Title VI Implementation Plan 2016

Warrick County, Indiana

Approved by the Warrick County Board of Commissioners
On May 23, 2016 by Resolution 2016-04

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1. Introduction

This plan is part of Warrick County's continual and ongoing efforts to comply with civil rights regulations. This document communicates Warrick County's intent to proactively meet the 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. Warrick County strives to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program. The county's Employee Handbook is an additional document that has further anti-discrimination policies.

2. Warrick County Title VI Mission Statement

Warrick County 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 funds from the U.S. Department of Transportation (DOT) on the grounds of race, color, or national origin.

3. Warrick County Non-Discrimination Statement

The Board of Commissioners of Warrick County, Indiana, on behalf of Warrick County, Indiana, values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, Warrick County, Indiana, is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subject 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 Warrick County, Indiana, nondiscrimination policy also prohibits discrimination based on age, gender, disability or income status.

4. Title VI Assurances

These are standard U.S. DOT assurances that outline Warrick County's guarantee for compliance with Title VI of the Civil Rights Act of 1964, as a recipient of federal financial assistance. The assurances were approved by the Warrick County Board of Commissioners at their regularly scheduled meeting on October 13, 2014, and executed by its Board President same day. The assurances are included in the following pages as 2A, 2B, 2C, 2D and 2E.

Warrick County, Indiana
By and Through its Board of Commissioners

Standard U.S. DOT Title VI Assurances

The Board of Commissioners of Warrick County, 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. 200d-42 U.S.C. 200d-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 (hereinafter referred to as the 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 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 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, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to its **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 Board of Commissioners of Warrick County, 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 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 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 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 Transportation 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 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

9. provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
10. 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.
11. 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 **Federal Aid Transportation Program** and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors n 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.

Dated 10/13/2014

Warrick County, Indiana
through its Board of Commissioners
(Recipient)

By: Don Williams
Don Williams, President

APPENDIX A

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

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

(2) **Nondiscrimination:** the Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases or equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment**: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulation relative to nondiscrimination on the grounds of race, color, or national origin.

(4) **Information and Reports**: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the ***Board of Commissioners of Warrick County, Indiana*** or the *Indiana Department of Transportation (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 certify to the ***Board of Commissioners of Warrick County, 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 ***Board of Commissioners of Warrick County, 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 of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the ***Board of Commissioners of Warrick County, Indiana*** or *INDOT or 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 contractor may request the ***Board of Commissioners of Warrick County, Indiana*** to enter into such litigation to protect the interests of the ***Board of Commissioners of Warrick County, Indiana***, and, in addition, the contractor may request the United Sates to enter intc such litigation to protect the interests of the United States.

APPENDIX B

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the ***Board of Commissioners of Warrick County, 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 Transportation Program* and the policies and procedures prescribed by *INDOT or FHWA* and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000dto 2000d-4), does hereby remise, release, quitclaim and convey unto the ***Board of Commissioners of Warrick County, 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 Board of Commissioners of Warrick County, 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 ***Board of Commissioners of Warrick County, Indiana***, its successors, and assigns.

The ***Board of Commissioners of Warrick County, 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 race, color, or national origin, he 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 ***Board of Commissioners of Warrick County, 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, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to 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 assign 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 ***Board of Commissioners of Warrick County, Indiana*** pursuant to the provisions of Assurance 7.

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does herby representatives, successors in interest, and assigns, as a part of the consideration hereof, does herby covenant and agree [in the case of deeds and leases add "as a covenant running with 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, 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 Board of Commissioners of Warrick County, 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 [licenses, 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 Board of Commissioners of Warrick County, 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 absolute property of ***the Board of Commissioners of Warrick County, Indiana*** and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by ***the Board of Commissioners of Warrick County, Indiana*** pursuant to the provisions of Assurance 6(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 race, color, or national origin 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 any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

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

*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.

That in the event of breach of any of the above nondiscrimination covenants, ***the Board of Commissioners of Warrick County, Indiana*** shall have the right to terminate 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 Board of Commissioners of Warrick County, 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 Board of Commissioners of Warrick County, 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.

