



TITLE VI IMPLEMENTATION PLAN

CITY OF NEW ALBANY, INDIANA

March 2018

TABLE OF CONTENTS

TABLE OF CONTENTS	
Executive Summary	2
Title VI Policy Statement	3
Title VI Coordinator	4
Title VI Implementation	5-10
Appendix A – Title VI Policy & Assurances	A1-A3
Appendix B – Contractor Assurances	B1-B2
Appendix C – Clauses for Deeds Effecting or Recording the Transfer of Real Property, Structures, or Improvements	C1-C2
Appendix D – Clauses for Deeds, Licenses, Leases, Permits, or Similar Instruments Entered into by the City of New Albany	D1-D2
Appendix E – Title VI Employee Acknowledgement	E1
Appendix F – Title VI Compliant Form	F1-F2
Appendix G- Title VI Complaints & Investigations Summary Log	G1
Appendix H – Title VI Employee Training Summary Log	H1
Appendix I – Definitions	I1-I3



Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin, in programs and activities receiving federal financial assistance. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not. As a condition of federal grant funding the City of New Albany must have a Title VI Plan to implement federal Title VI non-discrimination and environmental justice requirements. Environmental justice includes the need to identify and address the effects of programs, policies, and activities on minority and low-income populations and ensure full and fair participation by these populations during the decision-making process. In drafting this Title VI Plan, Staff findings and recommendations were presented to the New Albany Board of Public Works and Safety. Public input opportunities were advertised and encouraged. A final draft, including public input, was then adopted by the New Albany Board of Public Works and Safety.

TITLE VI POLICY STATEMENT

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 USC Section 2000d). Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, the City of New Albany, Indiana, hereinafter referred to as “City of New Albany,” will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status.

Title VI Coordinator

The Title VI Coordinator for the City of New Albany is as follows:

Scott Wood
Title VI Coordinator
City of New Albany
311 Hauss Square, Room 329
New Albany, Indiana 47150
Voice: 1(812) 948-5333
Email: swood@cityofnewalbany.com

The City of New Albany Title VI Coordinator will:

- ✓ Administer and implement the City of New Albany's Title VI plan and policy.
- ✓ Work with all department heads to ensure departments are implementing, monitoring, and complying with the City of New Albany's Title VI plan and policy.
- ✓ Conduct Title VI yearly reviews with department heads to assist with identifying, addressing, and eliminating discrimination concerns in every department.
- ✓ Conduct or facilitate Title VI training programs with department heads for dissemination to employees.
- ✓ Work with department heads to ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation.
- ✓ Ensure Title VI language is included in City of New Albany contracts.
- ✓ Collect, review, and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure the City of New Albany's continued compliance with Title VI.
- ✓ Collect, review, and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years.
- ✓ Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, complaints, and all correspondence regarding such, requests for language services, demographic statistics, department compliance reviews, and all Title VI federal agency correspondence and records.
- ✓ Address all Title VI discrimination complaints.
- ✓ Review and update the Title VI plan and policy as needed or required.
- ✓ Prepare and submit the annual Title VI update report including goals and accomplishments.

Employer/Employee Dissemination & Training

Title VI plan and policy education and literature will be provided to all City of New Albany employees. City of New Albany employees will be required to sign an acknowledgement (Appendix) of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as the City of New Albany deems necessary. Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, City of New Albany employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints, or allegations of discrimination.

Contractors, Subcontractors, Vendors, & Consultants

All contractors, subcontractors, and vendors who receive payments from the City of New Albany where funding originates from any Federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. The City of New Albany will include Title VI language, as per the Standard US DOT Title VI Assurances Appendices B, C, & D, as relevant and appropriate, in written agreements and bid notices. Written agreements relevant to Title VI shall not contain any form of discrimination, either written or implied.

Concerns/Complaint Process

The City of New Albany will take prompt and reasonable actions to thoroughly investigate concerns and complaints. Any individual who believes they have been subjected to discrimination may file a complaint with the City of New Albany Title VI Coordinator. Complaint forms (Appendix F) can be found on the City of New Albany website, <http://www.cityofnewalbany.com>, or by contacting the City of New Albany Title VI Coordinator. In order for the complaint to be considered, the complainant must file the appropriate documentation:

1. Within 180 days of the alleged act of discrimination; or
2. Where there has been a continuing course of alleged discriminatory conduct on the date in which the alleged conduct was discontinued.

