

# City of Shelbyville, Indiana



## Title VI Program and Implementation Plan With Accomplishments and Goals Reporting

Original Preparation: December 21, 2016

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## **Title VI Policy Statement**

Title VI of the Civil Rights act of 1964 prohibits discrimination on the basis of race, color, national origin, disability, sex, age, low income status or limited English proficiency in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that 'no person in the United States shall, on the ground of religion, race, color, national origin, disability, gender, age, low income status or limited English proficiency 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).

The City of Shelbyville, Indiana is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap, low income status or limited English proficiency as protected with Title VI.

This plan was developed to guide the City of Shelbyville, Indiana in its administration and management of Title VI- related activities.

A handwritten signature in black ink, appearing to read 'T. DeBaun', is written over a horizontal line.

Mayor Tom DeBaun

A handwritten date '5-31-2016' in black ink is written over a horizontal line.

Date

## **Organization and Staffing**

Mayor Tom DeBaun of the City of Shelbyville, Indiana is responsible for ensuring the implementation of the City's Title VI Program.

City Engineer Matt House, serves as the Title VI Coordinator, on behalf of Mayor Tom DeBaun, and is responsible for the overall management of the Title VI Program to ensure compliance with provisions of the City's policy of non-discrimination with the law, including the requirement of 23 code of Federal Regulation (VFR) 200 and 49 code of Federal Regulation 21. The Contact information is as follows:

Matt House  
Title VI Coordinator  
44 West Washington St.  
Shelbyville, IN 46176  
317-392-5102  
[mhouse@cityofshelbyvillein.com](mailto:mhouse@cityofshelbyvillein.com)

## **Title VI Coordinator Responsibilities**

The Title VI Coordinator is responsible for implementing, monitoring, and ensuring the City's compliance with Title VI regulations and the overall administration of the Title VI Program and Standard U.S Title VI assurance (Exhibit 1). This includes the completion of the following activities:

- Program Administration- Administer the Title VI Program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI recommendations as required to the Mayor.
- Data Collection- Review and analyze the statistical data gathering process performed by the Title VI Liaisons (Department Heads) periodically to ensure sufficiency of data for meeting the requirements of the Title VI program administration. Document the analysis for the Federal Highway Administration (FHWA).
- Training Programs- Conduct or facilitate training programs on Title VI current and new regulations for City employees; and facilitate Title VI training for Title VI Liaisons, contractors, and sub recipients. A summary of training conducted will be reported in the annual update to INDOT.
- Title VI Plan Update- Review and update the Title VI Plan annually as needed or required. Present the updated plan to the Mayor for approval; submit amended Plan to INDOT as required.



- Reporting- The Title VI Coordinator may conduct reviews of the City's Title VI Program to assess for Title VI compliance to assure effectiveness in compliance with Title VI provisions. The Title VI Coordinator and the Title VI Liaisons will coordinate efforts to ensure the requirements of Title VI are met.
- The Title VI Coordinator will prepare an annual summary to report accomplishments and changes to the program during the preceding year. This summary will also include goals and objectives for the upcoming year.
- Public Dissemination- Work with the Title VI Liaisons to develop and disseminate Title VI Program information to the City employees and sub-recipients, including contractors, subcontractors, consultants, sub-consultant and the general public. Public dissemination may include postings of official statements, inclusions of Title VI language in contracts or other agreements, website postings, and an annual publication of the City's Title VI policy statement in the newspaper and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and where appropriate provide written or verbal information in languages other than English. (See Exhibit 2 for the City's Title VI Notice to the Public)
- Complaints- the Title VI Coordinator will ensure the Complaint Procedure for filing, review and investigating Title VI Complaints received by the City of Shelbyville will follow procedural guidelines, and ensure every effort is made to resolve complaints and properly document and maintain a log of all complaints.
- Elimination of Discrimination- Work with the Title VI Liaisons to establish procedures for promptly resolving deficiencies as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in the City's processes.
- Develop and implement the City of Shelbyville's Limited English Proficiency (LEP) Plan; provide training to the Department heads on procedure to follow when a person requests an interpreter.
- Establish procedures for reviewing contracts with sub-recipients, special interest programs and activities to include Title VI assurance;
- Attend Title VI Training as required by INDOT.

