



# TOWN OF NEWBURGH

## TITLE VI

### IMPLEMENTATION PLAN

2017

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## INTRODUCTION

Title VI Implementation Plan is a part of the Town of Newburgh's continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Implementation Plan, The Town of Newburgh seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.

## THE TOWN OF NEWBURGH TITLE VI NON-DISCRIMINATION NOTICE & POLICY

The Town of Newburgh values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this town. As a recipient of federal funds, The Town of Newburgh conforms to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from The Town of Newburgh on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. The Town of Newburgh further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of The Town of Newburgh to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; 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; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the 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 Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 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).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, The Town of Newburgh 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 this federal financial assistance.

The Town of Newburgh also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, The Town of Newburgh will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). The Town of Newburgh will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Whenever The Town of Newburgh distributes federal-aid funds to a second-tier subrecipient, will include Title VI language in all written agreements.

The following individual has been identified as The Town of Newburgh's Title VI and ADA Coordinator and is responsible for 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.

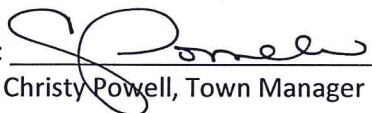
Christy Powell  
Title VI / ADA Program Manager  
23 W Jennings St. / PO Box 6  
Newburgh, IN 47630  
cpowell@newburgh-in.gov

The Town of Newburgh affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein (see next page).



**TITLE VI ASSURANCES & IMPLEMENTATION**

Fully executed Assurances are included in Appendix A and integrated into this document. This Title VI Implementation Plan has been adopted, implemented and is being adhered to by The Town of Newburgh. The Town of Newburgh has implemented this plan by **RESOLUTION** and it is effective for **2017**. This plan will be renewed on or before December 31, 2018.

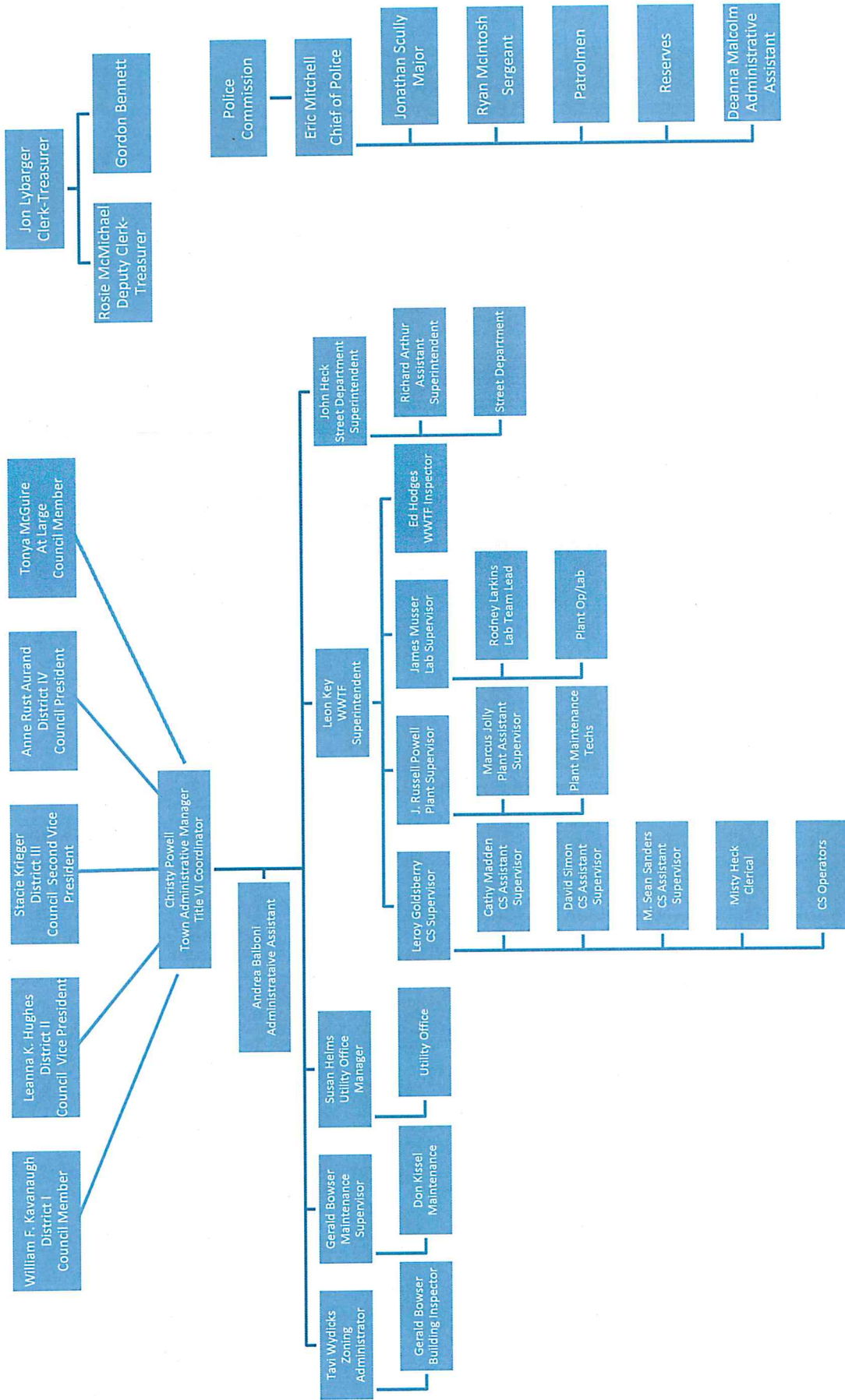
Signed by:   
Christy Powell, Town Manager

