TITLE VI IMPLEMENTATION PLAN

PIKE COUNTY, INDIANA

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Kristi Dischinger
Title VI Coordinator

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1. Introduction

Title VI of the Civil Rights Act of 1964, 49 CFR § 26 ("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."*

The Civil Rights Restoration Act of 1987 defined the term "program or activity" and "program" to make clear that discrimination is prohibited throughout an entire agency if any part of an agency receives federal financial assistance, rather than just the particular program(s) or activities that receive the federal financial assistance. The United States Department of Transportation (USDOT) and the Federal Highway Administration (FHWA) Regulations 49 Code of Federal Regulations (CFR), Part 21, and 23 CFR, Part 200 respectively, and other applicable Executive Orders and authorities provide guidelines, actions, and responsibilities for state & local implementation of the FHWA Title VI Program.

As a recipient or sub-recipient of federal funds, this plan is part of Pike County's continual and ongoing effort to comply with civil rights regulations. This document communicates the County's intent to proactively meet and exceed minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. Pike County strives to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its Title VI program.

2. Pike County Policy & Non-Discrimination Statement

Pursuant to Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and Executive Order 13166 (Limited English Proficiency, Pike County, Indiana, hereinafter referred to as "Pike County," assures that no person be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance from the US Department of Transportation on the grounds of race, color or national origin. Pike County values each individual's civil rights and strives to provide equal opportunity and equitable service for its citizens. Pike County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

3. Title VI Assurances

These are standard U.S. DOT assurances that outline the County's guarantee for compliance with Title VI of the Civil Rights Act of 1964 as a recipient of federal financial assistance. Further assurances found in Appendix A-E

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

Pike County (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 ***Federal Highway Administration***, is subject to and will comply with the following:

Statutory/Regulatory Authorities

(1) 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);
(2) 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
(3) 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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 Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination 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 "appropriate Grantor(s):"

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 "appropriate Grantor(s)" and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

> " ***Recipient***, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair 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 period during which the Recipient retains ownership or possession of the property. 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, Recipient 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 Federal Aid Highway Program 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 the Federal Aid Highway Program. You must keep records, reports, and submit the material for review upon request to Federal Aid Highway Program, 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.

This is ASSURANCE is given in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the "appropriate Grantor(s)." This ASSURANCE is binding on Indiana, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the "appropriate Grantor(s)."

The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Board of Commissioners Pike County

Mark Flint

Jeff Nelson

Ryan Coleman

Attest:
Judith Gumbel, Pike County Auditor

4. Title VI Coordinator & ADA Coordinator

The Title VI Coordinator and ADA Coordinator work to oversee the coordination of Pike County's compliance with Title VI and Section 504 statutes, regulations, and directives. This coordinator reports directly to the County Commissioners. Responsibilities include, but are not limited to:

- Implementing Pike County's Title VI and ADA Transition Plans
- Assisting with the development of processes and procedures for the investigation of complaints filed under Title VI and ADA
- Coordinating Title VI and ADA program development with Title VI/ADA Liaisons.
- Preparing required reports as necessary
- Participating in the design, development and dissemination of the Title VI and ADA information to the public; and
- Updating Pike County's Title VI Implementation Plan and ADA Transition Plan as required.

5. Title VI/ADA Liaisons

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

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

DEPARTMENT	CONTACT	PHONE	EMAIL
Title VI/ADA Coordinator Commissioners Office	Kristi Dischinger	812-354-8448	kdischinger@pikecounty.in.gov
Health Department	Natalie Byrd	812-354-8797	nbyrd@pikecounty.in.gov
Veterans' Office	Dennis Weitkamp	812-354-6245	veterans@pikecounty.in.gov
Probation Department	Chris Yon	812-354-8034	cyon@pikeco.org
IV-D/Child Support	Summer Roelle	812-354-2780	summer.roelle@csb.dcs.in.gov
Extension Office	Brooke Goble	812-354-6838	bgoble5@purdue.edu
Treasurer's Office	Susan Brittain	812-354-6363	pctre@pikecounty.in.gov
Auditor's Office	Judy Gumbel	812-354-6451	jgumbel@pikecounty.in.gov
Assessor's Office	Mike Goodpaster	812-354-6584	assessor@pikecounty.in.gov
Recorder's Office	Misty Coleman	812-354-6767	mcoleman@pikecounty.in.gov
Clerk's Office	Alan Evans	812-354-6025	aevans@pikecounty.in.gov
Circuit Court	Judge Biesterveld	812-354-6026	
Park & Recreation	Dori Onyett	812-354-6798	pridescreekadmin@pikecounty.in.gov
Prosecutor's Office	Darrin McDonald	812-354-8761	
Small Claims Court	Judge Gilmore	812-354-8480	
Custodian	Jerry Blackwell	812-354-8510	
Surveyor's Office	Rich Williams	812-354-9736	surveyor@pikecounty.in.gov
Sheriff's Office	Jason McKinney	812-354-6024	jmckinney@pikecountysheriffsoffice.com
EMS	Chris Young	812-354-8796	cyoung@pikecountyems.com
Highway Garage	Josh Byrd	812-354-9743	josh.byrd@pikecounty.in.gov
Pike County Environmental Mgmt.	Cinda Knight	812-354-2924	pikeswmd@pikecounty.in.gov
Pike County Soil & Water	Amity Traylor	812-354-6120	amity.traylor@in.nacdnet.net

