

City of Westfield

2015 Title VI Implementation Plan Update, Accomplishments, and Goals Report

CITY OF WESTFIELD

2015 TITLE VI PLAN UPDATE

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I. INTRODUCTION

This Title VI Plan Update is a part of the City of Westfield's continual and ongoing effort to comply with civil rights regulations. The revisions reflect the City of Westfield's intent to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Plan, the City of Westfield seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.¹

The City of Westfield desires to stay in compliance with the INDOT annual pre-award certification process for the Local Public Agency (LPA) and all other grant opportunities.

¹ Title VI Program is the system of requirements the City of Westfield will follow to implement Title VI of the Civil Rights Act of 1964. References to Title VI requirements and regulations shall not be limited to Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes, regulations and directives and Indiana state law to the extent that they prohibit discrimination on the grounds of race, color, sex, age, disability, national origin or income status in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are: (1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-d4 (49 CFR 21; the standard DOT Title VI assurances pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3); (2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) (49 CFR 25; Pub. L. 91-646); (3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601-3619); (4) 23 U.S.C. 109(h); (5) 23 U.S.C. 324; and (6) Subsequent Federal-Aid Highway Acts and related statutes. See 23 CFR 200.

II. CITY OF WESTFIELD'S MISSION STATEMENT

It is the mission of the City of Westfield (also referred to as “the City”) to provide community services in a professional and efficient manner to its citizens. The employees of the City will implement the wishes and desires of the community as expressed through their elected representatives, the City Council.

III. CITY OF WESTFIELD'S TITLE VI MISSION STATEMENT

The City of Westfield will implement compliance with Title VI 49 CFR § 26, 23 CFR Part 200; and related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance.

It shall be the policy of the City of Westfield to recruit and select qualified persons for the positions in the City's service. Recruitment, selection, and placement shall be conducted to ensure fair hiring practices, provide equal employment opportunity, and to prohibit discrimination because of race, religion, sex, national origin, age, mental, and physical disability, or any other protected basis.

IV. CITY OF WESTFIELD EQUAL EMPLOYMENT OPPORTUNITY (EEO) STATEMENT

The City of Westfield is committed to maintaining an environment free of discrimination and inappropriate conduct. The City expects its employees to strictly observe the following policies in the workplace and in other work-related settings such as business trips and business-related social events. Failure to do so will result in disciplinary action, up to and including termination of employment.

4.1 Discrimination

The City of Westfield is an equal opportunity employer. The City believes in the dignity and the worth of every individual. The City will not discriminate against or favor any employee or applicant, or make any decision or take any action, because of race, color, religion, sex, national origin, age, disability, or any other protected category, as provided by law. The City also prohibits any discrimination or demeaning language, characterization or conduct by its employees that may harass, intimidate, insult, ridicule, emphasize, or characterize another person because of his/her race, color, religion, national origin, sex, age, disability, or any other protected category.

While it is impossible to list all types of such harassment, they include:

- verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or group for any of these reasons,
- epithets, slurs, or negative stereotyping related to any of these reasons,
- threatening, intimidating, or hostile verbal or physical acts toward an individual or group that relate to any of these reasons, or
- written or graphic material that denigrates or shows hostility or aversion toward any individual or group for any of these reasons.

4.2 Sexual Harassment Policy

The City prohibits sexual harassment of its employees by other employees or non-employees who conduct business with the City. We hold our managers and supervisors responsible for maintaining work environments free from any form of sexual harassment. The City further believes that prevention is the best method of eliminating sexual harassment. Therefore, the City charges managers and supervisors with the responsibility of taking all steps necessary to prevent sexual harassment from occurring. This would include, but not be limited to, affirmatively raising the subject when necessary, expressing strong disapproval of sexual harassment, and informing employees of their rights under this policy. Violations of this policy may be cause for disciplinary action, up to and including termination. While it is impossible to list all types of sexual harassment, they include unwelcome or unwanted:

- sexual advances, sexual flirtations, and requests for sexual favors,
- verbal, visual, or physical conduct of a sexual nature,
- offensive sexual remarks, innuendoes or jokes,
- unwelcome leering, whistling, or obscene gestures,
- display of sexually suggestive objects or pictures,
- sexually degrading words used to describe an individual,
- sexually suggestive or offensive dress,
- when (1) submission to such conduct is explicitly or implicitly a condition of employment, or (2) submission to or rejection of such conduct is used as the basis for employment decisions, or (3) such conduct unreasonably interferes with an individual's job performance, or (4) such conduct

creates an unwelcome, intimidating, hostile, abusive, or offensive working environment.