Date: 8-9-17

The individual above is a duly authorized representative of The Town of Newburgh.

THE TOWN OF NEWBURGH ORGANIZATION AND STAFFING

Town of Newburgh Organizational Chart  
2017



The type of data collected is dependent on the program area's objective. The Town of Newburgh collects various types of data to ensure compliance with Title VI. Some information is collected for a period of time with the objective of determining what data needs to be collected.

The following types of data are currently being collected by The Town of Newburgh:

- Complaints received, logged, processed and investigated by The Town of Newburgh
- Environmental Justice analysis and reports
- Limited English Proficiency reports
- Title VI Training
- Public Involvement Survey
- Records of meeting minutes and discussions related to Title VI in all program areas.
- The Town of Newburgh collects data related to specific program areas being reviewed this year for disparate / disproportionate impacts or other evidence of potential discrimination or discriminatory outcomes.

## COMPLAINTS OF DISCRIMINATION

### HOW TO FILE A COMPLAINT?

While a Complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email to the Title VI Coordinator, a signed, original copy of the complaint must be mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. The Town of Newburgh does not require a Complainant to use The Town of Newburgh complaint form when submitting his or her complaint.

Direct all complaints of discrimination pursuant to Title VI to:

Christy Powell, Title VI Coordinator  
23 W Jennings St. / PO Box 6  
Newburgh, IN 47630  
[cpowell@newburgh-in.gov](mailto:cpowell@newburgh-in.gov)  
812-853-1720  
812-853-1727



## ELEMENTS OF A COMPLETE COMPLAINT

A complaint must be both written and signed to be complete. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review and signature before processing. The complaint form is available for download from The Town of Newburgh website at:

<http://www.newburgh-in.gov/>

Additionally, a complaint must include the following information:

- The full name and address of the Complainant;
- The full name and address of the Respondent, the individual, agency, department or program that allegedly discriminated against Complainant; and
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

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## PROCESSING COMPLAINTS

The Title VI Coordinator will process all complaints.

