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TOWN OF OSGOOD

TITLE VI IMPLEMENTATION PLAN
MARCH 2017

A Wealth of Resources to Master a Common Goal.

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Section 1. Policy Statements

**TOWN OF OSGOOD
147 WEST RIPLEY STREET
OSGOOD, IN 47037
812-689-4240**

Town of Osgood Nondiscrimination Statement of Policy

Town of Osgood values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this community. As a recipient of federal funds, the Town of Osgood is required to conform to Title VI of the Civil Rights Act of 1964 (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 U.S. Department of Transportation (DOT) on the grounds of race, color, national origin, disability, religion, sex, sexual orientation, gender identity, age, low income status or limited English proficiency.

The Title VI Implementation Plan was developed to guide the Town of Osgood, Indiana in its administration and management of Title VI-related activities.


_____ 12/14/16
Tammy Wilhoit, Title VI Coordinator **Date**

Section 2. Title VI Coordinator Assignment and Responsibilities

Tammy Wilhoit, Clerk-Treasurer for the Town of Osgood, Indiana is responsible for ensuring the implementation of Osgood's Title VI Program. Tammy Wilhoit also serves as the Title VI Coordinator and the overall manager of the Title VI Program to ensure compliance with provisions of the Town's policy of non-discrimination with the law.

Tammy Wilhoit
Town of Osgood Clerk-Treasurer
147 West Ripley Street
Osgood, Indiana 47037
(812) 689-4240
clerk@osgoodindiana.org

Responsibilities

The Title VI Coordinator is responsible for implementing, monitoring and ensuring the Town's compliance with Title VI regulations and the overall administration of the Title VI Program and Standard U.S. Title VI Assurances (**Appendix A**). This includes the completion of the following activities:

- Program Administration – Administer the Title VI Program and coordinate implementation of the plan. Ensure compliance with the assurances, policy and program objectives. Perform Title VI Program reviews to assess and update administrative procedures, staffing and resources.
- Data Collection – Review and analyze the statistical data gathering process performed by the Title VI Liaisons (Department Heads) periodically to ensure sufficiency of data for meeting the requirements of the Title VI program administration. Document the analysis for the Federal Highway Administration (FHWA).
- Training Programs – Conduct or facilitate training programs on Title VI current and new regulations for Town employees; and facilitate Title VI training for Title VI Liaisons, contractors, and sub-recipients. A summary of training conducted will be reported in the annual update to INDOT.
- Title VI Plan Update – Review and update the Title VI Plan annually as needed or required. Present the updated plan to the council for approval; submit amended Plan to INDOT
- Reporting – The Title VI Coordinator may conduct reviews of the Town's Title VI Program to assess for Title VI compliance to assure effectiveness in compliance with Title VI provisions. The Title VI Coordinator and the Title VI Liaisons will coordinate efforts to ensure the requirements of Title VI are met.
- The Title VI Coordinator will prepare an annual summary to report accomplishments and changes to the program during the preceding year. This summary will also include goals and objectivities for the upcoming year.
- Public Dissemination - Work with the Title VI Liaisons to develop and disseminate Title VI Program information to the Town employees and sub-recipients, including contractors, subcontractors, consultants, sub-consultants and the general public. Public dissemination

may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and an annual publication of the Town's Title VI Policy Statement in the newspaper and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or information of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English. (See **Appendix B** for the Town's Title VI Notice to the Public).

- Complaints – The Title VI Coordinator will ensure the Complaint Procedure for filing, review and investigating Title VI Complaints received by the Town of Osgood will follow procedural guidelines. Ensure every effort is made to resolve complaints and properly documented and maintain a log of all complaints.
- Elimination of Discrimination – Work with the Title VI Liaisons to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in the Town's processes.
- Develop and implement the Town of Osgood's Limited English Proficiency (LEP) Plan; provide training to the Department Heads on procedure to follow when a person requests an interpreter.
- Establish procedures for reviewing contracts with sub-recipients, special interest programs and activities to include Title VI assurance;
- Attend Title VI Training as required by INDOT.

