

2023 Title VI Plan

WHITLEY COUNTY, INDIANA

I. Introduction

This Title VI Plan is a part of the Whitley County continual and ongoing effort to comply with civil rights regulations. This policy'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 the Whitley County seeks to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its Title VI program.

II. Whitley County Title VI Mission Statement

Whitley County will implement compliance with Title VI 49 CFR § 26; and its 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 from the U.S. Department of Transportation (DOT) on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency.

III. Whitley County Non-Discrimination Statement

Whitley County values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this county. As a recipient of federal funds, Whitley County 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 from the DOT on the grounds of race, color, age, sex, disability, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency.

In accordance with these values, INDOT has appointed a Title VI Coordinator. The current coordinator is:

Jennifer Shinabery
Title VI Coordinator
220 W. Van Buren St.
Columbia City, Indiana 46725

The Title VI Coordinator oversees compliance efforts and relies on Title VI Liaisons in each county department to ensure county-wide compliance with Title VI.

IV. Title VI Assurances

These are standard U.S. DOT assurances that outline the County guarantee for compliance with Title VI of the Civil Rights Act of 1964 as a recipient of federal financial assistance. The executed assurances are included in the following pages.

V. Title VI Compliance Responsibilities

A. Title VI Coordinator & ADA Coordinator

The Title VI Coordinator and ADA Coordinator work together to oversee the coordination of Whitley County compliance with Title VI and Section 504 statutes, regulations, and directives. These coordinators report directly to the County Commissioners. Responsibilities include, but are not limited to:

- Implementing Whitley County Title VI and Americans with Disability Act (ADA) Transition Plans
- Assisting with the development of processes and procedures for the investigation of complaints filed under Title VI and ADA
- Coordinating Title VI and ADA program development with Title VI/ADA Liaisons
- Preparing required reports as necessary
- Participating in the design, development, and dissemination of Title VI and ADA information to the public; and
- Whitley County Title VI Implementation Plan and ADA Transition Plan as required

B. Title VI/ADA Liaisons

This interdisciplinary team is composed of department heads from each department in Whitley County. They are responsible for the following:

- Ensure compliance with Title VI and related nondiscrimination laws
- Remove programmatic and architectural barriers from programs and activities in accordance with relevant nondiscrimination laws
- Ensure meaningful access to County services and programs to minorities, persons with limited English proficiencies and low-income persons; and
- Provide input in the development and review of the Title VI and ADA implementation plans

C. Coordinator & Liaison Contact Information

All concerns should be directed to the Title VI or ADA Coordinator.

VI. Title VI Compliance Review Process

Whitley County has made great strides in complying with Title VI statutes and regulations. It is proposed that the Title VI Coordinator review the County policies with each Title VI Liaison on an annual basis to determine county-wide compliance and identify areas of improvement.

VII. External Complaint Process

Whitley County will promptly investigate all properly submitted complaints of alleged discrimination. Whitley County will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint.

A. Complaint Investigation Procedures

The Title VI and ADA Coordinators will decide to accept, reject, or refer to the appropriate agency a complaint within seven working days of its receipt. Whitley County will determine whether the person or entity purportedly engaged in the alleged discriminatory act as a sub-recipient of federal funds. If the complaint does not specifically mention that the alleged discriminatory actor is a sub-recipient of federal funds, Whitley County 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 Disability 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.

Whitley County will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. The county may exercise the option of informal resolution at any stage of the process.

B. 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 Whitley County service, program, or activity whether federally funded or not, based on their race, color, national origin, gender, age, disability, religion, ancestry, income status, or Limited English Proficiency may file a complaint. A complainant's representative may also file a complaint on the behalf of such a person.

C. Timeliness of Complaints

For a complaint to be considered timely, it must be filed within 180 calendar days after the alleged incident has occurred. The file date of a complaint is the earlier of the postmark or date received by Whitley County.

D. Location/Availability of Complaint Forms

Whitley County will make complaint forms available online via the County's website. Additionally, persons may contact the Title VI or ADA Coordinator to request a copy of the complaint form via email, facsimile, or United States mail. Copies of complaint forms in alternative formats are available upon request.

E. 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. Whitley County will acknowledge complaints received by fax or email and will process them once the County establishes the identity of the complainant. Complainants must mail a signed, original copy of the fax or email transmittal to the County to begin the complaint process. Whitley County does not require a complainant to use the County complaint form for submitting his or her complaint.

Direct Title VI Complaints to:

Jennifer Shinabery
Title VI Coordinator
220 W. Van Buren Street
Columbia City, Indiana 46825
jshinabery@whitleygov.com
(260) 248-3134

Direct ADA Complaints to:

Cami Hippenhammer
ADA Coordinator
220 W. Van Buren Street
Columbia City, Indiana 46825
chippenhammer@whitleygov.com
(260) 244-2390

F. 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 in the appendix of this report and on the County'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 the 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) and the date of occurrence.

The following items are not acceptable as a complete complaint:

- 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 or ADA coordinator 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.

G. Processing Complaints

The Title VI and ADA Coordinator will process all complaints and will:

- Maintain a log of all complaints
- Acknowledge receipt of a complaint and inform the complainant of the action taken or proposed action to be taken to process the complaint
- Inform respondent of allegations and request a position statement and response to all aspects of the complainant's allegations
- Coordinate investigation and assign a staff member to the case
- Contact the complainant at the conclusion of the investigation

H. Corrective Action

If Whitley County recommends corrective action, the County will give the respondent 30 calendar days to inform the County of the actions taken for compliance. The Title VI or ADA coordinator shall monitor the respondent's corrective action compliance.

Corrective action may include actions that the respondent will complete at a future date of the initial 30 days and must include project 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 County 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.

I. Pre-Investigative/Administrative Closures

It is the general practice of the County to investigate all complete complaints; however, the County 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 County 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 County 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 County
- Complaints containing the same allegations and issues that have been addressed in a recently closed complaint or compliance review conducted by the County
- Complaints containing allegations that are foreclosed by previous decisions by the Federal courts, Department of Justice, or County 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
- Complaints transferred to another agency for investigation; and
- Complaints where the death of a complainant makes it impossible to investigate the allegations fully

Whitley County shall notify complainant in writing when a determination is made to administratively close a case without further investigation. The notification shall include an explanation of the basis for administrative close.

J. Confidentiality

In accordance with DOT Order 1000.12, Whitley County 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 responder or a third party, the investigator must first obtain complainant's written permission.

K. Records

Whitley County shall maintain all records of an investigation in a confidential area for three years after the completion of the investigation.

L. Summary of Complaints Received

No complaints have been filed within the reporting period.

VIII. Public Involvement and Outreach

A. Website

Whitley County will upgrade its website for better functionality and access. A dedicated Title VI/ADA webpage will be included to provide vital information to the public.

B. Data Collection

Whitley County plans to utilize a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status, and household income.

Whitley County plans to make this survey available at all public hearings and meetings. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.

IX. Manuals, Directives, and Guidance

Whitley County plans to incorporate Title VI policy and mission statements into its employee handbook for the next revision.

Whitley County Title VI Policy Statement

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Whitley County will continue to develop additional manuals and directives as needed to provide guidance regarding Title VI and ADA compliance and will be made available where appropriate.

X. Limited English Proficiency

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

Whitley County strives to serve its population to the best of its ability. According to the U.S. Census Bureau, the percentage of LEP population in Whitley County recorded during the period of 2013-2017 is approximately 0.01 percent. To accommodate these individuals, Whitley County provides, upon request, services to assist the LEP population including translation of vital documents, interpretation services, and alternative public outreach media.