

CITY OF KOKOMO, INDIANA

**TITLE VI: NONDISCRIMINATION
IMPLEMENTATION
PLAN & POLICY
June 2021**

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INTRODUCTION

Through collaboration and leadership, the Kokomo Transportation System (KTS) was established in order to deliver a safe, reliable way for citizens of the City of Kokomo (hereafter referred to as "City") to move throughout the city. The KTS works diligently to consistently improve the system in order to always provide services in a fair and nondiscriminatory manner. This document communicates the City's intent to proactively meet and exceed the minimum compliance requirements established under the Title VI of the Civil Rights Act of 1964 and any other related regulations. The KTS is required to comply with FTA C 4702.1B Section 602 Title VI of the Civil Rights Act of 1964, which provides:

"No person in the United States, on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

As a KTS employee, it is everyone's responsibility to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes:

- (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin; and
- (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services and/or benefits to members of a protected group. In disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent. (49 C.F.R. 21.5 (b)(2))

Regulatory Authority:

- U.S Department of Justice (DOJ) Title VI 28 CFR 42.401 & 28 CFR 50.3
- U.S Department of Transportation (DOT) Title VI Implementing regulations 49 CFR Part 21
- Indiana Department of Transportation
- All programs that receive financial assistance from FTA:
 - Title VI of the Civil Rights Act of 1964: 42 U.S.C. 2000d to 2000d-7
 - DOT implementing regulations
- Complaint Process: FTA Circular 4702.1B
- DOT LEP Guidance: 70 FR 74087
- LEP Limited English Proficiency: Executive Order 13166
- Environmental Justice: Executive Order 12898

CITY OF KOKOMO, INDIANA TITLE VI NONDISCRIMINATION PLAN & POLICY

1-1 POLICY STATEMENT:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, disability, sex, sexual orientation, gender identity, age, low-income status, status as a veteran (Indiana), to include the denial of meaningful access for limited English proficient ("LEP") persons in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, national origin, disability, sex, sexual orientation, gender identity, age, low-income status, LEP, status as a veteran (Indiana), 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).

The City recognizes its responsibilities to the community in which it operates and to the society it serves. The City is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services on the basis of race, color, national origin, disability, sex, sexual orientation, gender identity, age, low-income status, LEP, status as a veteran (Indiana), as protected by Title VI in Federal Transit Administration ("FTA") Circular 4702.1B. This Program was developed to guide the City in its administration and management of Title VI-related activities.

Objectives of the policy are to:

- Ensure that the level and quality of public transportation service is provided without regard to race, color, national origin, disability, sex, sexual orientation, gender identity, age, low-income status, LEP, status as a veteran (Indiana);
- Promote the full and fair participation of all affected populations in transportation decision-making without regard to race, color, national origin, disability, sex, sexual orientation, gender identity, age, low-income status, LEP, status as a veteran (Indiana);
- Ensure meaningful access to programs and activities by persons with limited English proficiency;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.

Prohibited Practices:

- Denying a person any service, financial aid, or other benefit because of race, color, national origin or other protected category;
- Providing a different service and/or benefit, and/or providing these in a different manner from those provided to others in the program;
- Requiring different standards and/or conditions as prerequisites for serving individuals;
- Locating facilities in any way that would limit and/or impede access to a federally funded service and/or benefit;

- Failing to make allowances for language and/or educational difficulties.

1-2 TITLE VI NOTICE TO THE PUBLIC:

Title VI Notice to the Public (Appendix A) shall be posted in all City buildings, website, revenue vehicles and all places in which public meetings are held. Additional information relating to nondiscrimination obligation can be obtained from the City Title VI Coordinator.

The City Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan and complaint procedures, are available on the City of Kokomo website at www.cityofkokomo.org. 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.