Complaints shall be made in writing and shall be signed by the complainant and/or the complainant's representative. Complaints must contain the following and describe as completely as possible the facts and circumstances surrounding the alleged discrimination:

TITLE VI IMPLEMENTATION

- Name of the complainant.
- Contact information (telephone number, address, email address).
- Basis for the allegation(s) (i.e., race, color, national origin, gender, age, etc.).
- A detailed description of the alleged discrimination (how, when, where, and why they believe they were discriminated against including the location(s), name(s), and contact information of all witnesses, if applicable).
- Any other information that is deemed significant.

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the City of New Albany Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the City of New Albany Title VI Coordinator will assist the complainant in completing a written statement. Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has sixty (60) business days to respond to the request for additional information. A complainant's failure to respond to the request within sixty (60) business days may result in the administrative closure of the complaint.

If the City of New Albany does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state, or federal agency holding such jurisdiction. The Title VI Coordinator will notify the complainant or their representative, in writing, that the complaint is outside of the City of New Albany's jurisdiction and where the complaint has been referred for further handling. The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside the City of New Albany's jurisdiction and based upon the information obtained will render a final written response letter to the complainant or their representative by registered mail or hand delivery within sixty (60) business days. The final written response will include a description of the complaint, a summary of the investigation, and the findings of such, summaries of all individuals interviewed, and if appropriate, recommendations and resolutions. All written complaints, investigations, and responses, will be retained by the City of New Albany for at least three (3) years. A complainant's identity shall be kept confidential except to the extent necessary to complete the investigation. If it is necessary to disclose the complainant's identity to the alleged person who may have discriminated or a third-party, the City of New Albany must first obtain the complainant's written consent. The City of New Albany must also obtain the complainant's written consent before providing a copy of the complaint to any other individual(s) involved with the investigation. If a complainant is dissatisfied with the final resolution of the complaint, they have the right to file a complaint with the following:

Department of Justice
Federal Coordination and Compliance Section - NWB
Civil Rights Division
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Public Dissemination

Title VI information shall be displayed in the City of New Albany facilities and all places in which public meetings are held. The name and contact information of the City of New Albany Title VI Coordinator will be displayed on the Title VI information. The City of New Albany Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan, and complaint procedures, is available on the City of New Albany website at <http://www.NewAlbanyindiana.us>. Copies of any of these plans will be provided upon request. LEP individuals may obtain translated copies of these plans upon request. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

Community Involvement & Outreach

The City of New Albany is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs, and activities will provide equitable opportunities for participation. The New Albany City Council and other City boards and commissions meet regularly and those meetings are open to the public. Any meetings that are open to the public are published on the City of New Albany's website calendar page and also distributed to local media outlets. Meeting minutes are published on the website as well. All City of New Albany public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance. Social media websites are also used as another avenue to communicate with the community.

Data Collection

Pursuant to 23 CFR 200.9 (b) (4), the City of New Albany shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities. The Title VI Coordinator will monitor demographic information for the City of New Albany and make adjustments as LEP (limited English proficiency) populations are identified. The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics, and department compliance reviews.

Section 504/Americans with Disabilities Act (ADA)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, the Americans with Disabilities Act of 1990, as well as any other local, federal, and state laws and regulations, the City of New Albany 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 the City of New Albany's programs or activities. For more information regarding the City of New Albany's ADA policy, please visit the City of New Albany's website at <http://www.cityofnewalbany.com> to view the City of New Albany's ADA Transition Plan and compliance statement. ADA complaints can be directed to the City of New Albany's ADA Coordinator:

Scott Wood
ADA Coordinator
City of New Albany
311 Hauss Square, Room 329
New Albany, Indiana 47150
Voice: 1(812) 948-5333
Email: swood@cityofnewalbany.com

Limited English Proficiency (LEP) Plan

The City of New Albany 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 service provided by the City of New Albany.

Presidential Executive Order No. 13166, titled "Improving Access to Services for Persons with Limited English Proficiency" indicates that individuals treated differently based on 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, write, or understand English. In order to prepare this plan, the City of New Albany used the US Department of Transportation four-factor LEP analysis which considers the following factors:

TITLE VI IMPLEMENTATION

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a City of New Albany program, activity, or service.
2. The frequency in which LEP persons come in contact with City of New Albany programs, activities, or services.
3. The nature and importance of programs, activities, or services provided by the City of New Albany to the LEP population.
4. The resources available to the City of New Albany and the overall costs to provide LEP assistance.

Using the 2009-2013 American Community Survey, it has been estimated that 4% of the City of New Albany's population, age five (5) years and older, speak a language other than English. Therefore, it is estimated that 96% of the City of New Albany's population, age five (5) and over, speak only English.

The City of New Albany assesses the frequency with which LEP individuals come in contact with any of our programs, activities, or services. This has been accomplished by surveying staff to see if they have had any correspondence with city residents in which language barriers existed. Based on the results of our research, the City of New Albany has minimal contact with LEP individuals. The minimal times the City has had contact with LEP individuals, staff was able to accommodate the language barrier.