The prohibition on sexual harassment applies to persons of the same or opposite sex, as required by applicable federal, state, or local law.

4.3 Harassment

The City is committed to providing a workplace free of inappropriate treatment of any employee because of race, color, sex, religion, age, national origin, ancestry, disability or any other category protected under federal, state or local law. To be unlawful, conduct must be so severe and pervasive that it unreasonably interferes with an employee's ability to work.

The City is committed to protecting employees from inappropriate conduct whether from other employees or non-employees such as vendors, suppliers or members of the public. Examples of inappropriate conduct may include, among other things:

- Slurs, stereotyping, threatening, intimidating or hostile acts that relate to race, color, sex, age, religion, national origin, ancestry or disability; and
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, sex, age, religion, national origin, ancestry or disability.

4.4 Complaint Process Harassment

The City supports and encourages reporting of all incidents of discrimination or sexual harassment, regardless of who the offender may be. If you experience unlawful discrimination or harassment, or observe such conduct, you should promptly report the matter to your immediate supervisor. If, however, you believe that it would be inappropriate to discuss the matter with your supervisor, you may bypass your supervisor and report it to your Department Head, a member of the Human Resources Department, the City's Chief Administrative Officer, or to the City Council President (in case the report is about the Chief Administrative Officer).

Your complaint will be treated as confidential to the maximum extent possible and will be investigated promptly and thoroughly. The City strongly disapproves of discrimination or harassment and will take appropriate corrective action to end such conduct, including but not limited to discharge of any person who engages in such conduct.

4.5 No-Retaliation Policy

It is against City policy to retaliate against any employee for filing a complaint, reporting, cooperating in the investigation, or offering evidence of a violation of this policy. Any person who takes such retaliatory action shall be subject to disciplinary action, up to and including termination.

However, an individual's personal and professional life may be seriously damaged by a complaint of unlawful discrimination or harassment. Therefore, if after thoroughly investigating any complaint of harassment or discrimination, the City determines that an employee has knowingly provided false, exaggerated or embellished information regarding the complaint, disciplinary action may be taken against that individual.

4.6 Americans with Disabilities Act (ADA)

The City of Westfield, pursuant to and in accordance with the Americans with Disabilities Act (ADA) specifically Title I of the “ADA”, shall not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, the hiring, advancement or discharge of employee, employee compensation, job training and other terms, conditions and privileges of employment, (42 U.S.C. Sec. 12113, as amended from time to time.) Additionally, no qualified individual with a disability may, on the basis of disability, be subjected to discrimination in employment under any service, program or activity conducted by the City (56 Fed. Reg. 35719, as amended from time to time).

No qualified applicant or employee shall be refused employment or discriminated against because of such person’s need for a reasonable accommodation for a known physical or mental disability as required under the ADA unless such accommodation causes undue hardship, as defined by law, to the City of Westfield.

The City further stresses that any applicant may request any needed reasonable accommodation to participate in the application process, e.g. accommodation for a test, job interview or job demonstration.

During the application process, the applicant will be subjected to various tests which are job- related and consistent with business necessity and not intended to discriminate against applicants. Therefore, if an applicant is in need of a reasonable accommodation to perform such tests, then this should be brought to the attention of the City.

4.7 Open-Door Policy

It is the City’s policy to encourage employees to communicate with their supervisors concerning work-related problems. If an employee has a work-related problem, the employee should bring it to the attention of his/her Department Head, another member of the City’s management, or the Human Resources Department. The City will take the appropriate steps, if any, to investigate and resolve the problem.

V. CITY OF WESTFIELD'S NON-DISCRIMINATION STATEMENT

The City of Westfield values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this city. As a recipient of federal funds, the City of Westfield is required to conform to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance on the grounds of race, color, age, sex, disability, national origin, income status or limited English proficiency.