5. Title VI Compliance Responsibilities

A. Title VI Coordinator & ADA Coordinator

The Title VI Coordinator and ADA Coordinator, which for Warrick County, Indiana is the same person, will work to oversee the coordination of Warrick County's compliance with Title VI and Section 504 statutes, regulations, and directives. The Title VI/ADA Coordinator reports directly to the Board of County Commissioners. Responsibilities include, but are not limited to, the following:

- Administer, coordinate and Implement the Title VI Program plan and ADA Transition Plan.
- Review written Title VI and ADA complaints and ensure every effort is made to resolve complaints informally at the local level.
- Review statistical data gathering process to ensure sufficiency of data for meeting the requirements of Title VI and ADA program administration.
- Ensure that available census data is included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving FHWA or other Federal assistance.
- Conduct or facilitate training programs on Title VI and ADA issues and regulations for LPA employees; facilitate Title VI and ADA training for appropriate staff, contractors and sub-recipients.
- Review and update the LPA Title VI plan and ADA Transition Plan as needed or required.
- Prepare an annual report of Title VI and ADA accomplishments and changes to the programs in the preceding Federal fiscal year, identify goals and objectives for the upcoming year as required.
- Work with LPA staff to develop and disseminate Title VI and ADA program information to LPA employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.
- Work with other LPA offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in LPA processes.
- Maintain and update Legislative and Procedural information for the current Title VI and ADA Plans.

B. Title VI/ADA Liaisons

The interdisciplinary team is composed of department heads from each office/department in Warrick County, IN Government. They are responsible for the following:

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

C. Coordinator & Liaison Contact Information

All concerns should be directed to the Title VI/ADA Coordinator, but additional contacts for each office/department are listed on the following page.

DEPARTMENT	CONTACT	PHONE/EXT. (AREA CODE 812)	EMAIL
Title VI/ADA Coordinator	Roger Emmons	897-6120	roger@warrickcounty.gov
Animal Control/Health	Aaron Franz	897-6105/ext. 4	afranz@warrickcounty.gov
Area Plan Commission	Sherri Rector	897-6190/6085	srector@warrickcounty.gov
Assessor	Sarah Redman	897-6089	sredman@warrickcounty.gov
Auditor	Debbie Stevens	897-6110	dstevens@warrickcounty.gov
Building	Angie Lutz	897-6188	buildingcomm@warrickcounty.gov
Circuit Court	Judge Greg Granger	897-6130	ggranger@warrickcounty.gov
Clerk	Patty Perry	897-6160	clerk@warrickcounty.gov
Community Corrections	Jennifer Fuhs	897-8611	jfuhs@warrickcounty.gov
Computer Resource	Doug Duncan	897-6120	dduncan@warrickcounty.gov
County Council	Krystal Powless	897-6202	council@warrickcounty.gov
Court Services	Chris Wagner	897-3001	cwagner@warrickcounty.gov
Econ. Development	Larry Taylor	858-3555/3	larry.taylor@warrickcounty.gov
EMA	Dave Woolen	897-6178	dwoolen@warrickcounty.gov
Engineering/Highway	Bobby Howard, Jr.	897-6126	bhoward@warrickcounty.gov
Jail/Sheriff	Brett Kruse	897-6180	bkruse@warrickcountysheriff.com
Magistrate	Amy Miskimen	897-8633	amiskimen@warrickcounty.gov
Parks	Ben Labhart	897-6200	blabhart@warrickcounty.gov
Prosecutor	Mike Perry	897-6199	mperry@warrickprosecutor.org
Purchasing	Joe Grassman	897-8622	purchasing@warrickcounty.gov
Purdue Extension	Carla Kidwell	897-6100/2020	kidwellc@purdue.edu
Recorder	Pat A. Brooks	897-6165	pbrooks@warrickcounty.gov
Solid Waste	Michele Wallace	897-6155/4	michele@warrickrecycles.org
Storm Water	Steve Sherwood	897-8632	ssherwood@warrickcounty.gov
Superior Ct. 1	Jenny Ash	897-6140	jennyash@warrickcounty.gov
Superior Ct. 2	Mary C. Kennedy	897-6213/6234	superior2@warrickcounty.gov
Surveyor	Phil Baxter	897-6170	surveyor@warrickcounty.gov
Treasurer	Judy Beem	897-6166/6212	jbeem@warrickcounty.gov
Veteran Affairs	Robert Reynolds	897-6177	veterans@warrickcounty.gov

6. Title VI Compliance Review Process

Upon formal approval and adoption by the Warrick County Board of Commissioners, Warrick County will work to provide an internal assessment of its Title VI compliance efforts.

7. External Complaint Process

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

A. Complaint Investigation Procedure

The Title VI/ADA Coordinator will make a determination to accept, reject, or refer to the appropriate agency a complaint within seven (7) working days of its receipt. Warrick County will determine whether the person or entity purportedly engaged in the alleged discriminatory act as a sub-recipient of Federal funds. If the complaint does not specifically mention that the alleged discriminatory actor is a sub-recipient of Federal funds, Warrick County 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 Disabilities 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.

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

B. Who May File a Complaint

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

C. Timeliness of Complaints

For a complaint to be considered timely, it must be filed within one hundred eighty (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 Warrick County.

