



Town of

# Pendleton

Title VI of the Civil Rights Act of 1964  
IMPLEMENTATION PLAN  
DRAFT DECEMBER 2015



# TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 IMPLEMENTATION PLAN

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# EXECUTIVE SUMMARY

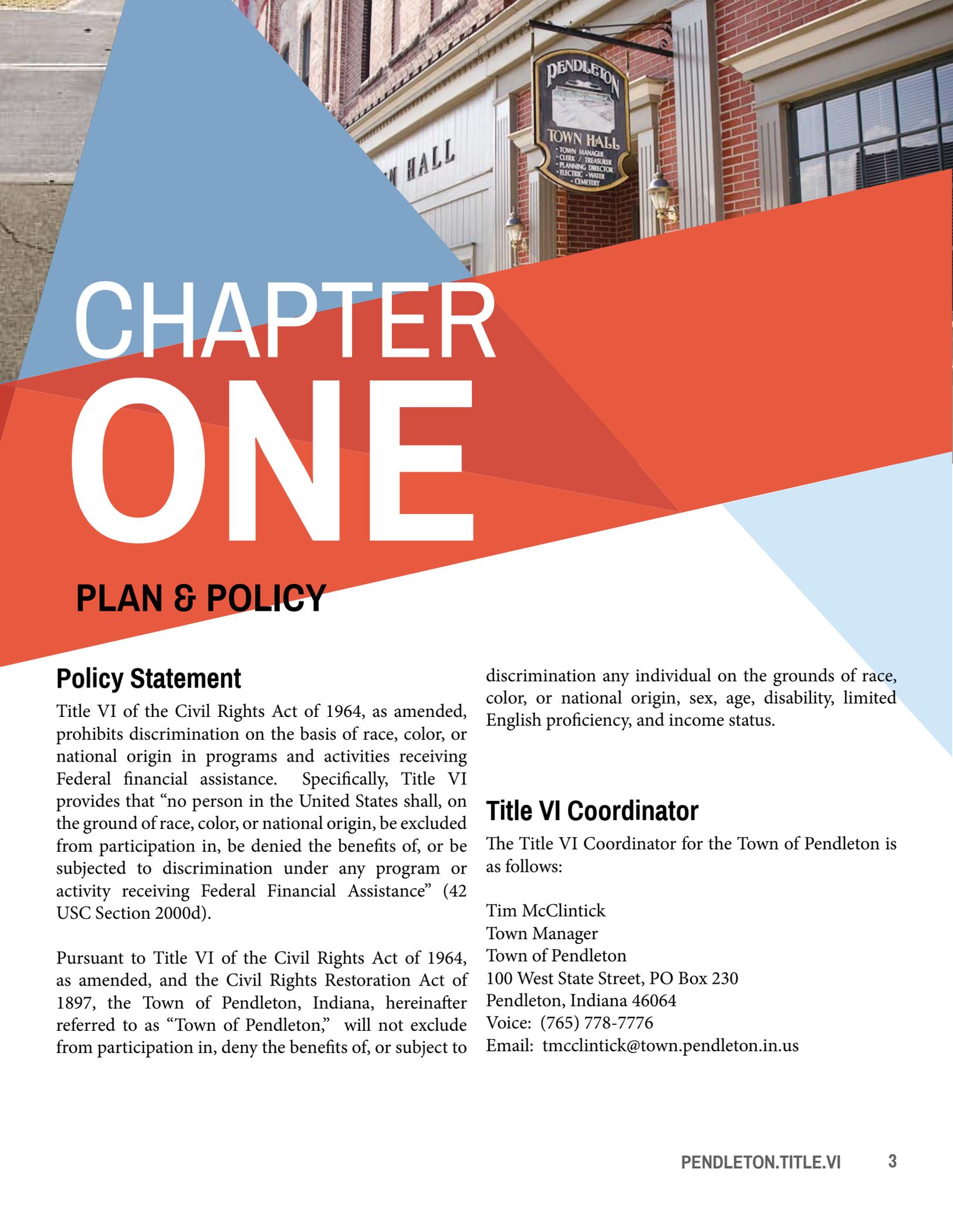
Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin, in programs and activities receiving federal financial assistance. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

As a condition of federal grant funding the Town of Pendleton must have a Title VI Plan to implement federal Title VI non-discrimination and environmental

justice requirements. Environmental justice includes the need to identify and address the effects of programs, policies, and activities on minority and low-income populations and ensure full and fair participation by these populations during the decision-making process.