1-3 THE CITY OF KOKOMO TITLE VI COORDINATOR:

Sarah Spencer
Human Resources Director
City of Kokomo
100 S. Union Street
Kokomo, IN 46901
Telephone: 765-456-7470
Email: sspencer@cityofkokomo.org

The City Title VI Coordinator will:

- Administer and implement the City's Title VI plan and policy;
- Develop and maintain a Title VI liaison team to ensure departments are implementing, monitoring and complying with the City's Title VI plan and policy;
- Conduct Title VI reviews with liaisons in an effort to assist with identifying, addressing and eliminating discrimination concerns in every department;
- 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 contractors, 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 included in the City contracts;
- Collect, review and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure the City's continued compliance with Title VI;
- Collect, review and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years;
- Maintain all Title VI records 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 discrimination complaints;
- 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.

1-4 EMPLOYER/EMPLOYEE DISCRIMINATION & TRAINING:

Title VI information shall be disseminated to the all-City employee's annually via the Employee Education form (Appendix J). This form reminds employees of the City policy statement, and of their Title VI responsibilities in the daily work and duties. New employees shall be informed of the provisions of Title VI, and the City's expectations to perform duties accordingly.

Title VI plan and policy education and literature will be provided to all City employees. The City employees will be required to sign an acknowledgement of receipt (Appendix J) indicating they have received and reviewed Title VI policy guidelines.

All City employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, the City employees should make every effort to alleviate any barriers to service and/or public use that would restrict public access and/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.

1-5 LIMITED ENGLISH PROFICIENCY (LEP) PLAN:

The City has prepared this plan in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations that provides that no person shall be subjected to discrimination on the basis of race, color or national origin under any program and/or activity that receives federal financial assistance. The purpose of this LEP policy is to help guide in identifying reasonable steps for providing language assistance to individuals with limited English proficiency who wish to access services provided by City of Kokomo.

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 No. 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, City of Kokomo 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 City program, activity or service.
2. The frequency with which LEP persons come in contact with City programs, activities or services.
3. The nature and importance of programs, activities or services provided by the City to the LEP population.
4. The resources available to the City and the overall costs to provide LEP assistance.

The 2019 Census indicates a population of less than 1.6% respond as 'Speak English less than very well.' Interviews with service providers, including drivers, dispatchers, supervisors, and administrators indicate they have not encountered a problem with persons not speaking English.

However, the City does recognize its obligations to ensure meaningful access to LEP persons, programs and activities. In compliance with the Department's Policy Guidance on LEP persons, the City has considered the following:

- a. Number of proportions of LEP individuals in the eligible population is very small (less than 0.6%) and therefore, very low.
- b. Based on interviews with our service providers, the frequency of contact with the program by LEP is very rare and does not interfere with access to our programs or activities.
- c. Resources available include those provided by our local law enforcement agencies. The agencies provide interpretation for Spanish (our only other significant language used) on a 24 hour, 7 days a week basis. These services are currently available at no cost to the recipient.
- d. The City also has within its jurisdiction the Literacy Coalition of Howard County. A non-profit organization that offers *English as a Second Language Courses*, free of charge.

The City 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 the City Title VI Coordinator.

1-6 CONTRACTORS, SUBCONTRACTORS, VENDORS & CONSULTANTS:

All contractors, subcontractors and vendors who receive payments from the City 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. The City will include Title VI language, as per the Standard U.S. DOT Title VI Assurances Appendices C, D & E, 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 and/or implied.

1-7 COMPLAINT PROCESS:

Any individual, who believes they have been subjected to discrimination on the basis of race, color, or national origin by the City, may file a written complaint with the City Title VI Coordinator and/or the Human Rights Commission. The City will take prompt and reasonable actions to thoroughly investigate concerns and complaints in accordance to 49 CFR Section 21.11. Complaint forms (Appendix F) can also be found on the City's website: www.cityofkokomo.org (Departments/Boards and Commissions/Human Rights/Complaint Form), or by contacting the City Title VI Coordinator.