- The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided; the complaint meets the filing deadline date which is 180 days from the date the alleged discriminatory act occurred, and falls within the jurisdiction of the Town.
- The Title VI Coordinator will then investigate the complaint. If the complaint is against the Town then the Town Manager's office or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the Town Attorney.
- If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency.
- The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator, Town Council and Town Manager's office.
- Once the Town has investigated the report findings, the Town will adopt a final resolution.
- All parties associated with the complaint will be properly notified of the outcome of the Town's investigative report.
- If the complainant 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 Town's decision. Appeals must be filed within 180 days after the Town's final resolution. Unless new facts not



previously considered come to light, reconsideration of the Town's determination will not be available.

- 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: <https://www.justice.gov/crt/fcs/Title-6-Manual>

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## ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

The three fundamental environmental justice (EJ) 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 of Newburgh** is committed to these three environmental justice principles in all work that the town performs.

### LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President 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 has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the town uses to access the LEP populations in The Town of Newburgh.

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by the town.
2. The frequency with which LEP individuals come into contact with the program, activity or service.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the town and costs.

In addition, The Town of Newburgh has not implemented the safe harbor provision whereby it identifies and translate all vital documents into any language where the 5% threshold is met whereby 5% or more of the population in the town both:

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

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#### SUMMARY OF THE FOUR FACTOR ANALYSIS

##### **Factor 1:**

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 town staff . With this Title VI Plan being in early development stages and considered a document that may need regular updates, US Census Bureau information is being used at this time. The total population is provided below to show general distribution of race and Ethnicity in the community. The estimated number of persons that may not speak English “very well” is following in the US Census Bureau 2006-2010 American Community Survey.

The U.S. Census Bureau provides statistics from 2010 for the Town of Newburgh as follows:

Total population = **3325**

94.2% White - 3132

1.4% African American

0.1% Native American

2.0% Asian

0.9% from other races

1.4% from two or more races

2.0% Hispanic or Latino of any race



The US Census Bureau 2006-2010 American Community Survey 5-Year Estimates under SELECTED SOCIAL CHARACTERISTICS estimates the number of people in The Town of Newburgh who speak a language other than English to be 100 with those speaking English less than “very well” estimated at 1% or approximately 30 individuals who may be considered limited in English proficiency.

According to the census numbers above there may be up to 100 individuals who live in the the Town of Newburgh that may be considered as LEP. Based on actual contact between town staff and the community there have been very few requests from anyone in the service area asking the town to provide language translation services. Therefore, the LEP population is probably even less than the estimate shown above.

**Factor 2: The frequency with which LEP individuals come into contact with the program, activity or service:**

Due to the infrequent requests for translation services, there appears to be a minimal need for translation services from the town.

**Factor 3: The nature and importance of the program, activity, or service provided by the program:**

If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the town will provide, upon request, services to assist the LEP population including translation of vital town documents and interpretation services.

**Factor 4: The resources available to the town and costs: will be determined on an ‘as-needed’ basis.**

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SUMMARY OF LEP ACCOMMODATION PLAN

- The Town of Newburgh strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to town services.
- A U.S. Census Bureau ‘I Speak’ card is available as part of this document. This card allows LEP individuals to communicate their preferred language to town staff whereas town staff may then access a translation service as determined by the town.
- The Town of Newburgh utilizes a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, sex, disability status, and household income. Once the

survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the town may consider changes to their LEP policy. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.

- The town reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the town's Title VI plan and procedures as required.
- Staff for the town will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.

## TITLE VI TRAINING

### EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING

At the time of Hire (and annually to all employees if applicable): Title VI policy education and literature will be provided to all Town of Newburgh employees. The Town of Newburgh employees will be required to sign an acknowledgement 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 the town deems necessary.

Ongoing Training provided to current employees: Current employees will receive training annually. Training will consist of Power point presentation (attached) and other trainings as they become available such as the attached power point presentation in Appendix G and other trainings as they become available such as webinars, and INDOT workshops for select staff members. Training will take place in person and by other means including webinars and printed materials.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, the Town of Newburgh 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.



### DATA COLLECTION

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

The Town of Newburgh shall utilize a voluntary Title VI public involvement survey 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 facilitator 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.

