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# 2021 Indiana Department of Transportation Title VI Implementation Plan



# **INDIANA DEPARTMENT OF TRANSPORTATION 2021 TITLE VI IMPLEMENTATION PLAN**

Prepared by:

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## INTRODUCTION

Title VI originated with the concept of Simple Justice:

*Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation. – JFK (1963)*

President Lyndon B. Johnson signed the Civil Rights Act of 1964 into law on July 2, 1964. Title VI provides that:

*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 subjected to discrimination under any program or activity receiving Federal financial assistance.*

INDOT is a recipient of federal funds and this Title VI Implementation Plan is a part of the Indiana Department of Transportation's (INDOT's) continual and ongoing effort to proactively meet and exceed the 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, INDOT seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.<sup>1</sup> Title VI Implementation Plans outline and document policies and procedures that together comprise the State Transportation Agency's Title VI Program. For information related to our annual program goals and accomplishments, please refer to INDOT's Annual Title VI Goals and Accomplishments Report.

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<sup>1</sup> INDOT's Title VI Program is the system of requirements INDOT developed to implement Title VI of the Civil Rights Act of 1964. References to Title VI requirements and regulations shall not be limited to Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other federal statutes, regulations and directives and Indiana state law to the extent that they prohibit discrimination on the grounds of race, color, or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself.

## INDOT'S TITLE VI & NONDISCRIMINATION POLICY STATEMENT

INDOT will implement compliance with Title VI 49 CFR § 21, 23 CFR Part 200; and related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color or national origin.

INDOT's Title VI Non-Discrimination Notice and Policy values each individual's civil rights and intends to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, INDOT conforms to Title VI of the Civil Rights Act of 1964 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 INDOT on the grounds of race, color, or national origin. INDOT 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 INDOT to comply with the following laws and Executive Orders:

Common Name of Legislation	Citation to law
<b>Title VI of the Civil Rights Act of 1964</b>	<b>78 Stat. 252, 42 U.S.C. §2000d-2000d-42</b>

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

The following individual has been identified as INDOT's Title VI Program Manager (Program Manager) and is delegated the authority necessary to maintain responsibility 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 and is specifically designated as INDOT's responsible individual to coordinate, maintain, and report INDOT's Title VI compliance efforts to the Federal Highway Administration (FHWA) as well as to coordinate compliance efforts with other federal agencies as required:

Kimberly Ray, MBA  
INDOT Title VI Program Manager &  
Title VI Coordinator  
IGCN Room 755  
100 N. Senate Avenue,  
Indianapolis, IN 46204  
(317) 232-0924  
[KiRay@indot.in.gov](mailto:KiRay@indot.in.gov)

INDOT 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).

  
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Joe McGuinness, Commissioner  
Indiana Department of Transportation

9/30/2020  
Date

## TITLE VI ASSURANCES

The Indiana Department of Transportation (INDOT), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration, is subject to and will comply with the following:

### Statutory/Regulatory Authorities

- 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, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"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 otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Indiana Department of Transportation (INDOT), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair 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. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will 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 will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or 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 will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, 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 Acts, the Regulations, and this Assurance.



By signing this ASSURANCE, the Indiana Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Indiana Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Aid Highway Program. This ASSURANCE is binding on Indiana, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

-----  
(Name of Recipient)

by  -----  
Joe McGuinness, Commissioner

DATED 9/30/2020 -----

## 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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, 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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
  
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Indiana Department of Transportation 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 Program, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation 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 the Indiana Department of Transportation all the right, title and interest of the U.S. 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 Indiana Department of Transportation 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 will be binding on the Indiana Department of Transportation, its successors and assigns.

The Indiana Department of Transportation, 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 will 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Indiana Department of Transportation will 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,

U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation 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 make clear the purpose of Title VI.)

