



City Policy #11.6

TITLE VI PLAN & POLICY IMPLEMENTATION

City of NEW CASTLE, INDIANA

**TITLE VI PLAN & POLICY IMPLEMENTATION
Prepared by Title VI Coordinator:**

June 2019 – December 2020



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Greg York
Mayor

CITY OF NEW CASTLE, INDIANA
TITLE VI PLAN & POLICY IMPLEMENTATION

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1. TITLE VI - INTRODUCTION

This Title VI Plan is part of the City of New Castle's continual and ongoing efforts to comply with civil rights regulations. This document *communicates* the City of New Castle's intent to proactively *meet and exceed* minimum compliance requirements established under Title VI of the Civil Rights Act of 1964, 49 CFR §26, and the related antidiscrimination statutes and regulations. The City of New Castle strives to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding the Title VI program.

The City of New Castle (hereafter referred to "City") is required to conform to Title VI of the Civil Rights Act of 1964 ("Title VI") 42 U.S.C. § 2000e and all related statutes, regulations, and directives, *such as* Age Discrimination Act of 1975, 42 U.S.C. §§6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§4601-4655; Federal Highway Act of 1973, 23 U.S.C. §324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 Rehabilitation Act of 1973, 29 U.S.C. §§701 et seq.; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disability Act of 1990, 42 U.S.C. §§12101 et seq.; Title VI Act of 1968, 42 U.S.C. §§3601-3631; Exec. Order 12898, 59 Fed. Reg. 7629 (1994), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000), Improving Access to Services for Persons with Limited English Proficiency, *which* provide that *no* person shall be excluded from participation in, denied benefits of, or subjected to discrimination under *any* program, service or activity receiving federal financial assistance on the grounds of race, color, or national origin, sex, age, disability, limited English proficiency, or income status.

2. PURPOSE OF TITLE VI & SCOPE

The purpose of Title VI is to eliminate discrimination in federally funded programs and activities, and to ensure the equitable distribution of public funds for public benefit.

Therefore, Title VI has broad applicability within a governmental entity, applying to the administration of *all* programs, projects, facilities, benefits, or services.

3. DEFINITION of DISCRIMINATION & FEDERAL ASSISTANCE

Discrimination is an 'intentional or unintentional act' which subjects a person or a group to unequal treatment under a departmental program or service. These acts can limit the opportunity of the protected class 'to gain equal access to services and programs.'

Federal financial assistance is defined as *any* Federal dollars that are assigned to the City of New Castle to support any program, activity or service by way of grant, loan or contract, other than a contract of insurance or guaranty.

4. OBJECTIVES of TITLE VI POLICY

- a. To ensure that the level and quality of transportation services provided without regard to race, color, national origin, sex, age, disability, Limited English proficiency, or income status;
- b. To identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- c. To promote the fair and full participation of all affected populations in activities that benefit minority populations or low-income populations;
- d. To prevent the denial, reduction, or delay in benefits related to subprograms and activities that benefit minority populations or low-income populations;
- e. To ensure meaningful access to programs, services and activities by persons with limited English proficiency, minorities, low-income, or by persons that fall within any covered protected class.

5. PROHIBITED PRACTICES

- Denying a person any service, financial aid, or other benefit because of race, color, national origin or other protected category
- Providing a different service or benefit, or providing these in a different manner from those provided to others in the program
- Requiring different standards or conditions as prerequisites for serving individuals
- Locating facilities in any way that would limit or impede access to a federally funded service or benefit
- Failing to make allowances for language or educational difficulties
- Failing to address disproportionately high and adverse human health and environmental effects (including social and economic) on minority and low-income populations

6. NONDISCRIMINATION STATEMENT & TITLE VI POLICY

The City of New Castle is an equal employment opportunity employer, and its nondiscrimination policy prohibits discrimination based on *race, color, national or ethnic origin, age, disability, sex, religion or veteran status*, or any other classification protected under applicable law. This protection applies to all terms, conditions, and privileges of employment

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

Therefore, it is the policy of the City of New Castle to comply with Title VI of the Civil Rights Act.

In the event The City of New Castle distributes federal aid funds to another governmental entity or other sub-recipient (contractor), the City will include Title VI language in *all* written agreements and will monitor for compliance.

The City of New Castle's Title VI Coordinator is responsible for developing, initiating and monitoring Title VI activities, preparing required reports and other City responsibilities as required by 23 CFR 200 and 49 CFR 21.

7. TITLE VI – ASSURANCES & AUTHORITIES

The City further assures every effort will be made to prevent discrimination through the impacts of its programs, services, policies and activities on minority and low-income populations, whether those programs or activities are federally *funded or not* (Public Law 100-259 {S.557} March 22, 1988). In addition, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the City hereby gives assurance that *no* qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from federal financial assistance.

City Resolution #06032019-1 states the City of New Castle will be compliant with all Title VI requirements including monitoring sub-recipients' compliance, reviewing and resolving public Title VI complaints as well as training pertinent city staff on Title VI. The City further affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein.

