

HENDRICKS COUNTY, INDIANA
TITLE VI NONDISCRIMINATION
IMPLEMENTATION PLAN & POLICY

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**HENDRICKS COUNTY, INDIANA
TITLE VI NONDISCRIMINATION PLAN & POLICY**

1. POLICY STATEMENT

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

Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, Hendricks County, Indiana, hereinafter referred to as “Hendricks County,” will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, or national origin, sex, age, disability, limited English proficiency and income status.

The signed Hendricks County Title VI Nondiscrimination Policy Statement can be found on the Hendricks County website, www.co.hendricks.in.us, under the Engineering Department tab or by contacting the Hendricks County Title VI Coordinator.

2. TITLE VI COORDINATOR

Assistant Engineer
Title VI Coordinator
355 S. Washington Street #209
Danville, IN 46122
Phone: 317-745-9236

3. CONTRACTORS, SUBCONTRACTORS, CONSULTANTS AND VENDORS

All contractors, subcontractors and vendors who receive payments from Hendricks County where funding originates from any Federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. Hendricks County will include Title VI language, as per the Standard U.S. DOT Title VI Assurances Appendices A, B and C, as relevant and appropriate, in written agreements and bid notices. Appendices A, B and C can also be found on the Hendricks County website, www.co.hendricks.in.us, under the Engineering Department tab or by contacting the Hendricks County Title VI Coordinator. Written agreements relevant to Title VI shall not contain any form of discrimination, either written or implied.

4. CONCERNS/COMPLAINT PROCESS

Hendricks County will take prompt and reasonable actions to thoroughly investigate concerns and complaints. Any individual, who believes they have been subjected to discrimination, may file a complaint with the Hendricks County Title VI Coordinator. The Hendricks County Title VI Complaint Form and the Grievance Procedure Under Title VI of the 1964 Civil Rights Act can be found on the Hendricks County website, www.co.hendricks.in.us, under the Engineering Department tab or by contacting the Hendricks County Title VI Coordinator. In order for the complaint to be considered, the complainant must file the appropriate documentation within 60 days of the alleged act of discrimination.

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

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

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Hendricks County Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the Hendricks County Title VI Coordinator will assist the complainant in completing a written statement.

Within fifteen 15 calendar days after receipt of the complaint, Title VI Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Title VI Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Hendricks County and offer options for substantive resolution of the complaint.

If the response by the Title VI Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Hendricks County Board of Commissioners or assigned designee.

Within 15 calendar days after receipt of the appeal, the Hendricks County Board of Commissioners or assigned designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Hendricks County Board of Commissioners or assigned designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Title VI Coordinator or assigned designee, appeals to the Hendricks County Board of Commissioners or assigned designee, and responses from these two offices will be retained by Hendricks County for at least three (3) years.

5. PUBLIC DISSEMINATION

Title VI information shall be displayed in Hendricks County buildings and all places in which public meetings are held. The Hendricks County Title VI Plan and Policy, which includes the ADA/Section 504 Plan information, Limited English Proficiency (LEP) and complaint procedures, can be found on the Hendricks County website, www.co.hendricks.in.us, under the Engineering Department tab or by contacting the Hendricks County Title VI Coordinator. Copies of any of these plans will be provided upon request; LEP individuals may obtain translated copies of these plans upon request as well. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

6. COMMUNITY INVOLVEMENT AND OUTREACH

Hendricks County is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.

The Hendricks County Council meets monthly and the Hendricks County Board of Commissioners meets bi-monthly, and those meetings are open to the public, as well as other various Hendricks County meetings. Any meetings that are open to the public are published on Hendricks County website's main page, www.co.hendricks.in.us, and distributed to local media outlets. All Hendricks County public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with Limited English Proficiency (LEP). Auxiliary aids are also available upon request. All requests must be made a minimum of forty-eight (48) hours in advance.

Various meeting agenda's, meeting minutes, Hendricks County notices, events and news can be found on the County's website, www.co.hendricks.in.us. Some departments within Hendricks County utilize signage, media and social media websites as another avenue to communicate with the community.

7. DATA COLLECTION

Hendricks County shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

Hendricks County shall utilize a Voluntary Title VI Public Involvement Survey that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The Voluntary Title VI Public Involvement Survey can also be found on the Hendricks County website, www.co.hendricks.in.us, under the Engineering Department tab or by contacting the Hendricks County Title VI Coordinator. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.

8. SECTION 504 /AMERICANS WITH DISABILITIES (ADA)

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

For more information regarding Hendricks County's ADA policy, please visit Hendricks County's website, www.co.hendricks.in.us, under the Engineering Department tab or contact the Hendricks County ADA Coordinator:

Assistant Engineer
ADA Coordinator
355 S. Washington Street #209
Danville, IN 46122
Phone: 317-745-9236

9. LIMITED ENGLISH PROFICIENCY (LEP)

Hendricks County will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits.

For any program or project receiving federal funds, Hendricks County will conduct a four part analysis to determine what, if any, Limited English Proficiency (LEP) services will be provided. The four factors to be considered in determining the need and type of language assistance services are:

1. The number or proportion of LEP individuals.
2. The frequency of LEP individuals contact with the program or project.
3. The nature and importance of the program or project.
4. The resources available to Hendricks County to provide LEP assistance.

If a review of the first two factors, show that less than nine percent (9%) of the intended beneficiaries of the program or project are limited English proficient, no language assistance measures will be developed for that program or project. This will be determined through United States Census Bureau data as well as utilization of the Voluntary Title VI Public Involvement Survey. The Voluntary Title VI Public Involvement Survey can be found on Hendricks County's website, www.co.hendricks.in.us, under the Engineering Department tab or by contacting the Hendricks County Title VI Coordinator.

In an effort to ensure that persons with Limited English Proficiency (LEP) have meaningful access and equal opportunity, Hendricks County will take reasonable steps to ensure requests for oral or written translation services are fulfilled.

If more than nine percent (9%) of the intended beneficiaries of the program or project are limited English proficient, Hendricks County will review the nature and importance of the program or project to determine what language assistance measures should be developed for the program or project. The resources available to Hendricks County should be considered in determining the appropriate language services, including the use of a telephone interpreter line, and written translation services.

10. HENDRICKS COUNTY, INDIANA TITLE VI ASSURANCES

HENDRICKS COUNTY (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 40, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that is in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the "appropriate Grantor(s)" and, HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the "appropriate Grantor(s):"

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the “appropriate Grantor(s)” and, in adapted form in all proposals for negotiated agreements:

***“Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat, 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.*”**

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act 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 effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisitions of real property or an interest in real property, the Assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 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 “appropriate Grantor(s)” and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the “appropriate Grantor(s).”
8. That is Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial

assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the "appropriate Grantor(s)" and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the "appropriate Grantor(s)". The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

HENDRICKS COUNTY BOARD OF COMMISSIONERS:

Bob Gentry

Bob Gentry, President

Phyllis A. Palmer

Phyllis A. Palmer, Vice President

Matthew D. Whetstone

Matthew D. Whetstone, Member

ATTEST:

Judith Wyeth
Cinda Kattau, Hendricks County Auditor
Judith Wyeth Deputy Auditor

The signed Hendricks County Title VI Assurances, along with Appendices A, B, and C, can be found on Hendricks County's website, www.co.hendricks.in.us, under the Engineering Department tab or by contacting the Hendricks County Title VI Coordinator.