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Indiana Department of Transportation pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her 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:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
  
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Indiana Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
  
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Indiana Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Indiana Department of Transportation and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Indiana Department of Transportation pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her 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 (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be 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, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Indiana Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Indiana Department of Transportation will there upon revert to and vest in and become the absolute property of Indiana Department of Transportation and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- 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, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs,

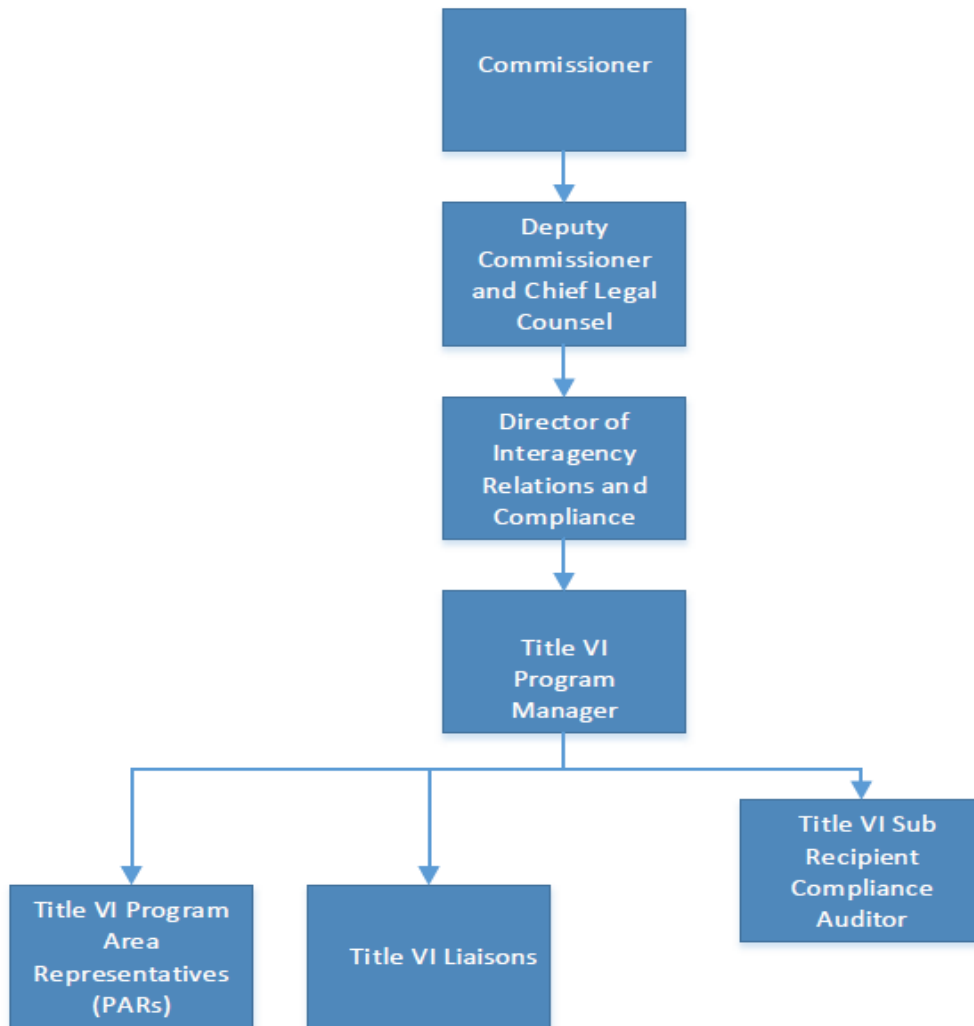


- policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
  - Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## INDOT TITLE VI KEY PLAYERS AND RESPONSIBILITIES

This section identifies who is responsible for Title VI oversight at INDOT. It demonstrates how Title VI is integrated into INDOT's day-to-day operations and clearly identifies the general responsibilities of key players within the agency. For specific information about employees responsible for each program area, please see **Exhibit A**.

INDOT Title VI Organizational Chart:



## INDOT TITLE VI KEY PLAYERS

The following are descriptions of the Title VI-related roles of the following INDOT representatives:

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### COMMISSIONER

The Governor of the State of Indiana appoints INDOT's Commissioner. The Commissioner is responsible for organizing and administering INDOT. Indiana Code § 8-23-2-2.

The Commissioner is:

*Joe McGuinness*

100 N. Senate Avenue, Room N758  
Indianapolis, IN 46204

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### INDOT DEPUTY COMMISSIONER AND CHIEF LEGAL COUNSEL

This Deputy Commissioner manages the Economic Opportunity, Contract Administration, Prequalification, Title VI, ADA, and Legal Services Divisions of INDOT. As Chief Legal Counsel for INDOT, the Deputy Commissioner's responsibilities include, but are not limited to: providing legal advice and assistance to the divisions and districts within the agency, investigating the legality of agency actions and validity of public complaints, drafting proposed legislation and administrative rules, researching and interpreting the law, and preparing legal opinions.

