



**TOWN OF PLAINFIELD, INDIANA  
TITLE VI NON-DISCRIMINATION PLAN  
2018**



**206 W. Main Street  
Plainfield, Indiana 46168  
(317) 839-2561**

## **TOWN OF PLAINFIELD, INDIANA TITLE VI NON-DISCRIMINATION PLAN**

### **TABLE OF CONTENTS**

<b>I. Title VI Non-Discrimination Policy Statement.....</b>	<b>1-2</b>
<b>II. Organization and Staffing .....</b>	<b>3</b>
<b>III. Title VI Training .....</b>	<b>4</b>
<b>IV. Public Dissemination .....</b>	<b>4-5</b>
<b>V. Community Involvement and Outreach .....</b>	<b>5</b>
<b>VI. Contractors, Subcontractors, Vendors, and Consultants.....</b>	<b>5</b>
<b>VII. Complaints of Discrimination .....</b>	<b>5-7</b>
<b>VIII. Data Collection .....</b>	<b>7</b>
<b>IX. Section 504 /Americans With Disabilities (ADA).....</b>	<b>7</b>
<b>XI. Environmental Justice.....</b>	<b>8</b>
<b>XII. Limited English Proficiency (LEP) Plan.....</b>	<b>8-9</b>

### **APPENDICES**

<b>Appendix A - Title VI Assurances .....</b>	<b>10-12</b>
<b>Appendix A-1.....</b>	<b>13</b>
<b>Appendix A-2.....</b>	<b>14</b>
<b>Appendix A-3.....</b>	<b>15-16</b>
<b>Appendix B - Title VI Complaint Log... ..</b>	<b>17</b>
<b>Appendix C - External Complaint Procedure.....</b>	<b>18-22</b>
<b>Appendix D - Voluntary Title VI Public Involvement Survey.....</b>	<b>23</b>
<b>Appendix E - U.S. Census Bureau ISpeak Card.....</b>	<b>24-26</b>

## **I. TITLE VI NON-DISCRIMINATION POLICY**

Title VI of 1964 Civil Rights Act ("Title VI"), as amended, prohibits discrimination on the basis of race, color, and national origin in any program or activity receiving financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs and activities of federal aid recipients, sub-recipients, and contractors, whether or not such programs and activities are federally assisted. Since then, additional regulations and executive orders have extended the protections of Title VI to also prohibit discrimination on the basis of sex, age, disability, income status, and limited English proficiency ("LEP").

In accordance with Title VI and all related statutes, regulations, and directives to the extent applicable, the Town is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration, on the basis of race, color, national origin, sex, age, disability, income, or LEP status.

This Title VI Plan is part of the Town's continual and ongoing effort to proactively meet the compliance requirements established under Title VI, and the related anti-discrimination statutes and regulations. With this Plan, the Town seeks to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its Title VI program. The Town affirms its commitment to non-discrimination by updating this Title VI Plan on an annual or otherwise reasonable basis.

Nate Thorne has been identified as the Town's Title VI Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports, and performing other responsibilities as deemed necessary and appropriate. Anyone who believes that he or she has been subjected to potential discrimination should contact Mr. Thorne, Assistant Town Manager/Title VI Coordinator, Town of Plainfield, 206 W. Main Street, Plainfield, Indiana 46168, Telephone: (317) 839-2561, Facsimile: (317) 838-5236, E-mail: [nthorne@town.plainfield.in.us](mailto:nthorne@town.plainfield.in.us).

Fully executed Assurances are included in Appendix A and integrated into this document. This Title VI Non-Discrimination Plan has been adopted, implemented, and is being adhered to by the Town. The Town has implemented this plan by Resolution, and it is effective for plan year 2018. This plan will be renewed on or before December 31, 2018.

[SIGNATURES FOLLOW]