In order for the complaint to be considered, the complainant must file the appropriate documentation within 180 days of the alleged act of discrimination; or where there has been a continuing course of alleged discriminatory conduct, on the date in which the alleged conduct was discontinued.

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the City Title VI Coordinator and/or Human Rights

Commission. Under these circumstances, the complainant will be interviewed and the City Title VI Coordinator will assist the complainant in completing a written statement.

Following the receipt of the complaint alleging discriminatory actions and/or behavior, the City Title VI Coordinator will send the complainant a letter acknowledging receipt by the City of the complaint (Appendix G).

Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or 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 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 the City 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 the City'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 the City'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 (Appendix H & I). All written complaints, investigations and responses will be retained by the City for at least three (3) years.

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 against the complainant or a third-party, the City must first obtain the complainant's written consent. The City 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 with:

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

1-8 COMMUNITY INVOLVEMENT & OUTREACH:

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

The City Common Council meet bi-weekly and the City Board of Works meet weekly and both of those meetings are open to the public, as well as other various City meetings. Any meetings that are open to the public are published on the main page of the City website and distributed to local media outlets. All City public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with LEP. Auxiliary aids are also available upon request. Requests must be made forty-eight (48) hours in advance.

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

1-9 DATA COLLECTION:

The City shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

The City shall utilize a voluntary Title VI public involvement survey (Appendix K) 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.

1-10 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, the City 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 the City's programs or activities.

For more information regarding the City's ADA policy, please visit the City's website at www.cityofkokomo.org (Departments/Boards and Commissions/Mayor's Advisory Council on Disability Issues). ADA complaints can be made directly to the Mayor's Advisor Council on Disability Issues.

Questions, concerns, comments or requests regarding the ADA should be made to City of Kokomo's ADA Coordinator:

ADA Coordinator

City Engineer
City of Kokomo

100 S. Union Street
Kokomo, IN 46901
Telephone: 765-456-7408
Email: detis@cityofkokomo.org

1-11 SOCIAL EQUITY AND ENVIRONMENTAL JUSTICE:

Social equity: ensuring that all communities are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind.

Environmental justice: ensuring that plans, policies, and action do not disproportionately affect low income and minority communities.

Ensuring the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities is a key component of the City's public participation activities. In accordance with the Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs and/or activities receiving Federal financial assistance that affect human health and/or the environment do not directly, or through other arrangements, use criteria, methods, and/or practices that discriminate on the basis of race, color, national origin, or other protected class.

The City's policies, procedures, and programs are consistent with federal and state environmental justice laws, regulations and requirements, Title VI, related nondiscrimination requirements and reflect the principles of social equity and environmental justice.

The three fundamental environmental justice (EJ) principles are the following:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental 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 City is committed to these three environmental justice principles in all work that the City performs.

1-12 CITY of KOKOMO, INDIANA TITLE VI ASSURANCES:

The City of Kokomo (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination of 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 the 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):”

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. 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 bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance as a covenant running with the land, 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 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 “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 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 they delegate 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 signature(s) appear below are authorized to sign this Assurance of behalf of the Recipient.

Approved this 23rd day of June, 2021.

BOARD OF WORKS:



Weston Reed – BOW President



ATTEST: Board of Works Clerk

APPENDIX A: Notifying the Public of Rights Under Title VI



CITY OF KOKOMO TRANSIT SYSTEM TITLE VI: Non-Discrimination

Notifying the Public of Rights Under Title VI

The City of Kokomo is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Circular 4702.1B. Any person who believes they have been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Kokomo.