The Deputy Commissioner and Chief Legal Counsel is:

*Heather Kennedy, Esq.*

100 N. Senate Avenue, Room N758  
Indianapolis, IN 46204

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### DIRECTOR OF INTERAGENCY RELATIONS AND COMPLIANCE

The Director of Interagency Relations and Compliance manages the Title VI and ADA compliance programs for INDOT. As the Director of Interagency Relations and Compliance, the director's chief responsibility is oversight of the agency's compliance efforts for both program areas. Also, the director is tasked with being the ADA coordinator for the agency. The Director reports to the Chief Legal Counsel and Deputy Commissioner.

The Director of Interagency Relations is:

*Erin Hall, Esq.*

100 N. Senate Avenue, Room N755  
Indianapolis, IN 46204  
(317) 234-6041

[Ehall2@indot.in.gov](mailto:Ehall2@indot.in.gov)

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## **TITLE VI PROGRAM MANAGER**

The Title VI Program Manager (Program Manager) is INDOT's Title VI Coordinator; responsible for the oversight and coordination of INDOT's compliance with Title VI and all related statutes, regulations, and directives. The Program Manager reports to the Director of Interagency Relations and Compliance, but also has direct and independent access to INDOT's Chief Counsel and INDOT's Commissioner as warranted to ensure INDOT's Compliance with nondiscrimination requirements. General responsibilities of the Program Manager include, but are not limited to

- Implementing INDOT's Title VI plan;
- Developing processes and procedures for the investigation of complaints filed under Title VI;
- Developing and implementing INDOT's Limited English Proficiency (LEP) Plan;
- Coordinating Title VI Program development with program directors, district and division managers;
- Providing technical assistance, guidance and advice on the Title VI Program;
- Establishing procedures for processing Title VI reviews; Conducting Title VI reviews of INDOT's subrecipients, special interest programs and activities;
- Developing and conducting Title VI training;
- Preparing required reports;
- Participating in the design, development and dissemination of Title VI information to the public;
- Annually updating INDOT's Title VI Implementation Plan.

The Title VI Program Manager and Title VI Coordinator is:

*Kimberly Ray, MBA*  
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(317) 232-0924  
[KiRay@indot.in.gov](mailto:KiRay@indot.in.gov)

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## **TITLE VI SUBRECIPIENT COMPLIANCE AUDITOR**

The Title VI Subrecipient Compliance Auditor (Subrecipient Compliance Auditor) reports directly to the Program Manager and acts as the program's subrecipient compliance review officer. Specifically, the Subrecipient Compliance Auditor is primarily tasked with monitoring INDOT'S oversight of its federal aid subrecipients' compliance efforts by coordinating and conducting desk and field compliance reviews, maintaining program records, and communicating with subrecipients about their compliance efforts and status.

The Title VI Subrecipient Compliance Auditor is:

*Devin Gay*

100 N. Senate Avenue, Room N755

Indianapolis, IN 46204

(317) 232-5160

[WGay@indot.IN.gov](mailto:WGay@indot.IN.gov)

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## **LEGAL COUNSEL AND INVESTIGATOR, TITLE VI PROGRAM**

The staff attorney and member of its legal division assisting the Program Manager with complaint investigations and internal program area discrimination. This adds significant operational capacity to the Title VI Program areas and permits INDOT to enhance its Title VI programs.

*Teresa Giller, Esq.*

100 N. Senate Avenue, Room N755

Indianapolis, IN 46204

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## **TITLE VI PROGRAM AREA REPRESENTATION**

INDOT's Program Area Representation is composed of core members from INDOT's program areas including a program area (or District Office) liaison and as many Program Area Representatives (PARS) as necessary to effectively meet Title VI plan goals and requirements. INDOT's Program Area Representation has a four-part mission:

- To use an interdisciplinary and cross-division workflow approach to ensure compliance with Title VI and related nondiscrimination laws in the implementation of INDOT's programs and activities;
- To remove programmatic and architectural barriers from INDOT's programs and activities in accordance with the relevant nondiscrimination laws;
- To ensure meaningful access to INDOT's services and programs to all individuals regardless of race, color, or national origin.
- To develop, fully integrate and effectively maintain INDOT's Title VI implementation Plans.

