



**TOWN OF MONTEZUMA
TITLE VI IMPLEMENTATION PLAN
MAY 19, 2022**

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INTRODUCTION

This Title VI Implementation Plan is a part of the **Town of Montezuma** continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Implementation Plan, **Town of Montezuma** seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.

TOWN OF MONTEZUMA TITLE VI NON-DISCRIMINATION NOTICE & POLICY

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

It is the policy of **Town of Montezuma** to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, **Town of Montezuma** hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

Town of Montezuma also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, **Town of Montezuma** will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). **Town of Montezuma** will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Whenever **Town of Montezuma** distributes federal-aid funds to a second-tier subrecipient, **Town of Montezuma** will include Title VI language in all written agreements.

The following individual has been identified as **Town of Montezuma's** Title VI and ADA Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

Cathy Morgan
Title VI Coordinator
1243 Jackson St/ PO Box 26
Montezuma, IN 47832
765-245-2759
cmorgan@montezuma.in.gov

Town of Montezuma affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein (see next page).

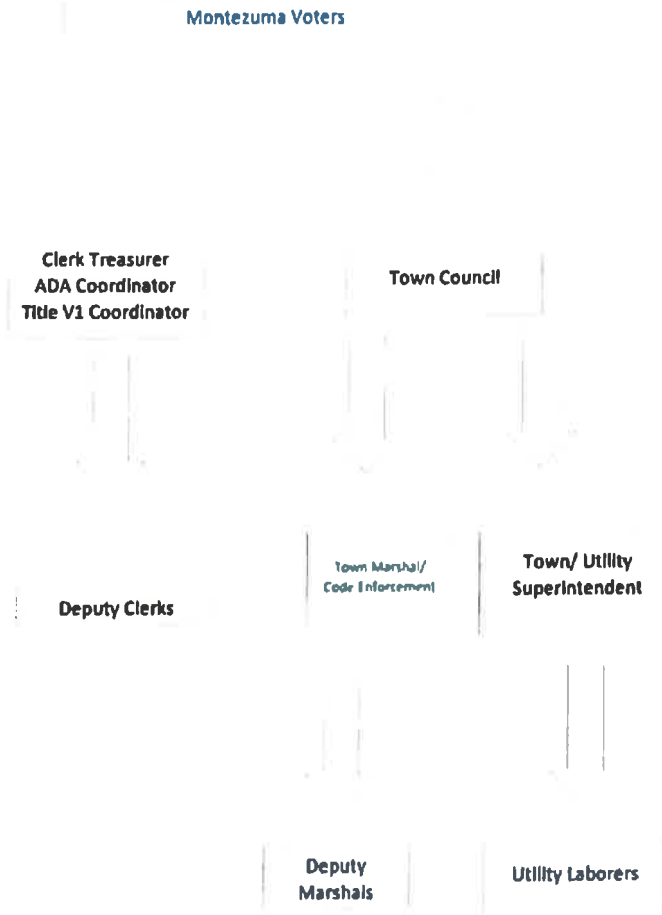
TITLE VI ASSURANCES & IMPLEMENTATION

Fully executed Assurances are included in Appendix A and integrated into this document. This Title VI Implementation Plan has been adopted, implemented and is being adhered to by **Town of Montezuma**. **Town of Montezuma** has implemented this plan by **Resolution** and it is effective for **2022**. This plan will be renewed on or before **December 2025**.

Signed by: John Davis President of Board of Date: 5/19/22
[Name / Title]

The individual above is a duly authorized representative of **Town of Montezuma**.

ORGANIZATION AND STAFFING



TOWN OF MONTEZUMA OVERVIEW OF TITLE VI PROGRAM

DATA COLLECTION, ANALYSIS & REPORTING

The type of data collected is dependent on the program area's objective. **Town of Montezuma** collects various types of data to ensure compliance with Title VI. Some information is collected for a period of time with the objective of determining what data needs to be collected.

The following types of data are currently being collected by **Town of Montezuma**:

- Complaints received, logged, processed and investigated by **Town of Montezuma**
- Environmental Justice analysis and reports
- Limited English Proficiency reports
- Title VI Training
- Public Involvement Survey
- Records of meeting minutes and discussions related to Title VI in all program areas.
- **Town of Montezuma** collects data related to specific program areas being reviewed this year for disparate / disproportionate impacts or other evidence of potential discrimination or discriminatory outcomes.

COMPLAINTS OF DISCRIMINATION

HOW TO FILE A COMPLAINT?

While a Complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email to the Title VI Coordinator, a signed, original copy of the complaint must be mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. **Town of Montezuma** does not require a Complainant to use the **Town of Montezuma** complaint form when submitting his or her complaint.

Direct all complaints of discrimination pursuant to Title VI to:

Cathy Morgan
Title VI / ADA Program Manager
1243 Jackson St/ PO Box 26
Montezuma, IN 47832
765-245-2759
cmorgan@montezuma.in.gov

ELEMENTS OF A COMPLETE COMPLAINT

A complaint must be both written and signed to be complete. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review and signature before processing. The complaint form is available for download from the **Town of Montezuma** website at:

<http://montezuma.in.gov/>

Additionally, a complaint must include the following information:

- The full name and address of the Complainant;
- The full name and address of the Respondent, the individual, agency, department or program that allegedly discriminated against Complainant; and
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

PROCESSING COMPLAINTS

The Title VI Coordinator will process all complaints. The Title VI Coordinator is responsible for:

- The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided, the complaint meets the filing deadline date which is 180 days from the date the alleged discriminatory act occurred, and falls within the jurisdiction of the Town.
- The Title VI Coordinator will then investigate the complaint. If the complaint is against the Town then the Town Council or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the Town Attorney.
- If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency.
- The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator, Town Council and Town Superintendent.
- Once the Town has investigated the report findings, the Town will adopt a final resolution.
- All parties associated with the complaint will be properly notified of the outcome of the Town's investigative report.
- If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal the Town's decision.