### COMMUNITY INVOLVEMENT & OUTREACH

The Town of Newburgh 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 of Newburgh hosts several meetings monthly and those meetings are open to the public. Any meetings that are open to the public are published on the Town of Newburgh website's main page. All the Town of Newburgh public meetings are held in locations accessible to 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 Town of Newburgh website are various meeting agenda's, meeting minutes, notices, events and news. Some departments within the Town of Newburgh utilize signage, media and social media websites as another avenue to communicate with the community.

## REVIEW OF PROGRAM AREA

This section outlines annual goals set forth by the Town of Newburgh to comply with Title VI requirements and statutes. This list will be monitored for updates and additions.

### ANNUAL WORK PLAN

Group/Company	Department	Event	Notes
HNI	Street & Police	Wine, Art & Jazz Festival	
		Easter Egg Hunt	
HNI		Farmers Market	
HNI	Street & Police	Fireworks & Evening in the Park	
HNI		Free Family Movie Nights	
HNI	Pool Staff	Open Swim on Free Family Movie Nights	
HNI		Ghost Walks	
HNI		Ghostly Stroll Halloween Parade	
HNI		Harvest Festival in the Park	
HNI		Newburgh Celebrates Christmas	
Friends of Newburgh	Street	Fiddler Festival	
Merchants		Silver Bell Saturday	
	Police	National Night Out	
	Police	Shop with a Cop	
Rivertown Trail Committee		Rivertown Trail 5K	
Advanced Disposal	Town Hall	Trash & Recycling	
Action Pest	Town Hall	Mosquito Spraying	
B&B	Street	Mowing	
	Street	Plowing	
*Contracted	Street	Tree Removal	
Advanced Disposal		Street Sweeping	
	Street	Leaf Blowing	
		Engineer Services	
		Building Inspections	
		Code Enforcement	
		Sewer Billing	
		Stormwater Drainage	
		WATS	

		Sidewalks	
	Maintenance, Town Hall, Pool Staff	Newburgh Community Pool	
	Town Hall & Pool Staff	Family Nights at the Pool	
	Pool Staff	Swim Team	
	Pool Staff	Swimming Lessons	
	Town Hall & Pool Staff	Group Usage	
	Maintenance & Pool Staff	Fortress of Fun	
	Maintenance & Pool Staff	Tennis Courts	
	Maintenance & Pool Staff	Basketball Courts	
	Maintenance & Pool Staff	Soccer Field	
	Maintenance, Street, Park Dept	Lock & Dam Park	
	Maintenance, Street, Park Dept, Town Hall	Old Lock & Dam Building	
	Maintenance, Street, Park Dept, Town Hall	Cottages	
	Maintenance, Street, Park Dept, Town Hall	Log Cabin	
	Maintenance, Street, Park Dept, Town Hall	Gazebo	
	Maintenance, Street, Park Dept, Town Hall	Shelter House	
	Maintenance & Town Hall	Preservation Hall	
Newburgh Museum		Newburgh Museum	
	Maintenance, Street, Park Dept, Town Hall	Meditation Park	
	Maintenance & Town Hall	Town Hall	
	Maintenance & Street	Newburgh Rivertown Trail	
	Maintenance & Street	Aurand Trailhead	

	Maintenance & Street	Overlook Park	
	Maintenance & Street	IHOP	
		Amax Fields	
	Maintenance & Street	Hester Memorial	
	Maintenance & Street	Veterans Monument	
	Police	Police Response	
	Fire	Fire Response	

Accomplishments	Completion Date
Goals	Target Completion Date



# APPENDIX

- A. Assurances
- B. Complaint Policy
- C. Complaint Log
- D. External Complaint Procedure/Form
- E. Public Involvement Survey
- F. I Speak Cards
- G. Training Materials & Records of Training Attendance
- H. Reports and Outcomes of Data Collected pending

## APPENDIX A: ASSURANCES

### Title VI Assurances

The Town of Newburgh (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Town of Newburgh, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of religion, race color, or national origin, sex (23 USC 324), sexual orientation, gender identity (Executive Order 13672), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) 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) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program.