In drafting this Title VI Plan, Planning Department Staff coordinated internally with all Town Departments. Staff findings and recommendations were then presented to the Pendleton Town Council. Public input opportunities were advertised and encouraged. A final draft, including public input, was then adopted by the Pendleton Town Council.





# CHAPTER ONE

## PLAN & POLICY

### Policy Statement

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 USC Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, the Town of Pendleton, Indiana, hereinafter referred to as “Town of Pendleton,” will not exclude from participation in, deny the benefits of, or subject to

discrimination any individual on the grounds of race, color, or national origin, sex, age, disability, limited English proficiency, and income status.

### Title VI Coordinator

The Title VI Coordinator for the Town of Pendleton is as follows:

Tim McClintick  
Town Manager  
Town of Pendleton  
100 West State Street, PO Box 230  
Pendleton, Indiana 46064  
Voice: (765) 778-7776  
Email: [tmclintick@town.pendleton.in.us](mailto:tmclintick@town.pendleton.in.us)

The Town of Pendleton Title VI Coordinator will:

- Administer and implement the Town of Pendleton's Title VI plan and policy.
- Work with all department heads to ensure departments are implementing, monitoring, and complying with the Town of Pendleton's Title VI plan and policy.
- Conduct Title VI yearly reviews with department heads to assist with identifying, addressing, and eliminating discrimination concerns in every department.
- Conduct or facilitate Title VI training programs with department heads for dissemination to employees.
- Work with department heads to ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation.
- Ensure Title VI language is included in Town of Pendleton contracts.
- Collect, review, and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure the Town of Pendleton's continued compliance with Title VI.
- Collect, review, and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years.
- Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, complaints, and all correspondence regarding such, requests for language services, demographic statistics, department compliance reviews, and all Title VI federal agency correspondence and records.
- Address all Title VI discrimination complaints.
- Review and update the Title VI plan and policy as needed or required.
- Prepare and submit the annual Title VI update report.

## **Employer/Employee Dissemination & Training**

Title VI plan and policy education and literature will be provided to all Town of Pendleton employees. Town of Pendleton employees will be required to sign an acknowledgement (Appendix) of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as the Town of Pendleton deems necessary.

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

## **Contractors, Subcontractors, Vendors, & Consultants**

All contractors, subcontractors, and vendors who receive payments from the Town of Pendleton where funding originates from any Federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. The Town of Pendleton will include Title VI language, as per the Standard US DOT Title VI Assurances Appendices B, C, & D, 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

The Town of Pendleton 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 Town of Pendleton Title VI Coordinator. Complaint forms (Appendix F) can be found on the Town of Pendleton website, [www.town.pendleton.in.us](http://www.town.pendleton.in.us), or by contacting the Town of Pendleton Title VI Coordinator. In order for the complaint to be considered, the complainant must file the appropriate documentation:

1. Within 180 days of the alleged act of discrimination; or
2. 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, and 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 Town of Pendleton Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the Town of Pendleton 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 the Town of Pendleton 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 the Town of Pendleton's jurisdiction and where the complaint has been referred for further handling.

The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside the Town of Pendleton'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 the Town of Pendleton for at least three (3) years.

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

## PLAN & POLICY

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 the following:

Department of Justice  
Federal Coordination and Compliance Section - NWB  
Civic Rights Division  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

## Public Dissemination

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

The Town of Pendleton Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan, and complaint procedures, is available on the Town of Pendleton website at [www.town.pendleton.in.us](http://www.town.pendleton.in.us). 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

The Town of Pendleton 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 Pendleton Town Council and other Town boards and commissions meet monthly and those meetings are open to the public. Any meetings that are open to the public are published on the Town of Pendleton's website calendar page and also distributed to local media outlets. Meeting minutes are published on the website as well. All Town of Pendleton 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.

Social media websites are also used as another avenue to communicate with the community.

## Data Collection

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

The Title VI Coordinator will monitor demographic information for the Town of Pendleton and make adjustments as LEP populations are identified.

