



MONTGOMERY COUNTY, INDIANA

TITLE VI

NONDISCRIMINATION IMPLEMENTATION

PLAN & POLICY

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1. POLICY STATEMENT

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

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

2. TITLE VI COORDINATOR

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ADA Coordinator & Title VI Coordinator

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The Montgomery County Title VI Coordinator will:

- Administer and implement Montgomery County’s Title VI plan and policy.
- Develop and maintain a Title VI liaison team (Appendix D) to ensure departments are implementing, monitoring and complying with Montgomery County’s Title VI plan and policy.
- Conduct Title VI yearly reviews with liaisons in an effort to assist with identifying, addressing and eliminating discrimination concerns in every department.
- Conduct or facilitate Title VI training programs with department liaisons for dissemination to employees.
- Work with liaisons to develop and disseminate Title VI information to contactors, subcontractors, vendors and consultants.
- Work with liaisons to ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation.

- Ensure Title VI language is including in Montgomery County contracts.
- Collect, review and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure Montgomery County's continued compliance with Title VI.
- Collect, review and preserve statistical data regarding the number of federally funded projects awarded or ongoing for the past three (3) years.
- Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, complaints and all correspondence regarding such, requests for language services, demographic statistics, department compliance reviews and all Title VI federal agency correspondence and records.
- Address all Title VI discrimination complaints.
- Review and update the Title VI plan and policy as needed or required.
- Prepare and submit the annual Title VI update report.

3. EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING

Title VI plan and policy education and literature will be provided to all Montgomery County employees. Montgomery County employees will be required to sign an acknowledgement (Appendix E) 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. Employees will be provided with updated education and literature as Montgomery County deems necessary.

Employees will be expected to follow the Title VI policy and guidelines set forth. In addition, Montgomery County 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.

4. CONTRACTORS, SUBCONTRACTORS, VENDORS & CONSULTANTS

All contractors, subcontractors and vendors who receive payments from Montgomery County where funding originates from any Federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. Montgomery County will include Title VI language, as per the Standard U.S. DOT Title VI Assurances Appendices A, B & C, as relevant and appropriate, in written agreements and bid

notices. Written agreements relevant to Title VI shall not contain any form of discrimination, either written or implied.

5. CONCERNS/COMPLAINT PROCESS

Montgomery County will take prompt and reasonable actions to thoroughly investigate concerns and complaints. Any individual, who believes they have been subjected to discrimination, may file a complaint with the Montgomery County Title VI Coordinator. Complaint forms (Appendix F) can be found on Montgomery County's website: www.montgomerycounty.in.gov or by contacting the Montgomery County Title VI Coordinator. In order for the complaint to be considered, the complainant must file the appropriate documentation:

1. Within 180 days of the alleged act of discrimination; or
2. Where there has been a continuing course of alleged discriminatory conduct, on the date in which the alleged conduct was discontinued.

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

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

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

Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak to meet with the complainant to discuss the complaint and the possible resolutions if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has sixty (60) business days to respond to the request for the additional information. A complainant's failure to respond to the

request within sixty (60) business days may result in the administrative closure of the complaint.

If Montgomery County does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state or federal agency holding such jurisdiction. The Title VI Coordinator will notify the complainant or their representative, in writing, that the complaint is outside of Montgomery County's jurisdiction and where the complaint has been referred for further handling.

The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside Montgomery County's jurisdiction and based upon the information obtained will render a final written response letter to the complainant or their representative by registered mail or hand delivery within sixty (60) business days. The final written response will include a description of the complaint, a summary of the investigation and the findings of such, summaries of all individuals interviewed, and if appropriate, recommendations and resolutions. All written complaints, investigations and responses will be retained by Montgomery County for at least three (3) years (Appendix F).

A complainant's identity shall be kept confidential except to the extent necessary to complete the investigation. If it is necessary to disclose the complainant's identity to the alleged person who may have discriminated or a third-party Montgomery County must first obtain the complainant's written consent. Montgomery County must also obtain the complainant's written consent before providing a copy of the complaint to any other individual(s) involved with the investigation.

If a complainant is dissatisfied with the final resolution of the complaint, they have the right to file a complaint to:

Department of Justice

Federal Coordination and Compliance Section – NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

6. PUBLIC DISSIMINATION

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

The Montgomery County Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan and complaint procedures, is available on the Montgomery County website at www.montgomerycounty.in.gov. Copies of any of these plans will be provided upon request. LEP individuals may obtain translated copies of these plans upon request. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

7. COMMUNITY INVOLVEMENT & OUTREACH

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

The Montgomery County Council and the Montgomery County Board of Commissioners meet monthly and those meetings are open to the public, as well as other various Montgomery County meetings. Any meetings that are open to the public are published on Montgomery County website's main page and distributed to local media outlets. All Montgomery County public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance.

Also published on the Montgomery County website are various meeting agendas, meeting minutes, Montgomery County notices, events and news. Some departments within Montgomery County utilize signage, media and social media websites as another avenue to communicate with the community.

