

# Morgan County Government



## Title VI Implementation Plan

2020

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## INTRODUCTION

This document is to be recognized as a continual and ongoing effort to comply with various laws. Title VI and of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. As a recipient of federal funds, public entities have direct legal requirements to comply with Title VI of the Civil Rights Act of 1964 ("Title VI"), the Americans with Disabilities Act of 1992 (the "ADA"), and other laws, executive orders and regulations related to nondiscrimination and accessibility.

Federal funds stem from tax dollars paid by all people and the programs and facilities developed from them must benefit everyone equally. In addition, recipients and sub-recipients of federal funds (those who receive federal funds as they trickle down to develop programs and projects) have contractual obligations to comply with the requirements for Assurances of Non-discrimination (Assurances) are signed as a condition of receiving those funds, and also with INDOT's annual Pre-Awarding Certification Process pertaining to the Local Public Agency (LPA) and all other grant opportunities.

## TITLE VI COORDINATOR

*Daree Fry*

HR Director

ADA Coordinator

Morgan County Government

180 S. Main Street, Suite 104

Martinsville, IN 46151

765-342-5364

[dfry@morgancounty.in.gov](mailto:dfry@morgancounty.in.gov)

The Morgan County Title VI Coordinator will:

- Administer and implement Morgan County's Title VI plan and policy.
- Develop and maintain ongoing education to ensure departments are implementing, monitoring and complying with Morgan County's Title VI plan and policy.
- Conduct Title VI reviews in an effort to assist with identifying, addressing and eliminating discrimination concerns in every department.
- Work to develop and disseminate Title VI information to contractors, subcontractors, vendors and consultants.
- Work to ensure community involvement and outreach is in compliance with Title VI and provide equitable opportunities for participation.
- Ensure Title VI language is included in Morgan County contracts.
- Maintain all Title VI records and correspondence, including but not limited to complaints and all correspondence regarding such, requests for language services, demographic statistics, department compliance reviews and all Title VI federal agency correspondence and records.
- Address all Title VI discrimination complaints.
- Review and update the Title VI plan and policy as needed or required.

#### **EMPLOYER/EMPLOYEE DISSIMINATION & TRAINING**

Title VI plan and policy education and literature will be provided to all Morgan County employees. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as Morgan County deems necessary.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, Morgan County employees should make every effort to alleviate any barriers to service or public that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and **immediately** notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

## **CONTRACTORS, SUBCONTRACTORS, VENDORS & CONSULTANTS**

All contractors, subcontractors and vendors who receive payments from Morgan County where funding originates from any Federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. Morgan County will include Title VI language, as per the Standard U.S. DOT Title VI Assurances Appendices A, B & C, as relevant and appropriate, in written agreements and bid notices. Written agreements relevant to Title VI shall not contain any form of discrimination, either written or implied.

## **CONCERNS/COMPLAINT PROCESS**

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

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

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

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

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

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

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

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

A complainant's identity shall be kept confidential except to the extent necessary to complete the investigation. If it is necessary to disclose the complainant's identity to the alleged person who may have discriminated or a third-party, Morgan County must first obtain the complainant's written consent. Morgan County must also obtain the

complainant's written consent before providing a copy of the complaint to any other individual(s) involved with the investigation.

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

**Department of Justice  
Federal Coordination and Compliance Section - NWB  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530**

### **PUBLIC DISSEMINATION**

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

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

### **COMMUNITY INVOLVEMENT & OUTREACH**

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

The Morgan County Council and the Morgan County Board of Commissioners meet monthly and those meetings are open to the public, as well as other various Morgan County meetings. Any meetings that are open to the public are published by Morgan County and distributed to local media outlets. All Morgan County public meetings are held in locations accessible to individuals with disabilities.

Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance.

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

### **DATA COLLECTION**

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

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

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

### **SECTION 504 /AMERICANS WITH DISABILITIES (ADA)**



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

For more information regarding Morgan County's ADA policy, please visit Morgan County's website at [www.morganin.gov](http://www.morganin.gov) and select the Safety and Risk Management tab to view Morgan County's ADA Transition Plan and compliance statement. ADA complaint forms can also be obtained on Morgan County's website or by contacting the Morgan County ADA Coordinator or the Human Resources Department.

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

*Daree Fry*  
HR Director  
ADA Coordinator  
Morgan County Government  
180 S. Main Street, Suite 104  
Martinsville, IN 46151  
765-342-5364  
[dfry@morgancounty.in.gov](mailto:dfry@morgancounty.in.gov)

### **LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

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

Presidential Executive Order No. 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates that

individuals treated differently based upon their inability to speak, read, write or understand English is a type of national origin discrimination. Presidential Executive Order 13166 defines limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

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

- The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Morgan County program, activity or service.
- The frequency with which LEP persons come in contact with Morgan County programs, activities or services.
- The nature and importance of programs, activities or services provided by Morgan County to the LEP population.
- The resources available to Morgan County and the overall costs to provide LEP assistance.

1. Using 2010 census data, it has been estimated that 1.3% of Morgan County's population, age five (5) years and older, speak a language other than English. Therefore, it is estimated that 98.7% of Morgan County's population, age five (5) years and over, speak only English. Approximately .8% of the population speak Spanish and 0.5% speak other languages.