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 Act (ADA)

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

For more information regarding the Town of Pendleton's ADA policy, please visit the Town of Pendleton's website at [www.town.pendleton.in.us](http://www.town.pendleton.in.us) to view the Town of Pendleton's ADA Transition Plan and compliance statement. ADA complaints can be directed to the Town of Pendleton's ADA Officer:

Tim McClintick  
Town Manager  
Town of Pendleton  
100 West State Street, PO Box 230  
Pendleton, Indiana 46064  
Voice: (765) 778-7776  
Email: [tmclintick@town.pendleton.in.us](mailto:tmclintick@town.pendleton.in.us)

## Limited English Proficiency (LEP) Plan

The Town of Pendleton 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 service provided by the Town of Pendleton.

Presidential Executive Order No. 13166, titled

"Improving Access to Services for Persons with Limited English Proficiency" indicates that individuals treated differently based on 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, write, or understand English.

In order to prepare this plan, the Town of Pendleton used the US Department of Transportation four-factor LEP analysis which considers the following factors:

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

1. Using the 2009 - 2013 American Community Survey, it has been estimated that 1% of the Town of Pendleton's population, age five (5) years and older, speak a language other than English. Therefore, it is estimated that 99% of the Town of Pendleton's population, age five (5) and over, speak only English.

2. The Town of Pendleton assesses the frequency with which LEP individuals come in contact with any of our programs, activities, or services. This has been accomplished by surveying staff to see if they have had any correspondence with town residents in which language barriers existed. Based on the results of our research, the Town of Pendleton has minimal contact with LEP individuals. The minimal times the Town has had contact with LEP individuals, staff was able to accommodate the language barrier.

## PLAN & POLICY

3. The Town of Pendleton is responsible for all roads and small structures (less than 20 foot span) within the Town of Pendleton which are not state highways. The Town is also responsible for sidewalks, trails, public right-of-way, and parks. The Town of Pendleton strives for safe and accessible roads, sidewalks, and trails, and continues to work to improve the transportation infrastructure for the residents of Pendleton. Transportation 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. Residents of the Town of Pendleton have access to the Madison County Literacy Coalition, located in Anderson, Indiana, who provide free reading assistance to adults. Ivy Tech also has a campus in Anderson, Indiana, which also provides extensive language services.

The analyses of the four factors suggest that LEP services are not substantiated in the Town of Pendleton at this time. The Town of Pendleton, however, is committed to the following:

- To offer, upon request, translators free of charge for Town of Pendleton public meetings, programs, and activities if requested within forty-eight (48) hours in advance.
- To monitor our demographics and make adjustments as necessary as LEP populations grow.
- To monitor our website and make adjustments as necessary to ensure information is accessible to LEP individuals.

The Town of Pendleton is aware that the community profile is ever-changing; therefore, this LEP plan and the four factor analysis will be re-evaluated on an annual basis to ensure that the plan remains reflective of the community's needs. Individuals requiring special language services or accommodations should contact the Town of Pendleton's Title VI Coordinator.

# APPENDIX

**A**

**Title VI Assurances**

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**Contractor Assurances**

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**Clauses for Deeds Effecting or Recording the Transfer of Real Property, Structures, or Improvements**

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**Clauses for Deeds, Licenses, Permits, or Similar Instruments Entered into by the Town of Pendleton**

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**Title VI Employee Acknowledgement**

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**Title VI Complaint Form**

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**List of Title VI Complaints and Investigations**

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**Definitions**



## Title VI Assurances

The Town of Pendleton (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 USC 2000d-42 USC 200d-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 B of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix C 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

## APPENDIX.A.ASSURANCES

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 D of this Assurance as a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the “appropriate Grantor(s)” and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the “appropriate Grantor(s).”
8. That is 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.

PENDLETON TOWN COUNCIL:

\_\_\_\_\_  
Robert Jones, President

\_\_\_\_\_  
Chad Wolfe, Vice President

\_\_\_\_\_  
Jeanette Isbell

\_\_\_\_\_  
Chet Babb

\_\_\_\_\_  
Jessica Smith

ATTEST: \_\_\_\_\_  
Paul Wilson, Pendleton Clerk-Treasurer



## Contractor Assurances

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 Town of Pendleton and \_\_\_\_\_ to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Town of Pendleton and \_\_\_\_\_ 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, Hamilton County shall impose such contract sanctions as it and the \_\_\_\_\_ 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 directive issued pursuant thereto.