6. **Title VI Compliance Review Process**

Once formally adopted, Pike County will provide an internal assessment of its Title VI compliance effort.

7. **External Complaint Process**

Pike County will promptly investigate all properly submitted complaints of alleged discrimination. Pike County will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint.

a. Complaint Investigation Procedures

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

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and its related statutes, regulations and directives; the American with Disability Act of 1990, as amended; and Section 504 of the Vocational Rehabilitation Act of 1973. These procedures do not affect the right of the Complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant.

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

b. Who May File a Complaint

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

c. Timeliness of Complaints

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

d. Location/Availability of Complaint Forms

Pike County will make complaint forms available via email, fax or United States mail. Persons may contact the Title VI/ADA Coordinator to request a copy of the complaint form. Copies of the complaint forms in alternative methods may be available upon request.

e. How to File a Complaint

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

Direct Title VI and/or ADA Complaints to:
Kristi Dischinger, Title VI/ ADA Coordinator
Pike County Commissioners' Office
801 E Main Street
Petersburg, IN 47567
kdischinger@pikecounty.in.gov
812-354-8448

f. Elements of a Complete Complaint

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

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

- The full name and address of the complainant
- The full name and address of the respondent, the individual, agency,

department, or program that allegedly discriminated against said complainant; and

- A description of the alleged discriminatory act(s) that violated the complainant's Title VI rights and the date of occurrence.

The following items are not acceptable as a complete complaint:

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

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

g. Processing Complaints

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

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

h. Corrective Action

If Pike County recommends corrective action, the County will give the respondent 30 calendar days to inform the County of the actions taken for compliance. The Title VI/ADA Coordinator shall monitor the respondent's corrective action compliance. Corrective action may include actions that the respondent will complete at a future date of the initial 30 days and must include project time in which the respondent will complete the action. If the respondent has not taken the recommended corrective action within the 30 day period allowed, Pike County will for the respondent to be in compliance with Title VI and its implementing regulations. Noncompliance not corrected by informal means as described above may be subject to sanctions as per 49 CFR § 21.13.

i. Pre-Investigative/Administrative Closures

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

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

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

j. Confidentiality

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

k. Records

Pike County shall maintain all records of an investigation in a confidential area for three years after the completion of the investigation

8. Community Involvement and Outreach

Pike County created a website which now allows us to post our ADA & Title VI plans, complaint forms & procedures, and awareness notices instantly for public viewing. www.pikecounty.in.gov

9. Dissemination of Information

The Title VI Manager works with staff to disseminate Title VI program information to employees including contractors, subcontractors, consultants, and sub-consultants as well as the public. Internally, the Title VI Plan is provided to Pike County employees during onboarding. The Plan is also made available on Pike County's website. Publicly disseminated information includes postings of official statements & the inclusion of Title VI language in contracts or other agreements.

Pike County's website is designed to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on Pike County's website includes:

- Pike County's Title VI Plan
- Title VI and Related Statutes Nondiscrimination Statement
- Title VI Nondiscrimination Assurances
- INDOT's External Discrimination Complaint Form

10. Limited English Proficiency

Pike County has prepared this plan in accordance with Title VI of the Civil Rights Act of 1964, as amended, which states that no person shall be subjected to discrimination on the basis of race, color, or national origin. The purpose of this plan is to help identify reasonable steps for providing language assistance to individuals with limited English proficiency who wish to access services provided by Pike County.

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 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.