The following individual has been identified as the City of New Castle's Title VI Coordinator, and is responsible for developing, initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

City of New Castle - Title VI Coordinator

Christy Asberry, Title VI Coordinator

227 North Main Street, New Castle, IN 47362

Email: newcastlecoordinator@gmail.com

Phone: 765-529-7605

[illegible]

9. Title VI - Coordinator Appointment/Responsibilities

EXECUTIVE ORDER SUBMISSION TO
BOARD OF PUBLIC WORKS AND SAFETY
APPOINTING THE TITLE VI COORDINATOR
#06032019-1

WHEREAS the Federal government enacted Title VI of the Civil Rights Act of 1964 (Title VI) to prevent discrimination under any program or activity receiving Federal financial assistance;

WHEREAS in compliance with Title VI, the City of New Castle will name a Title VI Coordinator;

WHEREAS the City of New Castle will publish notice of its Title VI Coordinator's name, office address, and telephone number along with its Title VI Nondiscrimination Policy on its website;

NOW, THEREFORE, BE IT RESOLVED by the Mayor of the City of New Castle, Indiana as follows;

Christy Asberry, ADA/Title VI Coordinator, Mayor's Office, is designated as the Title VI Coordinator for the City of New Castle. (*ATTACHMENT A: Title VI Coordinator Responsibilities*)

The City of New Castle ADA Grievance Procedure is adopted for addressing complaints alleging discrimination under Title VI in the provision of services, activities, programs or benefits by City of New Castle with complaints to be directed to the Title VI Coordinator. (*ATTACHMENT B: Grievance Procedure/ATTACHMENT C: Title VI Complaint Form*)

For notice purposes, City of New Castle will post the contact information regarding the Title VI Coordinator and City of New Castle's Title VI Nondiscrimination Policy on its website and at such other location as may be determined from time to time.

RESOLVED AND ADOPTED this 3rd day of June, 2019.

CITY OF NEW CASTLE



Greg York, Mayor, President of BOW

Dave Barker, Director of Public Works and Safety, BOW Member

David Copenhaver, City Attorney, BOW Member

ATTACHMENT A
TITLE VI COORDINATOR
RESPONSIBILITIES

The Title VI Coordinator is responsible for developing, initiating, monitoring, and ensuring LPA (Local Public Agency) compliance with Title VI requirements as follows:

- Administer, coordinate and Implement the Title VI Plan and Policy
- Examine and log Title VI complaints, and ensure every effort is made to resolve all verified complaints informally at local or regional level
- Review and update LPA Title VI Plan & procedures as needed or required
- Make accessible to public Title VI facts, Grievance form & Procedures
- Develop and maintain Title VI liaison teams to ensure work departments are implementing, monitoring, and complying with the City's Title VI Plan and Policy
- Conduct Title VI reviews with liaisons in an effort to assist with identifying, addressing and eliminating discrimination concerns in every department
- Perform or facilitate Title VI training programs with department liaisons for Title VI dissemination to employees
- Work with liaisons to develop and disseminate Title VI information to contractors, subcontractors, vendors and consultants
- Work with liaisons to ensure community involvement/outreach is in Title VI compliance and provides equitable opportunities for participation
- Collect, review and preserve statistical data (e.g. race, color, national origin, language, gender) of participants in activities and programs to ensure the City's continued compliance with Title VI
- Collect, review and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years
- Maintain all Title VI records, including but not limited to, employee acknowledgments, requests for language services, department compliance reviews and all Title VI Federal Agency Correspondence & Reporting.

Title VI Department Liaisons Responsibilities [Public Contact Employees]:

- Ensure compliance with Title VI and related nondiscrimination laws
- Remove programmatic and architectural barriers from programs, services and activities in accordance with relevant discrimination laws
- Provide input in the development and review of the Title VI/ADA Implementation Plans
- Ensure meaningful access to programs and activities by persons with limited English proficiency, minorities, low-income, or by persons that fall within any covered protected class
- Take steps to obtain minority representation on each City Boards of
- Commission including, but not limited to, publicly advertising all Boards/Commission vacancies, conducting outreach to minority groups to identify interested persons, and/or creating Board/Commission member application process.
- Take positive and specific action to advise minorities of program
- availability by using such means of communications as newspaper articles, radio & television announcements, City newsletters, and other forms of literature to referral sources and relevant service area minority organizations

ATTACHMENT A
TITLE VI COORDINATOR
RESPONSIBILITIES

This Title VI Policy & Implementation Plan will be adopted, and is being adhered to by the City of New Castle. The City of New Castle plans to implement this plan by **RESOLUTION #06032019-1**, and it's effective throughout the 2019-2020 calendar years.

This plan will be renewed on or before **JANUARY 1, 2021**.

Signed by:


Greg York, Mayor

Date:

6/3/2019

Re: **TITLE VI - COORDINATOR & Liaison RESPONSIBILITIES**

TITLE VI RESOLUTION**RESOLUTION #06032019-2****A RESOLUTION APPROVING THE TITLE VI IMPLEMENTATION PLAN AND POLICY**

WHEREAS, the City of New Castle Common Council ("City Council") has previously adopted, by resolution, a Title VI Grievance Procedure; and

WHEREAS, as part of the resolution passed by the City Council, the Council explicitly stated that the policy of New Castle is that no person 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 receiving Federal financial assistance; and

WHEREAS, the City Council, in furtherance of its policy, believes it is in the best interest of the City to develop a Title VI Implementation Plan and Policy ("Plan") describing the City of New Castle's policies and procedures to assure non-discrimination in the City of New Castle; and


WHEREAS, the City of New Castle's Title VI Coordinator, has developed a Plan and presented it to the City Council.