## APPENDIX.B.CONTRACTOR.ASSURANCES

The contractor shall take such action with respect to any subcontractor procurement as the Town of Pendleton and \_\_\_\_\_ 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 directions, the contractor may request the Town of Pendleton to enter into such litigations to protect the interests of the Town of Pendleton and, in addition, the contractor may request the United States to enter into such litigations to protect the interests of the United States.

## Clauses for Deeds Effecting or Recording the Transfer of Real Property, Structures, or Improvements

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 Pendleton will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of \_\_\_\_\_ and the policies and procedures prescribed by the \_\_\_\_\_ and, also in accordance with and incompliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination 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 Town of Pendleton all the right, Title and interest of the Department of Transportation in and said lands described in Exhibit A attached hereto and made a part thereof.

### HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the Town of Pendleton 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 the Federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the Town of Pendleton, its successors and assigns.

The Town of Pendleton, 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 subject 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 Pendleton shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination of federally assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above mentioned non-discrimination 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.<sup>1</sup>

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<sup>1</sup> 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.



## Clauses for Deeds, Licenses, Leases, Permits, or Similar Instruments Entered into by the Town of Pendleton

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Town of Pendleton pursuant to the provisions of Title VI Assurances, item 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 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 of 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, 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 1963, and as said Regulations may be amended.

*The following shall be included in all licenses, leases, permits, etc.:*

That in the event of breach of any of the above nondiscrimination covenants, the Town of Pendleton 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.

*The following shall be included in all deeds:*

That in the event of breach of any of the above nondiscrimination covenants, the Town of Pendleton 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 Pendleton and its assigns.

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

The \_\_\_\_\_ (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add “as a covenant running with the land”) that (1) no person on the ground of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the \_\_\_\_\_ (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, 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, and as said regulations may be amended.



## Title VI Employee Acknowledgement

Town of Pendleton, Indiana  
*an Equal Opportunity Employer*

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 U.S.C. Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, the Town of Pendleton will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, or national origin. All Town of Pendleton employees are expected to consider, respect and observe this policy in their daily work responsibilities and interactions with other employees and the public. Town of Pendleton employees should work to prevent and alleviate any barriers to service or public use that would restrict public access or usage and take prompt and reasonable action to avoid or minimize discrimination incidences. If another employee or citizen approaches with a question, concern or complaint regarding discrimination, please refer them to the Town of Pendleton’s Title VI Coordinator:

Tim McClintick  
Town Manager  
Town of Pendleton  
100 West State Street, PO Box 230  
Pendleton, Indiana 46064  
Voice: (765) 778-7776  
Email: [tmclintick@town.pendleton.in.us](mailto:tmclintick@town.pendleton.in.us)

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\*\*Employee signature confirms receipt and understanding of Title VI plan and policy.**





# Title VI Complaint Form

Town of Pendleton | Planning Department  
PO Box 230 | 100 West State Street  
Pendleton, Indiana 46064  
V: 765-778-8370 | F: 765-778-7470

Version 11102015

**Complainant's Information**

Complainant's Name

Date

Address

City/Town

State

Zip code

Phone Number

Email Address

**Person Discriminated Against (if someone other than complainant)**

Name of Person Discriminated Against

Address

City/Town

State

Zip code

Phone Number

Email Address

Please indicate why you believe the discrimination occurred:

- Race
- Color
- National Origin
- Other. Please explain: \_\_\_\_\_

Date of alleged discrimination:

Location of alleged discrimination:

**APPENDIX.F.COMPLAINT**

Please describe the alleged discrimination. Be as specific as possible in explaining what happened and whom you believe was responsible (attach additional pages if needed).

Please list any and all witnesses' names, phone numbers, and email addresses:

What type of remedy would you suggest?

Have you ever filed a complaint with any other federal, state, or local agency; or with any federal or state court?

- Yes
- No

If yes, which court or agency?

Please attach any documents or other information that you believe is relevant to your complaint. Please sign, date, and send your complaint to:

Tim McClintick  
Town Manager/ADA & Title VI Coordinator  
100 West State Street, PO Box 230  
Pendleton, IN 46064  
Voice: 765-778-7776  
Email: tmmclintick@town.pendleton.in.us

Printed Name

Signature

Date

**List of Title VI Complaints & Investigations**

Town of Pendleton, Indiana  
*an Equal Opportunity Employer*

Year	Number & Type
2015	0



## Definitions

### Complaint

complaints under Title I must be filed with the EEOC within 180 days of the date of the discrimination, or 300 days if the charge is filed with a designated State or local fair employment practice agency. Lawsuits can only be filed in Federal court after an individual has received a 'right to sue' letter from the EEOC.