Section 3. Department Head (Title VI Liaison) Responsibilities

The Department Heads are as follows:

Name	Title	Contact Number	Email Address
Tammy Wilhoit	Clerk Treasurer	(812) 689-4240	clerk@osgoodindiana.org
Steve Wilhoit	Street Superintendent	(812) 689-0178	steve@osgoodindiana.org
Tina Wallace	Utility Clerk	(812) 689-4240	osgoodtownof@hotmail.com
Eric Roush	Town Marshal	(812) 689-5555	

Each Department Head within the Town of Osgood is responsible for the following under Title VI:

- Ensuring all Town contract documents contain the appropriate Title VI provisions;
- Consulting with the Title VI Coordinator when Title VI complaints are received or issues arise;
- Ensure that all people are treated equitably regardless of race, color, national origin, disability, gender, age, low income status or limited English proficiency;
- Develop and update internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.;
- Ensure all business pertaining to the selection, negotiation and administration of consultant contracts and agreements is accomplished without discrimination based on race, color, national origin, disability, gender, age, low income status or limited English proficiency;
- Ensure internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference; and
- Provide information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

Department Head (Title VI Liaison) Reporting

The Department Heads must submit the Title VI Compliance Review Form (**Appendix C**) to the Title VI Coordinator to be used as an assessment tool to determine whether the departments are in compliance with Title VI and to ascertain instances where the Title VI Coordinator may provide training to help the Department Heads achieve its Title VI goals and maintain compliance. The Title VI Coordinator will review the data collection procedures for each department periodically to ensure compliance with the Town of Osgood’s Title VI Program requirements.

The Department Heads should prepare the report and submit it annually on or around June 30th of each year. The following information should be included in each annual report submitted:

- Number of federally funded projects awarded during the past year.
- Number of Title VI complaints received during the past year.

- Attendance at public meeting/hearings tracked and broken down by ethnicity, race, gender and disability.
- Statistical data collected on ethnicity, race, gender and disability for communities impacted by construction projects.
- Does your staff understand the Title VI Policy and procedures set in place for the Town?
- Statistical data collected on ethnicity, race, gender and disability for all right-of-way relocations.
- Proof of public dissemination of the Title VI Policy or Policy Statement.
- Information concerning the dissemination of copies of The Civil Rights Act of 1964 non-discrimination statement;
- Information on number of individuals who received Title VI training in each department including attendees, dates and locations.
- Information of number of LEP persons needing assistance including service used and related cost; and
- A description of the communication needs of LEP persons.

Section 4. Training

The Title VI Coordinator will make Title VI Program and the LEP Plan training available to employees, contractors, sub-recipients, and the Title VI Liaisons. The training will be documented on the Training Log (**Appendix D**). The training will provide information on Title VI provisions and operating and identifying Title VI issues and resolutions of complaints. A summary of the training will be included in the annual summary.

Section 5. Complaint Process & Procedures

The Town will promptly investigate all properly submitted complaints of alleged discrimination. The Town will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. Within 60 days of receiving a complete complaint, the Town will submit its final investigation report to INDOT. The Town's complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination.

The Title VI Coordinator will make a determination to accept, reject or refer to the appropriate federal/state agency a complaint within seven calendar days of its receipt. The Town will determine whether the person or entity purportedly engaged in the alleged discriminatory act is a Town sub-recipient (the legal entity to which the Town made a sub-award and which is accountable to the recipient for the use of funds provided). If the complaint does specifically mention that the alleged discriminatory factor is a Town sub-recipient, the Town may presume so in deciding whether to accept the complaint for further processing.

These procedures apply to all complaints filed under Title VI of the Civil Right Act of 1964 and its related statutes, regulations and directives. These procedures do not affect the right of the Complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant.

The Town will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. The Town may exercise the option of informal resolution at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution of the complaint.

The Title VI Coordinator may refer all complaints against the Town to the appropriate Federal agency.

A. Who May File a Complaint

Any person who believes that he or she has been excluded from participation in, denied the benefits of or otherwise subjected to discrimination under any Town service, program or activity whether federally funded or not, based on their religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap, low income status or limited English proficiency may file a complaint. A complainant's representative may also file a complaint on behalf of such a person.

B. Timeliness of Complaints

For a complaint against the Town or a sub-recipient to be considered timely, it must be filed within 180 calendar days after the alleged incident has occurred. The Town may waive the 180-day time limit for good cause at its discretion.