---

Robin G. Brandgard, President

---

Kent McPhail

---

Bill Kirchoff

---

Lance K. Angle

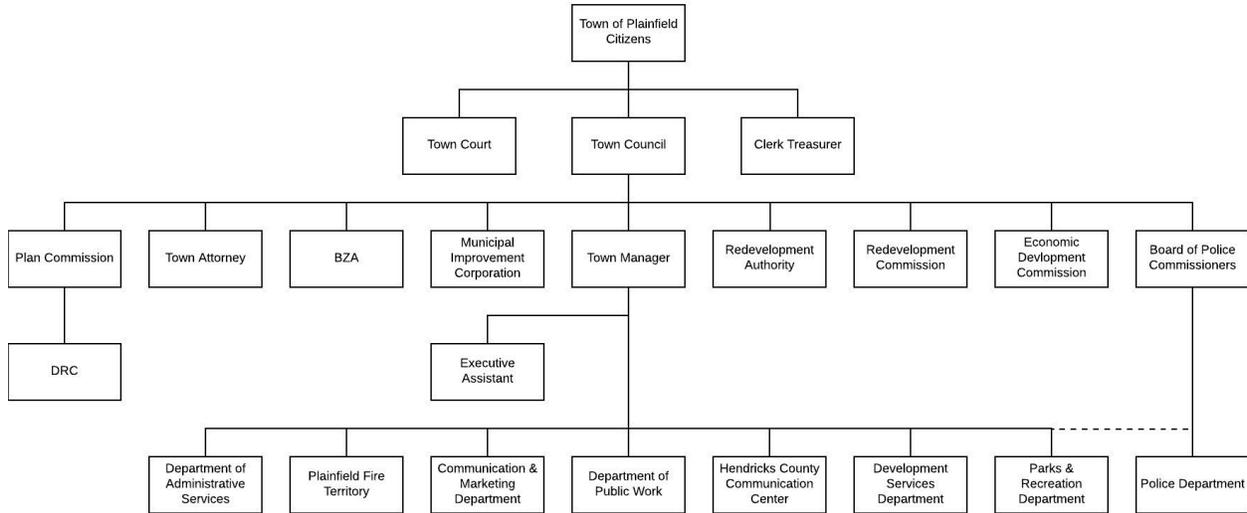
---

Dan Bridget

---

Date: \_\_\_\_\_

## II. ORGANIZATION AND STAFFING



The Assistant Town Manager, Nate Thorne, has been named the Town's Title VI Coordinator and is responsible for initiating, monitoring, maintaining, and reporting the Town's compliance with Title VI.

The Title VI Coordinator may be contacted as follows:

Nate Thorne  
 Assistant Town Manager/Title VI Coordinator  
 206 W. Main Street  
 Plainfield, Indiana 46168  
 Telephone: (317) 839-2561  
 Facsimile: (317) 838-5236  
 E-mail: [nthorne@town.plainfield.in.us](mailto:nthorne@town.plainfield.in.us)

The Title VI Coordinator will:

- Implement, administer, and monitor the Town's Title VI plan and policies; 3
- Distribute Title VI materials internally, and conduct or facilitate Title VI training programs, with respect to Town employees;
- Participate in the design, development, and dissemination of Title VI information to the public;
- Ensure the dissemination of Title VI information to contractors, subcontractors, vendors, and consultants and the inclusion of applicable Title VI language in contracts involving federal funding;
- Attend Title VI training;
- Collect, review, and preserve statistical data (race, color, national origin, sex, language, income, etc.) of participants in activities and programs to ensure the Town's continued compliance with Title VI;
- Collect, review, and preserve data regarding the number of federally funded projects awarded or ongoing;
- Ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation;
- Receive, review, investigate, and address Title VI complaints of discrimination;
- Conduct periodic Title VI reviews in an effort to assist with identifying, addressing, and eliminating discrimination concerns within programs or activities undertaken by the Town;
- Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, complaints and all correspondence regarding same, requests for language services, demographic statistics, and/or compliance reviews;
- Review and update the Title VI plan and policy as needed or required; and
- Prepare and submit the annual Title VI update report.

### **III. TITLE VI TRAINING**

Title VI plan and policy education and materials will be provided to all Town employees. Town employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed the Title VI policy guidelines. New employees will be provided with education and materials at new employee orientation. Employees will be provided with updated education and materials as the Town deems necessary.

Employees will be expected to follow the Title VI policy and other guidelines established from time to time by the Town. In addition, Town 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 incidents of discrimination, and immediately notify the Title VI Coordinator, in writing, of any questions, complaints, or allegations of discrimination.

### **IV. PUBLIC DISSEMINATION**

Title VI information shall be displayed in Town buildings and all places in which public meetings are held. The name and contact information of the Town's Title VI Coordinator will be

displayed on the Title VI information.

The Town's Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan, and complaint procedures, is available on the Town's web: <https://www.townofplainfield.com>. Copies of any of these plans will be provided upon request. The Town will make reasonable efforts to provide translated copies of these plans to LEP individuals upon advance request. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

## **V. COMMUNITY INVOLVEMENT AND OUTREACH**

The Town 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 Town Council and the Town Plan Commission meet monthly and those meetings are open to the public, as well as various other Town meetings. Any meetings that are open to the public are published on the Town website's main page. All Town public meetings are held in locations accessible to individuals with disabilities. The Town will make reasonable efforts to provide translators, free of charge, upon request of individuals with limited English proficiency. Auxiliary aids may also be available upon request. Requests must be made within forty-eight (48) hours in advance.