Appeals must be filed within 180 days after the Town's final resolution. Unless new facts not previously considered come to light, reconsideration of the Town's determination will not be available.

- The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at:
<http://www.justice.gov/crt/about/cor/Pubs/manuals/complain.pdf>

ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

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; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

Town of Montezuma is committed to these three environmental justice principles in all work that the Town performs.

LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services

to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the Town uses to access the LEP populations in **Town of Montezuma**.

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by the Town.
2. The frequency with which LEP individuals come into contact with the program, activity or service.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the Town and costs.

In addition, Town of Montezuma has implemented the safe harbor provision whereby it identifies and translate all vital documents into any language where the 5% threshold is met whereby 5% or more of the population in the county both:

- Does not speak English very well AND
- Primarily speaks another specific language as identified in current census data or other publicly available records.

SUMMARY OF THE FOUR FACTOR ANALYSIS

Factor 1:

The number and proportion of LEP persons eligible to be served or likely to be encountered by the Town can only be estimated until the actual number of persons who can speak English less than "very well" are documented as needing assistance by Town Staff . With this Title VI Plan being in early development stages and considered a document that may need regular updates, US Census Bureau information is being used at this time. The total population is provided below to shown general distribution of race and ethnicity in the community. The estimated number of persons that may not speak English "very well" is following in the US Census Bureau 2006-2010 American Community Survey.

The U.S. Census Bureau provides statistics from 2020 for the **Town of Montezuma** as follows:

Total population = 921

Population by Ethnicity: 921

Hispanic or Latino = 47 Non-Hispanic or Latino = 874

Population by Race: 877

White =857, African American = 8 Asian = 2, American Indiana or Alaska Native = 5, Native Hawaiian and Pacific Islander = 0, Other = 15, Identified by two or more = 34.

The US Census Bureau 2016-2020 American Community Survey 5-Year Estimates under SELECTED SOCIAL CHARACTERISTICS estimates the number of people in **Town of Montezuma** who speak a language other than English to be 48 with those speaking English less than “very well” estimated at 68.8% or approximately 33 individuals who may be considered limited in English proficiency. The margin of error is +/-39% so the actual number may fluctuate from 20 to 46 individuals.

According to the census numbers above there may be up to 33 individuals who live in the **Town of Montezuma** that may be considered as LEP. Based on actual contact between Town Staff and the community there have been very few requests from anyone in the service area asking the Town to provide language translation services. Therefore, the LEP population is probably even less than the estimate shown above.

Factor 2: The frequency with which LEP individuals come into contact with the program, activity or service:

Due to the infrequent requests for translation services, there appears to be a minimal need for translation services from the Town. This may be attributed to the high percentage of younger people (98.8% for ages up to 17) who are available as family members for translation services.

Factor 3: The nature and importance of the program, activity, or service provided by the program:

If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the Town will provide, upon request, services to assist the LEP population including translation of vital Town documents and interpretation services.

SUMMARY OF LEP ACCOMMODATION PLAN

- The **Town of Montezuma** strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to Town services.
- A U.S. Census Bureau I Speak card is available as part of this document. This card allows LEP individuals to communicate their preferred language to Town Staff whereas Town Staff may then access a translation service as determined by the Town.

- The **Town of Montezuma** utilizes a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, sex, disability status, and household income. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the Town may consider changes to their LEP policy. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.
- The Town reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the Town's Title VI plan and procedures as required.
- Staff for the Town will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.

TITLE VI DISSEMINATION & ACCESSIBILITY TRAINING

At the time of Hire: Title VI policy education and literature will be provided to all **Town of Montezuma** employees. **Town of Montezuma** employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as **Town of Montezuma** deems necessary.

Ongoing Training provided to current employees: Current employees will receive training. Training will consist of literature and presentations of updates in policy and will be provided in person.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, **Town of Montezuma** employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

PUBLIC INVOLVEMENT

DATA COLLECTION

Pursuant to 23 CFR 200.9(b) (4), **Town of Montezuma** shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

Town of Montezuma shall utilize a voluntary Title VI public involvement survey that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.

COMMUNITY INVOLVEMENT & OUTREACH

Town of Montezuma is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.

The **Town of Montezuma** host meetings monthly and those meetings are open to the public. Any meetings that are open to the public are published on **Town of Montezuma** website's main page. All **Town of Montezuma** public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance.

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

REVIEW OF PROGRAM AREA

This section outlines annual goals set forth by **Town of Montezuma** to comply with Title VI requirements and statutes. This list will be monitored for updates and additions.

ANNUAL GOALS & ACCOMPLISHMENTS REPORT

Accomplishments	Completion Date

Goals	Target Completion Date
Place Title VI Implementation Plan and forms on Town Website	September 2022
Place ADA Transition Plan on Town Website	September 2022
Develop ADA & Title VI Training for all Town employees	December 2022
Develop process for annual Title VI Goals & Accomplishments Report	March 2023
Develop and implement Title VI complaint procedure	March 2023