The file date of a complaint is the earlier of the postmark or date received by the Town.

The Town will determine on a case-by-case basis whether to waive the time limit for good cause. Good cause for a waiver shall include, but not limited to, the following instances:

- **Lack of Knowledge**

The Town may waive the time limit in situations where the person on whose behalf that complaint was filed did not know of and could not have reasonably known of the violation during the 180-day time limit. The complainant must file his or her complaint within 60 days of becoming knowledgeable of the violation.

- **Incapacitation**

The Town may also waive the time limit in situations where the person on whose behalf of the complaint was filed was incapacitated because of illness or other documentation of the purported incapacitation. The complainant must file his or her complaint within 60 days after the period of incapacity ends.

C. Location/Availability of Complaint Forms

The Complaint Form (**Appendix E**) is available online via the Town website. Additionally, persons may contact the Title VI Coordinator to request a copy of the complaint form via email, facsimile or United States mail. The Town's Title VI Coordinator shall provide copies of its complaint form in alternative formats upon request.

D. How to File a Complaint

A Complainant may file his or her complaint by U.S. mail, facsimile, or email. Any person with a disability may request to file his or her complaint using an alternative format. The Town will acknowledge complaints received by fax or email and will process them once the Town establishes the identity of the Complainant. Complainants must mail a signed, original copy of the fax or email transmittal to the Town to begin the complaint process. The Town does not require a Complainant to use the Town's complaint form for submitting his or her complaint.

Direct Title VI complaints to:

Tammy Wilhoit
Title VI Coordinator
147 West Ripley Street
Osgood, Indiana 47037
(812) 689-4240

E. Elements of a Complete Complaint

A complete complaint is written and signed. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review and signature before processing. The Complaint form is available at the Town's website at: www.Osgoodindiana.org. Additionally, a complete complaint is filed within 180 calendar days of the alleged discriminatory act(s) and includes at minimum 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 discrimination 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap, low income status or limited English proficiency) and the date of occurrence.

The following items are not acceptable as a complete complaint unless accompanied by a signed cover letter that specifically requests the Town take action concerning the allegations:

- Anonymous complaints
- Inquires seeking advice or information
- Newspaper articles
- Courtesy copies of court pleadings
- Courtesy copies of complaints addressed to other agencies
- Courtesy copies of internal grievances
- Oral complaints

The Title VI Coordinator shall notify the Complainant in writing if his or her complaint is incomplete and allot 15 calendar days for the Complainant to respond and provide the supplemental information needed to complete the complaint.

F. Processing Complaints

The Title VI Coordinator will process all complaints. The Title VI Coordinator is responsible for:

- Maintaining a log of all complaints. The Title VI Coordinator will note the complaint in the log (**Appendix F**) by sequential case number based on the year, month and order in which the Town received the complaint. For example, if the Town received its first complaint on March 4, 2017, the case number would be 2017-03-04.
- Acknowledging receipt of the complaint and informing the Complainant of the action taken or proposed action to be taken to process the complaint in the form of an acknowledgement letter. The acknowledgement letter shall include a restatement of the complaint, brief statement of the Town's jurisdiction over the

sub-recipient if the complaint is regarding a sub-recipient, and contact information for the investigator assigned to conduct the investigation.

- Forwarding a notice via certified mail to the Respondent informing them of the allegations, requesting a position statement and providing the name and phone number of the Title VI Program staff person assigned to investigate the complaint.
- Informing the Complainant that he or she has a right: (1) to have witness or representative present during any interviews and (2) to submit any documentation he or she perceives as relevant to proving the allegations contained in the complaint.
- Providing the Respondent an opportunity to respond to all aspects of the Complainant's allegations.
- Determining which witnesses will be contacted and interviewed.
- Contacting the Complainant at the conclusion of the investigation to provide the Complainant an opportunity to provide additional information before the Town prepares its final report.
- Writing a confidential investigation report (IR). The report shall not be disclosed to the Complainant or Respondent. The report shall include the following:
 - A summary of the written complaint;
 - A brief description of the standard of review/methodology used to investigate the complaint;
 - Summarized statements taken from witnesses;
 - Findings of fact and an analysis of the evidence presented, of whether the complaint is substantiated or unsubstantiated; and
 - Proposed corrective action for substantiated cases.
- Drafting a Letter of Findings (LOF) and mailing the LOF to INDOT, Respondent and Complainant (by certified mail) within 60 calendar days of the date the complaint was received by the Town.
 - A summary of the written complaint;
 - A brief description of the standard of review/methodology used to investigate the complaint;
 - Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position;
 - A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated;
 - Proposed corrective action for substantiated cases; and
 - A notice of the right to appeal to the FWHHA with an outline of the procedures for appeal.