1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) 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 Highway Programs and, in adapted form in all proposals for negotiated agreements:

The Town of Newburgh, 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 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, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income 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 Acts and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the 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 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 Town of Newburgh 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 Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient

  
\_\_\_\_\_  
Signature

8-9-17  
\_\_\_\_\_  
Date



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 Title 49, Code of Federal Regulations, Part 21, and 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 Town of Newburgh 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 Town of Newburgh, 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 Town of Newburgh shall impose such contract sanctions as it 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 the Town of Newburgh 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 Town of Newburgh to enter into such litigation to protect the interests of the Town of Newburgh 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 Town of Newburgh, as authorized by law, and upon the condition that the Town of Newburgh 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 Newburgh* all the right, title and interest of the Town of Newburgh 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 Newburgh 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 Newburgh its successors and assigns.

The Town of Newburgh, 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income 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 Newburgh 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 town 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 Town of Newburgh and its assigns as such interest existed prior to this instruction.\*

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\* 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.

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Town of Newburgh 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 Town of Newburgh 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 Newburgh 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 Newburgh 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 Newburgh and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Town of Newburgh 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or be 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be

---

\* 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.



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.]\*

That in the event of breach of any of the above nondiscrimination covenants, the Town of Newburgh 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 Newburgh shall have the right to re-enter said land 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 Newburgh and its assigns.

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\* 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 B: COMPLAINT POLICY**

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of the Town of Newburgh to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any town employee or to the Town Manager. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found on our website [www.newburgh-in.gov](http://www.newburgh-in.gov) or at Newburgh Town Hall 23 W Jennings, Newburgh, IN 47630. Individuals are not required to use the town's complaint form. If necessary, the town will help an individual reduce his or her complaint to writing for his or her signature.

Generally a complaint should include the name, address and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

**Complaints should be directed to:**  
**CHRISTY POWELL, TITLE VI COORDINATOR**  
**PO BOX 6 / 23 W JENNINGS ST. NEWBURGH, IN 47630**  
**(812) 853-1720**  
**(812) 853-1727**  
**CPOWELL@NEWBURGH-IN.GOV**

Within 60 days of the receipt of the complaint the company will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The company will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with the following government agencies:

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

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
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 N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336





## APPENDIX D: EXTERNAL COMPLAINT PROCEDURE

### INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with the Town of Newburgh. 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 INDOT, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to the Town of Newburgh as a sub-recipient of federal financial assistance.

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

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to the Town of Newburgh. Additionally, you have the right to seek private counsel.

The Town of Newburgh 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.

**\*\*Your complaint cannot be processed without your signature.**

**Christy Powell, Title VI Coordinator**  
**PO Box 6 / 23 W Jennings St.**  
**Newburgh, IN 47630**

[cpowell@newburgh-in.gov](mailto:cpowell@newburgh-in.gov)

**(812) 853-1720 office**

**(812) 853-1727 fax**



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

<b>Provide the names of any individuals with additional information regarding your complaint:</b>		
Name of witness 1 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number ( ) -	Work telephone number ( ) -	Cellular telephone number ( ) -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
-----		
Name of witness 2 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number ( ) -	Work telephone number ( ) -	Cellular telephone number ( ) -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
-----		

Name of witness 3 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number ( ) -	Work telephone number ( ) -	Cellular telephone number ( ) -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
-----		
How would you like your complaint to be resolved?		
-----		
-----		



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

Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

*If yes, please provide the following information for each agency:*

Name of the 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 INDOT?
-----
-----

Signature	Date signed (month, day, year)
-----------	--------------------------------

## APPENDIX E: VOLUNTARY PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Town of Newburgh is required 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 Newburgh is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

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

If you have any questions regarding the Town of Newburgh's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Christy Powell, Title VI Coordinator, 23 W Jennings St./ PO Box 6, Newburgh, IN 47630, cpowell@newburgh-in.gov.

You may return the survey to any town employee or by mailing or e-mailing it to the address below.

