Local Public Agency

Title VI & ADA Subrecipient

Compliance and Technical

Assistance Guide

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Introduction

The Indiana Department of Transportation as a recipient of federal financial assistance from the Federal Highway Administration (FHWA), is required to comply with Title VI of the Civil Rights Act of 1964, which provides that no person in the United States, on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any department program or activity receiving federal financial assistance.

Recipients of Federal financial assistance are required to comply with various nondiscrimination laws and regulations. "Recipient" is defined as any entity or individual to whom Federal assistance is extended, either directly or indirectly through another recipient, for any program. See 23 Code of Federal Regulations (CFR) 200.5(n). INDOT receives Federal financial assistance directly.

In this guide, the term "subrecipient" is used to identify an agency that receives Federal assistance indirectly (i.e., through INDOT). Subrecipients include, but are not limited to, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds.

Subrecipients that receive FHWA funds through INDOT are required to establish a Title VI program that is subject to review by INDOT pursuant to 23 CFR 200.9(b)(7). The purpose of the program is to not only prohibit discrimination but to ensure non-discrimination through policies, procedures, and regular program reviews. http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0200.htm INDOT's Prequalification and Compliance Division monitors INDOT subrecipients for Title VI compliance.

The purpose of this guide is to provide a framework for subrecipients striving to establish a compliant Title VI program. This guide will address INDOT's subrecipient prequalification process as well as INDOT's monitoring/review/audit process. This guide will not guarantee compliance with all aspects of Title VI. However, this guide intends to improve a subrecipient's ability to comply with the Title VI Nondiscrimination requirements. Compliance determinations are made on a case-by-case basis by either INDOT or FHWA.

This document, forms, templates, samples, and guidelines provided are for educational and informational purposes only and should not be construed as legal advice or as an offer to perform legal services on any subject matter. In addition, use of this guide does not guarantee compliance. Local Public Agencies should work closely with their legal counsel to determine their level of compliance and to monitor all areas of federal regulatory compliance for risk mitigation and deficiency resolution on an ongoing basis.

For additional information or technical assistance, INDOT's Contract Compliance Counsel, Title VI/ADA Program Manager is:

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Title VI Of the Civil Rights Act Of 1964 - Nondiscrimination

The capstone regulation addressed in this guide is Title VI of the Civil Rights Act of 1964 (Title VI). Title VI seeks to prevent and eliminate existing discrimination and ensure public funds are used for public benefit. Federal funds stem from tax dollars paid by all citizens and the programs and facilities developed from paid taxes must benefit everyone equally. This is Title VI in a nutshell. Recipients of Federal funding must sign an assurance of nondiscrimination. Assurances must be signed by those who receive federal funds to create a mechanism for accountability to ensure these funds are equitably spent.

> *"No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. 2000d) Title VI of the Civil Rights Act of 1964*

As recipients of federal funding, Title VI imposes an obligation not to discriminate and to actively assess, address, and eliminate discrimination in designing, building and implementing programs and facilities for the beneficiaries (the general public).

Authorities under Title VI

The laws and regulations that prohibit discrimination in federally assisted programs and activities and apply to INDOT's Title VI/Nondiscrimination Program include, but are not limited to:

• Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, and national origin);

•The Civil Rights Restoration Act of 1987 (Public Law 100-259) required entities that receive federal funds to comply with civil rights laws in all of their operations.

• 49 CFR Part 21, (entitled Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);

• 23 CFR Part 200, the Federal Highway Administration's Title VI Program Implementation and Review Procedures;

• 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);

• Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act, prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and was amended in 1974.

• American with Disabilities Act of 1990 and Section 504 of the 1973 Rehabilitation Act (29 U.S.C. 790), as amended: Prohibits discrimination on the basis of disability.