## Department Head (Title VI Liaison) Responsibilities

The Department Heads are as follows:

NAME	TITLE	CONTACT #	EMAIL ADDRESS
Bradley Fix	WRRF	317-392-5131	befix@cityofshelbyvillein.com
Jennifer Jones	Street Commission	317-392-5169	jjones@cityofshelbyvillein.com
Tony Logan	Fire	317-392-5119	tlogan@cityofshelbyvillein.com
Karen Martin	Parks & Recreation	317-392-128	kmartin@cityofshelbyvillein.com
Matt House	City Engineer	317-392-5102	mhouse@cityofshelbyvillein.com
Derrick Byers	MS4	317-392-5102	dbyers@cityofshelbyvillein.com
Jody Branum	Personnel	317-398-6624	jbranum@cityofshelbyvillein.com
Trent Meltzer	City Attorney	317-392-6624	tmeltzer@cityofshelbyvillein.com
Bryant Niehoff	Building & Plan Commission	317-392-5102	bniehoff@cityofshelbyvillein.com
Mark Weidner	Police	317-3644-4640	mweidner@cityofshelbyvillein.com
Keith Barrett	Animal Shelter	317-392-5127	kbarrett@cityofshelbyvillein.com

Each Department Head within the City of Shelbyville are responsible for the following under Title VI:

- Ensuring all City Contract documents contain the appropriate Title VI provisions;
- Consulting with the Mayor and the Title VI Coordinator when Title VI complaints are received or issues arise;
- Ensure that all people are treated equitably regardless of race, color, national origin, disability, gender, age, low income status, or limited English proficiency;
- Develop and update internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.;
- Ensure all business pertaining to the selection, negotiation and administration of consultant contracts and agreements is accomplished without discrimination based on race, color, national origin, disability, gender, age, low income status, or limited English proficiency;
- Ensure internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference; and
- Provide information in the appropriate language or interpreters as needed for individuals and LEP persons.



## **Department Head (Title VI Liaisons) Reporting**

The Departments Heads must submit the Title VI Compliance Review Form (Exhibit 6) to the Title VI Coordinator to be used as an assessment tool to determine whether the departments are in compliance with Title VI and to ascertain instances where the Title VI Coordinator may provide training to help the Departments Heads achieve its Title VI goals and maintain compliance. The Title VI Coordinator will review the data collection procedures for each department periodically to ensure compliance with the City of Shelbyville's Title VI Program requirements. The Departments Heads should prepare the report and submit it annually on or around June 30<sup>th</sup> of each year.

The following information should be included in each annual report submitted:

- Number of federally funded projects awarded during the past year.
- Number of Title VI complaints received during the past year.
- Attendance at public meeting/hearings tracked and broken down by ethnicity, race, gender, and disability.
- Statistical data collected on ethnicity, race, gender, and disability for communities impacted by construction projects.
- Does your staff understand the Title VI Policy and procedures set in place for the City?
- Statistical data collected on ethnicity, race, gender, and disability for all right-of-way relocates.
- Proof of public dissemination of the Title VI policy or policy statement.
- Information concerning the dissemination of copies of The Civil Rights Act of 1964 non-discrimination statement;
- Information on number of individuals who received Title VI training in each department including attendees, dates, and locations.
- Information on number of LEP persons needing assistance including service used and related cost;
- A description of the communication needs of LEP persons;

## **Training**

The Title VI Coordinator will make Title VI Programs and the LEP Plan training available to employees, contracts, sub-recipients, and the Title VI liaisons. The Training will be documented on the Training log (Exhibit 8). The training will provide information on Title VI provisions and operation and identifying Title VI

issues and resolution of complaints. A summary of the training conducted will be included in the annual summary.