IT IS THEREFORE RESOLVED, that the City of New Castle's Title VI Implementation Plan and Policy be approved and adopted. The Title VI Implementation Plan and Policy is attached.

IT IS FURTHER RESOLVED,

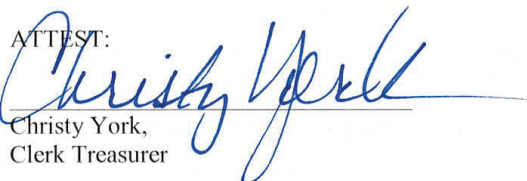
1. that the Title VI Implementation Plan and Policy and this Resolution shall be posted on the City of New Castle website www.cityofnewcastle.net as well as available in the Title VI Coordinator and Mayor's Offices.
2. that if any provisions of this Plan is not enforceable under the provisions of Title VI, then that provision shall be deemed void and the policy of Title VI shall be controlling. All other provisions shall remain in full force and effective until otherwise deemed contradictory.
3. that this Plan is effective immediately upon the adoption of the majority of the City Council.

APPROVED AND ADOPTED THIS 3rd day of June, 2019.



Greg York, Presiding
Officer, Common Council, City
of New Castle, Indiana

ATTEST:




Christy York,
Clerk Treasurer

AYE

NAY

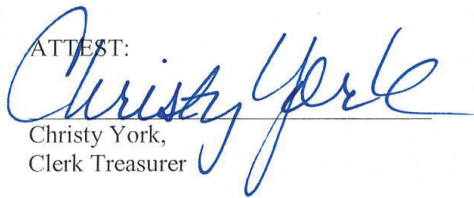
Mary Brewington
Jill Hanes
J. W. O.
A. S. O.
Mark Koyne
D. Lynn Riddle
Rex? B. R.

APPROVED BY ME THIS 3rd DAY OF June, 2019.



Greg York, Mayor
City of New Castle, Indiana

ATTEST:


Christy York,
Clerk Treasurer

11. TITLE VI PROGRAM OVERVIEW: DATA COLLECTION, ANALYSIS, REPORTING & COMPLIANCE DETERMINATION

Collecting, analyzing, and maintaining statistical data are crucial elements of the Title VI/Nondiscrimination enforcement program because they constitute an effective mechanism by which to numerically assess the reach and impact of program funds. Each Federal Program Area is responsible for collecting Title VI/Nondiscrimination-related data and analyzing the data annually to identify and address *any* trends or patterns of discrimination.

Specifically, statistical data on *race, color, national or ethnic origin, sex, age, disability, and any other classification* protected under applicable law, of participants in and beneficiaries of INDOT's (Indiana Department of Transportation) programs will be gathered annually and analyzed to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. Beneficiaries include relocatees, impacted citizens, and affected communities.

Data collection is key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of "all persons" without discrimination (i.e., disproportionately benefiting or harming one group over another is a violation of Title VI.)

In general, based on Title VI implementing regulations, each Federal Program Area is required to:

- Provide for the collection of data and information to demonstrate effective enforcement of Title VI;
- Collect data about beneficiaries;
- Analyze the data and information collected;
- Eliminate discrimination if found;
- Take affirmative measures to ensure nondiscrimination.

Data Collection:

Each Federal Program Area is responsible for collecting data on race, color, national origin, sex, age, disability and any other classification protected under applicable law. Additional data should include language spoken and income status.

The following types of data will be collected by the *Title VI Coordinator* and the *Title VI Liaisons/Department Director or designee*:

- Title VI Complaints received, logged, processed and investigated by Title VI Coordinator/ADA Coordinator
- Environmental Justice analysis and reports
- Limited English Proficiency reports
- Title VI Training
- Public Involvement Survey (voluntary and confidential/Civil Planning & Engineering Department)
 - Records of meeting minutes and discussions related to Title VI in all program areas/departments
- Data related to specific program areas being reviewed for *disparate/disproportionate* impacts or evidence of potential discrimination or discriminatory outcomes

Potential sources of data and analysis tools:

- ☐ Census Data
- ☐ School Districts
- ☐ Forms or Surveys
- ☐ Management Systems (Pavement and Congestion)
- ☐ Land Use Plans
- ☐ Geographic Information Systems
- ☐ Transportation Models
- ☐ MPO Committees (e.g., Citizen Advisory Committees)

Analysis:

Once the Title VI data is collected, the data must be analyzed for the purpose of *identifying patterns* of discrimination. Each Federal Program Area is responsible for analyzing the data collected and recommending corrective action, as appropriate. A pattern of discrimination may result from a specific process, procedure, unintentional adverse impact, or as the result of a process or procedure being implemented in a discriminatory manner.