D. Location/Availability of Complaint Forms

Warrick County will make complaint forms available online via the county website (www.warrickcounty.gov). Additionally, persons may contact the Title VI/ADA Coordinator to request a copy of the complaint form via email, fax, or U.S. 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, fax, or email. Any person with a disability may request to file his or her complaint using an alternative format. Warrick County will acknowledge complaints received by fax or email and will process them once the county establishes the identity of the complainant. Complainants must mail a signed, original copy of the fax or email transmittal to the county to begin the complaint process. Warrick County does not require a complainant to use the county complaint form for submitting his or her complaint.

Direct Title VI and ADA Complaints to:
Warrick County Commissioners
107 W. Locust Street, Suite 301
Boonville, IN 47601
ATTN: Roger E. Emmons
Title VI/ADA Coordinator
roger@warrickcounty.gov
Phone: (812) 897-6120
Fax: (812) 897-6189

F. Elements of a Complete Complaint

A complete complaint is written, signed and dated. 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 county website (www.warrickcounty.gov).

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

- The full name and address of the complainant
- The full name and address of the respondent (the individual, agency, department, or program) that allegedly discriminated against complainant; and
- A description of the alleged discriminatory act or acts that violated 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 the alleged occurrence.

Elements of a Complete Complaint, continued:

The following items are not acceptable as a complete complaint:

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

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

G. Processing Complaints

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

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

H. Corrective Action

If Warrick County recommends corrective action, the county will give the respondent thirty (30) calendar days to inform the county of the actions taken for compliance. The Title VI/ADA Coordinator shall monitor the respondent's corrective action compliance.

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

If the respondent has not taken the recommended corrective action within the thirty (30) day period allowed, Warrick County 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 per 49 CFR § 21.13.

I. Pre-Investigative/Administrative Closures

It is the general practice of Warrick County to investigate all complete complaints. However, the county may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and not 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 Warrick County's Title VI jurisdiction
- Untimely complaints files more than one hundred eighty (180) days after the alleged discriminatory act or acts
- Complaints voluntarily withdrawn by the complainant
- Complaints in which the investigation has been impaired by the county's inability 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 Warrick County
- Complaints containing the same allegations and issues that have been addressed in a recently closed complaint or compliance review by Warrick County
- Complaints containing allegations that are foreclosed by previous decisions by the Federal courts, Department of Justice, or Warrick County policy determinations
- Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation
- Complaints transferred to another agency for investigation; and
- Complaints where the death of a complainant makes it impossible to investigate the allegations fully

Warrick County shall notify the 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 the administrative closure.

J. Confidentiality

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

K. Records

Warrick County shall maintain all records of an investigation in a confidential area for three (3) years after the completion of the investigation.

L. Summary of Complaints Received

No complaints have been filed in 2016, as of May 25, 2016.

8. Public Involvement and Outreach

A. Website

Warrick County's website is www.warrickcounty.gov. Our Title VI/ADA Information is found by going to the Departments drop down menu and selecting "Commissioners". The Title VI/ADA Information is found on that page.

B. Data Collection

Warrick County 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.

Warrick County plans to make this survey available at all public hearings and meetings. Completed surveys shall be retained for a period of three (3) years from the date of the meeting and/or completion of the related project, if applicable. In addition, the survey form may be published in local newspapers in Warrick County, Indiana.

9. Manuals, Directives, and Guidance

Warrick County plans to incorporate Title VI policy and mission statements into its Employee Handbook for the next revision.

Warrick County Title VI Policy Statement
Warrick County values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this county. As a recipient of Federal funds, Warrick County 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.

Warrick County Title VI Mission Statement
Warrick County 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 subject 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. Warrick County 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.

10. Limited English Proficiency

On August 11, 2000, President William J. Clinton signed *Executive Order 13166; Improving Access to Service for Persons with Limited English Proficiency*, to clarify Title VI of the Civils Rights Act of 1964. The purpose of the Executive Order was to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

Limited English Proficiency, continued:

Warrick County strives to serve its population to the best of its ability. According to the U.S. Census Bureau's "2010-2014 American Community Survey 5-Year Estimates", the percentage of LEP population in Warrick County is approximately 0.06%. To accommodate these individuals, Warrick County 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 Warrick County community.

11. Accomplishments

This section shall be updated as needed and annually to provide the status of the previous year's work plan.

12. Annual Work Plan

This section outlines annual goals set forth by Warrick County 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	TARGET COMPLETION DATE
➢ Develop Title VI Implementation Plan and Distribute internally and externally via Website and county offices.	May 31, 2016
➢ Ensure that assurances are being used in contracts For Federal projects.	July 1, 2016
➢ Attend Title VI training for all relevant staff.	August 1, 2016
➢ Collect public involvement data.	Ongoing

13. APPENDIX

A. Sample Title VI Complaint Log

B. Sample Title VI Complaint Procedure

C. External Complaint of Discrimination Form

D. Complaint Consent Release Form

E. Voluntary Title VI Public Involvement Survey

Appendix A

Sample Title VI Complaint Log

WARRICK COUNTY TITLE VI COMPLAINT LOG

CASE NO.	INVESTIGATOR	COMPLAINANT	SUB-RECIPIENT	PROTECTED CATEGORY	DATE FILED	DATE OF FINAL REPORT	DISPOSITION

Appendix B

Sample Complaint Procedure

WARRICK COUNTY 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 Warrick County 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 elected official or department head of Warrick County, or to the Warrick County Title VI/ADA Coordinator. The complaint must be submitted within one hundred eighty (180) days of the alleged discrimination. Complaint forms may be found on the county's website (www.warrickcounty.gov), or in the Warrick County Commissioners' Office. Individuals are not required to use the county's complaint form. If necessary, the Warrick County Title VI/ADA Coordinator 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.

Title VI/ADA Complaints should be directed to:
Roger E. Emmons
Title VI/ADA Coordinator
Warrick County Commissioners
107 W. Locust Street, Suite 301
Boonville, IN 47601
Email: roger@warrickcounty.gov, or info@warrickcounty.gov
Phone: (812) 897-6120
Fax: (812) 897-6189

Within sixty (60) days of the receipt of the complaint, Warrick County will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The county will try to obtain an informal, voluntary resolution to all complaints at the lowest 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 governmental agency, or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Appendix C

External Complaint of Discrimination Form

EXTERNAL COMPLAINT OF DISCRIMINATION

INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with Warrick County. You are not required to use this form. You may`write a letter with the same information, sign and date 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 (DOT), Federal Highway Administration (FHWA), and/or Federal Transit Administration. These prohibitions extend to Warrick County as a sub-recipient of federal financial assistance.

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

You also have the right to file a complaint with other State or Federal agencies that provide federal financial assistance to Warrick County. Additionally, you have the right to seek private counsel.

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

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

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

IMPORTANT: Your complaint <u>cannot</u> be processed without your signature.

Return your complaint to:

Roger E. Emmons, Title VI/ADA Coordinator
Warrick County Commissioners
107 W. Locust Street, Suite 301
Boonville, IN 47601
roger@warrickcounty.gov
Phone: (812) 897-6120
Fax: (812) 897-6189

Available in alternative format upon request.

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

The alleged discrimination was based on:

☐ Race ☐ Color ☐ Age ☐ Gender ☐ National Origin

☐ Disability ☐ Ancestry ☐ Retaliation ☐ Religious Affiliation

Roger E. Emmons
Title VI Coordinator

107 W. Locust St., Suite 301
Boonville, IN 47601

roger@warrickcounty.gov
Fax: (812) 897-6189

Available in alternative format upon request

Name of complainant	Date *(month, day, year)*

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

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

Name of witness 1 *(first, middle, last)*		Title
Name of company		
Address *(number and street, city, state, 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 complain of discrimination:

Roger E. Emmons
Title VI Coordinator

107 W. Locust St., Suite 301
Boonville, IN 47601

roger@warrickcounty.gov
Fax: (812) 897-6189

Available in alternative format upon request

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 complain 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 complain of discrimination:		

Appendix D

Complaint Consent/Release Form

COMPLAINANT CONSENT / RELEASE

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

As a complainant, I understand that during an investigation it may become necessary for Warrick County to reveal **my identity to individuals outside of Warrick County 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 Warrick County to share information, including personal details collected as part of its **complaint investigation.** In addition, I understand that as a complainant, I am protected by Title VI of the Civil **Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for** taking action or participating in an action to secure rights protected by the nondiscrimination statutes enforced by Warrick County.

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

☐ CONSENT

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

☐ CONSENT DENIED

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

Signature	Date *(month, day, year)*

Appendix E

Voluntary Title VI Public Involvement Survey

WARRICK COUNTY, INDIANA
VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CRF §200.9(b)(4)). The Board of Commissioners of Warrick County, Indiana 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 Board of Commissioners of Warrick County, Indiana 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 Warrick County's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Roger Emmons, Warrick County Commissioners' Office, 107 W. Locust Street, Suite 301, Boonville, IN 47601, (812) 897-6120; (812) 897-6189 (fax); roger@warrickcounty.gov.

You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing it to the address above.

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