## **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 1987, 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 the City 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 City supervisor or the City's Title IV Coordinator. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found at City Hall, 44 W. Washington St. and online at [www.cityofshelbyvillein.com](http://www.cityofshelbyvillein.com). Individuals are not required to use the City's complaint form. If necessary, the City will help an individual reduce his or her complaint to writing for his or her signature.

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

### **Complaints should be directed to:**

**Matt House  
44 W. Washington St.  
Shelbyville, IN 46176  
Phone: (317) 392-5102**



**Fax: (317) 392-5110**  
**mhouse@cityofshelbyvillein.com**

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

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with the following governmental agencies:

Indiana Department of Transportation  
Economic Opportunity Division  
100 N. Senate, Room N750  
Indianapolis, IN 46204  
Phone: (317) 233-6511  
Fax: (317) 233-0891

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
Indianapolis, IN 46204  
Phone: (800) 669-4000  
Fax: (317) 226-7953  
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission  
100 N. Senate Ave., Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336

## **Records**

The Title VI Coordinator shall maintain all records of an investigation in a confidential area for three years after the completion of the investigation.

## **Public Participation and Outreach**

The City will provide an opportunity for public involvement and access to the transportation decision making process in every stage of the planning and development of transportation projects to everyone, including minority or low-income communities and populations who are not proficient in English.

The City will educate the public on its Title VI plans, goals, and accomplishments through news releases, social media, and public meetings.

The City will develop a Public Participation Plan with maps of EJ and LEP populations (based upon the most recent Census data) that details how public participation is solicited, captured, and utilized.

## **Title VI Civil Rights Compliance Reviews**

The City of Shelbyville, Indiana performs annual reviews to determine overall compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination against person(s) based on race, color, national origin, disability, sex, age, low income status or limited English proficiency in programs or activities, receiving Federal financial assistance. The City of Shelbyville performs annual reviews through interviews and document reviews within each department.

## **Environmental Justice (EJ)**

Minority and low income information is included on Public Involvement Surveys and as a part of the demographic data collected where demographic data collection is an appropriate and necessary part of Title VI compliance efforts. The City will collect data for the purpose of determining EJ impacts.

Data collected will be analyzed to conduct an appropriate benefits and burdens analysis. When an issue arises, via complain or otherwise, the City will evaluate whether or not changes in policy or practice are appropriate as part of the resolution of the issue.

## **Limited English Proficiency (LEP)**

This Limited English Proficiency Plan has been prepared to address the City of Shelbyville, Indiana responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights discrimination on the basis of race, color. National origin, disability, sex, age, low income status or limited English proficiency under any program or activity that receives federal financial assistance.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipient clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all City of Shelbyville departments and divisions receiving federal grant funds.

In developing the plan while determining the City of Shelbyville's extent of obligation to provide LEP services, the City of Shelbyville undertook the U.S. Department of Transportation's four-factor analysis which considers the following facts:

- 1. The number or proportion of LEP person in the service area who may be served or are likely to encounter a City program, activity, or service.**
- 2. The frequency with which LEP individuals come in contact with a City program, activity, or service.**
- 3. The nature and importance of the program, activity, or service provided by the City to LEP community.**
- 4. The resources available to the City and overall cost to provide LEP assistance.**

## **Language Assistance**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the City of Shelbyville's programs and activities. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer or a message from one language into another language. The City of Shelbyville will determine when interpretation and/or translation are needed and are reasonable. How the City of



Shelbyville staff may identify if an interpreter is needed or if an LEP person needs language assistance:

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

Although there is a very low percentage in the City of Shelbyville of LEP individuals, that is, persons who speak English “not well” or “not at all”, the City of Shelbyville will strive to offer language assistance using the following measures.

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

## **Title VI Goals/Accomplishments**

The City will publish annually its Annual Goals and Accomplishments Report.