Date:		
Project Name:		
Proposed Project Location:		
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male      Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino		
Race: (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	
Age:		Disability:
<input type="checkbox"/> 1-21	<input type="checkbox"/> 22-40	<input type="checkbox"/> Yes
<input type="checkbox"/> 41-65	<input type="checkbox"/> 65+	<input type="checkbox"/> No
Household Income:		
<input type="checkbox"/> \$0-\$12,000	<input type="checkbox"/> \$12,001-\$24,000	<input type="checkbox"/> \$24,001-\$36,000
<input type="checkbox"/> \$36,001-\$48,000	<input type="checkbox"/> \$48,001-\$60,000	<input type="checkbox"/> \$60,001+
Christy Powell, Title VI Coordinator 23 W Jennings St. / PO Box 6 Newburgh, IN 47630 (812) 853-1720 office / (812) 853-1727 fax cpowell@newburgh-in.gov		

# APPENDIX F: I Speak Card

<b>2004 Census Test</b>	<b>2010 Census LANGUAGE IDENTIFICATION FLASHCARD</b>
<input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Խոսողո՞ւմ ե՞րբ նշո՞ւմ էք լեզուներ Ձեր խոսակցության, կրթության կամ կարգավիճակի հարցում:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/> ឈ្មោះអ្នកក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin ñntüngnu' manaitai pat ñntüngnu' 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



<input type="checkbox"/>	Cochez 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"/>	जगर भाषा 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 megérti vagy beszél 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"/>	日本語を讀んだり、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"/>	ໄຕ້ລາມໃບຂໍ້ຮຽງ ຖ້າພົບວ່າເວົ້າພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

08-3309

U.S. DEPARTMENT OF COMMERCE  
Economic 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 celulă 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 štvorec, 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"/> | ทำเครื่องหมายตารางในช่องนี้ถ้าคุณอ่านหรือพูดภาษาไทย.                           | 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. Ukrainian  |
| <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"/> | באמצעות דעם קעסטל אויב איר לייענט אדער רעדט אידיש.                             | 38. Yiddish    |

## Town of Newburgh Nondiscrimination & Accessibility Programs

Christy Powell, Title VI & ADA Program Manager  
Town Manager

812-853-1720

[cpowell@newburgh-in.gov](mailto:cpowell@newburgh-in.gov)



1

### Overview

In this module you will learn:

- Which laws & regulations govern Accessibility & Nondiscrimination
- How these regulations relate to the Town of Newburgh's programs
- How we integrate these requirements into our business practices, and
- How they are enforced



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- Recipients of Federal Funds have both a **contractual and legal obligation** to comply with Title VI, including:
  - Limited English Proficiency (LEP) Requirements
  - Environmental Justice (EJ) Requirements
  - Disability.
- Compliance includes monitoring internal programs as well as monitoring subrecipients of Federal Funds when we provides those funds to third parties.
- Recipients of Federal Funds must comply with Section 504 & not discriminate on the basis of disability while Public Entities must comply with the ADA. We are both!
- As a recipient of federal funds, we must comply with Title VI regardless of whether or not federal funds are used.
- **Assurances** must be included in every subcontract and appropriate appendices included in deeds, leases, etc.
- All programs & facilities must be accessible.
- Noncompliance may result in loss of funding and legal action.

## Title VI of the Civil Rights Act of 1964

“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. 2000d)



## Purpose of Title VI

- To eliminate discrimination in federally funded programs and activities.
- To ensure equitable distribution of public funds for public benefit.

EVERYONE PAYS = EVERYONE PLAYS

Title VI is for everyone



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## Civil Rights Restoration Act of 1987

- Clarified and restored the intent of Title VI.
- The scope of Title VI includes ALL programs and activities of Federal-aid recipients and contractors regardless if the programs are federally funded or not.