G. Corrective Action

If the Town recommends corrective action, the Town will give the Respondent 30 calendar days to inform the Town of the actions taken for compliance. The Title VI Coordinator shall monitor Respondent's corrective action compliance. Corrective action may include actions

that the Respondent will complete at a future date after the initial 30 days and must include projected time in which the Respondent will complete the action. If the Respondent has not taken the recommended corrective action within the 30-day period allowed, the Town will find the Respondent to be in noncompliance with Title VI and its implementing regulations. Noncompliance not corrected by informal means as described above may be subject to sanctions as per 49 CFR§ 21.13.

H. Pre-Investigative/Administrative Closures

It is the general practice of the Town to investigate all complete complaints; however, the Town may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and will not be investigated include, but not limited to, the following:

- Complaints that fail to state a claim or provide any substantial or coherent claim;
- Complaints that are outside the scope of the Town's Title VI jurisdiction;
- Untimely complaints filed more than 180 days after the alleged discrimination acts;
- Complaints voluntarily withdrawn by the Complainant;
- Complaints in which the investigation has been impaired by the Town's inability to locate the Complainant;
- Complaints that are a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that repeatedly have been found factually or legally unsubstantiated by the Town;
- Complaints containing allegations that are foreclosed by previous decisions by the Federal courts, Department of Justice or the Town policy determinations;
- Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation. In such circumstances, the Complainant should be contacted and advised that their lack of cooperation has hindered the investigation. Furthermore, the Complainant must be advise that continued failure to cooperate may result in an administrative closure of the complaint without further investigation;
- Complaints transferred to another agency for investigation; and
- Complaints where the death of a Complainant makes it impossible to investigate the allegations fully or the death of the Complainant forecloses the possibility of relief because the complaint involved potential relief solely for the Complainant or injured party.

The Town shall notify Complainants in writing via certified mail when a determination is made to administratively close a case without further investigation. The notification shall include an explanation of the basis for the administrative closure.

I. Appeals Procedure

The Complainant has the right to appeal to INDOT any determination that results in an unsubstantiated claim. The Town will convey to the Complainant the procedures for filing the appeal to INDOT along with the Letter of Findings. The procedure for filing an appeal with INDOT is:

- Complainant must submit the appeal in writing to the Title VI Coordinator within 14 calendar days of receipt of the Town's Letter of Findings.
- Complainant must cite in the appeal the specific portion(s) of the finding with which the Complainant disagrees and the reason(s) for the disagreement.
- The Town will forward the appeal and the record within 7 calendar days to INDOT for review.
- INDOT has 30 calendar days after the receipt of the appeal to complete its review.
- Written findings of INDOT are then sent to the Complainant and the Town Manager.

J. Confidentiality

In accordance with DOT Order 1000.12, the Town shall keep all complainants' identities confidential except to the extent necessary for carrying out an investigation. If an investigator determines that it is necessary to disclose the Complainant's identity to the Respondent or a third party the investigator must first obtain Complainant's written permission. Furthermore, the Town shall obtain a Complainant's written consent before providing a copy of the complaint to the Respondent or a third party.

K. Records

The Title VI Coordinator shall maintain all records of an investigation in a confidential area for three (3) years after the completion of the investigation.

L. Summary of Complaints Received

As of 02/01/2017, there were no requests for language services.

Section 6. Public Participation and Outreach

The Town of Osgood's Title VI Coordinator will update the Title VI information on the webpage as needed. The Town will make the Voluntary Title VI Public Involvement Survey (**Appendix G**) available at all public hearings. The Presiding Officer is responsible for making an announcement to attendees of the purpose of the survey and request the attendees to complete the survey. The completed surveys will be retained for three years from date of completion.

