as the Title VI Coordinator 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
Adam Penrod , Town Manager,
Town of North Manchester, 103 E Main Street,
North Manchester, IN 46962
(260) 982-9800-office
(260) 982-7428-fax
email: mtobias@nmanchester.org

E. 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 North Manchester’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 North Manchester 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 North Manchester, 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 nondiscrimination 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 North Manchester, Indiana’s nondiscrimination policy

Training of Employees - The Title VI Coordinator will train Department 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 North Manchester 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 North Manchester are responsible for the following under Title VI:

- Ensuring all Town contract documents contain the appropriate Title VI provisions;
- Consulting with the Town Manager 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 Department 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 North Manchester’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.

F. TITLE VI ASSURANCES

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

Standard U.S. D O T Title VI Assurances - The Town of North Manchester, North Manchester, 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. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, (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 United 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 North Manchester, North Manchester, 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.