Each year INDOT will evaluate whether or not additional program areas should be included in the Title VI Implementation Plan and, if so, who will serve as a liaison and as PARS. INDOT may also eliminate program areas from representation and

/or reduce or expand the number of representatives and areas represented to best accomplish agency goals.

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**DISTRICT AND PROGRAM AREA TITLE VI LIAISON RESPONSIBILITIES:**

The responsibilities of the district and program area liaisons includes:

- Foster awareness of INDOT'S Title VI program and its requirements by:
  - Ensuring each employee in their program area or district has received Title VI training within the last 2 years, and
  - Ensuring nondiscrimination is periodically a topic for discussion on program area meeting agendas
- Developing and maintaining division procedures for the collection and analysis of voluntarily-reported statistical data (race, color, or national origin) of participants in, and beneficiaries of INDOT programs within the program area or district
- Work with PARS to accomplish annual Program Area or District Title VI tasks.
- Participate in an annual agency-wide Title VI Liaison conference as required and schedule quarterly program area or District Title VI meetings (independently or as part of another area meeting) to establish and accomplish annual Title VI goals, inviting the Program Manager to attend each quarterly meeting and ensuring minutes are kept for the same.
- Coordinate with the Program Manager to complete an annual Program Area or District discrimination risk assessment that identifies and prioritizes risk areas and formulates mitigation strategies to be included in the Annual Title VI Implementation plan not later than August 30<sup>th</sup> annually.
- Ensure all aspects of their program area's operation occur in a manner consistent with INDOT's nondiscrimination policies and compliant with Title VI and nondiscrimination laws and regulations.
- Title VI Liaisons should also prepare an annual summary of its Title VI tasks and accomplishments with supporting documentation and submit the same to the Program Manager annually by August 30 of each year.

Current Title VI Liaisons are identified in **Exhibit A.**

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## TITLE VI PROGRAM AREA REPRESENTATIVES

The responsibilities of the Title VI PARS are outlined below:

- Promote awareness of nondiscrimination requirements throughout the day-to-day operation of the program area
- Assist the Title VI Liaison in ensuring all employees in the program area have received Title VI training within the past two years.
- Attend quarterly or other regularly scheduled program area nondiscrimination meetings as deemed necessary by the liaison. (Nondiscrimination may be an agenda item on meetings that are broader in scope, but copies of the agenda, any meeting minutes, and attendees should be maintained by the PAR or liaison for inclusion in the annual report in evidence of the work accomplished).
- Work with liaisons to accomplish annual Title VI Tasks within the program area.
- If necessary, collect, analyze, and report statistical data (race, color, or national origin) of participants in, and beneficiaries of INDOT programs within the program area or district.

Current PARS are identified in **Exhibit A.**

## PUBLIC INVOLVEMENT AND COMMENTS ON INDOT'S TITLE VI PLAN

INDOT posts its annual Title VI Implementation Plan as well as its Goals and Accomplishments Reports online. In addition, a majority of our program documents are available for download from INDOT's website. These documents can be found at <http://www.in.gov/indot/3584.htm>. Comments related to INDOT's Title VI Plan and policies as well as requests for a physical copy of our plan or program documents may be submitted at any time to our Program Manager at:

Kimberly Ray, MBA  
Title VI Program Manager &  
Title VI Coordinator  
100 N. Senate Avenue, Room N755  
Indianapolis, IN 46204  
(317) 232-0924  
[KiRay@indot.in.gov](mailto:KiRay@indot.in.gov)

## OVERVIEW OF INDOT'S TITLE VI POLICIES, PRACTICES AND PROCEDURES

The following is summary information about policies and procedures related to Title VI with further information contained in the referenced appendices and/or by following the referenced links. Many of INDOT's program area and division policies and manuals contain Title VI and/or nondiscrimination elements. These individual manuals can be found at <http://www.in.gov/indot/3584.htm>. Also, throughout this document there may be references to the 2020 Title VI Goals and 2019 Accomplishments Report (the Goals and Accomplishments Report), which contains many of the practices and procedures.