## **Exhibit 1**

### **City of Shelbyville, Indiana**

#### **Standard U.S. Dot Title VI Assurances**

The City of Shelbyville, Indiana (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 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, 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 (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of religion, race, color, national origin, sex (23 USC 324), sexual orientation, gender identity (Executive Order 13672), age (42 USC 6101, disability/handicap (29 USC 790) and low income (Executive order 12898) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under an program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Indiana Department of Transportation, and HEREBY GIVES ASSURANCES THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 of Federal Regulations, subsection 21.7(a) (1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, a copy of which is attached.

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

1. That the Recipient agrees that each “program” and each “facility as defined in subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirement 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 all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The City of Shelbyville, Indiana, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office 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, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in consideration for an award.


3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance. 'As a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Aid Highway program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the secretary of Transportation or the official to whom he 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 and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal Aid Highway program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the federal Aid Transportation program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

A handwritten signature in black ink, appearing to be 'Tom DeBaun', written over a horizontal line.

Mayor Tom DeBaun

A handwritten date 'JUNE 28, 2016' in black ink, written over a horizontal line.

Date

## APPENDIX A

The City of Shelbyville, Indiana will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of federal financial assistance:

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 Regulation, 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, materials, and leases of equipment, The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 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, or 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 City of Shelbyville, Indiana or the Indiana Department of Transportation (hereinafter, “INDOT”) or the Federal Highway Administration (FWHA) 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 verify to the City of Shelbyville Indiana, or the Indiana Department of Transportation or the Federal Highway Administration 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 Shelbyville, Indiana shall

impose such contract sanctions as it or INDOT or FHWA may determine to be appropriate, including, but not limited to :

- a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. Cancellation, termination or suspension of the contract, in whole or in part.

**6) Incorporation of Provisions:** The Contractor shall include the provisions or 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 subcontractor procurement as the City of Shelbyville, Indiana or INDOT or FHWA may direct as a means of enforcing such provision including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the City of Shelbyville, Indiana to enter into such litigation to protect the interests of the City of Shelbyville, Indiana, 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

*When the City of Shelbyville, Indiana is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:*

- A. The following clauses shall be included in any and all deed 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 City of Shelbyville, Indiana 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 Program and the policies and procedures prescribed by INDOT or FHWA and, also in accordance with an 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 Shelbyville, Indiana 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 City of Shelbyville, Indiana 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 City of Shelbyville, Indiana and its successors and assigns.

The City of Shelbyville, Indiana, in consideration or 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- (2) that the City of Shelbyville, Indiana 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- (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.



## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of Shelbyville, Indiana pursuant to the provision of Assurances 7(a).

The (grantee, licensee, permittee, etc., as appropriate) for himself, his 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 as “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, 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.

[Include in licenses, leases, permits, etc.]\*

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

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, the City of Shelbyville, Indiana shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolutely property of the City of Shelbyville, Indiana and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the City of Shelbyville, Indiana pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall be excluded from participation in denied the benefits of, or he otherwise subjected to discrimination in the use of



said facilities, (2) that in the construction of race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, 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, 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.

[Include in licenses, leases, permits, etc.]\*

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

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, the City of Shelbyville, Indiana shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the City of Shelbyville, Indiana and its assigns.

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\*Reverter clause and related language to be used on 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.

## **Exhibit 2**

### **City of Shelbyville, Indiana Title VI Notice to the Public**

The City of Shelbyville, Indiana hereby gives public notice that it is the City's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, The Civil Rights Restoration Act of 1987, and the related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, national origin, disability, sex, age, low income status, or limited English proficiency be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any Federal Aid Highway Program or other activity for which the City of Shelbyville, Indiana receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Shelbyville, Indiana. Any such complaint must be filed with the City of Shelbyville, Indiana within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint forms may be obtained from the City of Shelbyville, Indiana at no cost to the complainant by calling 317-392-5102 or emailing [mhouse@cityofshelbyvillein.com](mailto:mhouse@cityofshelbyvillein.com).