2. Morgan County assesses the frequency with which LEP individuals come in contact with any of our programs, activities or services. This has been accomplished by utilization of the Voluntary Title VI Public Involvement Survey, surveying staff, documenting phone calls and other correspondence in which language barriers existed, and tracking inquiries or requests for language assistance. Based on the results of our research Morgan County has minimal contact with LEP individuals.

3. Morgan County is responsible for all roads, bridges, and small structures (less than 20-foot span) within Morgan County which are not

state highways and which are not within the corporate limits of a city or town. They are also responsible for bridges which have a span of 20 or more feet on all roads in Morgan County which are not state highways. Morgan County has fourteen townships with approximately 698 miles of roadway, rights-of-way and 142 bridges. Morgan County strives for safe and accessible roadways, and continues to work to improve the transportation infrastructure for the citizens of Morgan County. Transportation in Morgan County is critical to the public as it provides access to emergency services (fire, police, etc.), health care, employment and other essential individual needs. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to the individuals relying on these services could be life-threatening.

4. Morgan County has within its jurisdiction higher education institutions that provide extensive language services. Ivy Tech has multiple campuses located within Morgan County. Many of their courses are also offered at public education centers and elementary/secondary schools. Adult learning classes are available and presented through seminars with some provided at no cost.

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

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

Morgan County is aware that the community profile is ever-changing; therefore, this LEP plan and the four-factor analysis will be re-

evaluated on an annual basis to ensure that the plan remains reflective of the community's needs. Individuals requiring special language services or accommodations should contact Morgan County's Title VI Coordinator.

### **MORGAN COUNTY INDIANA TITLE VI ASSURANCES**

Morgan County (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 40, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that is in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the "appropriate Grantor(s)" and, HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

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

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

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

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

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

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

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisitions of real property or an interest in real property, the Assurance shall extend to rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance as a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the "appropriate

Grantor(s)"and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the "appropriate Grantor(s)."

8. 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/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

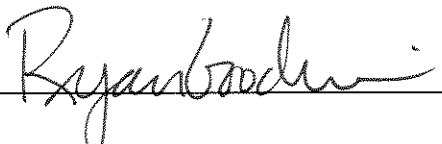
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

**BOARD OF COMMISSIONERS OF MORGAN COUNTY**

**ATTEST:**



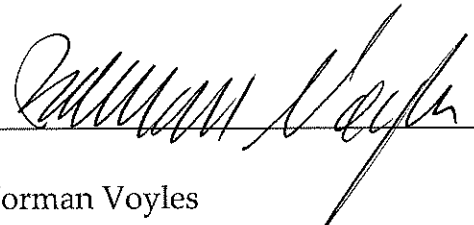
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Ryan Goodwin, President



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Kenny Hale



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Norman Voyles



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Dan Bastin, Morgan County Auditor

# TITLE VI GRIEVANCE PROCEDURE

## Concerns/Complaint Process

Morgan County will take prompt and reasonable actions to thoroughly investigate concerns and complaints. Any individual, who believes they have been subjected to discrimination may file a complaint with the Morgan County Title VI Coordinator or the Morgan County Human Resources Department.

## Complaint Filing

In order for the complaint to be considered, the complainant must file the appropriate documentation:

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

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

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



### **Resolving a Complaint**

Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions if applicable. A complainant has sixty (60) business days to respond to the request for additional information. A complainant's failure to respond to the request within sixty (60) business days may result in the administrative closure of the complaint.

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

### **Complaint Referrals**

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

### **Confidentiality**

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

### **Complaint Appeals**

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

**Federal Coordination and Compliance Section - NWB**  
**Civil Rights Division**  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

### Standard U.S. DOT Title VI Assurances

The (Title of Recipient) (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, 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, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the (*Name of Appropriate Administration*), 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 assurances with respect to its (*Name of Appropriate 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 (*Name of Appropriate Program*) and, in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, 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 bidden that it will affirmatively insure that in any contact 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 *(Name of Appropriate Program)*; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under *(Name of Appropriate 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 *(Name of Appropriate Program)* and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the *(Name of Appropriate Program)*. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient

Dated \_\_\_\_\_

\_\_\_\_\_  
(Recipient)

by \_\_\_\_\_  
(Signature of Authorized Official)

## 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 of 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 Regulations 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 *(Recipient)* or the *(Name of Appropriate Administration)* 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 *(Recipient)*, or the *(Name of Appropriate 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 *(Recipient)* shall impose such contract sanctions as it or the *(Name of Appropriate Administration)* 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 subcontractor procurement as the *(Recipient)* or the *(Name of Appropriate Administration)* 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 *(Recipient)* to enter into such litigation to protect the interests of the *(Recipient)*, 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

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 *(Name of Recipient)* will accept Title to the lands and maintain the project constructed thereon, in accordance with *(Name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of Appropriate Program)* and the policies and procedures prescribed by *(Name of Appropriate Administration)* of the Department of Transportation 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-4), does hereby remise, release, quitclaim and convey unto the *(Name of Recipient)* 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 *(Name of Recipient)* 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 *(Name of Recipient)*, its successors and assigns.