FOUR-FACTOR LEP ANALYSIS

In order to prepare this plan, Pike County utilized the U.S. Department of Transportation four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons eligible to be served or likely to encounter a Pike County program, activity, or service.
2. The frequency with which LEP persons come into contact with Pike County programs, activities, or services.
3. The nature and importance of programs, activities or services provided by Pike County to the LEP population.
4. The resources available to Pike County and the overall costs to provide LEP assistance.

- *FACTOR 1 - The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Pike County program, activity, or service.*

Using 2020 census data, it has been estimated that Pike County's population was 12,250. The demographics by ethnicity indicate that 588 citizens were not Caucasian/white (4.8% of the total population). 154 citizens identified as not Hispanic & 180 citizens identified as Hispanic. Additionally, .6% of Pike County's population reported during census that they speak a language other than English. Therefore, it is estimated that 99.4% of Pike County's population speak English. Due to the small portion of non-English-speaking citizens, the county will continue to monitor the population growth and will make efforts to respond to the needs of non-English speaking citizens if such assistance is requested and is not deemed cost prohibitive; on a case-by-case basis.

- *FACTOR 2 – The frequency with which LEP persons come in contact with Pike County programs, activities, or services.*

Pike County uses a process to assess the frequency with which LEP individuals come in contact with any of our programs, activities, or services by utilization of the Voluntary Title VI Public Involvement Survey **(Appendix** H), regularly questioning department heads and elected officials on their department's encounters with LEP individuals, and asking that any requests for language assistance are reported to the Title VI Coordinator. Based on the results of our research and infrequent requests for translation services, there appears to be a minimal need for translation services from Pike County.

- *FACTOR 3 - The nature and importance of programs, activities or services provided by Pike County to the LEP population.*

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

- *FACTOR 4 - The resources available to Pike County and the overall costs to provide LEP assistance.*

Pike County has limited resources for in person translation services. Pike County will utilize language translation services or software available on mobile devices.

11. Section 504/Americans with Disabilities (ADA)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended, and the Americans with Disabilities Act of 1990, as well as any other local, federal, and state laws and regulations, Pike County will make every reasonable effort to ensure that no individual with a disability will be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of Pike County's programs or activities.

Pike County maintains a current ADA Transition Plan to ensure citizens have access to and understand the county's commitment to nondiscrimination on the basis of disability. For more information regarding Pike County's ADA policy, please visit the County's website at www.pikecounty.in.gov and select the ADA & Title VI Compliance page.

APPENDIX A

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

1. **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.

4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

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

6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United states Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Indiana Department of Transportation* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Indiana Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Indiana Department of Transportation its successors and assigns.

The Indiana Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and)* (2) that the Indiana Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of -the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

APPENDIX C

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 Pike County 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 case 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.

    a. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Pike County 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.*

    b. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, Pike County 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 Pike County and its assigns.*

(*Reverter 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.)

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 Pike County 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 of, 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 Non-discrimination covenants, Pike County will have the right to terminate the (license, permit, 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, Pike County will there upon revert to and vest in and become the absolute property of Pike County and its assigns.*

(*Reverter 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.)

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:

(1) 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.

(2) 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);

(3) Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);

(4) 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;

(5) The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);

(6) Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);

(7) 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);

(8) 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 at 49 C.F.R. parts 37 and 38;

(9) 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);

(10) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-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;

(11) 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);

(12) 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).

PIKE COUNTY TITLE VI COMPLAINT LOG							
Case No.	Investigator	Complainant	Sub-Recipient	Protected Category	Date Filed	Date of Final Report	Disposition

Pike County Title VI Complaint Procedure

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

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

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

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any department head or to the County Title VI/ADA Coordinator. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found in the Commissioners' Office on the first floor of the Pike County Courthouse. Individuals are not required to use the County's complaint form. If necessary, the County will help an individual reduce his or her complaint to writing for his/her signature.

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

Complaints should be directed to: Kristi Dischinger, County Administrator
Title VI/ADA Coordinator 801 E Main
Street Petersburg, IN 47567
Ph. 812-354-8448, Fax 812-354-6891
kdischinger@pikecounty.in.gov

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

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.

EXTERNAL COMPLAINT OF DISCRIMINATION

INSTRUCTIONS:

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

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

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

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to Pike County. Additionally, you have the right to see private counsel.