### **Exhibit 3**

#### **EXTERNAL COMPLAINT OF DISCRIMINATION**

##### ***Instructions:***

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

You are not required to use this form. You may write a letter with the same information, sign it and return it to the address printed above.

All 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 Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, disability, sex, age, low income status or limited English proficiency in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Highway Administration and/or Federal Transit Administration. These prohibitions extend to the City of Shelbyville, Indiana as a direct recipient of federal financial assistance and to its sub-recipients, consultants, and contractors, whether federally funded or not.

The City of Shelbyville, Indiana will provide assistance if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats, such as computer disk, audiotape, or Braille. For TTY customers, dial 711 to reach the Indiana Relay Service.

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

The City of Shelbyville, Indiana and its sub-recipients, consultants, and contractors are 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 record. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address above.

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



**Harassment/Discrimination Complaint Form**

Form# -- P005

**CITY OF SHELBYVILLE**

44 W. Washington St.

Shelbyville, IN 46176

**1. Person(s) Involved**

Please list the person(s) who is directing this harassment towards you.

Name: \_\_\_\_\_

Department: \_\_\_\_\_ Telephone: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Age: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Gender: \_\_\_\_\_

**2. Location**

Where does/did the incident(s) occur?: \_\_\_\_\_

\_\_\_\_\_

**3. Time**

When does/did the incident(s) occur?: \_\_\_\_\_

\_\_\_\_\_

**4. Description**

How you were harassed; if the harassment included body contact and to what extent; what if any, gestures or language were used; and if there are any witnesses to the incident(s). Indicate if there were any threats or promises in connection with the harassment.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. **Discussions About Harassment**

Have you discussed this situation with the person(s) involved in directing this harassment towards you?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: Please list date(s), time(s) and location (s) of this discussion and what was the response:

\_\_\_\_\_  
\_\_\_\_\_

If No: Why not?

\_\_\_\_\_  
\_\_\_\_\_

Have you discussed this situation with the person's supervisor?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: Please list date(s), time(s) and location (s) of this discussion and what was the response:

\_\_\_\_\_  
\_\_\_\_\_

If No: Why not?

\_\_\_\_\_  
\_\_\_\_\_

Have you discussed this situation with your supervisor?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes: Please list date(s), time(s) and location (s) of this discussion and what was the response:

\_\_\_\_\_  
\_\_\_\_\_

If No: Why not?

\_\_\_\_\_  
\_\_\_\_\_

6. Please list any additional information which you feel would be helpful for the City in investigating your complaint.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above summation of my complaint is accurate to the best of my knowledge.

Name Of Person Making Complaint: \_\_\_\_\_

Department/Work Location: \_\_\_\_\_

Telephone - Day: ( ) \_\_\_\_\_

Evening: ( ) \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature Of Person Taking Report

\_\_\_\_\_  
Date

## Exhibit 4

[illegible]



## Exhibit 5

### Voluntary Title VI Public Involvement Survey

As an obligation for receiving federal highway funds, the Indiana Department of Transportation requires the City of Shelbyville, Indiana to gather statistical data on participants and beneficiaries of the agency's federal aid highway programs and activities. Accordingly, the City of Shelbyville collects information on race, color, national origin, and sex of the attendees of this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The City of Shelbyville wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file in the Title VI Coordinators Office of the City of Shelbyville at:

Shelbyville City Hall  
44 W. Washington St.  
Shelbyville, IN 46176  
Phone: 317-392-5102

Project Name: \_\_\_\_\_

Date: \_\_\_\_\_

Meeting Location: \_\_\_\_\_

Male: \_\_\_\_ Female: \_\_\_\_

#### **General ethnic identification categories**

Caucasian:	Hispanic American:	American Indian/Alaskan Native:
African American:	Asian/Pacific Islander:	Other: _____

