

**TOWN OF PORTER, INDIANA  
TITLE VI PLAN/NONDISCRIMINATION AGREEMENT**

**DECEMBER 13, 2016**



**Town of Porter  
 303 Franklin Street  
 Porter, IN 46304  
 219-926-2771**

**TOWN OF PORTER, INDIANA  
 TITLE VI PLAN/NONDISCRIMINATION AGREEMENT**

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**A. POLICY STATEMENT**

The Town of Porter (hereafter referred to as "Town") 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, age, national origin, gender, disability or income status.

The Town assures that no person in the United States shall, on the grounds of race, color, national origin or sex be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal assistance (Title 23 CFR Part 200 and Title 49 CFR Part 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs and activities of federal aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S.557] March 22, 1988).

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC §794), the Town hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from federal financial assistance.

In the event the Town distributes federal aid funds to a sub-recipient, the Town will include Title VI language in all written agreements and will monitor for compliance. The Town's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by Title 23 CFR Part 200 and Title 49 CFR Part 21.

**PORTER TOWN COUNCIL**

  
\_\_\_\_\_  
Greg Stinson, President

  
\_\_\_\_\_  
Erik Wagner, Vice President

  
\_\_\_\_\_  
William Lopez, Member

  
\_\_\_\_\_  
Ross LeBleu, Member

  
\_\_\_\_\_  
Brian Finley, Member

12-13-2016  
Date

## **B. AUTHORITIES**

Title VI of 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin or sex be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal assistance (Title 23 CFR Part 200 and Title 49 CFR Part 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of federal aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S.557] March 22, 1988).

## **C. ORGANIZATION AND STAFFING**

### **Town Hall**

303 Franklin Street  
Porter, IN 46304  
Phone: (219) 926-2771

### **Town Council**

303 Franklin Street  
Porter, IN 46304  
Phone: (219) 926-2771

### **Public Works Department**

550 Beam Street  
Porter, IN 46304  
Phone: (219) 926-4212

### **Fire Department**

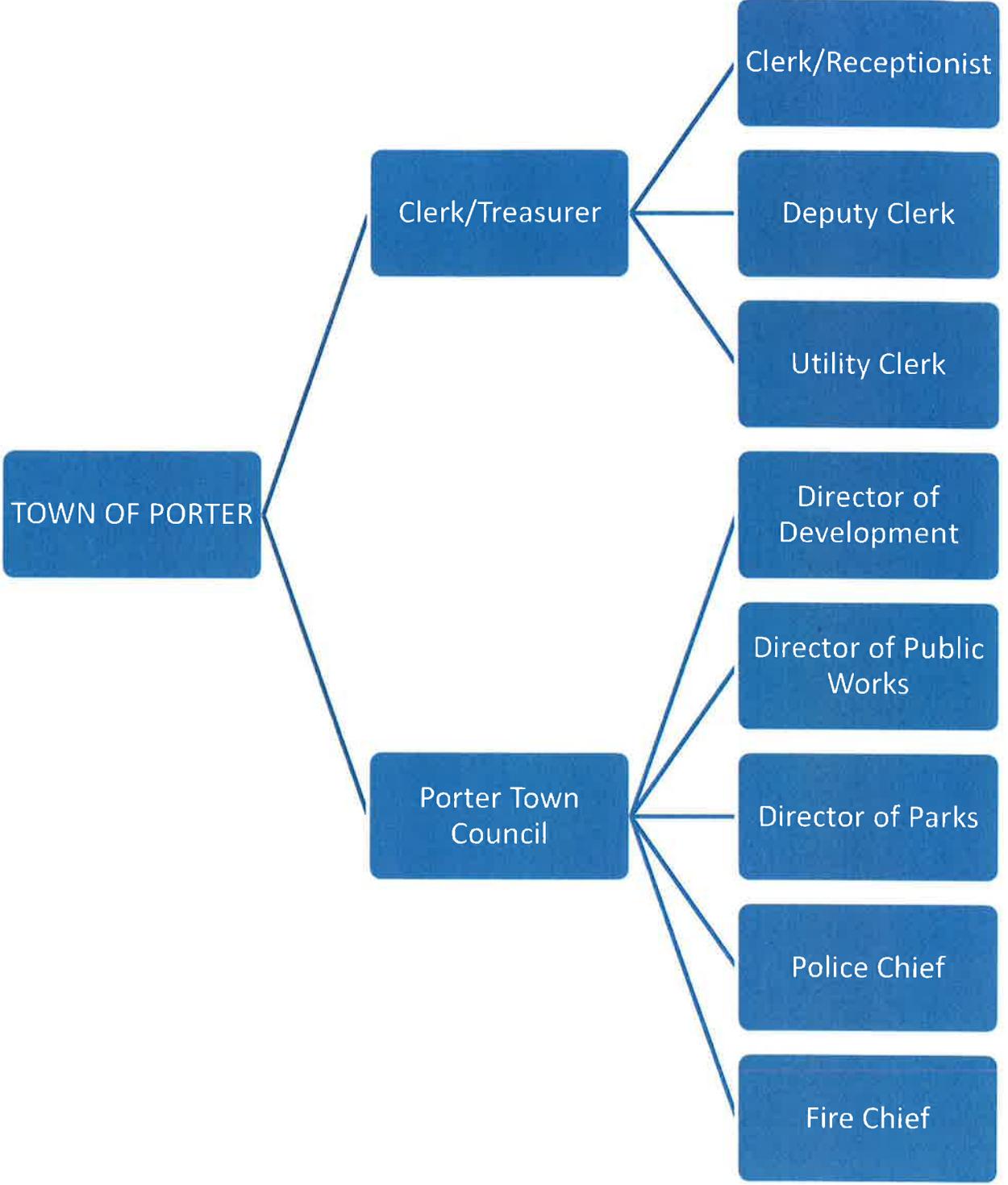
550 Beam Street  
Porter, IN 46304  
Phone: (219) 926-1226