• 23 U.S. Code § 324 - The 1973 Federal-aid Highway Act. Prohibition of discrimination on the basis of sex

• 42 U.S. Code § 6101 The 1975 Age Discrimination Act

The following Executive Order place further emphasis on preventing discrimination:

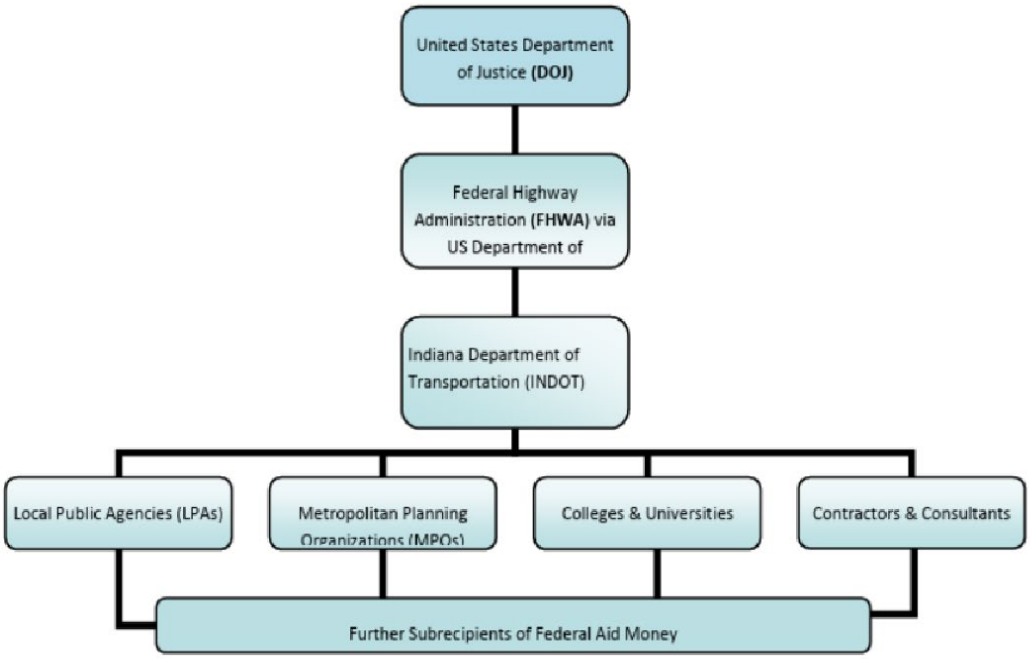
• Executive Order 13166, 3 CFR 289 (2001), entitled "Improving Access to Services for Persons with Limited English Proficiency," addresses improving access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

Subrecipients are obligated to comply with the laws and regulations listed above and agree to comply as part of INDOT's Prequalification and acceptance process executed between INDOT and the subrecipient.

Oversight & Compliance

The Department of Justice enforces regulations for transportation-related programs including (but not limited to) interstates, roadways, transit, and public right-of-ways. This authority is delegated by the Department of Transportation (DOT) to the Federal Highway Administration (FHWA) which oversees compliance. (See 23 CFR 200) http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0200.htm .)

FHWA requires State Transportation Agencies (STAs) (such as INDOT) to be proactive in nondiscrimination measures to ensure that both INDOT's programs and facilities, and INDOT's subrecipients are compliant with all nondiscrimination and accessibility requirements. The flow chart is as follows:



INDOT's Title VI & ADA Program

INDOT's Title VI Program is detailed in its Title VI Implementation Plan. The most recent plan(s) are posted online at https://www.in.gov/indot/accessibility-and-non-discrimination/nondiscrimination-at-indot/. Our nondiscrimination policies, complaint procedures, Annual Goals & Accomplishments Report, and other information are also available by following the above link. INDOT's ADA Transition Plan(s) are also available online at http://www.in.gov/indot/3583.htm.

Title VI Requirements for Subrecipients

Recipients of Federal financial assistance are required to comply with various nondiscrimination laws and regulations. Subrecipients must submit a Title VI Plan to INDOT. The Title VI Nondiscrimination Plan communicates how the agency implements its nondiscrimination policies. Prequalification and Compliance Division that documents procedures for complying with FHWA's Title VI requirements. Receipt of your program documents for review by INDOT begins the compliance process to determine federal funding eligibility.

An LPA or MPO must be compliant with Title VI and ADA to be eligible to receive federal funds. INDOT monitors its subrecipients to ensure communities are actively addressing and resolving deficiencies. Title VI documents are required to be submitted on October 1st yearly. Waiting to submit documents during the funding application process may delay the review process in project selection.

