

DEARBORN COUNTY, INDIANA

TITLE VI

NONDISCRIMINATION IMPLEMENTATION

PLAN & POLICY

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**DEARBORN COUNTY, INDIANA
TITLE VI NONDISCRIMINATION PLAN & POLICY**

1. 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 U.S.C. Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, Dearborn County, Indiana, hereinafter referred to as “Dearborn County,” 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.

The Dearborn County Board of Commissioners has prepared a statement of nondiscrimination and its intent to comply and enforce Title VI of the Civil Rights Act of 1964 that statement is posted in all public buildings owned and operated by Dearborn County Government. Additionally, the posting provides information about how to raise concerns or lodge complaints related to potential violations of Title VI. A copy of this statement is also provided in this plan (**Appendix I**).

2. TITLE VI COORDINATOR

The Dearborn County Board of Commissioners has appointed a Title VI Coordinator. This position is reappointed annually at the first County Commissioners’ organizational meeting of each year. The current Title VI Coordinator is:

Sue Ann Hayden
County Administrator / ADA & Title VI Coordinator
Office of the County Commissioners – 3rd Floor Administration Building
Dearborn County Government
165 Mary Street
Lawrenceburg, IN 47025
Office Phone: (812) 537-8894
Fax: (812) 532-2003
Email: shayden@dearborncounty.in.gov

TITLE VI COORDINATOR (continued)

The Dearborn County Title VI Coordinator will:

- Administer and implement Dearborn County's Title VI plan and policy.
- Develop and maintain a Title VI liaison team (**Appendix D**) to ensure departments are implementing, monitoring and complying with Dearborn County's Title VI plan and policy.
- Conduct Title VI yearly reviews with liaisons in an effort to assist with identifying, addressing and eliminating discrimination concerns in every department.
- Conduct or facilitate Title VI training programs with departments and ensure policies are disseminated to employees.
- Work with liaisons to develop and disseminate Title VI information to contractors, subcontractors, vendors and consultants.
- Work with liaisons 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 Dearborn County contracts.
- Collect, review and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure Dearborn County'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.

3. **EMPLOYER/EMPLOYEE DISSIMINATION & TRAINING**

Title VI plan and policy education and literature will be provided to all Dearborn County employees. Dearborn County employees will be required to sign an acknowledgement (**Appendix E**) 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 Dearborn County deems necessary.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, Dearborn County 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.

4. CONTRACTORS, SUBCONTRACTORS, VENDORS & CONSULTANTS

All contractors, subcontractors and vendors who receive payments from Dearborn 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. Dearborn 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.

5. CONCERNS/COMPLAINT PROCESS

Dearborn 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 Dearborn County Title VI Coordinator. Complaint forms (**Appendix F**) can be found on Dearborn County's website: www.dearborncounty.in.gov, or by contacting the Dearborn County 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 & 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 Dearborn County Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the Dearborn County Title VI Coordinator will assist the complainant in completing a written statement.

CONCERNS/COMPLAINT PROCESS (continued)

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 Dearborn 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 Dearborn 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 Dearborn 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 Dearborn County 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, Dearborn County must first obtain the complainant's written consent. Dearborn 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. **(Appendix G)**

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

6. PUBLIC DISSEMINATION

Title VI information shall be displayed in Dearborn County buildings and all places in which public meetings are held. The name and contact information of the Dearborn County Title VI Coordinator will be displayed on the Title VI information (**Appendix I**).

The Dearborn County Title VI plan and policy and complaint procedures are available on the Dearborn County website at www.Dearborncounty.in.gov. Copies of the plan will be provided upon request. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

7. COMMUNITY INVOLVEMENT & OUTREACH

Dearborn 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 Dearborn County Council and the Dearborn County Board of Commissioners meet regularly and those meetings are open to the public, as well as other various Dearborn County boards and meetings. Meetings that are open to the public are advertised via local media and posted publicly in accordance with the Indiana Open Door Law. The Board of County Commissioners suggests that all public meetings be posted on the Dearborn County website at www.dearborncounty.in.gov.

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

8. DATA COLLECTION

Pursuant to 23 CFR 200.9(b) (4), Dearborn County shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities. The county will utilize a voluntary Title VI public involvement survey (Appendix H) at all public hearings and meetings. The survey allows respondents to remain anonymous and requests information regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public meetings will announce to attendees that the survey is available, explain its purpose, and remind attendees to complete the voluntary survey, if desired. 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.

9. 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, Dearborn 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 Dearborn County's programs or activities.