### **Police Department**

50 Francis Street  
Porter, IN 46304  
Phone: (219) 926-7611

### **Parks Department**

500 Ackerman Drive  
Porter, IN 46304  
Phone: (219) 983-1042



#### **D. FILING A COMPLAINT**

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

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

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

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint to the designated Title VI Coordinator. A complaint must include the name, address and telephone number of the individual making the complaint (the complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation. A complaint must be filed within 180 days from the date the alleged discriminatory act occurred.

Complaints should be filed with the Title VI Coordinator:

Michael Barry  
303 Franklin Street  
Porter, IN 46304  
Phone: (219) 395-9921  
[mbarry@townofporter.com](mailto:mbarry@townofporter.com)

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

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

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

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation Indianapolis District  
EEOC Office  
101 West Ohio Street, Suite 1900  
Indianapolis, IN 46204  
Phone: 1 (800) 669-4000  
Fax: (317) 226-7953  
TTY: 1 (800) 669-6820

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

Indiana Civil Rights Commission  
100 N. Senate Avenue, Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336

## E. COMPLAINT PROCESSING

1. The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided, the complaint meets the filing deadline date, which is 180 days from the date the alleged discriminatory act occurred, and falls within the jurisdiction of the Town.
2. The Title VI Coordinator will then investigate the complaint. If the complaint is against the Title VI Coordinator, then the Town Council or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the Town Attorney.
3. If the complaint warrants a full investigation, the complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency.
4. The party alleged to have acted in a discriminatory manner will also be notified by certified mail of the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
5. Upon completion of its investigation, the Town will issue an investigative report with findings as to the nature and substance of the allegations to the complainant and the individual accused of discriminatory practices. The findings of the report shall be final.
6. The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes", available online at:  
<https://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm>
7. **Title VI Complaint Filing** – Complaints filed with the Town of Porter, Indiana, based on violations of Title VI of the Civil Rights Act of 1964, must include the following information:

- Name of complainant
- Address of complainant
- Name of agency/department  
accused of discriminatory practices
- Address of agency
- Description of alleged  
discrimination (see below)
- Date of complaint
- Telephone number of complainant
- Name of individual accused of  
discriminatory practices
- Date of alleged discrimination

Appendix E provides a sample complaint form that may be used for this process.

