

V. Program Review Procedures

Employee Dissemination & Training

At the time of hire (and annually to all employees if applicable): Title VI policy education and literature will be provided to all City employees. The City of Rushville employees will be required to sign an acknowledgement of receipt (**Appendix J**) indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at the new employee orientation. Employees will be provided with updated education and literature as the City deems necessary.

Ongoing training provided to current employees: Current employees will receive training as new training and materials are available. Training may consist of webinars, videos, and educational documents as they become available.

Examples of training may include:

Understanding and Abiding by the Title VI of the Civil Rights Act

<https://www.youtube.com/watch?v=Iw0mefqIZ5Y>

Employees are expected to follow the Title VI policy and guidelines set forth in this policy. 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.

VI. Subrecipient Monitoring, Contractors, Subcontractors, Vendors & Consultants

All contractors, subcontractors and vendors who receive payments from The City of Rushville where funding originates from any Federal Assistance programs are subject to the provisions of Title VI. The City of Rushville will include Title VI language, as per the Standard U.S. DOT Title VI Assurances (**Appendix A**), 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.

The City of Rushville is responsible for ensuring that its subrecipients, contractors, subcontractors, vendors, and consultants comply with Title VI requirements. The City will monitor compliance through a risk-based process that may include review of contract language, policies and procedures, and any Title VI-related complaints. Monitoring may occur during procurement, contract administration, or project close-out. If deficiencies are identified, The City of Rushville will work with the subrecipient to address and correct them in accordance with federal and state requirements.

VII. Complaint Process

The City of Rushville will promptly and thoroughly investigate all properly submitted complaints of alleged discrimination. The City of Rushville will also attempt to resolve such complaints and take corrective action upon the finding of a substantiated complaint. The City will make reasonable efforts to facilitate voluntary, early resolution of complaints at the lowest level possible. The complaint investigation procedure is part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Any individual who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Rushville service, program, or activity (whether Federally funded or not), based on their race, color, national origin, gender, age, disability, ancestry, income status, or limited English proficiency may file a complaint with the City of Rushville's Title VI Coordinator. Complaint forms can be found in **Appendix D** or by contacting the Title VI Coordinator. For a complaint to be considered, the complainant must file the appropriate documentation within 180 calendar days after the alleged act of discrimination occurred as called out in **Appendix C** External Complaint Procedure. The complaint will be placed in complaint log found in **Appendix B**.

Complaint Requirements

Complaints must be made in writing and shall be signed by the complainant and/or the complainant's representative. The City of Rushville does not accept anonymous complaints. Complaints must contain the following information and describe as completely as possible the facts and circumstances surrounding the alleged discrimination:

- Name of the complainant
- Contact information of the complainant (telephone number, address, email address)
- The full name and address of the respondent, individual, agency, department, or program that allegedly discriminated against the complainant.
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating based on race, color, national origin, sex, age, or disability). The description must include the date of the incident, and how, where, or why the complainant believes they were discriminated against.
- Names and contact information of all witnesses and
- Any other information that is deemed significant.

If a complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Title VI Coordinator will assist the complainant in completing a written complaint. The Title VI Coordinator will provide a written complaint to the complainant for confirmation, review, and signature before processing.

Conference With Title VI Coordinator

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 possible resolutions, if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has thirty (30) calendar days to respond to the request for additional information. A complainant's failure to respond to the request within thirty (30) calendar days may result in the administrative closure of the complaint. Additionally, the City will notify INDOT of complaints within ten (10) days.

Jurisdiction

If The City of Rushville does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer 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 City of Rushville's jurisdiction and where the complaint has been referred for further handling.

Title VI Coordinator Investigation

The Title VI Coordinator will conduct a complete thorough investigation of complaints inside The City of Rushville's jurisdiction and based upon the information obtained will strive to render a final written response letter to the complainant or their representative by registered mail or hand delivery within sixty (60) calendar days. The Title VI Coordinator will inform the respondent of the complainant's allegations, request a position statement, respond to all aspects of the complainant's allegations, and may assign a staff member to handle the investigation.

The Title VI Coordinator's final written response to the complainant 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 City of Rushville for at least three (3) years.

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 against the complainant or a third party, The City of Rushville must first obtain the complainant's written consent. The City must also obtain the complainant's written consent before providing a copy of the complaint to any other individual involved with the investigation. A written consent form is in **Appendix E**.

Corrective Action

If The City of Rushville recommends corrective action, the City will give the respondent thirty (30) calendar days to inform of the actions taken for compliance. The Title VI Coordinator shall monitor the respondent's corrective action compliance. Such corrective action may include actions the respondent will complete at a future date within the initial thirty days and must include the projected time in which the respondent will complete the action.

If the respondent has not taken the recommended correction action within the thirty-day period allowed, The City of Rushville will take corrective action to comply with Title VI. Noncompliance not corrected may be subject to sanctions as provided in 49 CFR § 21.13.

DOJ Complaint

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

Department of Justice

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

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation (INDOT)
Economic Opportunity Division
100 N. Senate, Room N750
Indianapolis, IN 46204
Phone: (317) 233-6511 Fax: (317) 233-0891

Indianapolis District EEOC Office

101 West Ohio Street, Ste 1900

Indianapolis, IN 46204

Phone: (800) 669-4000 Fax: (317) 226-7953

TTY: 1 (800) 669-6820

Indiana Civil Rights Commission

100 N. Senate Ave., Room N103

Indianapolis, IN 46204

Toll Free: 1 (800) 628-2909 Phone: (317) 232-2600

Fax: (317) 232-6560

Hearing Impaired: 1 (800) 743-3336

Records Retention

The City of Rushville will maintain all records of an investigation in a confidential area for three (3) years after the completion of the investigation.

Complaint Closure

It is the general practice of The City of Rushville to investigate all complete complaints. However, the City may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and not investigated include, but are not limited to:

- Complaints that fail to state a claim or provide any substantial or coherent claim.
- Complaints that are outside the scope of The City of Rushville's Title VI jurisdiction
- Untimely complaints filed more than 180 days after the alleged discriminatory acts.
- Complaints voluntarily withdrawn by the complainant.
- Complaints in which the investigation has been impaired by the City's inability to locate the complainant.
- Complaints that are a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same respondent or other respondents that repeatedly have been found factually or legally unsubstantiated by the City of Rushville
- Complaints containing the same or similar allegations and issues that have been addressed in a recently closed complaint or compliance review conducted by the City.
- Complaints containing allegations that are foreclosed by previous decisions by state and Federal courts, the Department of Justice, or City policy determinations.
- Complaints filed for complainants or parties who refused to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation.
- Complaints transferred to another agency for investigation and
- Complaints where the death of a complainant makes it impossible to investigate the allegations fully.

The City of Rushville will notify the complainant in writing when a determination is made to administratively close a case without further investigation. The notification shall include a basis for the administrative closure.