In accordance with these values, the City of Westfield has named a Title VI (and ADA) Program Manager. The current program managers are:

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2706 East 171st Street
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VI. TITLE VI COMPLIANCE RESPONSIBILITIES AND ASSURANCES

Program managers are to ensure city-wide compliance with Title VI and ADA compliance. All non-compliance issues will be brought to the attention of Westfield's Human Resource Manager or Westfield's Chief of Staff.

- Implementing City of Westfield's Title VI and Americans with Disabilities Act of 1990, (ADA) plans;
- Developing processes and procedures for the investigation of complaints filed under Title VI and the ADA;
- Developing and implementing Limited English Proficiency (LEP) Plan;
- Coordinating Title VI Program development with department managers;
- Providing technical assistance, guidance and advice on the Title VI Program;
- Establishing procedures for processing Title VI reviews;
- Conducting Title VI reviews of sub-recipients, special interest programs and activities;
- Developing and conducting Title VI training;
- Participating in the design, development and dissemination of Title VI information to the public; and
- Tri-Annually updating City of Westfield's Title VI Implementation Plan and ADA Plan.
- To ensure meaningful access to City of Westfield's services and programs to all individuals regardless of race, color, national origin, sex, age, disability, income level or limited English proficiency.
- To develop and continually review and update effective Title VI, ADA and LEP implementation plans for City of Westfield.

VII. COMPLIANCE REVIEW PROCESS

The internal review process will consist of three phases conducted by the Title VI/ADA Program Manager or other trained staff. The first phase shall consist of a meeting with leadership and pertinent personnel. The reviewer will interview pertinent personnel and gather sufficient information. The second phase shall consist of a review of Title VI and ADA transition plans. The third phase is to record and log all changes or non-compliance items with a corrective plan. The reviewer may also contact outside state and federal agencies to report preliminary findings, conclusions and recommendations.

VIII. EXTERNAL COMPLAINT PROCESS

The City of Westfield will promptly investigate all properly submitted complaints of alleged discrimination. The City will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. Within 60 days of receiving a complete complaint, the City will submit its final investigative report to the appropriate state or federal agency and log in finding results to database. The City's complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination.

8.1 Complaint Investigation Procedures

The Title VI/ADA Program Manager will make a determination to accept, reject or refer to the appropriate federal/state agency a complaint within seven calendar days of its receipt. The City will determine whether the person or entity purportedly engaged in the alleged discriminatory act is a City sub-recipient (the legal entity to which City of Westfield has made a sub-award and which is accountable to the recipient for the use of the funds provided). If the complaint does not specifically mention that the alleged discriminatory actor is a City sub-recipient, the City may presume so in deciding whether to accept the complaint for further processing.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and its related statutes, regulations and directives; the Americans with Disabilities Act of 1990, as amended; and Section 504 of the Vocational Rehabilitation Act of 1973. These procedures do not affect the right of the Complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant.

The City will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. The City may exercise the option of informal resolution at any stage of the process. The Title VI/ADA Program Manager will make every effort to pursue a resolution of the complaint.

The Title VI/ADA Program Manager will refer all unresolved complaints against the City to the appropriate Federal or State agency. All complaints and resolutions will be logged into the City's database.

8.2 Who May File a Complaint

Any person who believes that he or she has been excluded from participation in, denied the benefits of or otherwise subjected to discrimination under any City of Westfield service, program or activity whether federally funded or not, based on their race, color, national origin, gender, age, disability, income status or Limited English Proficiency may file a complaint. A complainant's representative may also file a complaint on behalf of such a person.

8.3 Timeliness of Complaints

For a complaint against the City or a sub-recipient to be considered timely, it must be filed within 180 calendar days after the alleged incident has occurred. The City may waive the 180 day time limit for good cause at its discretion.

The file date of a complaint is the earlier of the postmark or date received by City.