8. **Alleged Discrimination** – If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.
  - Race/Color/Religion
  - Age
  - Disability
  - National Origin
  - Sex
  - Income Status
  - Explanation of Alleged Discrimination – Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case.

- Signature of Complainant
- Date of complaint

***Note:** The Town of Porter prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the Town. Please inform the Title VI Coordinator if you feel you were intimidated or experience perceived retaliation in relation to filing a complaint.*

- 9. Letter Acknowledging Receipt of Complaint** – Following receipt of the complaint alleging discriminatory actions/behavior, the Title VI Coordinator will send the complainant a letter acknowledging receipt by the Town of the complaint.
- 10. Letter Notifying Complainant that the Complaint is Substantiated** – If, after investigation, the Town determines that the filed complaint alleging at Title VI violation *has been* substantiated, the Town shall notify the complainant of such determination and that the Town has implemented measures to correct the issue. Such notice shall also indicate that the complainant may be notified again by the Town or state or federal authorities if an administrative hearing process is initiated.
- 11. Letter Notifying Complainant that the Complaint is Not Substantiated** – If, after investigation, the Town determines that the filed complaint alleging at Title VI violation *has not been* substantiated, the Town shall notify the complainant of such determination and that the Town is closing the file for this issue. Such notice shall also indicate that the complainant has the right to file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at Federal Transit Administration Office of Civil Rights Attention Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor – TCR 1200 New Jersey Avenue SE, Washington, DC 20590.

## **F. ENVIRONMENTAL JUSTICE**

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

The three fundamental environment justice (EJ) principles are:

1. To avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
3. To prevent the denial of, reduction in or significant delay in the receipt of benefits by minority populations and low-income populations.

The Town of Porter is committed to these three environmental justice principles in all work that the Town performs.

## G. ADMINISTRATION – WORK PLAN

Pursuant to Title 23 CFR Part 200, the Town of Porter has designated a Title VI Coordinator who is responsible for initiating, monitoring and ensuring the Town’s compliance with Title VI requirements for the following work plan:

- Administer, coordinate and implement the Title VI Program plan and distribute internally and externally via website and update annually as required.
- Ensure that Assurances are being used in contracts for federal projects.
- Attend Title VI training.
- Collect public involvement data.
- Review written Title VI complaints and ensure every effort is made to resolve complaints informally at the local or regional level and review and update the Town’s Title VI plan and procedures as required.
- Implement a plan that provides training to Town staff on the basic requirements of the Title VI implementation plan.

Title VI Coordinator:

Michael Barry

303 Franklin Street

Porter, IN 46304

Phone: (219) 395-9921

[mbarry@townofporter.com](mailto:mbarry@townofporter.com)

## H. LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP)*, to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, the U.S. Department of Transportation published *Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons* in the December 12, 2005 Federal Register. This guidance outlines the following Four Factors that the Town uses to assess the LEP populations in Porter:

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

### Summary of the Four Factor Analysis

**Factor 1** – The number and proportion of LEP persons eligible to be served or likely to be encountered by the Town can only be estimated until the actual number of persons who can speak English less than “very well” are documented as needing assistance by Town staff. With this Title VI plan being in early development stages and considered a document that needs regular updates, U.S. Census Bureau information is being used at this time. The total population is provided below to show general distribution of race and ethnicity in the community. The estimated number of persons that may not speak English “very well” is following in the U.S. Census Bureau 2006-2010 American Community Survey.

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

Total population = 4858

Population by Ethnicity:

Hispanic or Latino = 319

Non-Hispanic or Latino = 4539

Population by Race:

White = 4366 (89.9%)

Hispanic or Latino = 319 (6.6%)

African-American = 50 (1.0%)

Asian = 45 (0.9%)

American Indian or Alaska Native = 15 (0.3%)

Native Hawaiian and Pacific Islander = 1 (0.0%)

Other = 7 (0.1%)

Identified by two or more = 55 (1.1%)

The U.S. Census Bureau 2006-2010 American Community Survey 5-Year Estimates under *SOCIAL CHARACTERISTICS* indicates the number of people in Porter who speak English less than “very well” is estimated at 21 or 0.4% of the total population with a margin of error of +/- 0.1%.

**Factor 1 (continued)**

For planning purposes, the Town considers people that speak English less than “very well” as Limited English Proficient (LEP) persons. It is estimated that the majority of people in the community speak English well or very well or have translation availability within their own families or friends. According to the census figures above, it is estimated that approximately 21 individuals (with an error margin of +/- 1 person) may be considered as LEP. Based on actual contact between Town staff and the community, there have been very few, if any, requests from persons in the service area asking the Town to provide language translation services. Therefore, the LEP population is probably less than the estimate shown above.

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

Due to the relatively small minority population in the area, the estimated number of LEP individuals is very small. Thus, their frequency of contact with Town programs, activities or services is very rare and does not interfere with access to said programs, activities or services. LEP individuals typically have family members who can translate for them so they very seldom, if ever, require translation services from the Town.

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

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

**Factor 4** – The resources available to the Town and costs:

The Town of Porter currently has one staff members who is bilingual in English and Spanish and that is available to translate requests from the Hispanic population on a day-to-day basis. Certified translation services are available upon request as discussed in Factor 3 above.

### **Summary of LEP Accommodation Plan**

- The Town of Porter strives to serve its population to the best of its ability and will provide, upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to Town services.
- A U.S. Census Bureau ISpeak card is available as part of this document and on the Town's webpage and is also available at Town Hall located at 303 Franklin Street, Porter, Indiana. This card allows LEP individuals to communicate their preferred language to Town staff whereas Town staff may then access a translation service.
- The Town of Porter will utilize a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status and household income. The voluntary public involvement survey is available at all public hearings and meetings. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the Town may consider changes to their LEP policy. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable. See Appendix g for a sample of this survey.
- The Town reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the Town's Title VI plan and procedures as required.
- Staff for the Town will be provided training on the requirements for providing meaningful access to services for LEP persons. Considering the small size of the Town of Porter and limited financial resources, current training may be limited to web access to this document and its attachments by all Town staff, a log showing the names of all staff that have been made aware of this document (sign off that they have read the document) and require that all new employees receive the same training.

## **Town of Porter, Indiana Title VI Assurances**

The **Town of Porter, Indiana** (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race, color, national origin, sex (23 USC 324), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a)(1) of the Regulations.

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

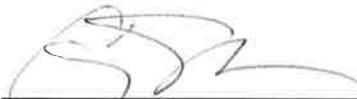
1. That the Recipient agrees that each "program" and each "facility" as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The **Town of Porter, Indiana**, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 200d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures or improvements thereon or interest therein.

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

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



\_\_\_\_\_  
Greg Stinson, President  
Porter Town Council

\_\_\_\_\_  
12/13/16  
Date

## APPENDIX A

*[to be 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:

- 1) **Compliance with Regulations:** The Contractor shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- 2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) **Solicitations for Subcontractors, Including Procurement 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, national origin, sex, age, disability/handicap and low income.
- 4) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - b. Cancellation, termination or suspension of the contract, in whole or in part.
- 6) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

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

## APPENDIX B

*[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 **Town of Porter, Indiana** will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by the FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Town of Porter, 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 Porter, Indiana** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the **Town of Porter, Indiana**, its successors and assigns.

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

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

## APPENDIX C

*[applicable if land is acquired through the federal highway program and the town sells or leases the property to another entity]*

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

The (grantee, licensee, lessee, permittee, etc. as appropriate) for himself, his heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination if 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 Porter, Indiana** shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

*[Include in deed]\**

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

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

The (grantee, licensee, lessee, permittee, etc. as appropriate) for himself, his personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds, and leases, add "as a covenant running with the land"] that (1) no person on the grounds of race, color, national origin, sex, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or be otherwise 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 if 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 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, the Town of Porter, Indiana shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

*[Include in deeds]\**

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

*\*Reverter clause and related language to be used 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 D – Title VI Complaint Log**



**Appendix E – External Complaint of Discrimination**



## INSTRUCTIONS: EXTERNAL COMPLAINT OF DISCRIMINATION

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

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

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

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

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

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

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

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

Complaints should be mailed to:

Title VI Coordinator  
Michael Barry  
303 Franklin Street  
Porter, IN 46304  
Phone: (219) 395-9921  
[mbarry@townofporter.com](mailto:mbarry@townofporter.com)

## Town of Porter Title VI Complaint Form

COMPLAINANT INFORMATION			
Name <i>(first, middle, last)</i>			
Address <i>(number &amp; street, city, state &amp; ZIP code)</i>			
Home Telephone Number		Work Telephone Number	
Cellular Telephone Number			
Accessible Format Requirements?	Large Print TDD	Audio Tape Other	
Are you filing this complaint on your own behalf?		Yes*	No
<i>*If you answered "yes" to this question, go to the next section</i>			
If not, please supply the name and relationship of the person for whom you are filing this complaint			
Please explain why you have filed 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
COMPLAINT			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Disability/Handicap <input type="checkbox"/> Religion <input type="checkbox"/> Gender Identity <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Income Status <input type="checkbox"/> Other _____			
Date of Alleged Discrimination (Month, Day, Year) _____			
Complaints of discrimination must be filed within 180 days of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.			
_____			
_____			
_____			
Name of Agency or Department complaint is against _____			
Address _____			
Contact Person _____			
Telephone Number _____			
Name(s) of employee(s) involved, if known _____			
_____			

## Town of Porter Title VI Complaint Form

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form or attach additional sheets of paper.

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Have you previously filed a Title VI complaint with this agency?	Yes	No
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**WITNESS #1**

Name *(first, middle, last)*

Address *(number & street, city, state & ZIP code)*

Home Telephone Number	Work Telephone Number
-----------------------	-----------------------

Cellular Telephone Number

Include a brief description of the relevant information the witness may provide to support your complaint

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**WITNESS #2**

Name *(first, middle, last)*

Address *(number & street, city, state & ZIP code)*

Home Telephone Number	Work Telephone Number
-----------------------	-----------------------

Cellular Telephone Number

Include a brief description of the relevant information the witness may provide to support your complaint

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## Town of Porter Title VI Complaint Form

OTHER FILINGS	
<b>Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?</b>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Court _____
<input type="checkbox"/> State Agency _____	<input type="checkbox"/> Local Agency _____
<i>Please provide information about a contact person at the agency/court where the complaint was filed</i>	
Agency/Court Name _____	
Agency/Court Contact Name _____	
Agency/Court Address _____	
City _____	State _____ Zip Code _____
Telephone Number _____	

***Please sign and date below. You may attach written materials, photographs or other documentation that you think is relevant to your complaint.***

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Please submit this form to:**

**Michael Barry, Title VI Coordinator  
Town of Porter  
303 Franklin Street  
Porter, IN 46304**

## **Appendix F – Complaint Consent/Release Form**

## COMPLAINANT CONSENT / RELEASE

<b>Name</b> <i>(first, middle, last)</i>	<b>Telephone Number</b> (   )   -
<b>Address</b> <i>(number and street, city, state, ZIP code)</i>	
<b>Case Numbers</b> <i>(if known)</i>	
<p>                     As a Complainant, I understand that during an investigation it may become necessary for the Town of Porter to reveal my identity to individuals outside of the Town of Porter Government in the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for the Town of Porter to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant, I am protected by Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the nondiscrimination statutes enforced by the Town of Porter.                 </p>	
<p>                     Please read both paragraphs below, check your choice of <b>CONSENT</b> or <b>CONSENT DENIED</b> and sign below. <i>(Please mark one)</i> </p> <p> <input type="checkbox"/> <b>CONSENT</b> </p> <p>                     I have read and understand the above information and authorize the Town of Porter to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize the Town of Porter to receive, review and discuss material and information about me relevant to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.                 </p> <p> <input type="checkbox"/> <b>CONSENT DENIED</b> </p> <p>                     I have read and understand the above information and do not want the Town of Porter to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without the Town of Porter making a determination in my case.                 </p>	
<b>Signature</b>	<b>Date</b> <i>(month, day, year)</i>

## **Appendix G – Voluntary Title VI Public Involvement Survey**

## VOLUNTARY TITLE VI PUBLIC INVOLVMENT SURVEY

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

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

If you have any questions regarding the Town of Porter’s responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Michael Barry, Title VI Coordinator.

You may return the survey by hand-delivering, mailing or emailing it to the address below.

<b>Date</b> <i>(month, day, year)</i>	
<b>Project or Program Name</b>	
<b>Project or Program Location</b>	
<b>Gender</b> <input type="checkbox"/> Female <input type="checkbox"/> Male	<b>Ethnicity</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Non-Hispanic or Latino
<b>Race</b> <i>(check one or more)</i> <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White or Caucasian <input type="checkbox"/> Black or African-American <input type="checkbox"/> Multiracial	
<b>Age</b> <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40 <input type="checkbox"/> 41-64 <input type="checkbox"/> 65+	<b>Disability</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Household Income</b> <input type="checkbox"/> 0-\$12,000 <input type="checkbox"/> \$12,001-\$24,000 <input type="checkbox"/> \$24,001-\$36,000 <input type="checkbox"/> \$36,001-\$48,000 <input type="checkbox"/> \$48,001-\$60,000 <input type="checkbox"/> \$60,001+	

Michael Barry, Title VI Coordinator  
 303 Franklin Street  
 Porter, IN 46304  
 Phone: (219) 395-9921  
[mbarry@townofporter.com](mailto:mbarry@townofporter.com)

## **Appendix H – U.S. Census Bureau ISpeak Card**

LANGUAGE IDENTIFICATION FLASHCARD

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

Խոսոյքու՞մ ե՞նք և՞ լեզու՞մ կարծաբար արտասանու՞մ,  
կընթացու՞մ կամ կարգու՞մ եք հարկընելու:

2. Armenian

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

ព្រមទាំងស្រាប់តែ៖ ជើងអោយ ឬ ជើងអោយអោយ ខ្ញុំ ។

4. Cambodian

Metka i kabhon ya yangin tingtingna' manahai pat tingtingna' kumentes Chamorro.

5. Chamorro

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

Mark this box if you read or speak English.

11. English

اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.

12. Farsi

- |                          |  |                    |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français.                                      | 13. French         |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.                | 14. German         |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.                            | 15. Greek          |
| <input type="checkbox"/> | Make kazyè sa a si ou li oswa ou pale kretyòl ayisyen.                               | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।                       | 17. Hindi          |
| <input type="checkbox"/> | Kes lub voj no yog loj pamb twm thiab hais lus Hmoob.                                | 18. Hmong          |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megéni vagy beszéli a magyar nyelvet.                   | 19. Hungarian      |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasakla 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"/> | Ἰσημεριάζετε τὴν ἐπιθυμητὴν ἐπισημείωση.   | 24. Laotian        |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadrata, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish         |

- Assinale este quadrado se voce lê ou fala português. **26. Portuguese**
- Înscăruți această căsuță dacă citiți sau vorbiți românește. **27. Romanian**
- Поставьте этот квадратик, если вы читаете или говорите по-русски. **28. Russian**
- Обележите ovaj квадратик, уколико читате или говорите српски језик. **29. Serbian**
- Označte tento štvorec, ak viete čítať alebo hovoriť po slovensky. **30. Slovak**
- Marque esta casilla si lee o habla español. **31. Spanish**
- Markahan itong kwadrado kung kayo ay magsalita o magsalita ng Tagalog. **32. Tagalog**
- ทำเครื่องหมายในช่องนี้ถ้าคุณอ่านหรือพูดภาษาไทย. **33. Thai**
- Maaka i he puha ni kapua 'oia ke lau pe la fakatonga. **34. Tongan**
- Відмітьте про читання, якщо ви читаете або говорите українською мовою. **35. Ukrainian**
- اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ **36. Urdu**
- Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. **37. Vietnamese**
- באמצעות דעם קעסטל אויב איר לייענט אדער רעדט אידיש. **38. Yiddish**