The following are policies related to agency-wide compliance with Title VI and include the following:

- Agency-Wide Program Area Review Procedures
- Agency-Wide Data Collection Analysis and Reporting
- Agency-Wide Data Collection Procedures for Title VI
- Nondiscrimination and Accessibility Training
- Complaint Policy
- Subrecipient Compliance Monitoring
- Public Involvement and Dissemination
- Limited English Proficiency

### AGENCY-WIDE PROGRAM AREA REVIEW PROCEDURES

This section describes the pertinent INDOT program areas and the Title VI responsibilities of each program area. It defines the process for conducting annual reviews of program areas which includes:

- The objective of each program area review
- The types of reviews conducted for each program area including:
  - What activities are being reviewed;
  - What data is being collected and how;
  - The procedure for analyzing collected data; and
  - How the review will be used to determine the effectiveness of the program area.

As program areas are added and reviewed, it may be necessary for INDOT to develop or revise its objectives, types of reviews, data collection procedures, and processes used to analyze data and make determinations. Changes to program area reviews are reflected in our annual Goals and Accomplishments report.



The following procedures apply to all program areas with current identified Title VI Tasks. These program areas have assigned a Title VI Liaison and PARS as necessary to meet Title VI Program Goals. A list of current Title VI Liaisons and PARS, in addition to INDOT's organization chart, can be found in **Exhibit A**.

## **AGENCY-WIDE DATA COLLECTION ANALYSIS AND REPORTING**

The type of data collected is dependent on the program area's objective. INDOT 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. For example, the Program Manager may collect reports or studies from a program area one year to determine what implications exist and what types of information are reported, as well as what trends exist within that report or study. This may lead to specific categories of data gathered from those reports and evaluated over time.

The following types of data are currently being collected by INDOT on an agency-wide basis:

- Public Involvement Surveys;

The surveys are collected by all INDOT programs that engage the public in public meetings and forums and are circulated during training opportunities where members of the public are invited to participate in our training programs.

The surveys are managed by the subrecipient compliance auditor, which gathers them from division heads after the public meeting and/or forum. Once collected, the subrecipient compliance auditor is tasked with uploading the surveys into Actionstep, our divisions computer based system, which will allow us to run reports when requested by the deputy commissioner(s).

- Records of employee and subrecipient Title VI required training;

INDOT employees are provided Title VI training on an ongoing basis and records are maintained that reflect INDOT's agency-wide training attendance.

The training records are managed by the subrecipient compliance auditor, who uploads the training material and attendance log-in sheets into Actionstep. This step allows the Program Manager the opportunity to run detailed reports to determine how effective our training program is for INDOT employees.

- Subrecipient compliance information; (i.e. existence of required plans and policies, related records)

All subrecipients of federal funds from INDOT are required to certify their compliance with Title VI requirements. INDOT regularly reviews their compliance.

- Records related to real estate transactions;
  - INDOT's LRS (record system for land records) is used to gather and store demographic data related to INDOT's real estate transactions. This data is periodically evaluated for discriminatory impacts.
- Complaints received, logged, and forwarded to the FHWA;
- Limited English Proficiency requests, reports and needs analysis;
  - Our LEP report form and *I Speak* cards reflected in our LEP plan is implemented on an agency-wide basis in order to conduct our analysis, provide adequate services to LEP population and avoid discriminatory outcomes.
- Records of meeting minutes and discussions related to Title VI.
  - These are collected by our liaisons in each program area and district to ensure there is a forum for Title VI discussions on an agency-wide basis.

INDOT is working with its liaisons and PARs (agency-wide) considering how best to collect the following information:

- Data related to opportunities to do business with INDOT including lists of those approved to perform professional services for INDOT;
- Data collected by our Real Estate Division outside of the relocations sub-program area (data related to condemnations, buying, appraising);
- Data related to outside training opportunities provided by INDOT.

Additional data being collected related to specific tasks and objectives is identified in the Goals and Accomplishments Report. It is within this annual report that the above information is summarized and published. This report is posted on INDOT's website each year after it has been submitted to FHWA for approval.

## **AGENCY-WIDE DATA COLLECTION PROCEDURES FOR TITLE VI**

### **INITIAL PROGRAM AREA REVIEW**

When a new program area is added to the Title VI Program monitoring, the Program Manager is first tasked with the following actions:

- Identification of a Title VI Liaison;
- Identification of the Title VI Implications existing or with potential to exist in the program area, by doing a complete assessment of the program area;
- Objective for review of the program area;
- Tasks necessary toward the achievement of the objective;
- Data collection, analysis and reporting necessary to accomplish the identified tasks; and

- PARS who will assist the liaison in collecting, analyzing and reporting data sufficient to review the program area as it relates to its Title VI Implications in order to:
  - Identify and address any existing discrimination having occurred or likely to occur within the program area; or
  - To ensure and demonstrate that, despite the existence of Title VI implications within the program area, discrimination does not occur as a result of the program's operations.