Section 7. Title VI Civil Rights Compliance Reviews

The Town of Osgood, Indiana preforms annual reviews to determine overall compliance with Title VI of the Civil Rights act of 1964, which prohibits discrimination against person(s) based on race, color, national origin, disability, sex, low income status or limited English proficiency in programs or activities, receiving Federal financial assistance. The Town of Osgood performs annual reviews through interviews and document reviews within each department (See **Appendix C** – Compliance Review Form).

Section 8. Limited English Proficiency (LEP) Plan

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

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, Town of Osgood 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 Town of Osgood program, activity or service.

The Town of Osgood has a population of 1,624 based on the 2010 U.S. Census. The 2014 American Community Survey determined that 2.4% of persons in Osgood have limited English proficiency; that is; they speak a language other than English at home and they speak English less than "very well".

2. The frequency with which LEP persons come in contact with Town of Osgood programs, activities or services.

The Town of Osgood implemented the LEP Plan on 4/01/2017 therefore the Town will assess the frequency at which employees have or could have contact with LEP persons over the next year.

3. The nature and importance of programs, activities or services provided by Town of Osgood to the LEP population.

The majority of the population, 96.8% in the Town of Osgood speaks only English. Based on the 2014 American Community Survey the largest concentration of any one type of LEP individuals within the Town of Osgood's service area is Asian.

4. The resources available to Town of Osgood and the overall costs to provide LEP assistance.

The Town of Osgood reviewed its available resources that could be used for providing LEP assistance and determined the best tools available are using the 'I Speak Cards' and/or the interpreting and translation internet service called <http://translate.reference.com/> and/or translators from the Ripley County Courts systems if the need should arise. Language assistance services are available at no cost to the LEP person.

A. Language Assistance

A person who does not speak English may be a Limited English Proficient person and may be entitled to language assistance with respect to the Town of Osgood's programs and activities. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means a written transfer of a message from one language into another language. The Town of Osgood will determine when interpretation and/or translation are needed and are reasonable. How the Town of Osgood staff may identify if an interpreter is needed or if an LEP person needs language assistance:

- Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events.
- Have Language Identification 'I Speak Card' (**Appendix H**) available at customer service areas easily accessible to the staff. Individuals self-identifying as persons not proficient in English may not be able to be accommodated with translation assistance at the time, but it will assist in identifying language assistance needs for future events.

B. Language Assistance Measures

Although there is a very low percentage of LEP individuals in the Town (people who speak English less than "very well"), the Town of Osgood will strive to offer language assistance using the following measures:

- If an individual asks for language assistance and the Town of Osgood determines that the individual is an LEP person and if language assistance is necessary to provide meaningful access. The Town of Osgood has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.
- When an interpreter is needed, in person or on the telephone, staff will attempt to determine what language is required and access the language interpreting service tools provided to the staff.
- The Town of Osgood will periodically assess the need for language assistance based on requests for interpreters and/or translation.

C. Summary of Language Service Requests

As of 2/01/2017 there were no requests for language services.

Section 9. Title VI Goals

Goals	Goal Date	Completion Date
Update the Title VI and LEP Plan	4/1/2017	4/10/2017
Develop and implement complaint procedure	4/1/2017	
Create complaint log	4/1/2017	2/1/2017
Create Compliance Checklist	4/1/2017	2/1/2017
Create an External Discrimination Complaint Form	2/1/2017	2/1/2017
Create Title VI Voluntary Public Involvement Survey	4/1/2017	
Incorporate a language service for all departments to utilize for LEP persons.	4/1/2017	
Develop annual reporting process for Title VI Liaisons	4/1/2017	
Create Title VI Compliance Review Checklist Form	4/1/2017	
Train the Title VI Liaisons on the Title VI Program and LEP Plan	4/1/2017	
Publish Title VI Statement annually in the local newspaper	4/1/2017	
Provide Title VI training and/or information to sub-recipients	4/1/2017	
Update Title VI statement & complaint form on the Town's website	4/1/2017	
Place updated Title VI Policy Statement, Public Notice, Complaint procedures and complaint form on the Town's Website	4/1/2017	
Review all programs for Title VI implications	4/1/2017	
Improve the data collection process to receive information that reveals the potential for discrimination.	4/1/2017	
Ensure nondiscrimination language is current – include “sexual orientation, gender identity, low income” into all Town's contracts, statements and agreements.	4/1/2017	4/1/2017
Meet with liaisons to provide training on new or changed procedures within the Title VI Plan. Also determine if additional training is required for their area of responsibility.	4/1/2017	
Identify a procedure for sub-recipient monitoring	4/1/2017	
Identify a procedure to ensure compliance with Environmental Justice requirements	4/1/2017	
Title VI training for Liaisons and employees	4/1/2017	