Dearborn County maintains a current ADA Transition Plan to insure citizens have access to and understand the county's commitment to nondiscrimination on the basis of disability. For more information regarding Dearborn County's ADA policy, please visit Dearborn County's website at www.dearborncounty.in.gov and select the ADA & Title VI Compliance Department page.

10. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Dearborn 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 Dearborn 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, Dearborn County utilized the U.S. 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 Dearborn County program, activity or service.
2. The frequency with which LEP persons come in contact with Dearborn County programs, activities or services.
3. The nature and importance of programs, activities or services provided by Dearborn County to the LEP population.
4. The resources available to Dearborn County and the overall costs to provide LEP assistance.

LIMITED ENGLISH PROFICIENCY (LEP) PLAN (continued)

LEP ANALYSIS/OUTCOME AND PLAN:

FACTOR 1 - The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Dearborn County program, activity or service.

Using 2010 census data, it has been estimated that Dearborn County's population was 50,047. The demographics by ethnicity indicate that 794 citizens were not Caucasian/white (1.6% of the total population). 502 citizens were identified as not Hispanic and 292 citizens were identified as Hispanic. Additionally, 2.2% of Dearborn County's population, age five (5) years and older, reported during census that they speak a language other than English. Therefore, it is estimated that 98% of Dearborn County's population, age five (5) years and over, speak only English.

FACTOR 2 - The frequency with which LEP persons come in contact with Dearborn County programs, activities or services.

Dearborn County is beginning a process to assess the frequency with which LEP individuals come in contact with any of our programs, activities or services. This will be accomplished by utilization of the Voluntary Title VI Public Involvement Survey (**Appendix H**), regularly questioning department heads and elected officials on their department's encounters with LEP individuals, and asking that any requests for language assistance are reported to the Title VI Coordinator. Based on the results of our research Dearborn County will make a determination regarding the amount of contact with LEP individuals.

5. *FACTOR 3* - The nature and importance of programs, activities or services provided by Dearborn County to the LEP population.

The majority of federal funding dollars that are provided to Dearborn County are applied to transportation-related needs. Some federal funding is received in the way of grants for programs for criminal offenders, adult protective services, emergency planning and other important programs that serve the entire county population.

Relative to transportation, the county highway department is responsible for all roads, bridges, and small structures (less than 20 foot span) within Dearborn 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 Dearborn County which are not state highways. Dearborn County has 14 townships with approximately 500 miles of roadway and rights-of-way, 102 bridges, and over 325 small structures to maintain.

Dearborn County strives for safe and accessible roadways, and continues to work to improve the transportation infrastructure for the citizens of Dearborn County. Transportation in Dearborn 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, the consequences to the individuals relying on these services could be life-threatening.

6. *FACTOR 4* - The resources available to Dearborn County and the overall costs to provide LEP assistance.

Because, in part, of the small portion of non-English speaking citizens in the county, resources for multi-lingual interpreters are limited. Additionally, translation of signage and county forms into various languages would be extremely costly when measured against the demonstrated need.

Due to the small portion of non-English-speaking citizens, the county will continue to monitor the population growth and will make efforts to respond to the needs of non-English speaking citizens if such assistance is requested and is not deemed cost prohibitive; on a case-by-case basis.

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

- Offer, wherever possible and not deemed financially prohibitive, translators for Dearborn County public meetings, programs and activities if requested within forty-eight (48) hours in advance.
- Work with the local community college, Ivy Tech, to determine what resources they may have for language education and interpreters.
- Build a list of language assistance professionals and resources.
- In any programs or services where administrators see a need for dual language documents or personal assistance, departments are encouraged to use good judgment and work to accommodate citizens.
- Continually monitor our website and make adjustments as necessary to ensure information is accessible to LEP individuals when appropriate.

Dearborn 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 Dearborn County's Title VI Coordinator.

11. ENVIRONMENTAL JUSTICE

Environmental Justice requires additional public participation and mitigation strategies when programs are in a disproportionately low income or minority area. Dearborn County is committed to performing environmental justice analysis for any project that may result in a disproportionately high adverse impact on a minority or low-income population in or near the project area.

Because Dearborn County has much rural land mass and income levels do not vary largely from one portion of the county to the other, we do not anticipate this analysis being routinely necessary. However, when a road project that impacts a community is planned, the Highway Engineer will be mindful of the income levels in the impacted area.

In performing such analysis, demographic data will be obtained and analyzed before and/or during the scoping stage of the project. The information obtained will be used in coordination planning and public involvement planning.

When the need for environmental justice analysis is appropriate, the county will utilize the NEPA (National Environmental Policy Act) process and guidelines as defined on the NEPA website: www.epa.gov/NEPA