COMPLAINT PROCEDURE

If a person feels they have been discriminated against, they are encouraged to contact the City of Kokomo. For the complete program and/or more information on the City of Kokomo's civil rights program, and the procedures to file a complaint, please contact the following:

Sarah Spencer: Director of Human Resource & Title VI Coordinator
(765) 456-7470

sspencer@cityofkokomo.org

Or by mail:

**City of Kokomo
100 S. Union St.
Kokomo, IN. 46901**

APPENDIX B: List of Transit -Related Title VI Investigations, Complaints, and Lawsuits (General Requirement)

This list shall include the date that the transit-related Title VI investigations, lawsuits, and/or complaints that were filed; a summary of the allegation(s); status of the investigation, lawsuit, and/or complaint; actions taken by the recipient in response, and/or final findings related to the investigation, lawsuit, and/or complaint. This shall be included in the Title VI Program submitted to FTA every three years.

	DATE: (MM/DD/YY)	SUMMARY (Basis of complaint: race, color, national origin)	STATUS	ACTION(s) TAKEN
INVESTIGATIONS				
1.				
2.				
3.				
4.				
5.				
LAWSUITS				
1.				
2.				
3.				
4.				
5.				
COMPLAINTS				
1.				
2.				
3.				
4.				
5.				

APPENDIX C: Inserted in all Federal Aid Contracts:

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:

Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter “FHWA”) Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases 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.

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 race, color, or national origin.

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 FTA, INDOT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, FTA, INDOT shall impose such contract sanctions as they or the FHWA may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

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 FTA, INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

APPENDIX D: Applicable when acquiring federally owned land:

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation 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 *Indiana Department of Transportation* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Indiana Department of Transportation 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 Indiana Department of Transportation, its successors and assigns.

The Indiana Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly, or in part, on, over, or under such lands hereby conveyed [,] [and]* (2) that the Indiana Department of Transportation shall use the 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 the 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 a breach of any of the abovementioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

APPENDIX E: Land that is acquired through the Federal Highway Program & the City sells and/or leases the property to another entity Appendix E is applicable:

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into with the Indiana Department of Transportation (INDOT) 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 deed and leases add “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

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

That in the event of a breach of any of the above nondiscrimination covenants, INDOT 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 a breach of any of the above nondiscrimination covenants, Indiana Department of Transportation 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 INDOT and its assigns.

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

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add “as a covenant running with the land”) that (1) no person on the ground of race, color, or national origin 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 race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance

with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

*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.

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

That in the event of breach of any of the above nondiscrimination covenants, INDOT 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 a breach of any of the above nondiscrimination covenants, INDOT 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 INDOT and its assigns.

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

Appendix F: Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires 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."

If you feel you have been discriminated against, please provide the following information in order to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Please submit this form in person at the address below, or mail this form to:

City of Kokomo Human Resources
Attn: Title VI Coordinator
100 S Union St
Kokomo, 46901

SECTION 1:			
NAME:			
STREET ADDRESS:			
CITY:		STATE:	ZIP CODE:
TELEPHONE (HOME):		TELEPHONE (WORK):	
EMAIL ADDRESS:			
Large Print		Audio Tape	
TDD		OTHER	
SECTION 2:			
Are you filing complaint on your own behalf?		YES:	NO:
If you answered YES to the above question, GO TO SECTION 3.			
IF answered NO, please supply the name and relationship of the person for whom the complaint is being issued for.			
Please explain why you are filing for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		YES:	NO:
SECTION 3:			
I believe the discrimination experienced was based on (check all that apply): <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER			
Date of alleged discrimination (mm/dd/yyyy)			
Location where alleged discrimination took place.			

Explain as clearly as possible what happened and why you believe that discrimination took place. Describe all persons who were involved. Include the name and contact information of the person(s) that discriminated against you/other, as well as names and contact information of any potential witnesses. If more space is needed, please use the back of this form.

SECTION 4:

Have you previously filed a Title VI complaint with this agency?	YES:	NO:
--	------	-----

SECTION 5:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court?	YES:	NO:
---	------	-----

If yes (check all that apply):

☐ FEDERAL AGENCY ☐ FEDERAL COURT ☐ STATE COURT
☐ STATE AGENCY ☐ LOCAL AGENCY

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

NAME:

TITLE:

AGENCY:

ADDRESS:

TELEPHONE:

SECTION 6:

NAME OF AGENCY COMPLAINT IS AGAINST:

CONTACT PERSON:

TITLE:

TELEPHONE NUMBER:

SECTION 7:

You may attach any written materials and/or other information that may be relevant to the complaint.