Unless there is a need for immediate action, at least one program year is dedicated for each new program area to the above-identified tasks to ensure effective and appropriate participation in the Title VI Program.

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### **ONGOING PROGRAM AREA PARTICIPATION**

Following an initial review, a program area will:

- Be tasked with ongoing annual data collection and reporting related to Title VI implications.

Program areas are tasked with ongoing annual reporting requirements and will continue to:

- Collect, analyze and report data regularly collected and reviewed to ensure Title VI compliance of the program area
- Provide quarterly updates to the Program Manager that include:
  - Progress related to ongoing tasks and concerns;
  - Individuals in the program area who need Title VI Training;
  - Trends or patterns in the data being collected that may warrant a more in-depth review or analysis; (This includes instances where data collection efforts don't appear to be capturing the information intended or are otherwise insufficient to demonstrate compliance.)
  - Copies of meeting agendas, minutes, and notes that evidence regular Title VI discussions as a part of the program area's operations;
  - Any other issues related to Title VI.

### **CURRENT PROGRAM AREA-SPECIFIC DATA COLLECTION EFFORTS**

INDOT currently collects and evaluates program specific data for the following program areas:

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#### **LOCAL PROGRAMS (LPA DIVISION)**

- INDOT collect compliance certifications at the time of application for state and federal funds.

- INDOT includes nondiscrimination language from the Assurances of Nondiscrimination in its local contracts
- Data collected is stored in INDOT's case management system (Actionstep) and managed by the Compliance Team in the Legal Division.
- The Subrecipient Compliance Manager who reports to the Title VI Program Manager verifies the accuracy of information submitted and collects additional information from LPA websites and program coordinators. Current contact information for Title VI Coordinators and compliance documents for each community are stored in Actionstep.
- Compliance reports are regularly run from Actionstep and used, together with risks as part of a local project are used to make decisions related to compliance audits to be conducted on specific communities. Our Subrecipient Technical Assistance Tool as well as this plan outlines the specific procedures used in conducting compliance reviews.
- Summaries of the data collected via applications through the LPA division, Contracts executed through Legal and Actionstep Data will now be included in our annual Goals and Accomplishments Report beginning with 2019.
- The Title VI program Manager is contacted by the Division Liaison anytime there is a specific issue that needs to be addressed related to an applicant. Conversely the Subrecipient Compliance Manager contacts the liaison if an individual issue arises from compliance monitoring activity. Trends and concerns are addressed quarterly as reports are pulled from Actionstep.

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## **PREQUALIFICATION DIVISION**

- INDOT collects demographic and Title VI compliance information during the prequalification process.
- INDOT's Economic Opportunity Division maintains Demographic information related to DBE and State minority owned business requirements. This division is charged with maintaining compliance with the DBE program, supportive services and compliance monitoring related to minority owned businesses and project participation.
- The Compliance team and Title VI Program Manager maintain information related to Title VI compliance collected during the prequalification process in its Actionstep Case Management System. Each application for prequalification requires certification with Title VI nondiscrimination policies, training, compliant procedure, forms, and other program requirements.
- The compliance team audits these and provides technical assistance giving priority to the lowest level of compliance, those who are uninformed related to Title VI to make efforts to bring deficient contractors into compliance. If

these efforts are unsuccessful, applicants may be disqualified from doing business with INDOT until they come into compliance.

- The Title VI Program Manager and Subrecipient Compliance Manager work closely with the prequalification liaison as well as the Economic Opportunity Division Director to ensure compliance. Summary data will be included in the Goals and Accomplishments Report beginning in 2019 and remediation efforts are discussed in that report also if applicable.

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## **CONTRACT ADMINISTRATION DIVISION**

- The Contract Administration Liaison meets quarterly with the Title VI Program Manager to discuss any policy or practice changes and program risk related to selection, advertising, applications and etc.
- Issues identified (if any) are made a part of the divisions annual goals and action taken is included as part of the annual Goal and Accomplishments Report.
- More specific contract-related data collected is discussed here in the subsection sections related to prequalification and professional services contracting.