## Exhibit 6

City of Shelbyville Indiana

### Title VI Compliance Review Form

<b>Name of Preparer:</b>	<b>Date:</b>
Department:	Phone No:
<b>DATA COLLECTION- DO YOU HAVE A PROCESS TO COLLECT THE FOLLOWING:</b>	
Number of INDOT federally funded projects award during the past two years: Yes: ____ No: ____ If yes, provide the number by year for the past two years below: If no explain why below:  _____ _____	
Number of Title VI complaints received for the past three years. Yes: ____ No: ____ If yes, provide the number received by year for the past three years below: If no, explain why below:  _____ _____	
Attendance at public meetings/hearings tracked and broken down by ethnicity, race, gender, and disability. Yes: ____ No: ____ If yes, provide the attendance statistics for the last year below: If no, explain why below:  _____ _____	
Statistical data collected on ethnicity, race, gender, and disability for communities impacted by construction projects/ Yes: ____ No: ____ If yes, provide the data collected below for the past year: If no, explain why below:  _____ _____	

<b>Name of Preparer:</b>	<b>Date:</b>
<p>Do you have a Limited English Proficiency (LEP) procedure in place?          Yes: ____ No: ____          If yes, provide the number of LEP persons requesting service below:          If no, explain why below:</p> <p>_____</p> <p>_____</p>	
<b>POLICIES, PROCEDURES AND PROCESSES:</b>	
<p>Do you and your staff understand the Title VI Policy and Procedure guidelines set in place for the city?          Yes: ____ No: ____          If no, explain why below</p> <p>_____</p> <p>_____</p>	
<p>Statistical data collected on ethnicity, race, gender and disability for all right-of-way relocates.          Yes: ____ No: ____          If yes, provide the data collected below for the past year:          If no, explain why below:</p> <p>_____</p> <p>_____</p>	
<p>Do you have proof of public dissemination of the Title VI Policy or Policy Statement?          Yes: ____ No: ____          If yes, provide dates and/or copies of the dissemination (i.e. newspaper, websites, etc.)          If no, explain why below:</p> <p>_____</p> <p>_____</p>	



<b>Name of Preparer:</b>	<b>Date:</b>
<b>TRAINING:</b>	
Have you and your staff received Title VI Training (formal or informal)?	
Yes: ____ No: ____	
If no, explain why below:	
<hr/>	
<hr/>	

## **Exhibit 7**

### **Census Test**

# Exhibit 7

2004 Census Test		United States Census 2010	
LANGUAGE IDENTIFICATION FLASHCARD			
<input type="checkbox"/>	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic	
<input type="checkbox"/>	Խոսողո՞ւմ ե՞նք հայո՞ւմ կամսօրհեք աղյս քառավորսո՞ւմ, կըկն խոսո՞ւմ կա՞մ կարդո՞ւմ եք հայերէն:	2. Armenian	
<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই ব্যবধি দাগ দিন।	3. Bengali	
<input type="checkbox"/>	ឈ្មួញបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian	
<input type="checkbox"/>	Motka i kahlon ya yangin untungnu' manaitai pat untungnu' kumentos Chamorro.	5. Chamorro	
<input type="checkbox"/>	如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese	
<input type="checkbox"/>	如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese	
<input type="checkbox"/>	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian	
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech	
<input type="checkbox"/>	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch	
<input type="checkbox"/>	Mark this box if you read or speak English.	11. English	
<input type="checkbox"/>	اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi	



<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໄວ້ໝາຍໄວ້ອ່າງນີ້ ຖ້າທ່ານອ່ານຫຼືພາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kwadrado kung kayo ay marinong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ໂຕກຳເໜີ້ນນີ້ມີພາບສະແດງເຖິງພາສາທີ່ທ່ານອ່ານຫຼືເວົ້າ.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakalonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

## **Exhibit 8**

### **Training Log**



## TRAINING LOG

[illegible]