Please Print Name:

Signature:

Date:

Appendix G: Letter Acknowledging Receipt of Complaint:

Today's Date

Recipient Name

Recipient Address

Dear (NAME),

This letter is to acknowledge receipt of your complaint against the City of Kokomo alleging the following discrimination:

An investigation will begin shortly. If you have additional information you wish to convey and/or questions concerning this matter, please feel free to contact this office by telephoning 765-456-7460 and/or write to this address:

City of Kokomo Human Resources
Attn: Title VI Coordinator
100 S Union St
Kokomo, 46901

Sincerely,

Sarah Spencer
Title VI Coordinator
City of Kokomo

Appendix H: Letter Notifying Complainant that the Complaint is Substantiated:

Today's Date

Recipient Name

Recipient Address

Dear (NAME),

The matter referenced in your letter of _____ (date) against the City of Kokomo alleging Title VI violation has been investigated.

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

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Sarah Spencer
Title VI Coordinator
City of Kokomo

Appendix I: Letter Notifying Complainant that the Complaint is not Substantiated:

Today's Date

Recipient Name

Recipient Address

Dear (NAME),

The matter referenced in your complaint of _____(date) against the City of Kokomo alleging _____ has been investigated.

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

The City of Kokomo has analyzed the materials and facts pertaining to your case for evidence of the City's failure to comply with any civil rights laws. There is no evidence found that any of these laws have been violated.

I therefor advise you that your complaint has not been substantiated, and that I am closing this matter in the City's files.

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

Federal Transit Administration Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Room E54-422
Washington, DC 20590
Phone (202) 366-4018

Thank you for taking the time to contact us. If I can be assistance to you in the future, do not hesitate to call the City Human Resource Department at any time.

Sincerely,

Sarah Spencer
Title VI Coordinator
City of Kokomo

Appendix J: Employee Annual Education Form & Acknowledge of Receipt of Title VI Program:

The City of Kokomo is committed to ensuring that no person is excluded from participation in, be denied the benefits of, and/or be subjected to discrimination under any program and/or service on the basis of race, color, national origin, sex, age, or disability, as protected by Title VI and associated implementing regulations.

All City of Kokomo employees are expected to consider, respect, and observe this policy in their daily work and duties. All dealings with the public should be conducted with respect and impartiality, without regard to race, color, national origin, gender, age, or disability. If a member of the public approaches you with a question or complaint, direct that person to the City Hall – Human Resource Department, and where the Title VI Coordinator resides.

I hereby acknowledge the receipt of the City of Kokomo's Title VI program. I have read the policy and procedure and am committed to ensuring that no person is excluded from participation in and/or denied the benefits of its transit service on the basis of race, color, national origin, sex, age, or disability as protected by Title VI in FTA Circular 4702.1B.


Employee – Print Name

Employee – Signature

DATE


BE IT KNOWN, THIS TITLE VI POLICY SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY UPON ITS PASSAGE AND SIGNING.

City of Kokomo, Indiana by and through
its Board of Public Works and Safety

By: 
Weston Reed, President
Board of Public Works and Safety


Date: 6/23/21

Kokomo-Howard County Governmental
Coordinating Council Policy Board

By: 
Chairman, KHCGCC Policy Board
Kokomo/Howard County Governmental
Coordinating Council

Date: 7/8/21

ATTEST:

By: 
Tiffanie Harris, Clerk
Board of Public Works and Safety

Date: 6-23-21

By: 
Greg Shelton, Secretary/Treasurer
KHCGCC Policy Board

Date: 7-8-21