The City of New Albany is responsible for all roads and small structures (less than 20 foot span) within the City of New Albany which are not state highways. The City is also responsible for sidewalks, trails, public right-of-way and parks. The City of New Albany strives for safe and accessible roads, sidewalks, and trails, and continues to work to improve the transportation infrastructure for the residents of New Albany. Transportation is critical to the public as it provides access to emergency services (fire, police, etc.), health care, employment, and other essential individual needs. If this information is not accessible to people with LEP, or if language services in these areas are delayed, the consequences to the individuals relying on these services could be life-threatening.

The analyses of the four factors suggest that LEP services are not substantiated in the City of New Albany at this time. The City of New Albany, however, is committed to the following:

- ✓ To offer, upon request, translators free of charge for City of New Albany public meetings, programs, and activities if requested within forty-eight (48) hours in advance.
- ✓ To monitor our demographics and make adjustments as necessary as LEP populations grow.
- ✓ To monitor our website and make adjustments as necessary to ensure information is accessible to LEP individuals.

The City of New Albany is aware that the community profile is ever-changing; therefore, this LEP Plan and the four factor analysis will be re-evaluated on an annual basis to ensure that the plan remains reflective of the community's needs. Individuals requiring special language services or accommodations should contact the City of New Albany's Title VI Coordinator.



APPENDIX A

TITLE VI POLICY & ASSURANCES

Title VI Policy and Assurances

The City of New Albany (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 40, 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 (hereinafter referred to as the “Regulations”) and other pertinent directives, to the end that is in accordance with the Act, Regulations, and other pertinent directives, 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 the appropriate Grantor(s)” 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 the “appropriate Grantor(s):”

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(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 “appropriate Grantor(s)” and, in adapted form in all proposals for negotiated agreements:

Recipient, 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 bidden that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix B of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix C 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 acquisitions of real property or an interest in real property, the Assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix D 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 “appropriate Grantor(s)” and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the “appropriate Grantor(s).”
8. The 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 “appropriate Grantor(s)” and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the “appropriate Grantor(s)”. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

NEW ALBANY BOARD OF PUBLIC WORKS AND SAFETY:

Warren Nash, President

Mickey Thompson, Member

Cheryl Cotner Bailey, Member



APPENDIX B

CONTRACTOR ASSURANCES

Contractor Assurances

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, or national origin 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, or national origin.
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 City of New Albany and 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 the City of New Albany and 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 City of New Albany

shall impose such contract sanctions as it and the INDOT 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 directive issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the City of New Albany and INDOT or the 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 directions, the contractor may request the City of New Albany to enter into such litigations to protect the interests of the City of New Albany and, in addition, the contractor may request the United States to enter into such litigations to protect the interests of the United States.

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



APPENDIX C

***CLAUSES FOR DEEDS EFFECTING OR RECORDING
THE TRANSFER OF REAL PROPERTY, STRUCTURES,
OR IMPROVEMENTS***

Clauses for Deeds Effecting or Recording the Transfer of Real Property, Structures, or Improvements

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

GRANTING CLAUSE

GRANTING CLAUSE NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the City of New Albany will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, 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 (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 City of New Albany all the right, Title and interest of the Department of Transportation in and said lands described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the City of New Albany 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 the Federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the City of New Albany, its successors and assigns.

The City of New Albany, 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 be excluded from participation in, be denied the benefits of or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,](and)¹ (2) that the City of New Albany shall use the 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 of 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 non-discrimination 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.¹

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



APPENDIX D

***CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS,
OR SIMILAR INSTRUMENTS ENTERED INTO
BY THE CITY OF NEW ALBANY***

Clauses for Deeds, Licenses, Leases, Permits, or Similar Instruments Entered into by the City of New Albany

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of New Albany pursuant to the provisions of Title VI Assurances, item 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for himself, his heirs, personal representatives, successors in interest and assigns, as a part of 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 of 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 1963, and as said Regulations may be amended.