Also published on the Town's website are various meeting agendas, meeting minutes, notices, events, and news. Some departments within the Town utilize signage, local media, and social media websites as other avenues to communicate with the community.

## **VI. CONTRACTORS, SUBCONTRACTORS, VENDORS, AND CONSULTANTS**

All contractors, subcontractors, and vendors who receive payments from the Town, where funding originates from any federal assistance program, are subject to the provisions of Title VI. The Town will include Title VI language (as per the standard U.S. Department of Transportation Title VI Assurances set forth in Appendices A, B, and C hereto), as relevant and appropriate, in written agreements and bid notices. Written agreements subject to Title VI shall not contain any form of discrimination, either written or implied. The Town does not have subrecipients and, therefore, does not have subrecipient monitoring procedures at this time.

## **VII. COMPLAINTS OF DISCRIMINATION**

Any individual who believes that he or she has been subjected to discrimination in violation of Title VI and its related statutes, regulations, and directives may file a complaint with the Town's Title VI Coordinator. A complaint may also be submitted by a representative on behalf of such individual.

Complaint forms (a copy of which is attached hereto as Appendix C) can be found on the Town's website: <https://www.townofplainfield.com>, or by contacting the Town's Title VI

Coordinator or Human Resources Department. The Town does not necessarily require a complainant to use the Town's complaint form when submitting his or her complaint, and any person with a disability may request to file his or her complaint using an alternative format. However, verbal complaints must be reduced to writing and signed by the complainant or the complainant's representative before processing.

A complaint must include:

- 1) The full name, address, and telephone number of the complainant;
- 2) The full name and address of the individual, agency, department, or program that allegedly discriminated against the complainant;
- 3) A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of sex, age, disability, income status, and limited English proficiency);
- 4) The date on which the allegedly discriminatory act(s) occurred; and
- 5) The signature of the complainant, or his or her representative.

An individual submitting a complaint may include any additional relevant evidence, including the names of witnesses and supporting documentation. In order for the complaint to be considered, the complainant must file the appropriate documentation **within 180 days** from the date the alleged discriminatory act occurred.

It is the policy of the Town to conduct a prompt and impartial investigation of all allegations of discrimination and to take effective corrective action when a claim of discrimination is substantiated. The Title VI Coordinator will process all complaints.

Upon receipt, the Title VI Coordinator will review the complaint to ensure that all required information is provided, that the complaint meets the filing deadline date, and that the complaint falls within the jurisdiction of the Town. The Title VI Coordinator will thereafter arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions, if applicable. The Title VI Coordinator will make every effort to pursue a resolution of the complaint.

If a complaint is deemed incomplete, additional information will be requested. The complainant will have sixty (60) calendar days to respond to the request for additional information. A complainant's failure to respond to the request within such time may result in the administrative closure of the complaint.

The Title VI Coordinator will investigate complaints within the Town's jurisdiction and, based upon the information obtained, will issue a written report of its findings to the complainant or the complainant's representative within sixty (60) days of receiving a completed complaint. The final written response will include a description of the complaint, a summary of the investigation and the findings of such, and if appropriate, recommendations and resolutions.

A complainant's identity will be kept confidential except to the extent necessary to complete the investigation. All complaints will be kept confidential to the extent possible as determined by

the Town.

If the complainant is not satisfied with the results of the investigation of the alleged discriminatory act(s), he or she will be advised of his or her right to appeal the Town's decision. Appeals must be filed within 180 days after the Town's final resolution. 6

All written complaints, investigations, and responses will be retained by the Town for a period of three (3) years (*see* Appendix B).

These procedures do not affect the right of any individual to file a formal complaint with any other government agency or to seek private counsel in connection with any complaint of discrimination.

### **VIII. DATA COLLECTION**

The Town will collect and analyze statistical information regarding demographics to assist in monitoring and ensuring non-discrimination in all of its programs and activities.

The Town will develop and utilize a voluntary Title VI public involvement survey (Appendix D) that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's race, ethnicity, gender, age, income, and if he or she is disabled. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

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

### **IX. SECTION 504 /AMERICANS WITH DISABILITIES (ADA)**

In accordance with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as well as other local, state, and federal laws and regulations, the Town will make every reasonable effort to ensure that no individual with a disability will be excluded from the participation in, denied the benefits of, or subjected to discrimination under any of the Town's programs or activities.

