

Title VI Plan

Town of Culver

October 25, 2016

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I. Introduction

This plan is part of The Town of Culver’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 Culver strives to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding our Title VI program.

II. Town of Culver Title VI Mission Statement

The Town of Culver 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 (regardless of whether those programs and activities are federally funded) on the grounds of race, color, national origin, sex, sexual orientation, gender identity, age, disability, religion, income status, or Limited English Proficiency. The Town of Culver will continue to develop additional manuals and directives as needed to provide guidance regarding Title VI and ADA compliance and these materials will be made available where appropriate.

III. Town of Culver Non-Discrimination Statement

The Town of Culver 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 Culver 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 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.

V. Title VI Compliance Responsibilities

A. Title VI Coordinator & ADA Coordinator

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

- Implementing the Town of Culver's Title VI and 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 Culver's Title VI Implementation Plan and ADA Transition Plan as required

B. Title VI/ADA Liaisons

This team is composed of department heads from each Town Department. They are responsible for:

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

C. Coordinator Contact Information

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

Title VI Coordinator
Jonathan Leist, Town Manager
574-842-3140
jleist@townofculver.org

ADA Coordinator
Bob Porter, Utilities Superintendent
574-292-3943
bporter@townofculver.org

VI. Title VI Compliance Review Process

The Town of Culver will provide an internal assessment of its Title VI compliance efforts annually with the Title VI coordinator, elected representatives, and department liaisons.

VII. External Complaint Process

The Town of Culver will promptly investigate all properly submitted complaints of alleged discrimination. The Town of Culver 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, or refer to the appropriate agency a complaint within seven working days of its receipt. The Town of Culver 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 Culver 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 will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. The Town 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 Town of Culver 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 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 Town of Culver.

D. Location/Availability of Complaint Forms

Town of Culver will make complaint forms available online via the Town's website (www.townofculver.org). Additionally, persons may contact the Title VI or ADA Coordinator to request a copy of the complaint form via email, facsimile, or United States 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 Culver will acknowledge complaints received by fax or email and will process them once the Town establishes the identity of the complainant. Complainants must mail a signed, original copy of the fax or email transmittal to the Town to begin the complaint process. The Town of Culver does not require a complainant to use the County complaint form for submitting his or her complaint.

Direct Title VI Complaints to:

Jonathan Leist, Town Manager
574-842-3140
jleist@townofculver.org

Direct ADA Complaints to:

Bob Porter, Utilities Superintendent
574-292-3943
bporter@townofculver.org

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 county website. Additionally, a complete complaint is filed within 180 calendar days of the alleged discriminatory act(s) 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(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 Culver recommends corrective action, the Town will give the respondent 30 calendar days to inform the Town of Culver 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 Culver will notify the respondent as being in noncompliance with Title VI and its implementing regulations. Noncompliance not corrected 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 Culver 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 Culver'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.
- 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.
- Complaints where the death of a complainant makes it impossible to investigate the allegations fully.

The town 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 Culver 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 Culver 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

The Town's Title VI and ADA Plans are available on the front-page of the Town's website, along with listing of respective coordinator information, and complaint forms.

B. Data Collection

The Town of Culver 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 Culver plans to make this survey available at all public hearings and meetings beginning in 2017. 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 Culver plans to incorporate Title VI policy and mission statements into its employee handbook for the next revision (planned within next 6 months).

Town of Culver Title VI Policy Statement

The Town of Culver values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of Culver. As a recipient of federal funds, the Town of Culver 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 on the grounds of grounds of race, color, national origin, sex, sexual orientation, gender identity, age, disability, religion, income status, or Limited English Proficiency.

Town of Culver Title VI Mission Statement

The Town of Culver 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 (regardless of whether those programs and activities are federally funded) on the grounds of race, color, national origin, sex, sexual orientation, gender identity, age, disability, religion, income status, or Limited English Proficiency. The Town of Culver will continue to develop additional manuals and directives as needed to provide guidance regarding Title VI and ADA compliance and these materials will be made available where appropriate.

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 Culver strives to serve its population to the best of its ability. According to the U.S. Census Bureau, the percentage of LEP population in The Town of Culver in 2011 was approximately 1.6 percent. To accommodate these individuals, The Town of Culver will provide upon request, services to assist the LEP population including translation of vital documents and forms and interpretive services.

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 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 town offices	October 2016
Present draft plan to town council for adoption	November 2016
Town council adopt Title VI Plan by resolution	December 2016
Title VI training for all relevant staff	December 2016
Ensure that assurances are being used in contracts for federal projects	January 2017
Collect public involvement data	Ongoing

XIII. 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 B Complaint Procedure

TOWN OF CULVER COMPLAINT PROCEDURE

Any person who believes that he or she as a member of a protect 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 Culver 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 Title VI or ADA Coordinator. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found on the Town website or at Town Hall. 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 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 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.

Direct Title VI Complaints to:
Jonathan Leist
574-842-3140
jleist@townofculver.org

Direct ADA Complaints to:
Bob Porter
574-292-3943
bporter@townofculver.org

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 level possible. A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential. These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

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 the Town of Culver. 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. 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. These prohibitions extend to Town of Culver 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 Culver. Additionally, you have the right to seek private counsel.

The Town of Culver 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 following address: Town of Culver, Attn: Title VI Coordinator, 200 E Washington Street, Culver IN 46511.

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

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 filling this complaint.			
The alleged discrimination was based on (please circle): Race Color Age Gender National Origin			
Disability Ancestry Retaliation Religious Affiliation			
Questions? Contact Jonathan Leist, Title VI Coordinator at 842-3140 or jleist@townofculver.org			

Name of Complainant		Date (month, day, year)	
Name of witness (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 (first, middle, last)			
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:			
Questions? Contact Jonathan Leist, Title VI Coordinator at 842-3140 or jleist@townofculver.org			

Appendix D Complaint Consent / Release Form

Name (first, middle, last)	Telephone number
Address (number and street, city, state, ZIP)	
Case number (if known)	
<p>As a complainant, I understand that during an investigation it may become necessary for the Town of Culver to reveal my identity to individuals outside of The Town of Culver 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 Culver 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 statues enforced by the Town of Culver.</p>	
<p><i>Please read both paragraphs below, circle your choice of CONSENT or CONSENT DENIED and sign below.</i></p> <p>CONSENT</p> <p>I have read and understand the above information and authorize the Town of Culver 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 Culver 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>CONSENT DENIED</p> <p>I have read and understand the above information and do not want the Town of Culver 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 Culver making a determination in my case.</p>	
Signature	Date (month, day, year)

Appendix E Voluntary Title VI Public Involvement Survey

As a recipient of federal funds, the Town of Culver is required to develop a procedure for gathering statistical data regarding participants and beneficiaries of its programs and activities (23 CRF §200.9(b)(4)). The Town of Culver 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 Culver 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 Culver’s responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Bob Porter, ADA Coordinator, or Jonathan Leist, Title VI Coordinator. You may return the survey by folding it and returning it to the clerk’s office or by mailing or e-mailing it to the address below.

Date: <i>(month, day, year)</i>					
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: <i>(Check one or more)</i>					
<input type="checkbox"/> American Indian or Alaska Native				<input type="checkbox"/> Asian	
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander				<input type="checkbox"/> White	
<input type="checkbox"/> Black or African-American				<input type="checkbox"/> Multiracial	
Age:			Disability:		
<input type="checkbox"/> 1-21		<input type="checkbox"/> 22-40		<input type="checkbox"/> Yes	
<input type="checkbox"/> 41-65		<input type="checkbox"/> 65+		<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"/> \$60,001+	

Jonathan Leist, Title VI Coordinator

jleist@townofculver.org

574-842-3140