The *(Name of Recipient)*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]\* (2) that the *(Name of Recipient)* shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, 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 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 instruction.\*

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

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *(Name of Recipient)* pursuant to the provisions of Assurance 6(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 in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, 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, *(Name of Recipient)* shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, *(Name of Recipient)* 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 *(Name of Recipient)* and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *(Name of Recipient)* pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or 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 thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

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

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

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to reenter 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, (*Name of Recipient*) 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 (*Name of Recipient*) and its assigns.

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



MORGAN COUNTY GOVERNMENT

TITLE VI COMPLAINTANT  
CONSENT / RELEASE FORM



<b>Name:</b>	<b>Telephone Number:</b>
<b>Address (number and street, city, state, ZIP code)</b>	
As a complainant, I understand that during an investigation it may become necessary for Morgan County Government to reveal my identity to individuals outside of the Morgan County 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 Morgan County Government 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 Morgan County Government.	
<i>Please read both paragraphs below, check your choice of CONSENT or CONSENT DENIED and sign below. (Please Circle One)</i>	
<b>CONSENT</b>  I have read and understand the above information and authorize the Morgan County Government 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 Morgan County Government 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.	
<b>CONSENT DENIED</b>  I have read and understand the above information and do not want the Morgan County Government 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 Morgan County Government making a determination in my case.	
<b>Signature</b>	<b>Date:</b>
<b>Printed Name:</b>	
<b>Email Address:</b>	

**MORGAN COUNTY GOVERNMENT  
TITLE VI COMPLAINT FORM**



Complaints must be filed within 180-days of the alleged act of discrimination.  
Please print answers clearly to the following questions.  
Illegible or incomplete answers may delay or prohibit timely processes.

<b>Section I</b>				
Name:				
Address:		City:	Zip Code:	
Telephone Number (include area code):				
Alternate Number (include area code):				
Email Address:				
Do You Need Alternative Accessible Format for Communication? If Yes, Please Check:				
<input type="checkbox"/>	Large Print	<input type="checkbox"/>	Audio Tape	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>	TTD	<input type="checkbox"/>
Other (specify):				

<b>Section II</b>	
Are You Filing This Complaint on Your Own Behalf?	
If Yes, Please Go to Section III	
If No, Please Supply the Name & Relationship of The Person for Whom This Complaint Is About:	
Please Explain Why You Have Filed A Complaint for A Third Party:	
Please Confirm You Have Permission from Aggrieved Party if Filing on Behalf of a Third Party:	

<b>Section III</b>
Have You Previously Filed A Title VI Complaint with Morgan County Government?

<b>Section IV</b>	
Name of Department, Activity, Or Person Complaint Is Against:	
Contact Person:	Title (if known):
Telephone Number (include area code):	

<b>Section V</b>
On separate sheets, please describe your complaint. You should include details such as names, dates, times, activities, programs, witnesses, and/or other information that would assist us in our investigation of your allegations, and provide any other documentation that is relevant to this complaint. Please include the basis of the complaint; person's race, sex, age, color, religion, national origin, disability, citizenship status, military status, genetic information, or any other category protected under federal, state, or local law which may include low income status, or limited English proficiency. Further, irrespective of whether sexual orientation or transgender status are legally-protected statuses, the County does not tolerate discrimination on the basis of sexual orientation or transgender status.

**Signature:** \_\_\_\_\_ **Printed Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*(NOTE: we cannot accept your complaint without a signature)*

Please mail or return this completed form to the attention of: Daree Fry, HR Director, Morgan County Government, 180 S. Main Street, Suite 104, Martinsville, IN 46151. You may fax it to 765-342-5364 or email it to [dfry@morgancounty.in.gov](mailto:dfry@morgancounty.in.gov).

<i>Office Use Only</i>			
Date County Received	Received By	Start Date	Closed Date



## Morgan County Government Title VI Public Involvement 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)). Morgan County 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 Morgan County will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding Morgan County's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Daree Fry, HR Director, Title VI Coordinator.

You may return this survey by mailing or emailing it to the address below.

<b>Meeting Purpose:</b>	<b>Location of Meeting:</b>	<b>Date:</b>
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Please check all that apply.

**Gender:**    Female         Male  

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**Ethnicity:**    Hispanic or Latino                      Not Hispanic or Latino

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**Race:**      American Indian or Alaska Native         Asian     
                  Black or African American                            White     
                  Native Hawaiian or Other Pacific Islander         Multiracial  

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**Age:**            1-21         22-40         41-65         65+  

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**Disability:**    Yes         No  

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**Income:**      \$0-\$12,000            \$12,001-\$24,000            \$24,001-\$36,000        
                  \$36,001-\$48,000            \$48,001-\$60,000            \$60,001 +     

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Morgan County Government Title VI Coordinator

Daree Fry, HR Director  
 180 S. Main Street, Suite 104  
 Martinsville, IN 46151  
 dfry@morgancounty.in.gov



**Bid Solicitation Notice:**

“[Subrecipient] 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 and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in consideration for an award.”