INDOT provides subrecipients with a Title VI template. Use with caution as a Title VI Implementation Plan is not a one-size-fits-all process. Whether a subrecipient uses INDOT's template or develops its format for a Title VI Plan, the plan must contain the following:

Nondiscrimination Policy Statement
A policy statement that assures a commitment to nondiscrimination to the effect that no person shall, on the grounds of race, color, national origin, LEP, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

Requirements:
• The policy statement, signed by the head of the agency, should express the agency's commitment to the nondiscrimination provisions of Title VI:

> *No person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally- funded or not.*

• The policy statement should define federal financial assistance and describe specific forms of prohibited discrimination.
• Must be signed by the top official.
• Title VI Policy Statement must be circulated internally and to the general public.
• Where appropriate, published in languages other than English.
Recommendations:
• If the agency doesn't already have a signed policy statement, consider using INDOT's template.

Nondiscrimination Assurances
As a condition of applying for or receiving ANY federal financial assistance, the recipient must sign an assurance that the program will be conducted or the facility will be operated in compliance with Title VI requirements. The Standard US Department of Transportation Assurance document is in DOT Order 1050.2A.

The Assurance states that as a condition of receiving Federal financial assistance the LPA must and will abide by all Title VI directives. The ultimate purpose is to prevent discrimination on the basis of race, color, national origin, gender, age, or disability.

A Title VI Plan must include the USDOT's Standard Title VI Assurances (DOT 1050.2A) in which the subrecipient assures that its program will be conducted in a nondiscriminatory manner. The Standard Assurances must be included and signed with the agency's intergovernmental agreement with INDOT. The subrecipient must ensure that it has a copy of the signed Standard Assurances or executes one to be included in the plan. The

Assurance states that the LPA will insert certain required clauses into every contract subject to the Title VI program. The subrecipient is also responsible for ensuring that the applicable appendices of the Standard Assurances are included in each federally assisted contract. Moreover, Standard Assurances requires specific language to be included in requests for work proposals. The Standard Assurances must be signed annually by the subrecipient.

Assurances serve two important purposes:

- They document the agency's commitment to nondiscrimination and equitable service to its community.
- They serve as a legally enforceable agreement by which the Agency may be held liable for not adhering.

The Assurances lists all the Title VI requirements that a subrecipient agrees to perform in return for receiving FHWA funds from the INDOT, including developing a nondiscrimination policy statement and a discrimination complaint handling procedure.

Nondiscrimination Coordinator

A Title VI Coordinator must be designated. This person must have a responsible position in the organization with access to the head of the agency. Subrecipients are required to identify a Title VI Coordinator and publish/post the coordinator's contact information where it is available to the public (including online). In addition, the coordinator must have unimpeded access to the head of the agency, for the
purposes of discussing nondiscrimination issues. There should be a description of the Title VI Coordinator's responsibilities and an organizational chart showing the Title VI coordinator's relationship to the head of the agency.

Requirements:

- Organizational chart or other literature should identify the Title VI Coordinator
- Point of contact for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance.
- Implementation of procedures for the prompt processing of Title VI external discrimination complaints.
- Develop an Agency specific Title VI information for public dissemination

Primary Program Area Descriptions

The Title VI Plan must describe the nature of the subrecipient's primary program areas and how the subrecipient seeks to ensure nondiscrimination in each area. For example, a city's public works department may have divisions for transportation planning and right-of-way services. Each of these program areas has unique Title VI-related responsibilities to ensure nondiscrimination. For example, planning must ensure equal access to the planning process and equal consideration of the interests of minority populations, and

right of way must ensure equal treatment based on race, color, national origin, LEP, and disability populations throughout the acquisition process.

Program Review, Compliance, and Enforcement Procedures
The subrecipient must develop procedures for identifying and addressing potential discrimination or discriminatory procedures within the agency. (Methods of Administration). "The recipient shall provide for such methods of administration…to give a reasonable guarantee that it, other recipients, sub-grantees, contractors, sub-contractors, 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." Standard DOT Assurance, Item #9. Also 49 CFR 21.7(b). The Title VI Plan must describe how the subrecipient's pertinent program areas are reviewed for Title VI compliance. The Title VI Plan must also outline compliance and enforcement procedures that eliminate and address discrimination and resolve deficiencies when non-compliance occurs. Subrecipients administering federal aid contracts are also required to monitor prime contractors and subcontractors for Title VI compliance. A description of this process should also be included in the Title VI Plan.

The Plan must include detailed plans for bringing discriminatory programs into compliance. This should include detailed identification of the actions being taken or planned, such as assignment of staff responsibility, dates and agenda of meetings and workshops, copies of instructions, meetings with vendors, and so forth. The plan should also include a timetable showing how long it will take to bring the total program into compliance.