The City will determine on a case-by-case basis whether to waive the time limit for good cause. Good cause for a waiver shall include, but is not limited to, the following instances:

- A. Lack of Knowledge
- B. The City may waive the time limit in situations where the person on whose behalf the complaint was filed did not know of and could not have reasonably known of the violation during the 180 - day time limit. The complaint must file his or her complaint within 60 days of becoming knowledgeable of the violation.
- C. Incapacitation-The City may also waive the time limit in situations where the person on whose behalf the complaint was filed was incapacitated because of illness or other incapacitating circumstances. The Complainant must provide independent documentation of the purported incapacitation. The complainant must file his or her complaint within 60 days after the period of incapacity ends.

8.4 Location/Availability of Complaint Forms

The City will make its complaint forms available online via the City website. Additionally, persons may contact the Title VI/ADA Program Manager to request a copy of the complaint form via email, facsimile or United States mail. The City's Title VI/ADA Program Manager shall provide copies of its complaint form in alternative formats upon request.

8.5 How to File a Complaint?

A Complainant may file his or her complaint by mail, facsimile, or email. Any person with a disability may request to file his or her complaint using an alternative format. The City will acknowledge complaints received by fax, email or any other formal written form and will process them once the City establishes the identity of the Complainant. Complainants must mail a signed, original copy of the fax or email transmittal to the City to begin the formal complaint process. The City does not require a Complainant to use the City's complaint form for submitting his or her complaint.

Direct Title VI complaints to:

Diana Peyton
Human Resource Manager
Title VI Program Manager
City of Westfield
2728 E 171st Street
Westfield, IN 46074
dpeyton@westfield.in.gov
(317) 804-3005

Direct ADA complaints to:

Gary Pence
ADA Program Manager
Project Manager
City of Westfield
2706 E 171st Street
Westfield, IN 46074
gpence@westfield.in.gov
(317)804-3137

8.6 Elements of a Complete Complaint

A complete complaint is written and signed. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review and signature before processing. The complaint form is available for download from the City's website.

Additionally, a complete complaint is filed within 180 calendar days of the alleged discriminatory act(s) and includes, at minimum, the following information:

- The full name and address of the Complainant;
- The full name and address of the Respondent, the individual, agency, department or program that allegedly discriminated against Complainant; and
- 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 on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

The following items are not acceptable as a complete complaint unless accompanied by a signed cover letter that specifically requests the City take action concerning the allegations:

- Anonymous complaints
- Inquiries seeking advice or information
- Newspaper articles
- Courtesy copies of court pleadings

- Courtesy copies of complaints addressed to other agencies
- Courtesy copies of internal grievances
- Oral complaints

The Title VI/ADA Program Manager shall notify the Complainant in writing if his or her complaint is incomplete and allot 15 calendar days for the Complainant to respond and provide the supplemental information needed to complete the complaint.

8.7 Processing Complaints

The Title VI/ADA Program Manager will process all complaints. The Title VI/ADA Program Manager is responsible for:

- Maintaining a log of all complaints. The Title VI/ADA Program Manager will note the complaint in the log by sequential case number based on the year, month, and order in which INDOT received the complaint.
- Acknowledging receipt of the complaint and informing the Complainant of the action taken or proposed action to be taken to process the complaint in the form of an acknowledgement letter. The acknowledgement letter shall include a restatement of the complaint, brief statement of the City's jurisdiction over the sub-recipient, and contact information for the investigator assigned to conduct the investigation.
- Forwarding a notice via certified mail to the Respondent informing them of the allegations, requesting a position statement and providing the name and telephone number of the Title VI Program staff person assigned to investigate the complaint.
- Informing the Complainant that he or she has a right: (1) to have a witness or representative present during any interviews and (2) to submit any documentation he or she perceives as relevant to proving the allegations contained in the complaint.
- Providing the Respondent an opportunity to respond to all aspects of the Complainant's allegations.
- Determining which witnesses will be contacted and interviewed.
- Contacting the Complainant at the conclusion of the investigation to provide the Complainant an opportunity to provide additional information before the City prepares its final report.
- Writing a confidential investigative report (IR) and forwarding to be logged into the database. The report shall not be disclosed to the Complainant or Respondent. The report shall include the following:
 - A summary of the written complaint;
 - A brief description of the standard of review/methodology used to investigate the complaint;
 - Summarized statements taken from witnesses;

- Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position;
 - A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated; and
 - Proposed corrective action for substantiated cases.
- Drafting a Letter of Findings (LOF) and mailing the LOF to the Respondent and Complainant (by certified mail) within 60 calendar days of the date the complaint was received by the City. The LOF will include the following:
 - A summary of the written complaint;
 - A brief description of the standard of review/methodology used to investigate the complaint;
 - Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position;
 - A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated;
 - Proposed corrective action for substantiated cases; and
 - A notice of the right to appeal and an outline of the procedures for appeal.

8.8 Corrective Action

If the City recommends corrective action, the City will give the Respondent 30 calendar days to inform the City of the actions taken for compliance. The Title VI/ADA Program Manager shall monitor Respondent's corrective action compliance.

Corrective action may include actions that the Respondent will complete at a future date after the initial 30 days and must include projected time in which the Respondent will complete the action.

If the Respondent has not taken the recommended corrective action within the 30-day period allowed, the City will find the Respondent to be in noncompliance with Title VI and its implementing regulations. Noncompliance not corrected by informal means as described above may be subject to sanctions as per 49 CFR § 21.13.

8.9 Pre-Investigative/Administrative Closures

It is the general practice of the City 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 will not be investigated include, but are not limited to, the following:

- Complaints that fail to state a claim or provide any substantial or coherent claim;
- Complaints that are outside the scope of the City's Title VI jurisdiction or conflict with other Federal regulations and policies;
- 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 recipient or other recipients that repeatedly have been found factually or legally unsubstantiated by the City;
- Complaints containing the same 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 the federal courts, Department of Justice or City of Westfield's policy determinations;
- Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation. In such circumstances, the Complainant should be contacted and advised that their lack of cooperation has hindered the investigation. Furthermore, the Complainant must be advised that continued failure to cooperate may result in an administrative closure of the complaint without further investigation;
- Complaints transferred to another agency for investigation; and
- Complaints where the death of a Complainant makes it impossible to investigate the allegations fully or the death of the Complainant forecloses the possibility of relief because the complaint involved potential relief solely for the Complainant or injured party.

The City shall notify Complainants in writing via certified mail when a determination is made to administratively close a case without further investigation. The notification shall include an explanation of the basis for the administrative closure.

8.10 Appeals Procedures

The Complainant has the right to appeal to the appropriate State and Federal agency any determination that results in an unsubstantiated claim. The City will convey to the Complainant the procedures for filing the appeal to the appropriate State and Federal agency along with the Letter of Findings. The procedure for filing an appeal with FHWA is:

- Complainant must submit the appeal in writing to the Title VI/ADA Program Manager within 14 calendar days of receipt of the City's Letter of Findings.
- Complainant must cite in the appeal the specific portion(s) of the finding with which the Complainant disagrees and the reason(s) for the disagreement.

8.11 Confidentiality

In accordance with DOT Order 1000.12, the City shall keep all complainants' identities confidential except to the extent necessary for carrying out an investigation. If an investigator determines that it is necessary to disclose the Complainant's identity to the Respondent or a third party the investigator must first obtain Complainant's written permission. Furthermore, the City shall obtain a Complainant's written consent before providing a copy of the complaint to the Respondent or a third party unless requested by monitoring state or federal agencies.

8.12 Records

The City's Title VI program manager shall maintain all records of an investigation in a confidential area for three years after the completion of the investigation.

8.13 Summary of Complaints Received

Since complaints are considered confidential, only a summary of item(s) will be included as part of this document.

No complaints have been registered at this time.

IX. PUBLIC INVOLVEMENT AND OUTREACH

9.1 Website

The City's Title VI/ADA Program Manager shall periodically update the Title VI webpage as needed and provide technical assistance via the website as appropriate. In 2015 the Program Manager is evaluating the website resources available to more effectively and efficiently disseminate program information, make training more available, and serve as a recipient portal for collected program data and information.

Pursuant to 23 CFR 200.9(b) (4), the City shall collect and analyze statistical information regarding demographics to monitor and ensure nondiscrimination in all of its programs and activities.

The City uses E-Gov to meet accessibility issues. E-Gov has capability for accessibility to individuals with sight and hearing impairments. Telephone service. See link below.

<http://www.westfield.in.gov/accessibility/>

Questions and concerns can be directed to:

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(317) 804-3165
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9.2 Data Collection

The City may use a voluntary public involvement survey to collect information regarding persons affected by proposed City's projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their, race, color, national origin, sex, age, disability status, household income or limited English proficiency.

The City may make a voluntary public involvement survey available at all public hearings and meetings. The City retains completed surveys for three years from the date of the meeting and/or completion of the related project if applicable.

A special census will be performed in the fall of 2015 with data becoming available in 2016.

X. LIMITED ENGLISH PROFICIENCY

A. Overview

According to the U.S. Census Bureau 2007-2011 American Community Survey (ACS) data, over the five-year period from 2007-2011, approximately 2.60% of the population in Indiana reported that they speak English less than very well. Furthermore, 20 Indiana counties have populations where more than 2.60% of their total population reported that they speak English less than very well.

In addition, the Census 2010 American Community Survey states that 20.6% of Indiana's population age five years and older speak a language other than English at home. Of that figure, 42.4% indicated that they speak English "less than very well." Moreover, 55.3% of those who speak a language other than English at home speak Spanish or Spanish Creole.

One goal of the City of Westfield in implementing and adhering to its Title VI obligations is to improve the accessibility of its programs and activities to eligible Limited English Proficiency (LEP) persons, e.g. those persons who have a limited ability to read, write, speak or understand English.

The City continues to strive to improve its data collection efforts to better track the actual number of LEP individuals encountered in the delivery of services so that the City may continue to evaluate the effectiveness of its LEP Implementation Plan.

XI. 2015-2018 GOALS

- A. Development of City of Westfield Title VI Plan
- B. Approval of City of Westfield Title VI Plan
- C. Placement of Title VI Plan on City Website
- D. Yearly Title VI instruction at Dept. Staff Meetings
- E. Yearly attendance on Title VI training for Program Manager(s)
- F. Development of Logging and Record Keeping Procedure
- G. Update plan to reach out to Limited English Proficiency community
- H. Public Meeting announcements to include opportunities for special assistance
- I. Special Census will be done to update Data collection efforts
- J. Develop strategies to seek out Minority members to participate in public meetings and events
- K. Re-review City owned public facilities handicap accessible survey
- L. Review City's standard contract language to insure Title VI laws are met.
- M. Develop yearly review checklist form for Title VI and ADA compliance
- N. Update plan with new 2015 Census Data

XII. 2015 -2018 ACCOMPLISHMENTS

- A. Department Staff updates on Title VI requirements
- B. Development of Title VI Plan
- C. Attendance at 2015 INDOT Title VI Training (Feb and Nov 2015)
- D. Held first Amigo's De Westfield Festival Labor Day Weekend 2015 (700-1000 in attendance)
- E. City of Westfield Parks Dept. offered English as Second Language & Life Skills Classes (ESL).

XIV. MANUALS, DIRECTIVES AND GUIDANCE

- A. The City of Westfield will also incorporate the Title VI policy and mission statements into various directives and guidance.
- B. The City of Westfield will continue to develop or re-establish language as required to the City's Title VI policies, mission statements and processes.
- C. The City's present contract language covering Title VI items
 - 1. Contracts for Goods and Services – Under Terms and Condition Section **GOVERNMENT COMPLIANCE**: Vendor agrees to comply with all present federal, state and local laws, orders, rules, regulations, codes and ordinances which may be applicable to Vendor's performance of its obligations under this Contract, and all provisions required thereby to be included herein, are hereby incorporated by reference. Vendor agrees to indemnify and hold harmless Contracting Party from and against any loss, damage, liability, cost or expense (including, without limitation, attorneys' fees) resulting from any violation of such laws, orders, rules, regulations, codes or ordinances by Vendor.
 - 2. INDOT/MPO Funded Projects- City is required to use INDOT Contract Form which includes Title VI language. See current boilerplate link: [WWW.in.gov/indot/files/LPA_consultant boilerplate_123013.doc](http://WWW.in.gov/indot/files/LPA_consultant_boilerplate_123013.doc)
- D. Website Compliance: The City of Westfield uses E-Gov. <http://www.westfield.in.gov/accessibility/>

Accessibility Statement:

Thank you for visiting the Westfield, Indiana website and reviewing our accessibility statement. Westfield is committed to inclusion and universal access in all of its services and programs.