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## **REAL ESTATE DIVISION & PROFESSIONAL SERVICES DIVISION**

- INDOT gathers demographic data from LRS, our land records management system, and other agency data sources as identified related to real estate transaction activity from relocations, condemnations, purchases, and other activities such as appraising.
  - This data is collected voluntarily by paper survey during real estate transactions by INDOT approved buyers and appraisers. In 2019 we will add a space for INDOT staff to flag a transaction as potentially a Title VI or environmental justice impact to enhance our data collection efforts.
  - The Title VI liaison in the Real Estate Division as well as managers and supervisors of buying and appraising activity are tasked with identifying potential issues as they arise and compiling this data quarterly to review with the Title VI Program Manager or designee to detect trends that may or may not be discriminatory practices and to adjust procedures and practices accordingly.
  - If managers or liaisons identify a risk of discrimination in a particular transaction they are trained and advised to contact the title VI program manager immediately.
- INDOT gathers additional information from our professional services contract records including demographic information related to the opportunity to do

business with INDOT and the equity of work assignments for professionals qualified to do appraising and buying work.

- Professional services contracts include required state and federal nondiscrimination notices and language.
- Program area liaisons and managers in this division are trained to identify trends that may appear discriminatory and required to notify the Title VI Program Manager immediately should an individual concern or complaint arise.
- Title VI Program Manager meets with division staff at least quarterly and reviews at random an audit sample of contracts to verify the contracts themselves are in compliance with Title VI requirements. In addition, the Title VI program manager reviews policies and practices related to doing business with INDOT and whether the overall business opportunities are made equitably available through advertising, selection and work assignments. Information is obtained from State Personnel databases, INDOT contracts applications and databases and individuals charged with making decisions on qualification and work assignments which may extend beyond program areas staff.
- The Title VI program Manager makes recommendations to division staff related to policy changes and includes these recommendations in its annual goals and Accomplishments Report.
- INDOT reviews division policies and manuals when they are updated and at least every three years for potential discriminatory practices or impacts and makes recommendations.
  - The Title VI Program Manager or designated Attorney regularly reviews all agency-wide policies and manuals. Real Estate Division manuals are reviewed on a three year cycle unless there are updates or changes whereby the liaisons are to submit the policy for comment to the Title VI Program Manager before it is implemented for compliance review.
  - Upon review, information and remediation requirements will be included in our annual Goals and Accomplishments Report.

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## **COMMUNICATIONS DIVISION**

- The Public Involvement Director embedded within the Communications Division is our Title VI Liaison. This division through this liaison collects demographic information via our public involvement surveys at every public meeting and public training opportunity INDOT hosts. It is the way we collect agency-wide demographic data.
- Public involvement survey data is reviewed annually and reported in the Goals and Accomplishments report together with the results of any

discussions and decision made to make agency-wide changes or changes related to public meetings and communications practices and policies resulting from demographic data.

- The communications divisions also collects information related to the requests for auxiliary aides at meetings, language services requests and services provided and the number and location of public meetings held across the state, press releases and other information communicated to the public.
- The communications division and the customer service center also will provide reports available to evaluate any disparities that may arise in the opportunity to communicate with INDOT and participate in its programs generally. This information will be gathered from information collected by our new customer service center as determined in 2019. Findings will be included in the Goal and Accomplishments Report.

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## **RESEARCH DIVISION**

- INDOT's research divisions collect information related to who submits ideas for research as well as who has the opportunity to participate on those projects and how that participation was determined.
- The Liaison meets annually with the Title VI Program Manager to discuss data collected by this program area and identify and address risks.
- Data collected and provided by the division will be included in the Goals and Accomplishments Report.

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## **TALENT MANAGEMENT DIVISION**

- INDOT's Talent Management division collect information related to internal and external training opportunities and employee development opportunities. Demographic data is often but not always collected as part of these processes.
- INDOT's Title VI Program Manager meets quarterly with Talent Management to review this data and summarizes its findings in the annual goals and accomplishments report. If concerns arise during these meetings, changes are made and noted.
- Ad Talent Management implements new training programs, our Title VI Program manager will coordinate how data will be collected from these systems and integrated into our annual goals and accomplishments report.