Data Collection and Analysis
"In general, recipients should have available…racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." 49 CFR 21.9(b). Localities must collect and maintain statistical data on their potential and actual sub-recipients and sub-grantees, beneficiaries, and affected communities.

FHWA requires subrecipients to develop procedures for the collection of statistical data of participants in, and beneficiaries of, the subrecipient's programs and activities. Collecting data helps identify and prioritize problem areas and evaluate the effectiveness of policies and programs to ensure nondiscrimination. The Title VI Plan must describe how the subrecipient plans to collect Title VI-related data on an ongoing basis. For example, the subrecipient may collect data such as meeting attendees, board member demographics, or persons/communities affected by acquisitions and relocations. Subrecipients may also rely on U.S. Census data to collect relevant demographic information for their service area. For more information on collecting Census data, visit: https://www.fhwa.dot.gov/civilrights/programs/title_vi/data_collection_analysis.cfm or https://www.fhwa.dot.gov/civilrights/programs/docs/Title%20VI%20Data%20collection.pdf

Subrecipients must also provide an analysis of any Title VI data collected, including how it relates to the subrecipient's programs and activities.

Staff Training
The Title VI Plan must indicate how and when agency staff are trained on Title VI-related policies and procedures. The plan should include instructions to staff regarding non-discrimination policies, requirements of the Federal agencies in implementing Title VI and techniques for communicating this to all employees, recipients, and vendors (if any)

Discrimination Complaints
Subrecipients must develop Title VI complaint procedures that address how to handle Title VI complaints. Subrecipients are encouraged to utilize INDOT's FHWA complaint procedures template. At a minimum, a Title VI complaint procedure must include the subrecipient's specific contact information on how and where to file a complaint, as well as a section on how to file a complaint directly with FHWA. Complainants should also have 180 days from the last alleged discrimination to file a complaint. All FHWA Title VI complaints received by a subrecipient must be forwarded to INDOT within three (3) business days. INDOT will then forward any Title VI complaints to FHWA for processing. A subrecipient's Title VI complaint procedure must be posted on their website and translated into any language that meets the Limited English Proficient (LEP) Safe Harbor threshold (e.g., LEP language groups that constitute five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served by the subrecipient).

Additionally, a list of all external discrimination complaints and lawsuits filed against the agency must be maintained. The information in this list should include: the identification of each complainant by race, color, national origin, LEP, or disability; the name of the complainant; the nature of the complaint; the date(s) the complaint was filed, the investigation was completed; the disposition and date; and other pertinent information.

Requirements:
The subrecipient complaint handling procedures should indicate the following:

The FHWA has jurisdiction to investigate complaints of discrimination filed under:
- The Americans with Disabilities Act/ Section 504 Program
    - The Americans with Disabilities Act of 1990
    - Section 504 of the Rehabilitation Act of 1973 (Section 504)
- The Title VI Program
    - Title VI of the Civil Rights Act of 1964 (Title VI)

Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color, national origin, LEP, or disability may file a written complaint individually or through a representative. A complaint must be filed

no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA.

Complaints alleging violations of Title VI by subrecipients may be filed in writing directly with the following local, state, and federal agencies:

(Name of your agency)
Attn: Title VI Coordinator
Street Address
City / State / Postal Code

Contract Compliance Counsel
Indiana Department of Transportation
100 N. Senate Avenue – Room N758-PQ
Indianapolis, IN 46204

Federal Highway Administration
U.S. Department of Transportation
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Federal Highway Administration
Office of Civil Rights, HCR-20, Room E81-320
1200 New Jersey Avenue, SE
Washington, DC 20590

Complaint and investigation files are confidential. The contents of such should only be disclosed to appropriate agency personnel and state, and federal authorities in accordance with Federal and State laws. Subrecipients will retain files in accordance with records retention schedules and all Federal guidelines.

Limited English Proficiency (LEP)
Limited English Proficient (LEP) individuals are those individuals for whom English is not their primary language and have a limited ability to speak, read, write, or understand English. Failure to provide language assistance for LEP persons may result in national origin discrimination. Therefore, pursuant to Executive Order 13166, FHWA subrecipients are required to perform an LEP analysis of their service area and develop a plan for providing language assistance and outreach to LEP populations.

The following is the four-factor analysis which must be used to determine what measures are necessary to provide meaningful access for LEP individuals**:**

1. Identify the number or proportion of LEP persons eligible to be served or likely to be encountered by the subrecipient.

2. Determine the frequency with which LEP persons come into contact with the subrecipient.
3. Determine the nature and importance of the program, activity, or service provided by the subrecipient.
4. Identify the resources available to the subrecipient and the costs.

After analyzing these four factors, subrecipients must establish an outreach plan for providing language assistance to LEP individuals. For more information on the Language Assistance Plan, please refer to the USDOT's LEP Guidance at https://www.transportation.gov/civilrights/civil-rights-awareness-enforcement/dots-lep-guidance

Dissemination of Title VI Information
Title VI Plans must include community outreach and public education procedures relating to nondiscrimination under Title VI. At a minimum, Title VI Plans must include the following:

> **Notice of Rights:** Members of the public must be informed of their rights against discrimination on the basis of race, color, and national origin under Title VI and how they can file a Title VI discrimination complaint. The Notice must include information on how to file a complaint directly with FHWA. The Notice must be made available on the agency's website and be posted in locations accessible to the public. The Notice must also be translated into any language that meets the Limited English Proficient (LEP) Safe Harbor threshold (e.g., LEP language groups that constitute five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served by the subrecipient). Please see INDOT's Notice template as an example.
>
> **Public Participation Plan**: The Title VI Plan must describe procedures for eliciting and soliciting participation by minority communities. The Title VI Plan must identify how the subrecipient communicates with and conducts outreach to minority and Limited English Proficient (LEP) individuals. The process must address how input from minority populations is considered during agency decision-making

Annual Reporting
Subrecipients must develop an annual work plan to document how the agency is effectively implementing its Title VI/Nondiscrimination responsibilities.

Title VI Program Visibility
Subrecipients are required to identify how they advise the public of nondiscrimination policies, procedures, and other related information. Electronic or web-based posting of Title VI program information alone is insufficient. The agency must post in publicly

accessible locations, such as main lobbies, town halls, community centers, and other public facilities.

Title VI and ADA Subrecipient Compliance Procedures

Subrecipient Prequalification
LPA subrecipient prequalification and monitoring begins when LPAs submit their annual reports to INDOT. Reports and all supporting documents are emailed to INDOT Accessforall@indot.in.gov. INDOT uses a precertification survey which is included in the attached audit tools. INDOT evaluates whether a community has submitted documents at least once every 12 months to determine if your community is up to date. This evaluation is conducted yearly and ends in August as we compile our annual report for submission to FHWA.

Receipt of your program documents for review by INDOT begins the funding eligibility process. An LPA or MPO must be Title VI and ADA compliant to be eligible to receive federal funds. INDOT is responsible for monitoring subrecipients to ensure compliance and must ensure communities are actively addressing deficiencies and demonstrating good faith efforts in their compliance with Title VI. If a community waits until they apply for funding to submit documents, there may not be time for an adequate status review before project selection.

LPAs that submit information will be notified of any deficiencies and whether or not they will need to provide additional documentation. If deficiencies are found an LPA must demonstrate a plan will be initiated to resolve the deficiencies to remain eligible to apply for federal funds from INDOT.

Subrecipient Compliance Reviews
23 CFR 200.9(b)(7). Also required for Title VI per 28 C.F.R § 42.410: "Each state agency administering a continuing program which receives federal financial assistance shall be required to establish a Title VI compliance program for itself and other recipients which obtain federal assistance through it."

FHWA requires INDOT to conduct Title VI compliance reviews of its subrecipients. Compliance reviews focus on determining whether the subrecipient has met the criteria of FHWA's Title VI program and whether the subrecipient is ensuring nondiscrimination in its programs and activities. INDOT staff may evaluate the subrecipient's Title VI Plan and related documents, interview individuals with Title VI responsibilities, and/or conduct a site visit as part of the process.

INDOT evaluates and verifies information submitted by subrecipients to:
1. Ensure compliance with Title VI;
2. Identify subrecipients requiring immediate Title VI Program technical assistance; and
3. Monitor Title VI Program compliance which is evaluated.

Subrecipient compliance review selection criteria and procedure

- Program funding amount and type received by the year
- Number of complaints against a subrecipient
- Subrecipient with previously identified deficiencies
- Length of time between reviews

Notification

The subrecipient will receive an email or notification letter stating it has been selected for review. The notification letter includes an itemized list of information and documentation to be submitted to INDOT within no longer than thirty calendar days.