8. DATA COLLECTION

Pursuant to 23 CFR 200.9(b)(4), Montgomery County shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

Montgomery County shall utilize a voluntary Title VI Public Involvement Survey (Appendix G) that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitators of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

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

9. SECTION 504/AMERICANS WITH DISABILITIES (ADA)

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

For more information regarding Montgomery County's ADA policy, please visit Montgomery County's website at www.montgomerycounty.in.gov and select the Commissioners tab-ADA tab to view Montgomery County's ADA Transition Plan and compliance statement. ADA complaint forms can also be obtained on Montgomery County's website or by contacting the Montgomery County ADA Coordinator.

Questions, concerns, comments or requests regarding ADA should be made to Montgomery County's ADA Officer:

Lori Dossett
ADA & Title VI Coordinator
Commissioners Executive Assistant
1580 Constitution Row – Suite E
Crawfordsville, IN 47933
Voice: 765-361-2623

10. **LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

Montgomery County has prepared this plan in accordance with Title VI of the Civil Rights Act of 1964, as amended, which states that no person shall be subjected to discrimination on the basis of race, color or national origin. The purpose of this plan is to help identify reasonable steps for providing language assistance to individuals with limited English proficiency who wish to access services provided by Montgomery County.

Presidential Executive Order No. 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates that individuals treated differently based upon their inability to speak, read, write or understand English is a type of national origin discrimination. Presidential Executive Order 13166 defines limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

In order to prepare this plan, Montgomery County utilized the U.S. Department of Transportation four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Montgomery County program, activity or service.
 2. The frequency with which LEP persons come in contact with Montgomery County programs, activities or services.
 3. The nature and importance of programs, activities or services provided by Montgomery County to the LEP population.
 4. The resources available to Montgomery County and overall cost to provide LEP assistance.
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1. Using 2010 census data, it is has been estimated that 4.6% of Montgomery County's population, age five (5) years and older, speak a language other than English. Therefore, it is estimated that 95.4% of Montgomery County's population, age five (5) years and over, speak only English. Approximately 3.3% of the population speak Spanish or Spanish Creole, 1.0% speak other Indo-European languages, .01% speak Asian and Pacific Island languages and 0.0% speak other languages. Montgomery County has further broken down census data to assist with identifying those areas

within Montgomery County where English proficiency is limited. Montgomery County will be accommodating those individuals by posting in public areas access to information in other languages. Montgomery County's website offers many other languages including Spanish.

2. Montgomery County assesses the frequency with which LEP individuals come in contact with any of our programs, activities or services. This has been accomplished by utilization of the Voluntary Title VI Public Involvement Survey (Appendix H), surveying staff, documenting phone calls and other correspondence in which language barriers existed, and tracking inquiries or requests for language assistance. Based on the results of our research Montgomery County has minimal contact with LEP individuals, we have been able to accommodate the language barrier.
3. Montgomery County is responsible for all roads, bridges and small structures (less than 20-foot span) within Montgomery County which are not State highways and which are not within the corporate limits of a city or town. They are also responsible for bridges having a span of 20 or more feet on all roads in Montgomery County which are not State highways. Montgomery County has 11 townships within approximately 844.31 miles of roadway and rights-of-way and 172 bridges. Montgomery County strives for safe and accessible roadways, and continues to work to improve the transportation is critical to the public as it provides access to emergency services (fire, police, etc.), health care, employment and other essential individual needs. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to the individuals relying on these services could be life-threatening.
4. Montgomery County has within its jurisdiction higher education institutions that provide language services. Ivy Tech has a campus located within Montgomery County. Many of their courses are also offered at public education centers and elementary/secondary schools. Adult learning classes are available and presented through seminars with some provided at no cost.

The analyses of the four factors suggest that LEP services are not substantial at Montgomery County at this time. Montgomery County, however has committed to the following:

- Continue offering, upon request, translators free of charge for Montgomery County public meetings, programs and activities if requested within forty-eight (48) hours in advance.
- Provide access to information and documents in other languages in those demographic areas identified with limited English proficiencies.
- Continually monitor our website and make adjustments as necessary to ensure information is accessible to LEP individuals.

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

11. Montgomery County, Indiana Title VI Assurances

Montgomery County (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 200d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 40, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that is in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the "appropriate Grantor(s)" and, HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the "appropriate Grantor(s):"

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

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

compliance with all requirements imposed by or pursuant to, the Regulations.

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

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

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisitions of real property or an interest in real property, the Assurance shall extend to rights on space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix B of this Assurance as a covenant running with the land, in any further deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the “appropriate Grantor(s)” and (b) for the

construction or use of or access to space on, over or under real property acquired, or improved under the “appropriate Grantor(s).”

8. That is Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY

Dan Guard, President

Jim Fulwider, Vice President

Jake Bohlander, Member

ATTEST: _____
Mindy Byers, Montgomery County Auditor