### Disparate Impact

facially-neutral policies, programs and practices that adversely impact protected classes. No discriminatory intent but discrimination results.

### Disability

with respect to an individual: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

### Discrimination on the Basis of Disability

the Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

### Essential Functions

the minimum required duties and abilities necessary to perform the tasks of the job. Essential functions of a job can often be determined by writing accurate job descriptions to determine which tasks are a major part of the job and which are not. Factors to consider include the percentage of time spent performing those duties, the qualifications required to do these tasks, and whether the job exists in order to have these duties performed.

### Having a Record of Impairment

persons who have a history of, or have been classified or misclassified as having, a physical or mental impairment that substantially limits one or more major life activities. It includes persons who have had a disabling impairment but have recovered in whole or in part and are not now substantially limited. It also includes persons who have been incorrectly classified as having a disability

### Impairment

a physical or mental impairment means any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

### Major Life Activities

functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

### Physical or Mental Impairments

term used in the ADA definition of disability. Includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

### **Program Accessibility**

a public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as program accessibility, applies to all existing district facilities.

### **Qualified Individual with a Disability**

an individual who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. The ADA prohibits discrimination on the basis of disability against a qualified individual.

### **Reasonable Accommodation**

changes or adjustments in a work or school site, program, or job that makes it possible for an otherwise qualified employee or student with a disability to perform the duties or tasks required.

### **Record of Impairment**

persons who have a history of, or have been classified or misclassified as having, a physical or mental impairment that substantially limits one or more major life activities; includes persons who have had a disabling impairment but have recovered in whole or in part and are not now substantially limited. It also includes persons who have been incorrectly classified as having a disability

### **Substantial Limitations of Major Life**

#### **Activities**

an impairment is substantially limiting when it prevents an individual from performing a major life activity or when it significantly restricts the condition, manner, or duration under which an individual can perform a major life activity.

### **Undue Burden**

with respect to complying with Title II or Title III of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include: the nature and cost of the action; the overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site; the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity; if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and if applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.





**Town of Pendleton - Planning Department**  
100 West State Street | PO Box 230  
Pendleton, Indiana 46064  
[www.town.pendleton.in.us](http://www.town.pendleton.in.us)

## RESOLUTION R2015-18

### Resolution approving and adopting the Title VI of the Civil Rights Act of 1964 Implementation Plan for the Town of Pendleton, Indiana.

**WHEREAS**, the Town Council of the Town of Pendleton, Indiana, recognizes the importance of prohibiting discrimination on the basis of race, color, and national origin in programs and activities offered by the Town to any and all persons that would utilize the programs and services and has the authority to adopt a Title VI Implementation Plan; and,

**WHEREAS**, the Town of Pendleton, Indiana, solicited input from the public, and from that input made necessary adjustments to the Title VI Implementation Plan; and,

**WHEREAS**, the Town Council of the Town of Pendleton, Indiana, has reviewed the process and completed study thoroughly and is satisfied with the services performed, information contained therein, and methodology applied; and,

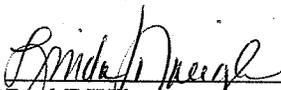
**WHEREAS**, the Town Council of the Town of Pendleton, Indiana, has received this document for our records and will keep it on file in the town offices for future reference;

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Pendleton, Indiana, that:

1. The final document is hereby approved and adopted to be utilized as a guide for moving the Town of Pendleton, Indiana, toward compliance of the required Title VI standards and regulations.
2. The Town will continue updating the plan as recommended.

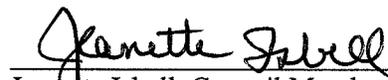
**PASSED AND ADOPTED** by the Town Council of the Town of Pendleton, Indiana, this 10<sup>th</sup> day of December, 2015.

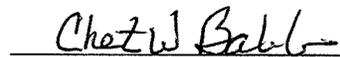
ATTEST:

  
LINDA KREIGH  
Clerk-Treasurer DEPUTY CLERK TREASURER

  
Robert Jones, President

  
Chad Wolfe, Vice- President

  
Jeanette Isbell, Council Member

  
Chet Babb, Council Member

  
Jessica Smith, Council Member