Any Subrecipient who fails to respond to a notice of compliance review, including the request for information, within the prescribed deadline shall receive written notification of the subrecipient's deficiency status from the Title VI Manager. The subrecipient will be notified that failure to comply may result in a suspension of federal funding.

Desk Audit Review

INDOT's Title VI Manager reviews subrecipients submitted material. The Title VI Manager will offer assistance and recommendations to strengthen the subrecipient's Title VI program, including corrective action(s).

On-Site Review and Interview

Depending on the findings of the desk audit, a request for an on-site review may be made, including an inspection of the subrecipient's facilities and an interview with relevant personnel. If an on-site review is necessary, the subrecipient will be notified by email and/or mail. The following factors will play a role in determining whether an on-site review is necessary:

- Deficiencies are directly related to improvements being constructed or maintained by the Subrecipient.
- Deficiencies include missing entire program components or are otherwise considered major deficiencies.
- The Subrecipient's program Manager or representative has not been identified and/or does not appear to have the support of the executive leadership of the agency in ensuring program compliance; and,
- The review is based upon the receipt of a complaint.

On-site interview sample topics include but are not limited to:

- Organization, staffing, and training
- Nondiscrimination Policy and Notice
- Limited English Proficient (LEP) Executive Order 13166
- Complaints, Forms and Procedures
- USDOT 1050.2A Title VI/ Nondiscrimination Assurances
- Access for Individuals with Disabilities under Section 504 Rehabilitation Act and ADA Act

- Subcontracts

Compliance Review Letter – Findings
A compliance review letter or email will be issued following the completion of a desk audit and /or on-site review. The findings will

- Document any deficiencies observed and direct the subrecipient to come into compliance within a specified date
- Require that any deficiencies, that cannot be resolved within a specified date, be reflected in a corrective action plan to be submitted to the Title VI Manager for approval within the specified period.

If the subrecipient fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, INDOT's Title VI Manager will issue a noncompliance letter and forward a copy to FHWA and may then take or participate in other legally available action against the subrecipient for failure to comply, such as withholding payment on a contract, and/or suspending or terminating the contract.

Follow-Up Monitoring
INDOT will determine whether any follow-up monitoring is necessary to ensure ongoing Title VI compliance.

Training
INDOT provides Title VI training materials on its website at: http://www.in.gov/indot/3586.htm. Onsite Title VI training is conducted on an as-needed basis or requested by consultant contractor subrecipients.

Americans with Disabilities Act, Title II: Public Entities Section 504 of the Rehabilitation Act: Recipients

A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not --

1. Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

2. Require a public entity to take any action that would threaten or destroy the historic significance of a historic property; or

3. Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or undue financial and administrative burdens.

Public Entities Requirements:
Recipients/ Public Entities must have:

Signed Assurances: from 49 CFR 27.9 Each application for Federal financial assistance to carry out a program to which this part applies, and each application to provide a facility, shall, as a condition to approval or extension of any Federal financial assistance pursuant to the application, contain, or be accompanied by, written assurance that the program will be conducted or the facility operated in compliance with all the requirements imposed by or pursuant to this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

Public Notice: from 28 CFR 35.106 A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

Designation of Responsible Employee: from 28 CFR 335.107(a). A public entity that employs 50 or more persons (or a recipient with 15 or more employees) shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

Adoption of Grievance Procedures: from 28 CFR 35.107(b) A public entity that employs 50 or more persons (or a recipient with 15 or more employees) shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

Self-Evaluation: from 28 CFR 35.105
(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified; and
(3) A description of any modifications made.

(d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

Transition Plan Requirements

Transition Plan: from 28 CFR 35.150(d)

(1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum -- (i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities; (ii) Describe in detail the methods that will be used to make the facilities accessible; (iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and (iv) Indicate the official responsible for implementation of the plan.

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph shall apply only to those policies and practices that were not included in the previous transition plan.

Available ADA Courses:

Cities and Towns are Title II entities and should familiarize themselves with the full scope of requirements under Title II of the Americans with Disabilities Act as it is much broader than INDOT's compliance requirements set forth within this resources guide. A

Very good place to obtain this information is the Southeast ADA Center's Building Blocks Course which can be found at **www.adabasics.org**. **Indiana ADA Coordinators who take this course should register to list the organization name as "INADA". There is also a Title II ADA tutorial that ADA Coordinators may take from this provider.** These courses will establish a strong foundation of understanding for INDOT's specific ADA Training, which dives right into our agency's requirements and presumes a basic understanding of Title II.