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

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

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

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

EXTERNAL COMPLAINT OF DISCRIMINATION
PIKE COUNTY GOVERNMENT
COMMISSIONERS' OFFICE

Kristi Dischinger, County Administrator
Title VI/ADA Coordinator
801 E Main St., First Floor
Phone: 812-354-8448, Fax: 812-354-6891
Email: kdischinger@pikecounty.in.gov

COMPLAINANT INFORMATION		
Name*(first, middle, last)*		
Address *(number and street, city, state, ZIP code)*	Home/Cell Number ( ) -	
	Work telephone number ( ) -	

PERSON/DEPARTMENT YOU BELIEVE DISCRIMINATED AGAINST YOU	
Name *(first, middle, last)*	
Title	Department
Address *(number and street, city, state, ZIP code)*	When was the last alleged discriminatory act? *(month, day, year)*
	Telephone number, if known ( ) -

Complaints of discrimination must be filed within 180 days 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.

_____

_____

_____

The alleged discrimination was based on:

☐ Race ☐ Color ☐ Age ☐ Gender ☐ National Origin

☐ Disability ☐ Ancestry ☐ Retaliation ☐ Religious Affiliation

Describe as clearly as possible what happened and why you believe you were discriminated against. Include all persons involved. If more space is needed, please use the back of this form.

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

Name of Witness 1 *(first, middle, last)*	Title
Name of Company	
Address *(number and street, city, state and ZIP code)*	
Home/Cell Phone Number ( ) -	Work Phone Number ( ) -

Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.

_____

_____

_____

Name of Witness 2 *(first, middle, last)*	Title
Name of Company	
Address *(number and street, city, state and ZIP code)*	
Home/Cell Phone Number ( ) -	Work Phone Number ( ) -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. _____ _____ _____	

How would you like your complaint to be resolved? _____ _____ _____

_____ _____

Signature of Complainant **Date**

Have you filed this complaint previously or with any other Federal, State or Local agency or court?	☐ Yes	☐ No
If yes, please provide the following information for each agency:		
Name of agency	Date complaint filed *(month, day, year)*	
Case number	Status of your complaint	

COMPLAINANT CONSENT / RELEASE FORM

Name *(first, middle, last)*	Telephone number ( ) -
Address *(number and street, city, state, ZIP code)*	
Case number (s) *(if known)*	

As a complainant, I understand that during an investigation it may become necessary for pike County to reveal my identity to individuals outside of Pike County Government tin the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for pike County to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant, I am protected by Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the nondiscrimination statutes enforced by Pike County.

Please read both paragraphs below, check your choice of CONSENT or CONSENT DENIED and sign below. (Please mark one)

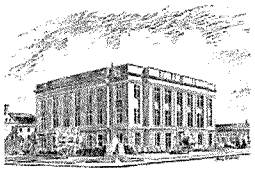
☐ CONSENT

I have read and understand the above information and authorize Pike County to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize Pike County to receive, review, and discuss material and information about me relevant to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.

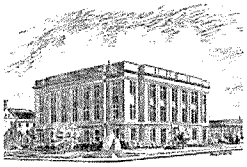
☐ CONSENT DENIED

I have read and understand the above information and do not want Pike County to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without Pike County making a determination in my case.

Signature	Date *(month, day, year)*



VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY



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

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

If you have any questions regarding Pike County's responsibilities under Title VI of the Civil Rights Act of 1964or the Americans with Disabilities Act, please contact Kristi Dischinger, Title VI/ADA Coordinator.

You may return the survey to the Commissioners' office located on the first floor of the Pike County Courthouse or by mail or email listed below.

Date: *(month, day, year)*	
Project Name:	
Proposed Project Location:	
Gender: ☐ Female ☐ Male	Ethnicity ☐ Hispanic or Latino ☐ Not Hispanic or Latino
Race: (Check one or more) ☐ American Indian or Alaska Native ☐ Asian ☐ Black or African-American ☐ Native Hawaiian or Other Pacific Islander ☐ White ☐ Multiracial	
Age: ☐ 1-21 ☐ 22-40 ☐ 41-65 ☐ 65+	Disability: ☐ Yes ☐ No
Household Income: ☐ 0-$12,000 ☐ $12,001-$24,000 ☐ $24,001-$36,000 ☐ $36,001-$48,000 ☐ $48,001-$60,000 ☐ $60,000+	

Kristi Dischinger ** 801 E Main St., Petersburg, IN 47567 ** 812.354.8448 **kdischinger@pikecounty.in.gov