

Resolution 678-16

TITLE VI IMPLEMENTATION PLAN

CITY OF NAPPANEE, INDIANA

NON-DISCRIMINATION POLICIES

PUBLIC ACCESS TO FACILITIES, PROGRAMS, ACTIVITIES & SERVICES POLICY

PART A – POLICY STATEMENT

I. Policy

The City of Nappanee, Indiana is committed to a policy of inclusiveness, fairness, and accessibility of its programs, activities and services to all persons in Nappanee. As provided by Title VI of the Civil Rights Act of 1964, as amended ("Title VI"), the City of Nappanee assures that no person shall on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any City of Nappanee program, activity or service. The Civil Rights Restoration Act of 1987 clarified and restored the intent of Title VI by specifying that recipients of Federal funds must comply with civil rights in all areas, not just in the particular program or activity that received Federal funding. The City of Nappanee further assures every effort will be made to ensure non-discrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not. In the event Nappanee distributes Federal aid funds to another entity, Nappanee will include Title VI language in all written agreements relating thereto.

The City of Nappanee also assures that every effort will be made to prevent discrimination through the impact of its programs, policies and activities on minority and low-income populations in compliance with the requirements of any Environmental Justice (EJ) regulations applicable to the City of Nappanee. In addition, the City of Nappanee will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP).

The City of Nappanee, Indiana will post a Title VI Notice to the Public at each facility that receives and/or provides programs, goods, &/or services to the public. A copy of the City's Non-Discrimination Notice and Policy can also be found on the City's website.

II. Persons with Disabilities

The City of Nappanee, Indiana is committed to including qualified individuals with disabilities in municipal services, programs and activities. For further information please see the City of Nappanee, Indiana's ADA Transition Plan.

III. Limited English Speaking (LEP) Persons

The City of Nappanee, Indiana is committed to providing persons with Limited English Proficiency (LEP) meaningful access and equal opportunity to participate in our services, activities and programs.

The City of Nappanee, Indiana will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits.

Which documents must be translated, when oral translation is necessary, and whether such services must be immediately available depend on many factors. As a result, the City of Nappanee, Indiana is committed to following the United States Department of Justice (USDOJ) guidance on making such determinations, which includes determining:

- 1) Number or Proportion of LEP Individuals
- 2) Frequency of Contact with the Program
- 3) Nature and Importance of the Program
- 4) Resources Available to the City of Nappanee, Indiana

This will be monitored and accomplished through the use of Language Identification Flashcards made available through the United States Census 2010, additionally LEP and other disadvantaged encounters will be tracked by city personnel through the use of Encounter Forms placed at the front desk of each department. Each department head will determine how this policy is incorporated in their individual department and its needs.

IV. Contacting the City of Nappanee, Indiana

Individuals with requests for services, questions or complaints concerning the City of Nappanee, Indiana Non-Discrimination Policy on "Public Access to Facilities, Programs, Activities & Services Policy" should contact the City of Nappanee's Title VI Coordinator. The Title VI Coordinator for the City of Nappanee, Indiana is:

Phil Jenkins
Title VI Coordinator
300 W. Lincoln St.
Nappanee, Indiana 46550
Phone: 574-773-2112
Email: pjenkins@nappanee.org

PART B – NON DISCRIMINATION STANDARD OPERATING PROCEDURES

I. Elimination of Discrimination

The City of Nappanee, Indiana will continue to work to identify and eliminate discrimination on race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. If discrimination is found to exist, the City of Nappanee, Indiana will implement appropriate policies, procedures or programs to eliminate the discrimination. Programs and procedures, include, but are not limited to:

Limited English Proficiency access plan; extend contracting and subcontracting activities to Disadvantaged Business Enterprises (DBE) and non-DBE minority and female owned business; and monitoring contractors and consultants for Title VI compliance.

II. Internal Review and Training

The City of Nappanee, Indiana is committed to reviewing our programs, activities and services to ensure we are complying with non-discrimination protections provided by Title VI, Section 504 and the ADA provided by Title VI, Section 504 and the ADA. The following are steps the City of Nappanee will implement with regard to Internal Review and Training.

- 1) The City of Nappanee's Title VI coordinator will meet monthly with Department Heads to review programs, activities, and services with Title VI and ADA implications and develop policies to reduce the chance for discrimination.
- 2) The City of Nappanee's Title VI coordinator will meet annually with all City Employees to review Title VI and ADA Policy and ask for input on ways to improve the policy.
- 3) The City of Nappanee's Title VI coordinator will meet with Department Heads monthly for training on specific Title VI items.
- 4) The City of Nappanee's Title VI coordinator will attend training seminars related to Title VI to ensure Nappanee's Title VI policy is current and up-to-date.

III. Public Outreach

The City of Nappanee, Indiana is committed to providing the general public with information on the non-discrimination protections provided by Title VI, Section 504 and the ADA. The City of Nappanee, Indiana will pursue all available opportunities to educate the public on issues relating to discrimination under Title VI, Section 504 and the ADA. Public outreach may include, but is not limited to, posting the City of Nappanee, Indiana's non-discrimination policy in public locations, including the City of Nappanee, Indiana's non-discrimination policy in public notices as appropriate, and posting the City of Nappanee, Indiana's non-discrimination policy on the City of Nappanee, Indiana website.