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## Our Title VI Responsibilities:

- Designate a Title VI Manager
- Ensure Programmatic Implementation @ INDOT
- Develop, Post & Implement a Title VI Policy
- Implement a Complaint Policy
  - Maintain a Complaint Log
- Evaluate the following for discrimination:
  - Programs / Facilities
  - Activities



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## Title VI Responsibilities:

- Adhere to the signed Assurances of Nondiscrimination & include the appropriate appendices where applicable
- Disseminate Title VI information to beneficiaries & stakeholders: Include Title VI in your Public Involvement Plan
- Monitor our Subrecipients for Compliance
- Develop, Post & Implement our annual program documents:
  - Title VI Implementation Plan, and
  - Annual Goals & Accomplishments Report



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## Designate a Title VI & ADA Manager:

Christy Powell (ADA Coordinator) and Title VI Coordinator

23 W Jennings St. Newburgh, IN 47630

(812) 853-1720

[cpowell@newburgh-in.gov](mailto:cpowell@newburgh-in.gov)



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## Our Title VI Mission Statement

We, the Town of Newburgh will implement compliance with Title VI of the Civil Rights Act of 1964 (Title VI); 49 CFR § 26; and related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance on the grounds of race, color, national origin, or any other prohibited basis.



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## Our Complaint Policy

### Requirements:

- Develop a **grievance procedure**.
- Develop a **complaint form** that clearly identifies the Title VI Coordinator by name & provides contact information.

**We have a complaint policy:** [www.newburgh-in.gov](http://www.newburgh-in.gov)

- Complaints must be reduced to writing.
- Confidentiality
- No retaliation



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## Assurances of Nondiscrimination:

As a condition of receiving Federal Funds all recipients and sub-recipients must sign Assurances of Nondiscrimination.

- Create a contractual obligation
- Require programmatic compliance: DO's & Dont's
- Contain appendices that **MUST** be included in certain kinds of agreements so that the contractual obligation follows the money to further subrecipients.

Our Title VI Assurances: [www.newburgh-in.gov](http://www.newburgh-in.gov)



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## Programmatic Implementation:

### Requirements:

- Build a communication network of trained agency representatives in different divisions, program areas, agencies, etc. such that adequate awareness & data collection & analysis can occur. This can be scaled to fit our community.

Our Trained Staff Network includes the following individuals:

- Christy Powell, Town Manager
- Andrea Balboni, Administrative Assistant
- Eric Mitchell, Police Chief
- Paul Campbell, Fire Chief
- Tavi Wydicks, Zoning Administrator
- Susan Helms, Utility Office Manager
- John Heck, Street Superintendent
- Mary Ann Wilsbacher, Park Board President

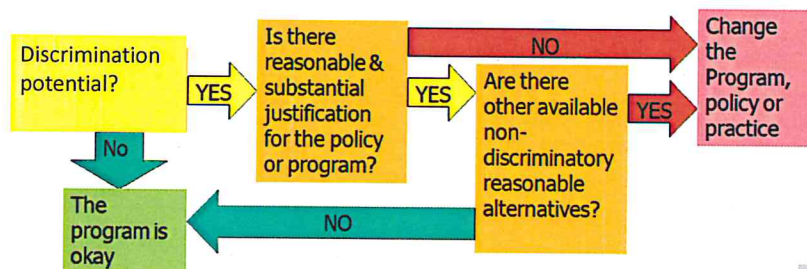


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## Program Evaluation:

### Recommendations:

- Conduct a **discrimination analysis** whenever data collected reveals the potential for discrimination.
- The following chart indicates how a disparate impact analysis may be conducted.
- This is a legal analysis and should be done with the participation of counsel.



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## Limited English Proficiency (LEP)

Executive Order 13166 requires federal-aid recipients to take reasonable steps to ensure meaningful access to their services to **Limited English Proficiency persons**.

4 factor analysis:

- > number LEP persons encountered, > need for assistance
- Frequency of contact with LEP persons
- Importance of program or service provided (warning signs)
- Available resources (reasonable test)



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Executive Order 12898  
Requires all federal agencies to make Environmental Justice (“EJ”) part of their mission by identifying and addressing the effects of all programs, policies, and activities on **minority and low-income populations**.