For more information regarding the Town's ADA policy, please visit the Town's website at <https://www.townofplainfield.com/> and select the Engineering Department link to view the Town's ADA Transition Plan and grievance procedures. Questions, concerns, comments, or requests regarding ADA should be made to the Town's ADA Coordinator:

Andrew Klinger  
Town Manager/ADA Coordinator  
206 W. Main Street  
Plainfield, Indiana 46168  
Telephone: (317) 839-2561

Facsimile: (317) 838-5236  
E-mail: aklinger@town.plainfield.in.us

## **X. ENVIRONMENTAL JUSTICE**

Environmental justice means ensuring that plans, policies, and actions do not disproportionately affect low-income and minority communities. As stated by the Indiana Department of Transportation, the three fundamental environmental justice principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on 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 Town is committed to these three environmental justice principles in all work that the Town performs. Minority and low income information is included in the Voluntary Public Involvement Surveys and is considered as part of the Town's Title VI compliance efforts in determining environmental justice impacts. The Town will also ensure the proper consideration of environmental justice issues that may arise as part of any intended project.

## **XI. LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

The Town has developed this Limited English Proficiency (LEP) plan to help identify reasonable steps to provide language assistance to LEP persons seeking meaningful access to the Town's services, as required by Executive Order 13166.

A LEP person does not speak English as their primary language and has a limited ability to read, speak, write, and/or understand English. This plan details procedures on how the Town will identify a person who may need language assistance, how assistance may be provided, and how the Town will update this plan in the future.

In implementing this plan, the Town will use the U.S. Department of Transportation four- factor LEP analysis, which considers the following:

1. The number and proportion of LEP persons eligible to be served or likely to come into contact the Town's services.
2. The frequency with which LEP individuals come into contact with the Town's programs, activities, or services.
3. The nature and importance of the programs, activities, or services provided by the Town to the LEP population.
4. The resources available to the Town and the overall costs of providing LEP assistance.

The number and proportion of LEP persons eligible to be served or likely to be encountered by

the Town can only be estimated until the actual number of persons who can speak English less than “very well” are documented as needing assistance by the Town . With this Title VI Plan being in early development stages and regarded as deserving of regular updates, U.S. Census Bureau statistical information is being used at this time.

Using U.S. census data from the 2012-2016 American Community Survey 5-Year Estimates for "Language Spoken at Home," it is estimated that 1,923 individuals (or 6.2% of the Town's population), age five years and older, speak a language other than English. Of those reporting that they speak a language other than English, 556 individuals reported that they speak English less than "very well," which means that approximately 1.8% of the Town's population may be considered limited English proficiency. (For reference, the Town's estimated population in the 2012-2016 ACS was 30,832, with 93.8% of individuals reporting that they speak only English.)

The Town will assess the frequency with which LEP individuals come in contact with any of its programs, activities, or services. This may be accomplished by utilizing the Voluntary Title VI Public Involvement Survey (*see* attached Appendix D), surveying staff, documenting phone calls and other correspondence in which language barriers existed, and/or tracking inquiries or requests for language assistance. At this time, the Town has received very few requests for translation assistance, and in the minimal instances we have had contact with LEP individuals, we have been able to accommodate the language barrier.

In addition, the Town will work with LEP individuals and communities to ascertain the nature and importance of programs, activities, or services provided by the Town to the LEP population. If the Town becomes aware that critical information is not accessible to LEP individuals, the Town will provide services to reasonably assist such LEP individual(s), including translation of vital Town documents and interpretation services. Town staff will be provided training on the requirements for providing meaningful access to critical services for LEP persons.

The analyses of the four factors suggest that LEP services are not substantiated in the Town at this time. Nevertheless, the Town has committed to the following:

- Make reasonable efforts to provide, upon advance request, translators free of charge for Town public meetings, programs, and activities. The Town will also make reasonable efforts to provide information and documents in other languages, upon advance request, in those demographic areas identified with limited English proficiencies.
- Provide U.S. Census Bureau ISpeak cards at Town Hall located at 206 W. Main Street. This card allows LEP individuals to communicate their preferred language to Town staff, which Town staff may thereafter use for data collection purposes and also to retain the services of a translator when necessary.
- Continually monitor our LEP plan and make adjustments as necessary to accessibility of LEP individuals.