Section 10. Title VI Reporting/Accomplishments

1. The first bid document that contained Title VI Assurance Statement was on _____ and on all bid documents since.
2. All _____ contracts with sub-recipients included the Title VI Assurances.
3. The Town of Osgood had (___) zero federally funded projects during 2017.
4. There were (___) zero Title VI complaints received in 2017.
5. In _____ received (___) completed surveys. (___) female and (___) male. (___) Caucasian.
6. There were (___) LEP persons requesting service in 2017.

Appendix A

Town of Osgood, Indiana Title VI Assurances

The Town of Osgood, Indiana (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 200d-42 U.S.C. 200d-4 (hereinafter referred to as the Act), and 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 (hereinafter referred to as the 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 otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Indiana Department of Transportation and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

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

1. That the Recipient agrees that each “program” and each “facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Transportation Program and, in adapted form in all proposals for negotiated agreements:

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

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, 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 Federal Aid Transportation Program and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under Federal Aid Transportation 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, 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 Federal Aid Transportation Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors n interest and other participants in the Federal Aid Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated 11/14/16

Town of Osgood
Recipient

By: Tammy Wilhoit
Tammy Wilhoit, Title VI Coordinator

Assurances - Appendix A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** the Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases or equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulation relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Town of Osgood or the Indiana Department of Transportation (INDOT) or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Town of Osgood, or the Indiana Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Town of Osgood shall impose such contract sanctions as it or INDOT or FHWA may determine to be appropriate, including, but not limited to:
Withholding of payments to the contractor under the contract until the contractor complies, and/or Cancellation, termination or suspension of the contract, in whole or in part
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the Town of Osgood or INDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Town of Osgood to enter into such litigation to protect the interests of the Town of Osgood, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Assurances - Appendix B

When the Town of Osgood, Indiana is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:

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

(GRANTING CLAUSE)

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

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Town of Osgood, Indiana and its successors forever, subject, however, to the covenants, conditions, restrictions 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 Osgood, Indiana, its successors and assigns.

The Town of Osgood, Indiana, in consideration or 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, or national origin, 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 Osgood, Indiana 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 Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulation, Part 200, Title VI Program and Related Statues – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have the right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instructions.*

*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.

Assurances - Appendix C

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

The (grantee, licensee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, 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 Osgood, Indiana shall have the right to terminate the [licenses, leases, permits, 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 Osgood, Indiana shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Town of Osgood, Indiana and its assigns.

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

The (grantee, licensee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as 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 he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services hereon, no person on the ground of, religion, race, color, national origin, sex, sexual orientation, gender identify, age, disability/handicap and low income, shall be excluded from participation in denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, 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.

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

That in the event of breach of any of the above nondiscrimination covenants, the Town of Osgood, Indiana shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said 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 Osgood, Indiana shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Town of Osgood, Indiana and its assigns.

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

Appendix B

Town of Osgood, Indiana Title VI Notice to the Public

The Town of Osgood, Indiana hereby gives public notice that it is the Town's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, The Civil rights Restoration Act 1987, and the related statues and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, national origin, disability, sex, age, low income status or limited English proficiency be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which the Town of Osgood, Indiana receives federal assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the Town of Osgood, Indiana. Any such complaint must be filed with the Town of Osgood, Indiana within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Discrimination Complaint forms may be obtained from the Town of Osgood, Indiana at no cost to the complainant by calling 812-689-4240 or emailing clerk@osgoodindiana.org. The Title VI Discrimination Complaint forms may also be obtained on the Town's official website at <http://www.osgoodindiana.org/>.

Appendix C

**Town of Osgood, Indiana
Title VI Compliance Review Form**

Name of Preparer:	Date:
Department:	Phone No.:
Data Collection – Do you have a process to collect the following:	
Number of INDOT federally funded projects awarded during the past two years. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the number by year for the past two years below: If no, explain why below:	
Number of Title VI complaints received for the past three years. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the number received by year for the past three years below: If no, explain why below:	
Attendance at public meetings/hearings tracked and broken down by ethnicity, race, gender and disability. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the attendance statistics for last year below: If no, explain why below:	
Statistical data collected on ethnicity, race, gender and disability for communities impacted by construction projects. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the data collected for the past year: If no, explain why below:	

Name of Preparer:	Date:
Do you have a Limited English Proficiency (LEP) procedure in place? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the number of LEP persons requesting services below: If no, explain why below:	
Policies, Procedures and Processes:	
Do you and your staff understand the Title VI Policy and procedure guidelines set in place for the Town? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, explain why below:	
Statistical data collected on ethnicity, race, gender and disability for all right-of-way relocates. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the data collected for the past year: If no, explain why below:	
Do you have proof of public dissemination of the Title VI Policy or Policy Statement? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide dates and/or copies of the dissemination (i.e. newspaper, website, etc.). If no, explain why below:	

Name of Preparer:	Date:
Training:	
Have you and your staff received Title VI training (formal or Informal)? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, explain why below	

Appendix D

Appendix E



**Town of Osgood
ADA Complaint Form**

Date: Email Address:

First Name: Last Name:

Street Address: Street Address
Line 2:

City: State: Zip Code:

Date of incident
or situation:

Location:

Please describe what happened. Be as detailed as possible:

Desired outcome:

Appendix F

Appendix G

Voluntary Title VI Public Involvement Survey

As an obligation for receiving federal highway funds, the Indiana Department of Transportation requires the Town of Osgood, Indiana to gather statistical data on participants and beneficiaries of the agency's federal aid highway programs and activities. Accordingly, the Town of Osgood collects information on race, color, national origin, and sex of the attendees of this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The Town of Osgood wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file in the Title VI Coordinator's Office of the Town of Osgood at:

Osgood Town Hall
147 West Ripley St.
Osgood, IN 47037

Phone: 812-689-0178

Project Name:	Date:	
Meeting location:		
<input type="checkbox"/> Male <input type="checkbox"/> Female		
General ethnic identification categories		
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic American	<input type="checkbox"/> American Indian/Alaskan Native
<input type="checkbox"/> African American	<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Other _____

After you complete this form, please fold it and place it on the council table.

Appendix H

- | | |
|--|------------------------|
| <input type="checkbox"/> وضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> Մարդու՞մ ենք՝ նշում՝ կառարկեք այս բառակառույց՝ կրկի խոսում՝ կամ՝ կարգում՝ եք հայերեն: | 2. Armenian |
| <input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> ឈ្លបបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> Motka i kahhon ya yangin ūntūngnu' manaitai pat ūntūngnu' 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"/> | आगर आप 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 beszéli a magyar nyelvet. | 19. Hungarian |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. | 20. Ilocano |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano. | 21. Italian |
| <input type="checkbox"/> | 日本語を読んだり、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"/> | ໄທ້າມາຍໄຂ່ຂ່ອງຢື້ ຖ້າທ່ານອ່ານຊື່ປາກກາສາຂາວ. | 24. Laotian |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish |

- | | | |
|--------------------------|--|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português. | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această căsuță dacă citiți sau vorbiți românește. | 27. Romanian |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски. | 28. Russian |
| <input type="checkbox"/> | Обележите овај квадратичиј уколико читате или говорите српски језик. | 29. Serbian |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. | 30. Slovak |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español. | 31. Spanish |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay manunong magbasa o magsalita ng Tagalog. | 32. Tagalog |
| <input type="checkbox"/> | ทำเครื่องหมายในช่องสี่เหลี่ยมนี้ถ้าคุณอ่านหรือพูดภาษาไทย. | 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"/> | באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. | 38. Yiddish |