Title VI Resources

FHWA Title VI Guidance and Resources
https://www.fhwa.dot.gov/civilrights/programs/title_vi/

https://highways.dot.gov/civil-rights/programs/title-vi/title-vi-toolkit

https://highways.dot.gov/civil-rights/programs/title-vi/title-vi-forms

https://highways.dot.gov/civil-rights/programs/title-vi/title-vi-resources

https://highways.dot.gov/civil-rights/programs/title-vi/title-vi-presentations

FHWA ADA Guidance and Resources
https://highways.dot.gov/civil-rights/programs/ada/resources
https://highways.dot.gov/civil-rights/programs/ada/department-justicedepartment-transportation-joint-technical-assistance1

https://highways.dot.gov/civil-rights/programs/ada/glossary-terms-dojfhwa-joint-technical-assistance-ada-title-ii

https://highways.dot.gov/civil-rights/programs/ada/q-and-supplement-2013-dojdot-joint-technical-assistance-title-ii

U.S. Access Board Rules Regulations, Guidance and Resources
https://www.access-board.gov/

https://www.access-board.gov/prowag/

https://www.access-board.gov/ta/

Great Plains ADA Center
https://gpadacenter.org/

New England ADA Center
https://adaactionguide.org/

AUDIT REVIEW TOOL FOR SUBRECIPIENTS

INDOT Sub-Recipient
Title VI Desk Audit Compliance Assessment Tool

23 Code of Federal Regulations (CFR) Part 200 requires that the Indiana Department of Transportation (INDOT) conduct periodic reviews of its cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds to ensure they are complying with Title VI of the Civil Rights Act of 1964. Title VI states that "no person in the United States shall be excluded from participation, denied the benefits of, or be subjected to discrimination in any Federally funded program, policy, or activity on the basis of race, color or national origin."

INDOT has developed this assessment as a means of determining sub-recipient compliance; helping sub-recipients understand their Title VI responsibilities; and assisting INDOT in planning future training and technical assistance. This assessment is part of INDOT's Quality Assurance Review (QAR) process.

Please email the completed questionnaire with attachments, to Taffanee Keys, Civil Rights Counsel, Title VI Coordinator, @ tkeys@Indot.in.gov by no later than _____. Questions or concerns may be e-mailed to tkeys@indot.in.gov or you may call 317-941-4512.

Desk Audit Questionnaire

1. Name of your Agency:

2. Number of full-time and part-time employees:

3. Who is the Title VI contact person for your agency? Does this person accept complaints from the public? If not, who does? Please include the title, email, and telephone number for each person listed.

4. Staff designated to have Title VI coordination responsibilities (in conjunction with other duties).

5. Does your agency have a current Title VI Implementation Plan?

6. Has your agency provided written Title VI Assurances to INDOT? Please attach a copy.

7. Does your agency have a Title VI Policy or Policy Statement in place for your organization, signed by the Sponsor? If so, attach proof of public dissemination of Title VI Policy or Policy Statement.

8. Does your agency have a written discrimination complaint process? If so, please provide a copy as an attachment.

9. Has your agency made the public aware of the right to file a complaint? If so, by what mechanism? Provide as an attachment.

10. In the past three years, has your agency been named in a discrimination complaint or lawsuit? If so, when and what was the nature of the complaint or lawsuit and the outcome?

11. Does your agency provide free translation services for persons with Limited English Proficiency (LEP)? Explain.

12. Does your agency physically include the Civil Rights Special Provisions (FHWA-1273) in all contracts and ensure they are included in all sub-contracts, including the third tier?

13. Do your contracts/agreements contain Title VI non-discrimination assurances.

14. Has the staff received any Title VI training (formal or informal). If so, please list the dates and times, of the instructor. Attach sign-in sheets if any and provide copies of the training documents, for example, PowerPoints.

15. Please state, in detail, how your agency monitors its' subrecipients. Please attach a copy of your subrecipient contract.

16. Do you have any questions regarding this assessment or Title VI? Please include them here along with your email address or phone number and an INDOT representative will respond.

17. Would your agency like Title VI training or other Civil Rights technical assistance from INDOT? If yes, please explain. Does your agency have teleconferencing ability?

18. Please list each attachment provided with the desk audit.

19. Please provide the Name, Title, and contact information of the person who completed this baseline assessment.