Types of analysis to address compliance with Title VI include:

- ☐ Percent of benefits allocated to persons below the poverty line versus persons above the poverty line;
- ☐ Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- ☐ Allocation of funds by mode (highway, bus, etc.);
- ☐ Impact of investments on income, race, sex, disability, and age groups;
- ☐ Projected population increases versus planned facilities and type of facilities;
- ☐ Impacts of the location of existing or proposed facilities connected with a project;
- ☐ Alternatives to modes, locations, and types of facilities;
- ☐ Language needs assessment;
- ☐ Transportation needs of all persons within boundaries of plans or projects;
- ☐ Persons included in the decision making process;
- ☐ Strategies to address impacts;
- ☐ Priorities for investments;

- ☐ Sources for financing investments;
- ☐ Strategies to disseminate information.

Title VI/Nondiscrimination Plan Reporting:

INDOT's Federal Program Areas will be notified through a memorandum sent from INDOT's Title VI/ADA Program Director to the City's Title VI Coordinator to submit a data analysis report for each Federal Program Area.

The Title VI Coordinator will work with the Federal Program Areas/Departments to identify which data needs to be analyzed for compliance. [Some information will be collected for a period of time with the objective of 'determining' what needs to be collected.]

Data analysis *results* will be included in the Title VI/Nondiscrimination Annual Work Plan (goals) & Accomplishments Report which is submitted annually to INDOT in August.

Title VI/Nondiscrimination Compliance Determination:

When determining compliance with Title VI, each program area *Title VI Liaison* needs to consider the following:

- ☐ The manner in which services are or will be provided and the related data necessary for determining whether *any* persons are or could potentially be denied such services on the basis of their protected class as defined by Title VI related authorities;
- ☐ The population eligible to be served by race, color, national origin, sex, age, disability, or income status;
- ☐ Data regarding covered employment, including use or planned use of bilingual public contact employees servicing beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English;
- ☐ The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination;
- ☐ The present or proposed membership by race, color, national origin, sex, disability, age, or income status in any planning or advisory body which is an integral part of the program;
- ☐ Where determination of location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color, national origin, sex, disability, age, or income status.

12. Title VI - Compliance Review Process

Once formally adopted, The City of New Castle, along with its Title VI *Coordinator* and Title VI *Liaisons*, will provide an *internal assessment* of its Title VI compliance efforts *with* the Title VI Annual Work Plan & Accomplishments. This Annual Work Plan and the yearly filing log, with dispositions, shall be kept electronically. [See Appendix _ for yearly log]

13. Employee Involvement (Internal), Education & Outreach (Manuals, Directives, & Guidance)

The City of New Castle plans to incorporate Title VI Policy into its Employee Handbook, the ADA Transition Plan and the City's Affirmative Action Plan for the next revision of each document.

Title VI policy education literature will be provided to all City of New Castle employees. City of New Castle employees will be required to sign an acknowledgment of receipt - indicating they have received and reviewed Title VI policy guidelines.

New employees will be provided with education and literature at new employee orientation, and employees will be provided with updated education and literature every 2-3 years, and as the City of New Castle deems necessary. All employees are expected to follow the Title VI policy and the guidelines set forth in the policy.

In addition, employees should make every effort to alleviate *any* barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences, and immediately *notify* the Title VI Coordinator in writing of any questions, complaints or allegations of discrimination.

The City of New Castle will continue to develop additional literature (ie.: brochures, messages on utility bills or with check stubs, manuals, etc.) and directives as needed to provide guidance regarding Title VI compliance, and this information will be made available where appropriate.

14. Public Involvement (External), Education & Outreach

The City of New Castle 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 City of New Castle's Council meets the second Thursday of each month and those meetings are open to the public, recorded and published on the City of New Castle's Channel. All public meetings are held in locations accessible to individuals with disability. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. All such requests must be made at least 48 hours in advance of the public meeting.

Some City departments utilize newsletters, signage, media and social media websites as another avenue to communicate with the community as well as the City's website to post notices, events, news and other pertinent city information.

Title VI information shall be '*prominently and publicly*' displayed in City facilities, in revenue vehicles such as the NCTransit bus, and in *all* places in which public meetings are held. The name and contact information of the Title VI Coordinator will be displayed on Title VI information, and on the City's website. The City of New Castle's Title VI plan and policy, which includes the ADA/Section 504 plan, the Limited English Proficiency (LEP) plan and complaint procedures, is also available on the City of New Castle's website at www.cityofnewcastle.net.

Copies of any of these plans will be provided upon request. LEP individuals may obtain translated copies of the Title VI brochure upon request. Any questions or comments regarding this plan should be direct it to the City's Title VI Coordinator

15. Limited English Proficiency (LEP)

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 (LEP), to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services otherwise eligible persons are not proficient in the English language.

In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficiency persons in the December 14, 2005 Federal Register. This guidance outlines the following *four (4) factors* that the City uses to access the LEP populations in the City of New Castle.

- The number and proportion of LEP persons eligible to be served or likely to be encountered by the City
- The frequency with which LEP individuals come into contact with the program, activity or service [This information is tracked by using language cards and language referral logs]
- The nature and importance of the program, activity, or service provided by the program [The denial or delay of access, services or information that could have serious or even life-threatening implications to LEP individuals {EX: utility, fire, police, city court, etc.}]
- The resources available to the City and costs

In addition, the City of New Castle strives to serve its population to the best of its ability, and the City has implemented the 'safe harbor' provision whereby it identifies and translates all vital documents into any language whereby the 5% threshold is met, whereby 5% or more of the population in the City both:

- Does not speak English very well; and
- Primarily speaks another specific language as identified in current census data or other publicly available records.

To accommodate these individuals, the City of New Castle provides, upon request, services to assist the LEP population. These services include the availability of 'I-speak' language cards to track and log such incidences, the translation of vital documents, interpretation services through <http://www.languagemarketplace.com/13-indianapolis-translation-services.html>, and alternative public outreach media.

Progress is still being made to fully serve this population within the New Castle community. Refer online to the: Title VI Standards & Procedures Manual for City of New Castle - Transit System/NCTRANSIT [**Updated: September 2017**] for specific City of New Castle LEP information and forms.

16. Environmental Justice (EJ)

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that *all* programs, services or activities receiving Federal financial assistance that affect human health over the environment do *not* directly, or indirectly through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin per Executive Order 12898.

Ensuring the meaningful involvement of low income, minority, disabled, Senior, and other traditionally underrepresented communities is a key component of the City's public participation activities. The City's policies, procedures, and programs are consistent with federal and state environment of justice laws, regulations and requirements, Title VI, related nondiscrimination requirements and reflect the three (3) *principles of social equity and environmental justice*.

Social equity means ensuring that all communities are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind. Environmental justice means ensuring that plans, policies, and actions do *not* disproportionately affect low income and minority communities.

The three (3) *fundamental environmental justice principles* are:

- To avoid, minimize, or mitigate disproportionately high in adverse human health and human environmental effects, including social and economic effects, or minority populations and low-income populations;
- To ensure the full and fair participation by *all* potentially affected communities in the transportation *decision-making process*; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The City of New Castle is committed to these three (3) environmental justice principles in *all* work that the City performs. Further, the City utilizes a voluntary public involvement survey to collect information regarding persons affected by the proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their *gender, ethnicity, race, age, sex, disability status, and household income*.

Once the survey data has been collected, it will be reviewed and the survey will be placed in a file for further reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the City may consider changes to their LEP policy. Survey information may also be used to improve bidder (contract) outreach and to update Annual Work Plan goals.

The City of New Castle's Mayor's Office plans to make this *survey* available at *all* public hearings and meetings. Completed surveys shall be retained for a period of three (3) years by the Mayor's Office & by the Title VI Coordinator from the date of the meeting and/or completion of the related project, where applicable.

17. Contractors, Sub-Contractors and Vendors

All contractors, sub-contractors and vendors who receive payments from the City of New Castle – where funding originates from *any* Federal assistance programs, are subject to the provisions of Title VI. The City will include Title VI language, as per the Standard US Title VI Assurances (Appendices A, B, and C), as a relevant and appropriate, in *all* written agreements and bid notices. Written agreements relevant to Title VI shall *not* contain *any* form of discrimination, either written or implied.

Note: In the case of sub-contractors, Noncompliance *not corrected* by informal means, as described above, may be subject to *sanctions* asked for under 49 CFR SS 21.13.

In the event a respondent/recipient fails or refuses to comply with the terms of the agreement/contract, the City may take *any or all* of the following actions:

- a) Cancel, terminate, or suspend the agreement/contract in whole or in part;
- b) Refrain from extending *any* further assistance to the respondent/recipient under the program
from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the respondent/recipient,
- c) Take such other actions that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the respondent/recipient,
- d) Refer the case to the 'Department of Justice (DOJ)' for appropriate 'legal' proceedings.

18. Title VI Records

The City of New Castle shall maintain *all* records of Title VI investigations in a confidential area for three (3) years *after* the completion of the investigation. Specifically, the City of New Castle's ADA Coordinator and Title VI Coordinator shall maintain their respective grievance files/logs for three (3) years, and the Title VI Coordinator shall maintain a yearly filing log with *all* dispositions to both investigations. Additionally, the City Director of Public Works and Safety and the Title VI Coordinator shall retained *all* surveys for a period of three (3) years.

19. Title VI - Summary of Complaints Received

- No complaints have been filed during the **reporting period** of :
❖ January 2017 to December 2017, January 2018 to December 2018.

20. Title VI - Accomplishments

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

Accomplishments:	Completion Date:
Title VI training for Title VI Coordinator	Ongoing
Title VI Plan and Policy Implementation	June 3, 2019-Council Resolution
Title VI Work Plan	
Create Title VI brochures for Liaisons/Employees/Public for Title VI Education	In Process
Completed a comprehensive review of current Title VI Plan/Policy and ADA policies and practices	May 31, 2019
Created, Reviewed & Revised Coordinator & Liaison Responsibility lists	June 3, 2019 BOW Approval
Distributed 'I-Speak' cards to the Transportation Department liaison and the Utility Department liaison via email	August 1, 2019