The Town is aware that the community profile is ever-changing; therefore, this LEP plan and the four-factor analysis will continue to be evaluated on an annual basis to ensure the plan remains reflective of the community's needs. Individuals requiring special language services or accommodations should contact the Town's Title VI Coordinator.

## APPENDIX A

### TOWN OF PLAINFIELD, INDIANA TITLE VI ASSURANCES

The Town of Plainfield, Indiana (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race color, national origin, sex, age, disability/handicap, or low income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1).

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances:

1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (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 relevant programs and, in adapted form, in all proposals for negotiated agreements:

*The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged 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, national origin, sex, age, disability/handicap, or low income status in consideration for an award.*

3. That the Recipient shall insert the clauses of Appendix A-1 of this Assurance in every contract subject to the Acts and the Regulations.

4. That the Recipient shall insert the clauses of Appendix A-2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix A-3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the relevant project; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the relevant project.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

[SIGNATURE PAGE FOLLOWS]

\_\_\_\_\_  
Robin G. Brandgard, President

\_\_\_\_\_  
Kent McPhail

**11**

\_\_\_\_\_  
Bill Kirchoff

\_\_\_\_\_  
Lance K. Angle

\_\_\_\_\_  
Dan Bridget

Date: \_\_\_\_\_

## APPENDIX A-1

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, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including 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 Regulations relative to nondiscrimination on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: 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 Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

A. 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 Town of Plainfield, Indiana will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Town of Plainfield, Indiana all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

**(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the Town of Plainfield, Indiana and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Town of Plainfield, Indiana its successors and assigns.

The Town of Plainfield, Indiana, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, sex, age, disability/handicap, or low income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] (and)\* (2) that the Town of Plainfield, Indiana shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

---

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

### APPENDIX A-3

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

The \_\_\_\_\_ [grantee, licensee, lessee, permittee, etc., as appropriate] for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

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

That in the event of breach of any of the above nondiscrimination covenants, the Town of Plainfield, Indiana shall have the right to terminate the \_\_\_\_\_ [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said \_\_\_\_\_ [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

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

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

The \_\_\_\_\_ [grantee, licensee, lessee, permittee, etc., as appropriate] for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability/handicap or low income status shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability/handicap, or low income status shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the \_\_\_\_\_ [grantee, licensee, lessee, permittee, etc.] shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

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

---

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

That in the event of breach of any of the above nondiscrimination covenants, the Town of Plainfield, Indiana shall have the right to terminate the \_\_\_\_\_ [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said \_\_\_\_\_ [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, the Town of Plainfield, Indiana shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall the 15  
revert to and vest in and become the absolute property of the Town of Plainfield, Indiana and its assigns.

---

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



## APPENDIX C

### EXTERNAL COMPLAINT PROCEDURE

#### INSTRUCTIONS:

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

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

Upon request, assistance with filing this complaint 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 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. Additionally, you have the right to seek private counsel.

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

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

Complaints of discrimination must be filed within 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.

**Please note that your complaint cannot be processed without your signature.**

<b>COMPLAINANT INFORMATION</b>		
Name <i>(first, middle, last)</i>		
Address <i>(number and street, city, state, ZIP code)</i>		
Home telephone number (       )       -	Work telephone number (       )       -	Cellular telephone number (       )       -

<b>PERSON / DEPARTMENT YOU BELIEVE DISCRIMINATED AGAINST YOU</b>		
Name <i>(first, middle, last)</i>	Title	
Name of department		
Address <i>(number and street, city, state, ZIP code)</i>		
Home telephone number (       )       -	Work telephone number (       )       -	Cellular telephone number ( )       -
<b>When was the last alleged discriminatory act? <i>(month, day, year)</i></b>		
<p><b>Complaints of discrimination must be filed within 180 days of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.</b></p>		
<b>The alleged discrimination was based on:</b>		
Race	Color	Age
Disability	Ancestry	Retaliation
Affiliation		

Name of complainant

Date *(month, day, year)*

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

--

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

Name of witness 1 ( <i>first, middle, last</i> )		Title
Name of company		
Address ( <i>number and street, city, state, ZIP code</i> )		
Home telephone number ( ) -	Work telephone number ( ) -	Cellular telephone number ( ) -
Include a brief description of the relevant information the witness may provide to support your complain of discrimination:		
Name of complainant		Date ( <i>month, day, year</i> )

Name of witness 2 ( <i>first, middle, last</i> )		Title
Name of company		
Address ( <i>number and street, city, state, ZIP code</i> )		
Home telephone number (       )       -	Work telephone number (       )       -	Cellular telephone number (       )       -
Include a brief description of the relevant information the witness may provide to support your complain of discrimination:		

Name of witness 3 ( <i>first, middle, last</i> )		Title
Name of company		
Address ( <i>number and street, city, state, ZIP code</i> )		
Home telephone number (       )       -	Work telephone number (       )       -	Cellular telephone number (       )       -
Include a brief description of the relevant information the witness may provide to support your complain of discrimination:		

Name of complainant	Date ( <i>month, day, year</i> )
---------------------	----------------------------------

Have you filed a complaint alleging the same discrimination with another state or federal agency?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>If yes, please provide the following information for each agency:</i>	
Name of Agency:	
Date complaint filed (month, day, year)	Case number assigned to your complaint
Current status of your complaint	
How did you learn about your right to file a discrimination complaint with the Town?	
Name of complainant	Date ( <i>month, day, year</i> )

## APPENDIX D

### VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

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

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

If you have any questions regarding the Town of Plainfield’s responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act of 1990, please contact Nate Thorne, the Town's Title VI Coordinator.

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 below.

<b>Date:</b> (month, day, year)					
<b>Project Name:</b>					
<b>Proposed Project Location:</b>					
<b>Gender:</b>		<input type="checkbox"/> Female	<input type="checkbox"/> Male	<b>Ethnicity:</b>	
				<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Not Hispanic or Latino
<b>Race:</b> (Check one or more)					
		<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		
<b>Age:</b>		<input type="checkbox"/> 1-21	<input type="checkbox"/> 22-40	<b>Disability:</b>	
		<input type="checkbox"/> 41-65	<input type="checkbox"/> 65+	<input type="checkbox"/> Yes	
				<input type="checkbox"/> No	
<b>Household Income:</b>					
		<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+	

**Title VI Coordinator: Nate Thorne, 206 W. Main Street, Plainfield, Indiana 46168**  
**nthorne@town.plainfield.in.us**

**APPENDIX E**  
**U.S. CENSUS BUREAU ISPEAKCARD**

<b>2004 Census Test</b>	 <b>LANGUAGE IDENTIFICATION FLASHCARD</b>
<input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Խոսողների կամ 'սրբազան' լեզուները, կամ հայերենը:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বক্সে মাথ দিন।	3. Bengali
<input type="checkbox"/> ល្អប្រសើរណាស់ប្រសិនបើ: បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文, 请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文, 請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید این مربع را علامت بزنید.	12. Farsi

DB-3309

U.S. DEPARTMENT OF COMMERCE  
Economic and Statistics Administration  
U.S. CENSUS BUREAU

- |                          |  |                    |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français.                                      | 13. French         |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.                | 14. German         |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.                            | 15. Greek          |
| <input type="checkbox"/> | Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.                                | 16. Haitian Creole |
| <input type="checkbox"/> | अगर काम हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।                      | 17. Hindi          |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob.                                | 18. Hmong          |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérte vagy beszéli a magyar nyelvet.                  | 19. Hungarian      |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.                    | 20. Ilocano        |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano.                                     | 21. Italian        |
| <input type="checkbox"/> | 日本語を話んだり、話せる場合はここに印を付けてください。   | 22. Japanese       |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.   | 23. Korean         |
| <input type="checkbox"/> | ໂຕ້ອນປີສະໂຊງື້ ຕື່ນກ່າວອັດຕື່ນກ່າວອາກາດ.   | 24. Laotian        |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish         |

08-3308

U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU

- |                          |  |                |
|--------------------------|--|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português.                           | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această căsuță dacă citiți sau vorbiți românește.                    | 27. Romanian   |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски.               | 28. Russian    |
| <input type="checkbox"/> | Обележите ovaj kvadratić ukoliko čitate или говорите српски језик.             | 29. Serbian    |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.             | 30. Slovak     |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español.                                    | 31. Spanish    |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog    |
| <input type="checkbox"/> | ใส่กาเครื่องหมายลงในช่องถ้าคุณสามารถอ่านภาษาไทย.                               | 33. Thai       |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.                        | 34. Tongan     |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.         | 35. Ukranian   |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔                     | 36. Urdu       |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.               | 37. Vietnamese |
| <input type="checkbox"/> | באסיבות דעם קעסטל אויב איר לייענט אדער רעדט אידיש.                             | 38. Yiddish    |

08-3309

U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU