

TITLE VI IMPLEMENTATION PLAN 2022

Floyd County, Indiana



Prepared by:
Michelle Portwood, Title VI Coordinator

Table of Contents

Introduction	2
Title VI Mission Statement.....	2
Title VI Non-Discrimination Policy Statement	2-3
Floyd County Title VI Assurances.....	4-10
Title VI Responsibilities	12
Title VI Contact List	13
Title VI Compliance Review Procedures	14
External Complaint Process	14-17
Summary of Complaints.....	17
Public Involvement and Community Outreach.....	18
Limited English Proficiency (LEP) Analysis	18-19
Title VI Training Program	19
Environmental Justice Compliance.....	20-23
Subrecipient Monitoring.....	24
Annual Title VI Work Plan	24
Annual Title VI Accomplishment Report.....	24
Appendix	25-42
<ul style="list-style-type: none"> A. Title VI Complaint Log B. Floyd County Title VI Complaint Policy C. External Complaint of Discrimination Form/ Complaint Consent Release Form D. Voluntary Title VI Public Involvement Survey E. Floyd County Title VI Training Attendance Log F. Sample “I Speak” Cards 	

Introduction

This plan is part of Floyd County's continual and ongoing effort to comply with civil rights regulations. This document communicates the County's intent to proactively meet and exceed 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. Floyd County strives to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its Title VI program.

Title VI Mission Statement

Floyd 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, or national origin.

Floyd County's Title VI Non-Discrimination Policy Statement

Floyd County intends to provide equal opportunity and service to all of its citizens. As a recipient of federal funds, Floyd County conforms to Title VI and all related statutes, regulations, and directions, 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, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. Floyd County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded. In the event Floyd County distributes Federal aid funds to another entity, Floyd County will include Title VI language in all written agreements.

Pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, Floyd 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.

Floyd County's effort to prevent discrimination are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation of persons in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program or services, the primary purpose of which is to provide employment.

The Title VI Coordinator for Floyd County shall be the following individual:

Michelle Portwood
2524 Corydon Pike Suite 204
New Albany, IN 47150
mportwood@floydcounty.in.gov
812-941-3239

Adopted and approved this 16 day of August 2022.

Floyd County Board of Commissioners,
Floyd County, Indiana

A handwritten signature in blue ink, appearing to read 'Shawn Carruthers', written over a horizontal line.

Shawn Carruthers, President

A handwritten signature in blue ink, appearing to read 'John Schellenberger', written over a horizontal line.

John Schellenberger, Commissioner

A handwritten signature in blue ink, appearing to read 'Tim Kamer', written over a horizontal line.

Tim Kamer, Commissioner

Floyd County Title VI Assurances

Floyd County (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent 'directives, no person in the United States shall, on the grounds of race color, or national origin, be excluded from participation in, he denied the benefits of, or he otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Indiana Department of Transportation and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Transportation Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations. 2.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Transportation Program and, in adapted form in all proposals for negotiated agreements:

Floyd County, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Transportation Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under Federal Aid Transportation Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal Aid Transportation Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Adopted and approved this 16 day of August 2022.

Floyd County Board of Commissioners,
Floyd County, Indiana

A handwritten signature in blue ink, appearing to read "Shawn Carruthers", written over a horizontal line.

Shawn Carruthers, President

A handwritten signature in blue ink, appearing to read "John Schellenberger", written over a horizontal line.

John Schellenberger, Commissioner

A handwritten signature in blue ink, appearing to read "Tim Kamer", written over a horizontal line.

Tim Kamer, Commissioner

Title VI Assurances Appendix A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Floyd County or the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to Floyd County or INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Floyd County shall impose such contract sanctions as it or INDOT or the FHWA may determine to be appropriate, including, but not limited to: (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or (b.) cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as Floyd County or INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Floyd County to enter into such litigation to protect the interests of Floyd County and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Title VI Assurances Appendix B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, Floyd County, as authorized by law, and upon the condition that Floyd County will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Floyd County all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Floyd County and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on Floyd County its successors and assigns.

Floyd County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, or national origin, sex, sexual orientation, gender identify, age, and disability/handicap, and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [.] [and]* (2) that Floyd County shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [.] and (3) that in the event of breach of any of the abovementioned nondiscrimination conditions, Floyd County shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of Floyd County and its assigns as such interest existed prior to this instruction.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964

Title VI Assurances Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Floyd County pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Floyd County shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, Floyd County shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Floyd County and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, sex, age, disability/handicap, and low income shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin, sex, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program

and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.] *

That in the event of breach of any of the above nondiscrimination covenants, Floyd County shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds] *

That in the event of breach of any of the above nondiscrimination covenants, Floyd County shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Floyd County and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Title VI Responsibilities

Title VI Coordinator

The Title VI Coordinator will report directly to the Floyd County Commissioners. The Title VI

Coordinator's responsibilities include but are not limited to:

- Implementing Floyd County's Title VI Transition Plan.
- Assisting with the development of processes and procedures for the investigation of complaints filed under Title VI.
- Coordinating Title VI program development with Title VI liaisons.
- Preparing required reports as necessary.
- Participate in the design, development, and dissemination of the Title VI information to the public.
- Updating Floyd County's Title VI Implementation Transition Plan as required.

Title VI Department Liaisons

The Floyd County Title VI Department Liaisons are composed of department heads from each department within Floyd County and are responsible for:

- Ensuring their department complies 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 Floyd County services to minorities, persons with limited English proficiencies, and those with low income.
- Provide input in the development and review of Title VI implementation plans.

See page 13 for Coordinator and Liaison Contact Information

All concerns should be directed towards the Title VI/ ADA Coordinator. Additional Title VI department contacts are listed below:

Department	Contact Name	Phone
Title VI Coordinator	Michelle Portwood	812.948.5491
Assessor	James Sinks	812.948.5420
Auditor	Jaqueline Wenning	812.948.5435
Board of Commissioners	Shawn Carruthers	812.948.5466
Clerk	Danita Burks	812.948.5415
Coroner	Greg Roution	812.948.5478
County Council	Dale Bagshaw	
County Engineer	Horacio Urieta	812.948.5490
Dept. Weights & Measures	Stephen Ingram	812.948.5351
Director of Operations/Highway and Public Works	Don Lopp	812.948.4110
Emergency Management	Kenton Barrow	812.948.5454
Floyd County Parks	Roger Jeffers	812.948.5360
Health Department	Charlotte Bass	812.948.4726
IT Management	Gary Bierman	812.948.5443
Plan Commission	Nick Creevy	812.948.5440
Recorder	Lois Endris	812.948.5430
Sheriff	Frank Loop	812.948.5400
Soil & Water District	Angel Jackson	812.945.9936
Solid Waste Management Dist.	Scott Stewart	812.948.4733
Surveyor	John Brinkworth	812.948.5490
Treasurer	Steve Burks	812.948.5477
Veterans Service Officer	Marti Snyder	812.948.5495

Title VI Compliance Review Procedures

Once formally adopted by the County Commissioners, Floyd County will provide a yearly internal program assessment of its Title VI compliance efforts and will update this document as needed with departmental review efforts.

External Complaint Process

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

Complaint Investigation Procedures

The Title VI Coordinator will make a determination to accept, reject, or refer to the appropriate agency a complaint within seven working days of its receipt. Floyd 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, Floyd 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.

Floyd 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.

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 Floyd 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.

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 Floyd County.

Location/Availability of Complaint Forms

Floyd County will make complaint forms available online via the County website. Additionally, persons may contact the Title VI Coordinator to request a copy of the complaint form via email, fax, or United States Mail. Copies of complaint forms in alternative formats are available upon request.

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. Floyd 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. Floyd County does not require a complainant to use the County complaint form for submitting his or her complaint.

Title VI complaints should be directed to:

Michelle Portwood
2524 Corydon Pike Suite 204
New Albany, IN 47150
mportwood@floydcounty.in.gov
812-941-3239

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 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;
- 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 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:

- 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 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.

Processing Complaints

The Title VI 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

Corrective Action

If Floyd 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, Floyd County will for 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.

Pre-Investigative/Administrative Closures

It is the general practice of Floyd 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 Floyd County's Title VI jurisdiction
- Untimely complaints filed more than 180 days after the alleged discriminatory acts
- Complaints voluntarily withdrawn by the complainant
- Complaints in which the investigation has been impaired by the County's ability 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 Floyd 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

Floyd 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.

Confidentiality

In accordance with DOT Order 1000.12, Floyd 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.

Records

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

Summary of Complaints Received

No complaints have been filed within the recording period. See page 27 for complaint log.

Public Involvement and Community Outreach

- All Floyd County Title VI documentation will be made available on the county's website. Supplemental documentation will also be posted.
- Floyd County will distribute an anonymous and voluntary public survey to collect information regarding persons affected by proposed projects. This survey will be made available at all public meetings and hearings. Completed surveys will be held for three years from date of meeting. See appendix for sample of survey to be used.

Limited English Proficiency (LEP) Analysis and Plan

This Limited English Proficiency (LEP) Plan has been prepared to address Floyd County with the responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, implementing regulations that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all departments within Floyd County.

A person who does not speak English as their primary language and who has a limited ability to read, write, or speak or understand English may be a Limited English Proficient person and may be entitled to language assistance within Floyd County's programs and activities. Language assistance can include interpretation. Floyd County will take the following measures to improve program access to those with Limited English Proficiency:

- Provide language identification cards (I Speak) at all County offices and County meetings open to the public
- Train staff on correct process when encountering a person with Limited English Proficiency
- Instruct staff on how to use the Google Translate application on their mobile devices
- Ensure staff has been notified of available translating services

Floyd County, Indiana	Total	Percentage
-----------------------	-------	------------

Total Population (2014 ACS)	75,431	100%
Total Population Over the Age of Five	70,980	94%
Speak only English	68,036	96%
Spanish or Spanish Creole: Speak English less than "very well"	751	1.1%
Chinese: Speak English less than "very well"	142	0.20%
German: Speak English less than "very well"	82	0.12%
Urdu: Speak English less than "very well"	41	0.06%
Vietnamese: Speak English less than "very well"	39	0.05%
Korean: Speak English less than "very well"	32	0.05%
Gujarati: Speak English less than "very well"	29	0.04%
Tagalog: Speak English less than "very well"	23	0.03%
Russian: Speak English less than "very well"	7	0.01%
French (incl. Patois, Cajun): Speak English less than "very well"	4	0%
Source: 2014 American Community Survey 5-Year Estimates		

According to the 2014 American Community Survey 5-Year estimates provided by the US Census Bureau, it is estimated that approximately 2% of the population over the age of five speak English less than very well. To accommodate these individuals, Floyd County provides, upon request, assisting services such as interpretation and alternative media sources at all public meetings.

Title VI Training Program

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

Aside from updates to the employee handbook, all new and existing Floyd County employees will be required to watch Title VI training video provided by the United States Department of Justice at: <https://www.justice.gov/crt/video/title-vi-civil-rights-act-1964>

Floyd County's Title VI Coordinator and/or the ADA Coordinator will be required to attend INDOT's title VI and DBE Workshops as listed on INDOT's Title VI website: <http://www.in.gov/indot/2751.html> See page 38 for a complete training log. Training should be renewed every two years.

Environmental Justice Compliance

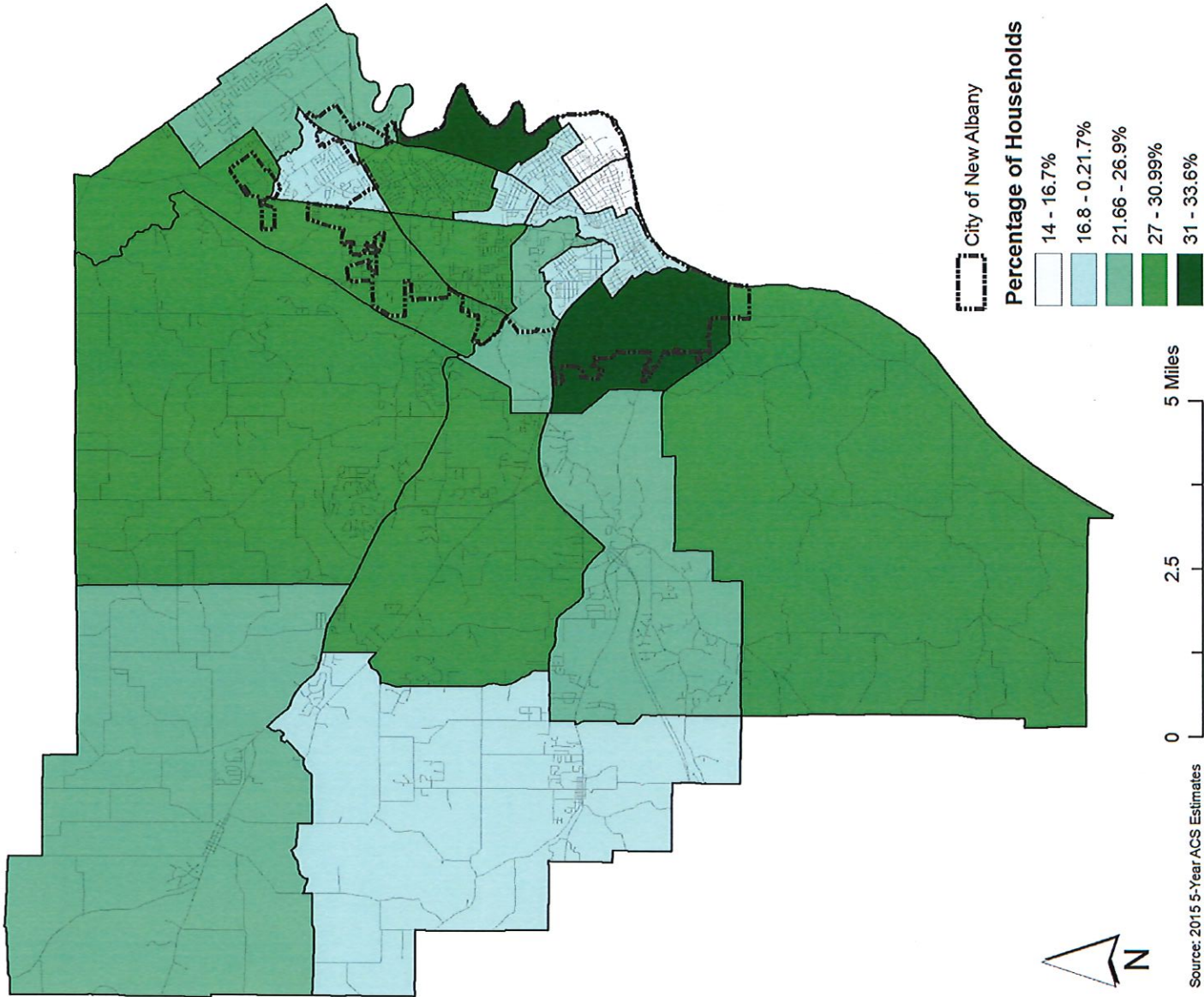
In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, “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 subject to discrimination under any program or activity receiving Federal financial assistance.”

The three fundamental environmental justice (EJ) principles are:

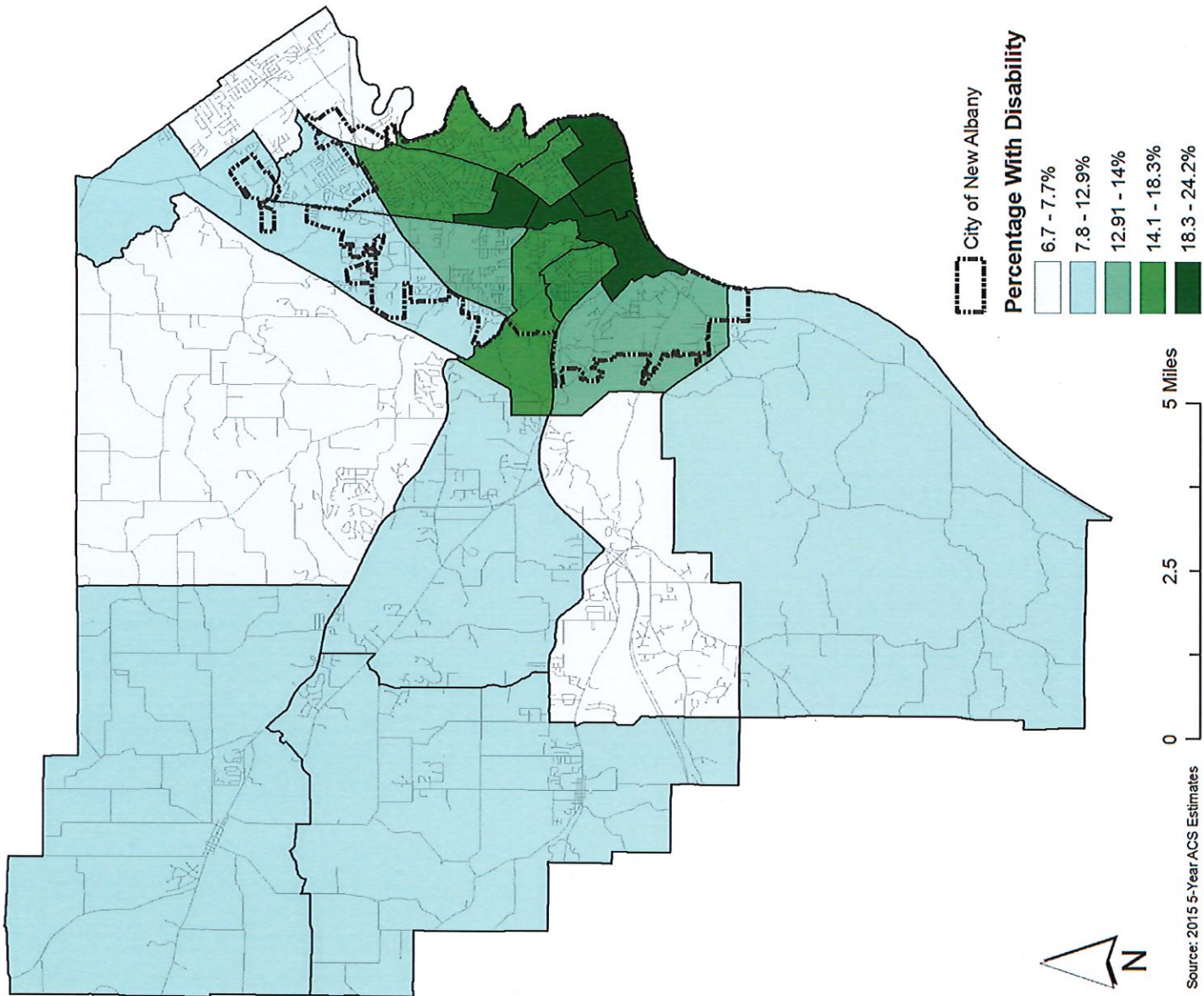
- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations. Floyd County is committed to these three environmental justice principles in all work that the County performs.

The next three maps on pages 21-23 detail potential Environmental Justice areas within Floyd County. Floyd County will use this information along with additional socioeconomic data sources to determine potential impacts of county projects on the community and provide remediation efforts when needed.

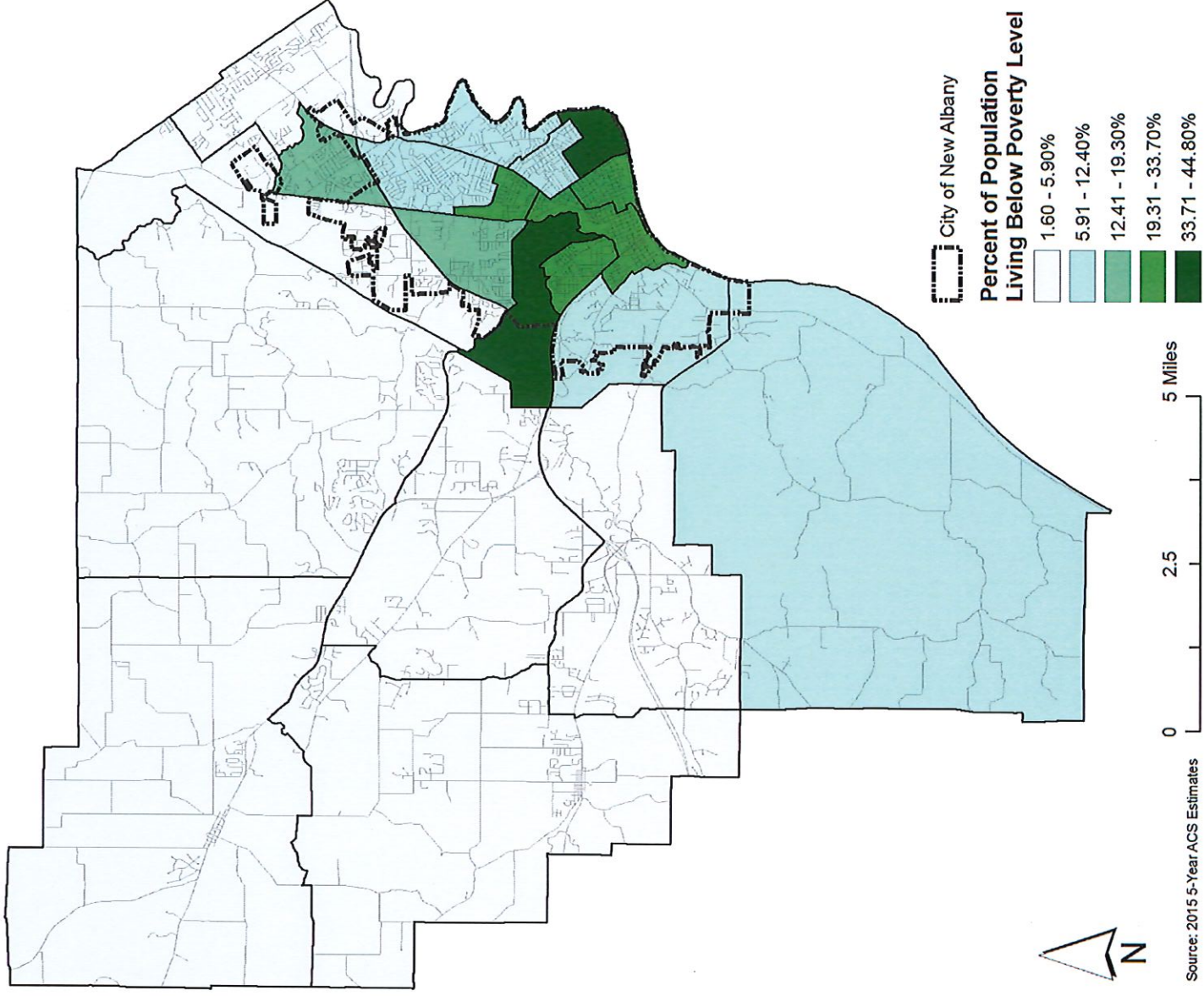
Percent of Households in Floyd County With One or More Persons Aged 65 or Older by Census Tract



Percentage of Noninstitutional Population Living With a Disability in Floyd County by Census Tract



Floyd County Population Living Below Poverty Level by Census Tract



Sub-recipient Monitoring

Floyd County will monitor and investigate their contractors, consultants, and/or vendors for Title VI compliance requirements through the following processes:

- Develop and implement pre and post-award sub-recipient monitoring policies to ensure those further sub-recipients who receive federal funds are compliant and remain compliant with Title VI, including pre/post survey.
- Ensure post-award compliance reviews are risk-based.
- Ensure pre-award compliance monitoring strategies exist to ensure sub-recipients are compliant with Title VI before receiving federal funds through language additions in our contracts and bids.

Once Floyd County’s Title VI Plan is implemented, sub-recipient monitoring policies will be developed.

Annual Title VI Work Plan

Goal	Target Completion Date
Develop Title VI Implementation Plan and distribute internally and externally via website and county offices	December 2022
Ensure that assurances are being used in contracts for federal projects	December 2022
Attend Title VI training for all relevant staff	January 2023
Collect public involvement data	Ongoing

Annual Title VI Accomplishment Report

This section shall be updated annually to provide an update on the status of the implementation plan.

Appendix

- A. Title VI Complaint Log
- B. Floyd County Title VI Complaint Policy
- C. External Complaint of Discrimination Form/ Complaint Consent Release Form
- D. Voluntary Title VI Public Involvement Survey
- E. Floyd County Title VI Training Attendance Log
- F. Sample “I Speak” Cards

APPENDIX A.

Title VI Complaint Log

APPENDIX B.

Floyd County Title VI Complaint Policy

Floyd County Title VI Complaint Policy

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of Floyd County to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any department head or to the Title VI or ADA Coordinator. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found on the Floyd County website or at the Floyd County Pineview Government Center. Individuals are not required to use the County's complaint form. If necessary, the County will help an individual reduce his or her complaint to writing for his or her signature.

Generally a complaint should include the name, address and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

Title VI complaints should be directed to:

Michelle Portwood
2524 Corydon Pike Suite 204
New Albany, IN 47150
mportwood@floydcounty.in.gov
812-941-3239

- Within 60 days of the receipt of the complaint, Floyd County will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The County will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.
- A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.
- 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.

APPENDIX C.

External Complaint of Discrimination Form/Complaint Consent Release Form

Floyd County Commissioners
2524 Corydon Pike Suite 204
New Albany, IN 47150

The purpose of this form is to help any person interested in filing a discrimination complaint with Floyd County. You are not required to use this form. You may write a letter including the same information, sign it and return it to the above address.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability/handicap or income status in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Highway Administration and/or Federal Transit Administration. These prohibitions extend to Floyd County as a sub-recipient of federal financial assistance.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to Floyd County. Additionally, you have a right to seek private counsel.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address above.

****Your complaint cannot be processed without your signature**

COMPLAINANT INFORMATION			
Name (first, middle, and last)			
Address (number and street, city, state and ZIP code)			
Home telephone number () -	Work telephone number () -	Cellular telephone number () -	

Available in alternative format upon request

Name of complainant		Date (month, day, year)	
---------------------	--	-------------------------	--

PERSON / DEPARTMENT YOU BELIEVE DISCRIMINATED AGAINST YOU			
Name (first, middle, and last)		Title	
Name of company			
Address (number and street, city, state and ZIP code)			
Home telephone number () -) -)	Work telephone number () -) -)	Cellular telephone number () -) -)	
When was the last alleged discriminatory act? (month, day, year) _____			
<p>Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.</p>			
<p>The alleged discrimination was based on:</p> <div style="display: flex; justify-content: space-between;"> <div> ☐ Race ☐ Disability </div> <div> ☐ Color ☐ Ancestry </div> <div> ☐ Age ☐ Retaliation </div> <div> ☐ Gender ☐ Religious Affiliation </div> <div> ☐ National Origin </div> </div>			
<p>Describe the alleged act(s) of discrimination. (Use additional pages, if necessary.)</p>			

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Provide the names of any individuals with additional information regarding your complaint:

Name of witness 1 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -)	Work telephone number () -)	Cellular telephone number () -)
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. -----		
Name of witness 2 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -)	Work telephone number () -)	Cellular telephone number () -)
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. -----		

Name of witness 3 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -)	Work telephone number () -)	Cellular telephone number () -)
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. -----		
How would you like your complaint to be resolved? -----		

Signature		Date signed (month, day, year)

COMPLAINANT CONSENT / RELEASE FORM

Floyd County Commissioners
2524 Corydon Pike Suite 204
New Albany, IN 47150

Name (first, middle, and last)		Telephone number () -	
Address (number and street, city, state and ZIP code)			
Case number(s) (if known)			
<p>As a complainant, I understand that during an investigation it may become necessary for Floyd County to reveal my identity to individuals outside of the County Government in the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for Floyd County to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant I am protected by Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the non-discrimination statutes enforced by Floyd County.</p>			
<p>Please read both paragraphs below, check your choice of CONSENT or CONSENT DENIED and sign below. (Please mark one.)</p> <p>☐ Consent</p> <p>I have read and understand the above information and authorize Floyd County to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize Floyd County to receive, review and discuss material and information about me relevant to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.</p> <p>☐ Consent Denied</p> <p>I have read and understand the above information and do not want Floyd County to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without Floyd County making a determination in my case.</p>			
Signature		Date (month, day, year)	

APPENDIX D.

Sample Voluntary Title VI Public Involvement Survey

Floyd County Indiana Voluntary Title VI Public Involvement Survey

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (**23 CFR §200.9(b)(4)**). Floyd County is distributing this voluntary survey to fulfill that requirement to gather information about populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that Floyd County will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations. If you have any questions regarding Floyd County's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact:

Justin Tackett, *Title VI/ADA Coordinator*
2524 Corydon Pike Suite 204
New Albany, IN 47150
(812)-948-5491

Date: (month,day,year)				
Project Name:				
Proposed Project Location:				
Gender:	☐ Female	☐ Male	Ethnicity:	☐ Hispanic or Latino ☐ Not Hispanic or Latino
Race: (Check one or more)				
☐	☐ American Indian or Alaska Native		☐	☐ Asian
☐	☐ Native Hawaiian or Other Pacific Islander		☐	☐ White
☐	☐ Black or African-American		☐	☐ Multiracial
Age:	☐ 1-21	☐ 22-40	Disability:	☐ Yes
	☐ 41-65	☐ 65+		☐ No
Household Income:				
☐	☐ 0-\$12,000	☐	☐ \$12,001-\$24,000	☐ \$24,001-\$36,000
☐	☐ \$36,001-\$48,000	☐	☐ \$48,001-\$60,000	☐ \$60,001+

APPENDIX E.

Training Attendance Log

APPENDIX E.

Sample “I Speak” Cards

**2004
Census
Test**

**United States
Census
2010**

LANGUAGE IDENTIFICATION FLASHCARD

1. Arabic

☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.
2. Armenian

☐ խոսում եմ հայերեն, եթե խոսում եմ հայերեն:
3. Bengali

☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।
4. Cambodian

☐ ល្អប្រសិនបើអ្នកចេះ ប្រើអក្សរកម្ពុជា ផ្ទៃ ។
5. Chamorro

☐ Motka i kahhon ya yangin ñutñngnu' manaitai pat ñutñngnu' kumentos Chamorro.
6. Simplified Chinese

☐ 如果你能读中文或讲中文，请选择此框。
7. Traditional Chinese

☐ 如果你能讀中文或講中文，請選擇此框。
8. Croatian

☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.
9. Czech

☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.
10. Dutch

☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.
11. English

☐ Mark this box if you read or speak English.
12. Farsi

☐ اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.

☐	Cocher ici si vous lisez ou parlez le français.	13. French
☐	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
☐	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
☐	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
☐	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
☐	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
☐	Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
☐	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
☐	Marchi questa casella se legge o parla italiano.	21. Italian
☐	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
☐	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
☐	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກົດພາສາລາວ.	24. Laotian
☐	Prosimy o zaznaczenie tego kwadratu, jeżeli postuguje się Pan/Pani językiem polskim.	25. Polish

DB-3309 U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

☐	Assinale este quadrado se você lê ou fala português.	26. Portuguese
☐	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
☐	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
☐	Обележите овај квадратич уколико читате или говорите српски језик.	29. Serbian
☐	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
☐	Marque esta casilla si lee o habla español.	31. Spanish
☐	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
☐	ให้ทำเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
☐	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
☐	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
☐	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
☐	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
☐	באציינזט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

DB-3309

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU