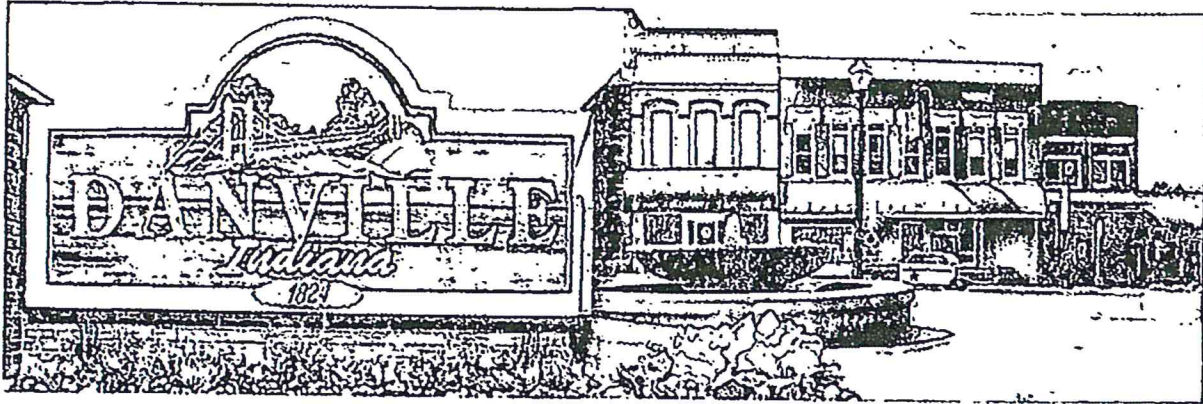


# Title VI Implementation Plan 2015

Danville, Indiana



October, 2015

Prepared by:

Robert L. Roberts, ADA Coordinator  
and  
Julie A. Cooney, Title VI Coordinator

RESOLUTION 14-2015

A Resolution of the Town of Danville Town Council  
Adopting the 2015 Title VI Implementation Plan

**WHEREAS**, the Federal government enacted the Civil Rights Act of 1964 (Title VI), 29 CFR 26, to prevent discrimination of individuals based on race, color, sex, disability, national origin or income status relating to employment and access to public facilities; and

**WHEREAS**, in compliance with Title VI of the Civil Rights Act of 1964 the Town of Danville shall adopt and implement a Title VI Implementation Plan to provide equal opportunity and equitable service for the citizens of the Town of Danville.

**NOW THEREFORE, BE IT RESOLVED** by the Danville Town Council of the Town of Danville, Indiana:

That the Town of Danville adopts the attached Title VI Implementation Plan, and that the Plan shall be reviewed annually by the Town to assess policies and procedures and updating annual goals as deemed appropriate.

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of October, 2015

TOWN COUNCIL OF DANVILLE, INDIANA

Marcia Lynch  
W. E. [unclear]  
James B. [unclear]  
[unclear]  
[unclear]

Amy Cating  
Attest:  
Clerk Treasurer

## Table of Contents

I.	Introduction	5
II.	Town of Danville Title VI Mission Statement	5
III.	Town of Danville Non-Discrimination Statement	5
IV.	Title VI Assurances	5
V.	Title VI Compliance Responsibilities	12
	A. Title VI Coordinator & ADA Coordinator	12
	B. Title VI/ADA Liaisons	12
	C. Coordinator & Liaison Contact Information	12
VI.	Title VI Compliance Review Process	14
VII.	External Complaint Process	14
	A. Complaint Investigation Procedures	14
	B. Who May File a Complaint	14
	C. Timeliness of Complaints	15
	D. Location/Availability of Complaint Forms	15
	E. How to File a Complaint	15
	F. Elements of a Complete Complaint	15
	G. Processing Complaints	16
	H. Corrective Action	16
	I. Pre-Investigative/Administrative Closures	17
	J. Confidentiality	17
	K. Records	17
	L. Summary of Complaints Received	17
VIII.	Public Involvement and Outreach	18
	A. Website	18
	B. Data Collection	18
IX.	Manuals, Directives and Guidance	18
	A. Town of Danville Title VI Policy Statement	18
	B. Town of Danville Title VI Mission Statement	18
X.	Limited English Proficiency	19
XI.	Accomplishments	19

XII.	Annual Work Plan	19
XIII.	Appendix	21
	D. Sample Title VI Complaint Log	22
	E. Sample Title VI Complaint Procedure	23
	F. External Complaint of Discrimination Form	24
	G. Complaint Consent Release Form	27
	H. Voluntary Title VI Public Involvement Survey	28

## **I. Introduction**

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

## **II. Town of Danville Title VI Mission Statement**

The Town of Danville will implement compliance with Title VI 49 CFR 26; and its related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color or national origin.

## **III. Town of Danville Non-Discrimination Statement**

The Town of Danville values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this country. As a recipient of federal funds, the Town of Danville is required to conform to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the DOT on the grounds of race, color, age, sex, disability, national origin, or income status.

## **IV. Title VI Assurances**

These are standard U.S. DOT assurances that outline the Town's guarantee for compliance with Title VI of the Civil Rights Act of 1964 as a recipient of federal financial assistance. The executed assurances are included in the following pages.

TOWN OF DANVILLE, INDIANA  
TITLE VI ASSURANCE  
OF COMPLIANCE WITH FEDERAL REGULATIONS FOR RECEIVING FEDERAL FINANCIAL  
ASSISTANCE FROM THE U.S. DEPARTMENT OF TRANSPORTATION

The Town of Danville, Indiana, by its executive, THE TOWN COUNCIL (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. 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 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, 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 received 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 assurance. This assurance is required by subsection 21.7(a)(1) and (b) of the Regulations.

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

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 all Federal Aid Transportation Program and, in adapted form in all proposals for negotiated agreements:

"The Town of Danville, Indiana, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, 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 A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in 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 the Federal Aid Transportation Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal Aid Transportation Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provisions 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, subcontracts, 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 under the Federal Aid Transportation Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Transportation Program. The persons whose signatures appear below is authorized to sign this assurance on behalf of the Recipient.

TOWN COUNCIL OF DANVILLE, INDIANA

Marcia Lynch  
John E. [unclear]  
James B. [unclear]  
[unclear]  
[unclear]

Amy D. Cating  
 Attest: Clerk Treasurer 10/19/15

## APPENDIX A

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

1. **Compliance and Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement 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, sex, age, and 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 Town of Danville, Indiana or 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 Town of Danville, Indiana, or INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Town of Danville shall impose such contract sanctions as it or 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 directives issued pursuant thereto.

The contractor shall take such actions with respect to any subcontract or procurement as the Town of Danville or 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 direction, the contract may request the Town of Danville, Indiana to enter into such litigation to proceed the interests of the Town of Danville, Indiana and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.



## APPENDIX B

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

### GRANTING CLAUSE

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

### HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the Town of Danville, 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 provisions of similar services or benefits and shall be binding on the Town of Danville, Indiana its successors and assigns.

The Town of Danville, Indiana, 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, sex, age, and disability/handicap, and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed[,] (and)\* (2) that the Town of Danville, Indiana shall use the lands and interests in lands conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of federal Regulations, Part 200, Title VI Program and Related Statutes - Implementation and Review Procedures, and as said Regulations may be amended [[,] and (3) that in the event of breach of any of the above-mentioned 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 t he absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Town of Danville, Indiana pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest and assigns, as part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are reconstructed, 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 Town of Danville, Indiana shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed]\*

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Town of Danville, 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 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, sex, age, disability/handicap, and low income 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, under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin, sex, 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, 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 Town of Danville, Indiana shall have the right to terminate the {licensee, lease, permit, etc.} and tot re-enter and repossess said land and the facilities thereon, and hold the same as if said {license, lease, permit, etc.} had never been made or issued.

{Include in deeds}\*

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

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

## V. Title VI Compliance Responsibilities

### A. Title VI Coordinator and ADA Coordinator

The Title VI Coordinator and ADA Coordinator work together to oversee the coordination of the Town of Danville's compliance with Title VI and Section 504 statutes, regulations, and directives. These coordinators report directly to the Town Manager. Responsibilities include, but are not limited to:

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

### B. Title VI/ADA Liaisons

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

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

All concerns should be directed to the Title VI or ADA Coordinator.

Title VI Coordinator: Julie Cooney                      317-745-5970 ext. 5971                      [jcooney@danvilleindiana.org](mailto:jcooney@danvilleindiana.org)

ADA Coordinator: Rob Roberts                      317-745-5970 ext. 5972                      [rroberts@danvilleindiana.org](mailto:rroberts@danvilleindiana.org)

THIS PAGE INTENTIONALLY LEFT BLANK

## **VI. Title VI Compliance Review Process**

Once formally adopted, the Town of Danville will provide an internal assessment of its Title VI compliance efforts.

## **VII. External Complaint Process**

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

### **A. Complaint Investigation Procedures**

The Title VI and ADA Coordinators will make a determination to accept, reject, nor refer to the appropriate agency a complaint within seven working days of its receipt. The Town of Danville will determine whether the person or entity purportedly engaged in the alleged discriminatory act as a sub-recipient of federal funds. If the complaint does not specifically mention that the alleged discriminatory actor is a sub-recipient of federal funds, the Town of Danville may presume so in deciding whether to accept the complaint for further processing.

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

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

### **B. Who May File a Complaint?**

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

C. Timeliness of Complaints

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

D. Location/Availability of Complaint Forms

The Town of Danville will make complaint forms available online via the Town website. Additionally, persons may contact the Title VI or ADA Coordinator to request a copy of the complaint form via email, facsimile, or US mail. Copies of complaint forms in alternative formats are available upon request.

E. How to File a Complaint

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

Direct Title VI Complaints to:  
Julie A. Cooney  
Title VI Coordinator  
1010 E. Broadway Street  
Danville, IN 46122  
[jcooney@danvilleindiana.org](mailto:jcooney@danvilleindiana.org)  
(317) 745-5970 ext. 5971

Direct ADA Complaints to:  
Robert L. Roberts  
ADA Coordinator  
1010 E. Broadway Street  
Danville, IN 46122  
[rroberts@danvilleindiana.org](mailto:rroberts@danvilleindiana.org)  
317-745-5970 ext. 5972

F. Elements of a Complete Complaint

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

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

- The full name and address of the complainant
- The full name and address of the respondent, the individual, agency, department, or program that allegedly discriminated against complainant; and
- A description of the alleged discriminatory act(s) that violated the Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age, or disability) and the date of occurrence.

The following items are not acceptable as a complete complaint:

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

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

#### G. Processing Complaints

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

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

#### H. Corrective Action

If the Town of Danville recommends corrective action, the Town will give the respondent 30 calendar days to inform the Town of the actions taken for compliance. The Title VI or ADA Coordinator shall monitor the respondent's corrective action compliance.

Corrective action may include actions that the respondent will complete at a future date of the initial 30 days and must include project time in which the respondent will complete the action.

If the respondent has not taken the recommended corrective action within the 30-day period allowed, the Town of Danville will find the respondent to be in noncompliance with Title VI and its implementing regulations. Noncompliance not corrected by informal means as described above may be subject to sanctions as per 49 CFR 21.13.



I. Pre-Investigative/Administrative Closures

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

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

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

J. Confidentiality

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

K. Records

The Town of Danville shall maintain all records of an investigation in a confidential area for three years after the completion of the investigation.

L. Summary of Complaints Received

No complaints have been filed within the reporting period

## VIII. Public Involvement and Outreach

### A. Website

A dedicated Title VI/ADA webpage will be included on the Town's website [www.danvilleindiana.org](http://www.danvilleindiana.org) to provide vital information to the public. It is proposed that technical assistance with complaints be implemented in the future as the website continues to develop.

### B. Data Collection

The Town of Danville plans to utilize a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status, and household income.

The Town of Danville plans to make this survey available at all public hearings and meetings. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.