Mission:

Our mission is to develop and maintain all web pages and applications so that they are accessible to persons with all types of abilities. Each visitor and citizen using this website has the right to obtain information independently and conveniently, and interact with the web site easily.

Contact Us:

If you encounter material or services on our web site that you are unable to access, please [inform the webmaster](#) so that we can accommodate you.

Details:

Westfield uses ADA-compliant technologies such as Alt tags for images, pure CSS responsive design, "Skip Over Navigation" tag, semantic page layout, and degrades gracefully when JavaScript is not present to meet ADA guidelines. Additional technical and user interface design information of how we make our website accessible is available upon request.

E. Proposed Language to be included on Public Meeting Notifications

Anyone requiring a reasonable accommodation under the Americans with Disabilities Act to attend any public meeting of the City of Westfield should contact the City of Westfield Communication Department at (317) 814-3004 or the City Clerk Office at 317-804-3026 at least one week before the meeting.

F. Federal and State Grant Website Tracking

The City operates a Grant Website in NAV to track all Grants. This information is not made available to the public through this link. Information can be requested through the City's Clerk Office.

G. Title VI and ADA Complaint Log

ADD links

XV. DEFINITIONS

American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment. 62 FR 58782-01
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. 62 FR 58782-01
Assurance	A statement of guarantee given in consideration of and for receiving federal-aid.
Black or African American	A person having origins in any of the black racial groups of Africa. 62 FR 58782-01
Beneficiary	Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc. 23 CFR § 200.5(b)
Complete complaint	A signed written statement that contains the complainant's name and address and describes the alleged discriminatory act in sufficient detail to inform INDOT of the nature and date of the alleged violation of Title VI of the Civil Rights Act of 1964, Section 504 or the ADA. The complainant or an authorized representative of the complainant must sign the complaint.
Complainant	The person filing a complaint.
Compliance	That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made. 23 CFR §200.5(d)
Deficiency status	The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation. 23 CFR §200.5(e)

Discrimination	That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 U.S.C. 23 CFR §200.5(f).
Facility	Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alternation or acquisition of facilities. 23 CFR 200.5(g)
Federal assistance	Includes: (1) Grants and loans of Federal funds, (2) The grant or donation of Federal property and interests in property, (3) The detail of Federal personnel, (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) Any Federal agreement, arrangement or other contract, which has, as one of its purposes, the provision of assistance. 23 CFR 200.5(h)
Hispanic or Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. 62 FR 58782-01
Multiracial	Having a biological parent who is of a different race from the other biological parent. ⁴ IC 5-15-5.1-6.5
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands. 62 FR 58782-01
Noncompliance	A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements. 23 CFR 200.5(i)
Persons	Where designation of persons by race, color or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," or "American Indian or Alaskan Native." Additional subcategories based on national

origin or primary language spoken may be used, where appropriate, on either a national or a regional basis. 23 CFR §200.5(j)

Program Includes any highway, project or activity for the provision of services, financial aid or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient. 23 CFR §200.5(k)

Recipient Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program. 23 CFR § 200.5(n)

Respondent A sub-recipient alleged to be in noncompliance or probably in noncompliance with INDOT's Title VI Program.

Title VI Title VI of the Civil Rights Act of 1964, as amended.

Title VI Program The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this Part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

(1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-d4 (49 CFR Part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3);

(2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) (49 CFR Part 25; Pub.L. 91-646);

(3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601- 3619);

(4) 23 U.S.C. 109(h);

(5) 23 U.S.C. 324;
(6) Subsequent Federal-Aid Highway Acts and related statutes.
23 CFR §200.5(p)

White

A person having origins in any of the original peoples of Europe, the Middle East or North Africa. 62 FR 58782

XVI. APPENDIX AND REFERENCES

Some of the language and forms appearing in the appendix were excerpted from the Department of Justice's Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes. (September 1998)

<http://www.justice.gov/crt/cor/Pubs/manuals/complain.php>