- **EJ applies to all transportation decisions, including:**

- Policy making
- System planning
- MPO and statewide planning
- **Preliminary review under NEPA**
- Preliminary design
- Final design engineering
- Right-of-way
- Construction
- Operations and maintenance



## EJ Requirements

- Make a meaningful effort to involve minorities and low income populations in the decision making process.
- Evaluate the nature, extent and incidence of probable, favorable and adverse human health or environmental impacts on protected populations.
- Incorporate EJ considerations throughout the project development process.



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## Americans with Disabilities Act

- Applies to all **public entities**
- Requires provision of program access and effective communication
- Includes public transportation
- Enforced by U.S. Dept. of Justice



- Equal opportunity
- Full participation
- Independence
- Economic self-sufficiency







### Section 504 of the Rehabilitation Act of 1973:

“No qualified handicapped person shall, solely, by reason of his handicap, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under **any program or activities that receives or benefits** from Federal financial assistance.”



## ADA & Our Community

- Programs & Facilities must be accessible
  - ADA Transition Plan: [www.newburgh-in.gov](http://www.newburgh-in.gov)
    - The ADA Transition Plan is a dynamic working document. It is updated on an annual basis or more frequently depending on completion of infrastructure improvements.
- Complaint & nondiscrimination policies
- Public Involvement
  - **By collecting and analyzing statistical information regarding demographics through a Title VI public involvement survey at public meetings.**



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## Consequences of Noncompliance

- **Withholding of payments on the contract until the sub recipient complies, and**
- **Cancellation, termination or suspension of the contract in whole or in part, or**
- **Other authorized action including provisions under state and local law (e.g. referral to FHWA or the U.S. Department of Justice)**



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Learn to:

- Identify areas where we should take a closer look for the appearance of discrimination
- Be able to identify potential discriminatory outcomes in your work area

Be familiar with our community-wide policies related to:

- Disabilities - accessible facilities and programs
- Complaints of Discrimination
- Language Services Requests
- Environmental Justice



**RESOLUTION 2017- 03**  
**A RESOLUTION ADOPTING A TITLE VI OF THE CIVIL RIGHTS**  
**ACT OF 1964 PLAN FOR THE TOWN OF NEWBURGH**

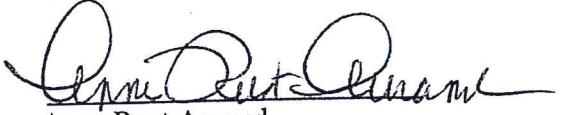
WHEREAS, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex, age, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance of the basis of race, color, sex, age, disability or national origin;

WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of Title VI; and

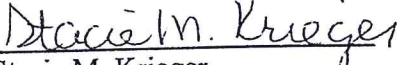
WHEREAS, it is a requirement of the Indiana Department of Transportation and the US Department of Transportation that communities receiving federal financial assistance adopt a Title VI Plan.

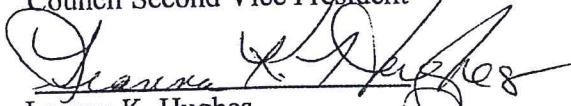
NOW THEREFORE be it resolved by the Newburgh Town Council that it hereby adopts the attached Title VI Program and Implementation Plan.

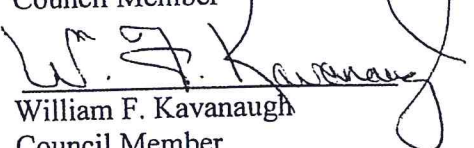
PASSED AND RESOLVED by the Newburgh Town Council this 9 day of  
August, 2017


  
Anne Rust Aurand  
Council President

\_\_\_\_\_  
Tonya R. McGuire  
Council Vice President

  
Stacie M. Krieger  
Council Second Vice President

  
Leanna K. Hughes  
Council Member

  
William F. Kavanaugh  
Council Member

  
Attest by:  
Jon Lybarger  
Clerk Treasurer





**Appendix H: Resolution 2017-03**