IV. Limited English Proficiency

The City of Nappanee, Indiana will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits.

For any program or project receiving federal funds the City of Nappanee, Indiana will conduct a four part analysis to determine what, if any, limited English proficiency services will be required.

The four factors to be considered in determining the need and type of language assistance services are:

- 1) Number or Proportion of LEP Individuals
- 2) Frequency of Contact with the Program

- 3) Nature and Importance of the Program
- 4) Resources Available to the City of Nappanee, Indiana

If a review of the first two factors show that less than five percent (5%) of the intended beneficiaries of the program or project are limited English proficient, no language assistance measures will be developed for that program or project. This will be determined through United States Census Bureau data as well as a review of Encounter Forms completed by city personnel.

However, in an effort to ensure that persons with Limited English Proficiency have meaningful access and equal opportunity, the City of Nappanee, Indiana will accommodate any and all requests for oral or written translation services.

If more the five percent (5%) of the intended beneficiaries of the program or project are limited English proficient, the City of Nappanee, Indiana will review the nature and importance of the program or project to determine what language assistance measures should be developed for the program or project. The resources available to the City of Nappanee, Indiana should be considered in determining the appropriate language assistance measures. Language assistance measures may include, but are not limited to, oral translation services, including the use of a telephone interpreter line, and written translation services.

V. Monitoring Contractors and Consultants

The City of Nappanee, Indiana will ensure that all federally funded contracts contain required Title VI assurances prohibiting discrimination in violation the City of Nappanee, Indiana's policy on non-discrimination. The City of Nappanee, Indiana will monitor consultants and contractors for compliance with the City of Nappanee, Indiana's non-discrimination policy. The City of Nappanee, Indiana will promptly investigate any alleged claim of discrimination and will work with the consultant or contractor to obtain voluntary compliance with the City of Nappanee, Indiana's non-discrimination policy.

PART C – COMPLAINT PROCEDURE

Any person who believes that he or she, on the basis of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency , has been excluded from or denied participation in, been denied the benefits of, or otherwise been subjected to discrimination in or under any program or activity receiving federal funding assistance in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, may submit a complaint pursuant to the City's Grievance Procedure for Title VI Complaints. A copy of such Grievance Procedure is available from the Office of the City's Clerk-Treasurer and may also be found on the City of Nappanee's website. (www.nappanee.org). The City of Nappanee, Indiana assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Individuals may submit a complaint in any format that includes the name, address and telephone number of the individual complaining and brief description of the alleged discriminatory conduct

including the date of harm. An individual submitting a complaint alleging discrimination may include relevant evidence, including the names of witnesses and supporting documentation. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

A complaint must be submitted by the grievant and/or his /her designee within sixty (60) calendar days after the date of the alleged discrimination. Complaints should be submitted to:

Phil Jenkins
Title VI Coordinator
300 W. Lincoln St.
Nappanee, Indiana 46550
Phone: 574-773-2112
Email: pjenkins@nappanee.org

Within fifteen (15) calendar days of the receipt of the complaint, the Title VI Coordinator, or his/her designee, will meet with the complainant to discuss the complaint and the possible resolutions. The Title VI Coordinator, or his/her designee, will conduct an investigation of the allegation and, within thirty (30) calendar days of the meeting, the Title VI coordinator, or his/her designee, will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Nappanee and offer options for substantive resolution of the complaint. The Title VI coordinator will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

If the response by the Title VI Coordinator, or his/her designee, does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within fifteen (15) calendar days after receipt of the response to the City of Nappanee Common Council ("Common Council") or their designee. This appeal must be in writing and must be received by the Office of the City of Nappanee Clerk-Treasurer, Nappanee Municipal Center, 300 West Lincoln Street, Nappanee, Indiana 46550 within such fifteen (15) day period. Within fifteen (15) calendar days after receipt of the appeal, the Common Council, or their designee, will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the Common Council, or their designee, will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

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

Complaints may also be filed with the following governmental agencies:

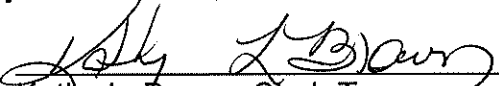
Indiana Department of Transportation
Economic Opportunity Division
100 N. Senate Ave, Room N750
Indianapolis, IN 46204
Phone: (317) 233-6511 Fax: (317) 233-0891

Indianapolis District EEOC Office

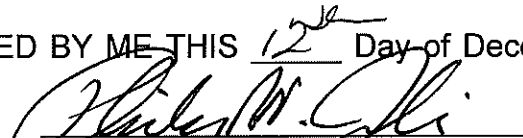
101 West Ohio Street, Ste 1900
Indianapolis, IN 46204
Phone: (800) 66-4000 Fax: (317) 226-7953 TTY: 1 (800) 669-6820

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

ADOPTED, PASSED AND ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF NAPPANEE, INDIANA, THIS 12th Day of December, 2016.


Kathy L. Brown, Clerk-Treasurer

SUBMITTED TO ME AND APPROVED BY ME THIS 12th Day of December,
2016.


Phil Jenkins, Mayor