21. Title VI - Annual Work Plan

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

Goal (s):	Target Completion Date:
Revisions/Updates to Title VI Plan & Implementation Policy	January 2021
Request for/Identify key Title VI department liaisons [by name/department]	August 1, 2019
Distributed 'I-Speak' cards to other key staff	August 1, 2019
Disseminate Title VI Brochures to Liaisons/Employees/Public for Title VI Education	Ongoing 2019-2020
Set-up & Host Title VI training for all key staff w/training acknowledgement	August 1, 2019
Attend Title VI training for Title VI Coordinator	Ongoing 2019-2020
Collect Public Involvement Data via surveys	Ongoing 2019-2020



City of New Castle

227 North Main Street

New Castle, Indiana 47362

Phone: 765-529-7605

Fax: 765-521-6846

ATTACHMENT A

Assurance of Compliance Under Title VI of the Civil Rights Act of 1964

Name of Applicant/Contractor (hereby referred to as "The Applicant")

HEREBY AGREE that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the Regulations of the U.S. Department of Justice (28 CFR Parts 42 & 50) and the City of New Castle, and any directives or regulations issued pursuant to that Act and the Regulations, to the effect that, 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 Applicant received Federal financial assistance from the City of New Castle and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants and loans of Federal funds, reimbursable expenditures, grant or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use, Federal property or interest in such property of the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to recipient, or any improvements made with Federal financial assistance extended to the Applicant by the City of New Castle.

BY ACCEPTING THIS ASSURANCE, the applicant agrees to compile data, maintain records, and submit reports as required to permit effective enforcement of Title VI, and permit authorized City of New Castle personnel during normal working hours to review such records, books and accounts as needed to ascertain compliance with Title VI. If there are any violations of this assurance, the City of New Castle shall have the right to seek administrative and/or judicial enforcement of this assurance.

This assurance is binding on the applicant, its successors, transferees, and agencies as long as it receives assistance from the City of New Castle. In the case of real property, this assurance is binding for as long as the property is used for a purpose for which this assistance was intended or for the

provision of services or benefits similar to those originally intended. In the case of personal property, this assurance applies for as long as the recipient retains ownership or possession of the property.

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 **City of New Castle, 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, if any the United States affecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith,
6. That where the Recipient receives Federal financial assist in the form, or for the acquisition of real property or interest in real property, the assurance shall extend to rights to space, 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 Aide 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 Transportation Program.
8. That this assurance obligates the Recipient for the period during which 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 there and or structures or improvements there on, in which case the assurance obligates the Recipient or any transfer agree 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 position of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other Recipients, sub grantees, contractors, subcontractors, transfer or release, 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 Regulation, and this Assurance.

This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Transportation Program and is binding on it, other Recipients, the grantees, contractors, subcontractors, transferee, successors in interest and other participants in the Federal A Transportation Program.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Recipient.

Dated _____
(Applicant)

Dated _____
(Applicant)

[No further monies or other benefits may be paid out under these programs unless this Assurance is completed and files as required by existing regulations.]

ATTACHMENT A/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 **City of New Castle** or the *Indiana Department of Transportation (INDOT)* or the *Federal Highway Administration (FHWA)* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the **City of New Castle**, or the *Indiana Department of Transportation* or the *Federal Highway Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the **City of New Castle** 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 **City of New Castle** 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 **City of New Castle** to enter into such litigation to protect the interests of the **City of New Castle**, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

ATTACHMENT A/APPENDIX B

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the **City of New Castle** 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. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **City of New Castle** 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 **City of New Castle** and its successors forever, subject, however, to the covenants, conditions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the **City of New Castle**, its successors, and assigns.

The **City of New Castle**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,]and)* (2) that the **City of New Castle** 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.

ATTACHMENT A/APPENDIX C

The following clauses shall be included in all deeds entered into by the **City of New Castle** pursuant to the provisions of Assurance 6(a).

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 hereby 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 deed] *

That in the event of breach of any of the above nondiscrimination covenants, **City of New Castle** 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 **City of New Castle** 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.

ATTACHMENT B




City of New Castle, Indiana
227 North Main Street
New Castle, Indiana 47362

Phone: 765-529-7605
www.cityofnewcastle.net

TITLE VI – COMPLAINT LOG

[illegible]

ATTACHMENT C

	City of New Castle, Indiana 227 North Main Street New Castle, Indiana 47362	Phone: 765-529-7605 www.cityofnewcastle.net
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Title VI Complaint/Grievance Procedures

The City of New Castle has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title VI of the Civil Rights Acts of 1964. Title VI, and related statutes provide that 'no' person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance (23 CFR 200.9 and 49 CFR 21).

Any person who believes, that he or she as a *member* of a protected class, has been discriminated against based on Title VI of the Civil Rights Acts of 1964, *may* submit a complaint.

It is the policy of City of New Castle 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 someone has taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment, intimidation or discrimination may submit a complaint by following the procedure printed below.

Step One: File the Grievance

by completing the City of New Castle's Title VI Complaint/Grievance Form.

Title VI Complaint forms can be found on the City's website (www.cityofnewcastle.net) or in the Title VI Coordinator's Office/Mayor's Office, 3rd floor, City Building.

Title VI Complaints should be directed to:

Title VI Coordinator
227 North Main Street, New Castle, IN 47362
Phone: 765-529-7605/Fax: 521-6846 / newcastlecoordinator@gmail.com

A grievance may be communicated in writing, by mail, facsimile, email or in person, but *must* follow the format of the City of New Castle's complaint form in order to gather *all* pertinent information for complaint processing. Additionally, at some point, the complaint must be reduced to writing and the complainant *must* sign an original copy of the completed complaint form in order for the City to begin the complaint process. A complaint may be submitted by a representative on behalf of another person. A complainant's identity shall be kept confidential *except* to the extent necessary to conduct an investigation, and all complaints shall be kept confidential.

Generally, a complaint should include pertinent information such as 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. Additionally, the full name and address of the responded – the person, agency, department, or program that allegedly discriminated against the complainant, is needed. An individual submitting a complaint alleging discrimination may also include any relevant evidence, including the names of witnesses and supporting documentation.

*The Title VI Coordinator shall notify the complainant if the complaint is incomplete, and allow 30 calendar days for complainant to respond to and provide supplemental information needed to complete the complaint. Failure to respond within 30 calendar days may result in an administrative closure of the complaint.

Step Two: **Acknowledgment**

A grievance should be filed within 180 days of the grievant party becoming aware of the alleged violation. For **ADA** issues, the ADA Coordinator will send an acknowledgment of receipt of the complaint upon receipt (within seven (7) days), review and respond to the completed form within fifteen (15) working days.

For **'all'** other discriminatory issues, the Title VI Coordinator shall review the completed form, acknowledge receipt of the complaint and respond within fifteen (15) working days.

Step Three: Processing & Informal Resolution

Following the filing of a grievance and the review of the form, the Title VI Coordinator shall examine deadlines, establish jurisdiction, and determine whether, and to what extent, an investigation of the grievance is warranted. The Title VI Coordinator, or designee, shall speak with the complainant about the grievance and possible resolutions, if applicable.

If any complaint warrants a full investigation (finding of a substantiated complaint), the Title VI Coordinator will conduct a full investigation within 60 calendar days of receipt of the completed complaint, and the Complainant as well as the Respondent will be notified in writing by certified mail.

Step Four: Formal Resolution/Written Determination

If an informal resolution of the grievance is 'not' reached in Step Three (3), within 60 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by the Title VI Coordinator/ADA Coordinator to the Executive Manager's Office and the Council to review for approval or direction.

Step Five: Final Determination and Resolution

The final written determination will include a description of the complaint, a summary of the investigation and the findings, and if appropriate, recommendations and resolutions/corrective actions. All parties will be properly notified of the outcome of the City's investigative report.

The Title VI/ADA Coordinator shall communicate the final determination and resolution to the grievant within 90 days of the receipt of the complaint, unless the Executive Manager/City Council authorizes additional time for further consideration of the grievance. Any extension of time will be communicated to the grievant. Any request for reconsideration of the response to the grievance shall be at the discretion of the Executive Manager/City Council.

Further, these procedures are part of an administrative process that does *not* provide for punitive damages or compensatory remuneration for the complaint. However, the City will make every effort to facilitate voluntary and early resolution of complaints at the lowest level possible. The City may exercise the option of informal resolution at any stage of the process.

If the grievant is *not* satisfied with the results of the investigation of the alleged discriminatory practice (s), she/he shall be advised of their right to appeal the City's decision. Appeals must be filed within seven (7) days after the City's final resolution. *Unless* new facts *not* previously considered come to light, reconsideration of the City's determination will *not* be available.

Use of the City of New Castle's grievance procedure is *not* a prerequisite to the pursuit of other remedies. The grievant may seek private counsel or file a complaint directly with the US Department of Justice (DOJ), Indiana Department of Transportation (INDOT) or other appropriate state or federal agency.

The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at: <http://www.justice.gov/crt/about/cor/Pubs/manuals/complain.pdf>

Complaints may also be filed with the following government agencies:

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

Indianapolis District EEOC Office Economic
101 West Ohio Street, Ste 1900 100 N. Senate,
Indianapolis, IN 46204
Phone: (800) 669-4000
Fax: (317) 226-7953
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission 100 N. Senate
Ave., Room NI03 Indianapolis, IN 46204
Toll Free: 1 (800) 628-2909
Phone: (317) 232-2600
Fax: (317) 232-6560
Hearing Impaired: 1 (800) 743-3336


File Maintenance/Recordkeeping

The City of New Castle's ADA Coordinator and the Title VI Coordinator shall maintain their appropriate grievance files for three (3) years, and the Title VI Coordinator shall maintain a yearly filing log with dispositions.

City of New Castle Title VI Coordinator:

Christy Asberry, Title VI Coordinator
227 North Main Street
New Castle, Indiana 47362
Phone: 765-529-7605/newcastlecoordinator@gmail.com

ATTACHMENT D

	City of New Castle, Indiana 227 North Main Street New Castle, Indiana 47362	Phone: 765-529-7605 www.cityofnewcastle.net
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Title VI Complaint Form

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone #: _____ Work /Cell #: _____

Were you discriminated against because of: ☐ Race ☐ National origin ☐ Color ☐ Other

Date of Alleged Incident: _____

Explain as clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include the names and contact information of any witnesses. If more space is needed, please use the back of the form.

Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

☐ yes ☐ no

If yes, check all that apply:

☐ Federal agency ☐ Federal court ☐ State agency ☐ State court ☐ Local agency

Please provide information about a contact person at the agency/court where the complaint was filed:

Name: _____ Telephone # _____

Address: _____

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Signature: _____ Date _____



City of New Castle, Indiana
227 North Main Street
New Castle, Indiana 47362

Phone: 765-529-7605
www.cityofnewcastle.net

Complaint and Consent to Release Form

Name

Telephone number Address,

Case number.

_____ has a complaint, I understand that during an investigation it may become necessary for the Title VI Coordinator to reveal my identity to individuals outside of city 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 City of New Castle 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 by New Castle


Please read both paragraph below, check your choice of 'consent or consent denied' below. (Please mark one)

- ☐ Consent – I have read and understand the above information and authorize Human Relations Department to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gather facts and evidence relevant to the investigation of my complaint. I authorize the Human Relations Department 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 I volunteer to do so.
- ☐ Consent denied – I have read and understand the above information and do not want the Human Relations Department to disclose my identity to any individual during the course of the investigation. I understand this choice can delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without Human Relations Department making a determination on my case.

Signature

Date (month, day, year)

ATTACHMENT F

	<p>City of New Castle, Indiana 227 North Main Street New Castle, Indiana 47362</p>	<p>Phone: 765-529-7605 www.cityofnewcastle.net</p>
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Highway Programs & Activities 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 (23CFR§200.9(b)(4), the City of New Castle's Mayor's Office is distributing this voluntary survey to fulfill that requirement to gather information about the population 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 City of New Castle, 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 the City of New Castle, Indiana's responsibilities under Title VI of the Civil Rights Act of 1964, please contact Christy Asberry, ADA/Title VI Coordinator, City of New Castle, 227 North Main Street, New Castle, Indiana 47362.

For Americans with Disabilities Act (ADA) questions, please contact Director of Public Works and Safety at 765-529-7605

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:					
Project of the City Of New Castle, Indiana					
Proposed project location					
Gender:		<input type="radio"/> Female	<input type="radio"/> Male	Ethnicity: <input type="radio"/> Hispanic or Latino <input type="radio"/> Not Hispanic or Latino	
Race: (Check One)		<input type="radio"/> Native American or Alaska Native	<input type="radio"/> Asian		
		<input type="radio"/> Native Hawaiian	<input type="radio"/> White		
		<input type="radio"/> Black or African American	<input type="radio"/> Multiracial		
Age:		<input type="radio"/> 1 – 21 <input type="radio"/> 22 –40	Disability: <input type="radio"/> Yes		
		<input type="radio"/> 41 – 65 <input type="radio"/> 65+	<input type="radio"/> No		
Household Income:					
<input type="radio"/> 0 - \$12,000		<input type="radio"/> \$12,000 - \$24,000		<input type="radio"/> \$24,000 - \$36,000	
<input type="radio"/> \$36,000 - \$48,000		<input type="radio"/> \$48,000 - \$60,000		<input type="radio"/> \$60,000 +	

ATTACHMENT G – Various Title VI Correspondence

	City of New Castle, Indiana 227 North Main Street New Castle, Indiana 47362	Phone: 765-529-7605 www.cityofnewcastle.net
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Letter Acknowledging Receipt of Complaint

Today's Date

Complainant's name
Complainant's address New
Castle, IN 47362

Dear XXX:

This letter is to acknowledge receipt of your complaint against City of New Castle's Department alleging_____.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 765-529-7605, or write to me at 227 North Main Street, New Castle, Indiana 47362

Sincerely,

Christy Asberry
Title VI Coordinator



City of New Castle, Indiana
227 North Main Street
New Castle, Indiana 47362

Phone: 765-529-7605
www.cityofnewcastle.net

Letter Notifying that the Complaint Is Substantiated

Today's Date

Complainant's name
Complainant's address
New Castle, IN 47362

Dear XXX:

The matter referenced in your letter of _____ (date) against the City of New Castle's _____ Department alleging a Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Christy Asberry
Title VI Coordinator



City of New Castle, Indiana
227 North Main Street
New Castle, Indiana 47362

Phone: 765-529-7605
www.cityofnewcastle.net

Letter Notifying Complainant that the Complaint Is *Not* Substantiated

Today's Date _____ Complainant's name _____
Complainant's address _____ New Castle,
IN 47362

Dear XXX:

The matter referenced in your complaint of _____ (date) against the City of New Castle's
_____ Department alleging _____ has been investigated.

The results of the investigation did *not* indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

The City of New Castle has analyzed the materials and facts pertaining to your case for evidence of the city's failure to comply with any of the civil rights laws. There was *no* evidence found that any of these laws have been violated. Therefore, I advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to (1) appeal within seven calendar days of receipt of this final written decision from The City, and/or (2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights Attention: Title VI Program
Coordinator
East Building, 5th Floor – TCR 1200 New Jersey
Ave., SE Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Christy Asberry
Title VI Coordinator