## IX. Manuals, Directives, and Guidance

The Town of Danville plans to incorporate Title VI policy and mission statements into its employee handbook in the next revision.

### The Town of Danville Title VI Policy Statement

*The Town of Danville values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this Town. As a recipient of federal funds, the Town of Danville is required to conform to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the DOT on the grounds of race, color, age, sex, disability, national origin, or income status.*

### The Town of Danville Title VI Mission Statement

*The Town of Danville will implement compliance with Title VI 49 CFR 26; and its related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, or national origin.*

The Town of Danville will continue to develop additional manuals and directives as needed to provide guidance regarding Title VI and ADA compliance and will be made available where appropriate.

## X. Limited English Proficiency

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

The Town of Danville strives to serve its population to the best of its ability. To accommodate the LEP population, the Town of Danville provides, upon request, services to assist the LEP population including translation of vital documents, interpretation services, and alternative public outreach media. Progress is still being made to fully serve the entire Town of Danville community.

## XI. Accomplishments

This section shall be updated annually to provide an update on the status of the previous year's work plan.

## XII. Annual Work Plan

This section outlines annual goals set forth by the Town of Danville to comply with Title VI and ADA requirements and statutes. This list is not exhaustive and will be continually monitored for updates and additions.

### GOAL

Develop Title VI Implementation Plan and distribute internally and externally via website and Town of Danville offices

Ensure that assurances are being used in contracts for federal projects

Attend Title VI training for all relevant staff

Collect public involvement data

### **XIII. Appendix**

- D. Sample Title VI Complaint Log
- E. Sample Title VI Complaint Procedure
- F. External Complaint of Discrimination Form
- G. Complaint Consent Release Form
- H. Voluntary Title VI Public Involvement Survey

**Appendix D**

Sample Title VI Complaint Log

Case #	Investigator	Complainant	Sub-Recipient	Protected Category	Date Filed	Date of Final Report	Disposition

## **Appendix E**

### **Sample Complaint Procedure**

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

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

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

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any department head or to the Town of Danville Title VI or ADA Coordinator. The complaint should be submitted within 180 days of the alleged discrimination. Compliant forms may be found on the Town's website. Individuals are not required to use the Town's complaint form. If necessary, the Town 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 complainant and a brief description of the alleged discrimination 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.

**Direct Title VI Complaints to:**

Julie A. Cooney  
Title VI Coordinator  
1010 E. Broadway Street  
Danville, IN 46122  
[jcooney@danvilleindiana.org](mailto:jcooney@danvilleindiana.org)  
(317) 745-5970, ext 5971

**Direct ADA Complaints to:**

Robert L. Roberts  
ADA Coordinator  
1010 E. Broadway Street  
Danville, IN 46122  
[rroberts@danvilleindiana.org](mailto:rroberts@danvilleindiana.org)  
(317) 745-5970 ext 5972

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

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

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

## APPENDIX F

### EXTERNAL COMPLAINT OF DISCRIMINATION

#### INSTRUCTIONS:

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

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

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

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

The Town of Danville is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other non-discrimination authorities.

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

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

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

Name of Complainant	Date (month, day, year)
---------------------	-------------------------

COMPLAINANT INFORMATION		
Name (first, middle, last)		
Address (number and street, city, state, zip code)		
Home telephone number	Work telephone number	Cellular telephone number

**PERSON/DEPARTMENT YOU BELIEVE DISCRIMINATED AGAINST YOU**

Name (first, middle, last)	Title	
Name of Department		
Address (number and street, city, state, zip code)		
Home telephone number	Work telephone number	Cellular telephone number
When was the last alleged discriminatory act? (month, day, year)		
<p><b>Complaints of discrimination must be filed within 180 days of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.</b></p>		

**The alleged discrimination was based on:**

<input type="checkbox"/> Race <input type="checkbox"/> Disability <input type="checkbox"/> Color <input type="checkbox"/> Ancestry <input type="checkbox"/> Age <input type="checkbox"/> Retaliation <input type="checkbox"/> Gender <input type="checkbox"/> Religious Affiliation <input type="checkbox"/> National Origin
--

Julie Cooney  
Title VI Coordinator

1010 E. Broadway St  
Danville, Indiana 46122

[jcooney@danvilleindiana.org](mailto:jcooney@danvilleindiana.org)  
Fax (317) 745-3003



Name of Complainant	Date (month, day, year)
---------------------	-------------------------

**Describe the alleged act(s) of discrimination (use additional pages, if necessary)**

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

Name of witness 1 (first, middle, last)	Title
---	-------

Name of Company

Address (number and street, city, state, ZIP code)

Home telephone number	Work telephone number	Cellular telephone number
-----------------------	-----------------------	---------------------------

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

Julie Cooney  
Title VI Coordinator

1010 E. Broadway St  
Danville, Indiana 46122

[icooney@danvilleindiana.org](mailto:icooney@danvilleindiana.org)  
Fax (317) 745-3003

Name of Complainant	Date (month, day, year)
---------------------	-------------------------

Name of witness 2 (first, middle, last)	Title
---	-------

Name of Company
-----------------

Address (number and street, city, state, ZIP code)
--

Home telephone number	Work telephone number	Cellular telephone number
-----------------------	-----------------------	---------------------------

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

Name of witness 3 (first, middle, last)	Title
---	-------

Name of Company
-----------------

Address (number and street, city, state, ZIP code)
--

Home telephone number	Work telephone number	Cellular telephone number
-----------------------	-----------------------	---------------------------

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

Julie Cooney  
Title VI Coordinator

1010 E. Broadway St  
Danville, Indiana 46122

[jcooney@danvilleindiana.org](mailto:jcooney@danvilleindiana.org)  
Fax (317) 745-3003

## Appendix G

### COMPLAINANT CONSENT / RELEASE

Name <i>(first, middle, last)</i>	Telephone number
Address <i>(number and street, city, state, ZIP code)</i>	
Case number(s) <i>(if known)</i>	
<p>As a complainant, I understand that during an investigation it may become necessary for the Town of Danville to reveal my identity to individuals outside of the Town of Danville government in the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for the Town of Danville to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant, I am protected by Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the nondiscrimination statutes enforced by the Town of Danville.</p>	
<p><i>Please read both paragraphs below, check your choice of CONSENT or CONSENT DENIED and sign below (Please mark one)</i></p> <p><input type="checkbox"/> CONSENT I have read and understand the above information and authorize the Town of Danville to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize the Town of Danville to receive, review, and discuss material and information about me relevant to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.</p> <p><input type="checkbox"/> CONSENT DENIED I have read and understand the above information and do not want the Town of Danville to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without the Town of Danville making a determination in my case.</p>	
Signature	Date <i>(month, day, year)</i>

Julie Cooney  
Title VI Coordinator

1010 E. Broadway St  
Danville, Indiana 46122

[jcooney@danvilleindiana.org](mailto:jcooney@danvilleindiana.org)  
Fax (317) 745-3003

## Appendix H

### VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

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

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

If you have any questions regarding the Town of Danville's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Robert L. Roberts, ADA Coordinator, or Julie A. Cooney, Title VI Coordinator.

You may return the survey by mail, email or fax.

Date: (month, day, year)	
Project Name:	
Proposed Project Location:	
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male	Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino
Race: (Check one or more) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Black or African-American <input type="checkbox"/> Asian <input type="checkbox"/> White <input type="checkbox"/> Multiracial	
Age: <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40 <input type="checkbox"/> 41-65 <input type="checkbox"/> 66+	Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No
Household Income: <input type="checkbox"/> 0 - \$12,000 <input type="checkbox"/> \$12,001 - \$24,000 <input type="checkbox"/> \$24,001 - \$36,000 <input type="checkbox"/> \$36,001 - \$48,000 <input type="checkbox"/> \$48,001 - \$60,000 <input type="checkbox"/> \$60,000 +	

Julie Cooney  
Title VI Coordinator

1010 E. Broadway St  
Danville, Indiana 46122

[jcooney@danvilleindiana.org](mailto:jcooney@danvilleindiana.org)  
Fax (317) 745-3003