The following shall be included in all licenses, leases, permits, etc.¹:

That in the event of breach of any of the above nondiscrimination covenants, the City of New Albany shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

The following shall be included in all deeds¹:

That in the event of breach of any of the above nondiscrimination covenants, the City of New Albany shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the City of New Albany and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the City of New Albany pursuant to the provisions of Title VI Assurance 7(b)¹:

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 (1) no person on the ground of race, color, or national origin 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



APPENDIX E

TITLE VI EMPLOYEE ACKNOWLEDGEMENT

Title VI Employee Acknowledgement

City of New Albany, Indiana
An Equal Opportunity Employer

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 U.S.C. Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, the City of New Albany will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, or national origin. All City of New Albany employees are expected to consider, respect and observe this policy in their daily work responsibilities and interactions with other employees and the public. City of New Albany employees should work to prevent and alleviate any barriers to service or public use that would restrict public access or usage and take prompt and reasonable action to avoid or minimize discrimination incidences. If another employee or citizen approaches with a question, concern or complaint regarding discrimination, please refer them to the City of New Albany’s Title VI Coordinator:

Scott Wood
Title VI Coordinator
City of New Albany
311 Hauss Square, Room 329
New Albany, Indiana 47150
Voice: 1(812) 948-5333
Email: swood@cityofnewalbany.com

Employee Name: _____ Date: _____

Employee Signature: _____ Date: _____

****Employee signature confirms receipt and understanding of Title VI Plan and Policy.**



APPENDIX F

TITLE VI COMPLAINT FORM



Title VI Complaint Form

Today's Date:

Complainant:

Name:

Address:

City, State, Zip:

Telephone and E-mail:

Individual Discriminated Against:

Name:

Address:

City, State, Zip:

Telephone:

Alleged Violation:

Date of Occurrence(s):

Has Complaint been Filed with State or Federal Agency: ☐ Yes ☐ No

Name of Agency: _____

Please Indicate why you believe the discrimination occurred:

- ☐ Race
- ☐ Color
- ☐ National Origin
- ☐ Other - Please explain

Please describe the alleged discrimination. Be as specific as possible in explaining what happened and whom you believe was responsible (attach additional pages if needed).

Please list any and all witnesses' names, phone numbers, and email addresses:

What type of remedy would you suggest?

Please attach any documents or other information that you believe is relevant to your complaint. Please sign, date, and send your complaint to:

Scott Wood
Title VI Coordinator
City of New Albany
311 Hauss Square, Room 329
New Albany, Indiana 47150
Voice: 1(812) 948-5333
Email: swood@cityofnewalbany.com

Complainant Name (Print)

Complainant Name (Signature)

Date



APPENDIX G

TITLE VI COMPLAINTS & INVESTIGATIONS SUMMARY LOG

[illegible]



APPENDIX H

TITLE VI EMPLOYEE TRAINING SUMMARY LOG

[illegible]



APPENDIX I

DEFINITIONS

Definitions

Complaint

Complaints under Title I must be filed with the EEOC within 180 days of the date of the discrimination, or 300 days if the charge is filed with a designated State or local fair employment practice agency. Lawsuits can only be filed in Federal court after an individual has received a 'right to sue' letter from the EEOC.

Disparate Impact

Facially-neutral policies, programs and practices that adversely impact protected classes. No discriminatory intent but discrimination results.

Disability

With respect to an individual: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Discrimination on the Basis of Disability

The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and tele-communications.

Essential Functions

The minimum required duties and abilities necessary to perform the tasks of the job. Essential functions of a job can often be determined by writing accurate job descriptions to determine which tasks are major parts of the job and which are not. Factors to consider include the percentage of time spent performing those duties, the qualifications required to do these tasks, and whether the job exists in order to have these duties performed.

Having a Record of Impairment

Persons who have a history of, or have been classified or misclassified as having, a physical or mental impairment that substantially limits one or more major life activities. It includes persons who have had a disabling impairment but have recovered in whole or in part and are not now substantially limited. It also includes persons who have been incorrectly classified as having a disability.

Impairment

A physical or mental impairment means any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major Life Activities

Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Physical or Mental Impairments

Term used in the ADA definition of disability. Includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Program Accessibility

A public entity’s services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as program accessibility, applies to all existing district facilities.

Qualified Individual with a Disability

An individual who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. The ADA prohibits discrimination on the basis of disability against a qualified individual.

Reasonable Accommodation

Changes or adjustments in a work or school site, program, or job that makes it possible for an otherwise qualified employee or student with a disability to perform the duties or tasks required.

Record of Impairment

Persons who have a history of, or have been classified or misclassified as having, a physical or mental impairment that substantially limits one or more major life activities; includes persons who have had a disabling impairment but have recovered in whole or in part and are not now substantially limited. It also includes persons who have been incorrectly classified as having a disability.

Substantial Limitations of Major Life Activities

An impairment is substantially limiting when it prevents an individual from performing a major life activity or when it significantly restricts the condition, manner, or duration under which an individual can perform a major life activity.

Undue Burden

With respect to complying with Title II or Title III of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include: the nature and cost of the action; the overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site; the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity; if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and if applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.