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## **TRAFFIC, DESIGN, OPERATIONS & MAINTENANCE**

- INDOT collects mostly ADA information from these divisions and captures the same in our Collector Application into the ARG GIS database as well as capturing traffic signal information in our internal traffic management

software. The ADA Coordinator and Title VI Program Manager meets periodically (weekly in some cases, but at least quarterly) with program staff to evaluate progress on removing and addressing barriers to accessibility.

- Information collected includes measurements of slopes, widths and surface composition related to curb ramps, traffic signal measurements, identification of barriers, technical infeasibility, project determinations, budgets and project selection as well as grievances.

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## **ENVIRONMENTAL DIVISION, PLANNING AND SCOPING**

- INDOT's environmental & planning division retains information including factors that provide the basis for why a project is selected and what its scope should be including route selection and any public involvement. In addition, the environmental division retains copies of NEPA analysis which determine what level of environmental study was required, as well as copies of actual environmental studies.
- Environmental Studies are provided to the compliance division for review.
- The Title VI Program Manager meets quarterly with the liaisons from environmental and planning / scoping to discuss recent decisions and to obtain any necessary supporting documents where there is a concern which requires further analysis.
- Summary information, recommendation (if any) and reports will be included in our annual goals and accomplishments report.

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## **INDOT DISTRICTS (INDIVIDUALLY)**

INDOT districts do not generally collect demographic data outside the scope of a program. Since INDOT established a customer service center, inquiries are no longer handled at the district level alone. However, the Title VI Program Managers meets quarterly with each liaison to ensure there is nothing unique to a specific district that is being collected or should be and requires a closer look / evaluation. Information related to any such analysis will be included in our annual goals and accomplishments report. These liaisons do coordinate training efforts and assist with maintaining employee training records which are part of our overall data collection efforts.



## **NONDISCRIMINATION TRAINING**

This section of INDOT's Title VI Implementation Plan describes how and when members of INDOT's own staff as well as subrecipients and others receive Title VI Training.

### **INDOT EMPLOYEE TITLE VI TRAINING**

INDOT combines its nondiscrimination and accessibility training into one workshop for INDOT employees. Internal employee training is tiered with Title VI Management, Liaisons, PARS, and the Civil Rights staff receiving the greatest degree of training while other INDOT employees receive training sufficient to comply with Title VI requirements.

#### INDOT University Online Nondiscrimination and Accessibility Training:

INDOT provides live training during its full-day agency onboarding training sessions for all new hires regarding agency nondiscrimination and accessibility policies.

INDOT maintains online training modules that have been available INDOT staff via INDOT University. INDOT is exploring new options for hosting program training. District and Division management can schedule the online course to be made available for their staff during a time of year that works best for their program area. The online courses include an assessment that ensures adequate participation and knowledge retention since they are self-learning tools.

#### Live Training Sessions: In person or Webinar available

Live training is the gold standard of employee training and training can be scheduled via webinar or in person during program area conference and meetings or obtained by attending one of at least two (2) regularly scheduled training opportunities to be conducted in each INDOT district. Subdistrict and Traffic Management Center or other non-local INDOT employees may participate in the live session via webinar if they are unable to attend in person.

All Title VI Liaisons and PARS receive in person training targeted at and tailored toward their work area and program requirements. Other employees may elect to take an online course that explains Title VI requirements and covers all related policies and procedures including:

- Nondiscrimination and Accessibility policies
- Complaint Processing
- Limited English Proficiency Requirements, and
- Environmental Justice

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## SUBRECIPIENT AND STAKEHOLDER TRAINING

Subrecipients and stakeholders may receive training from INDOT Title VI Program staff during the following training opportunities each year:

- INDOT- hosted workshops in each district
- Workshops as part of a larger conference (IACT, Purdue Road School, MPO Council Events)
- Webinars hosted by INDOT or a third party

INDOT provides audience-specific training to subrecipients. A minimum of six (6) workshops hosted by INDOT are held around the state in each district separately tailored for LPA and Contractor/Consultant audiences. During these workshops INDOT communicates Title VI program requirements and provides technical assistance to subrecipients regarding their compliance efforts. INDOT has also developed a subrecipient Toolkit to assist subrecipients with their own compliance efforts. This toolkit is available online at <http://www.in.gov/indot/3591.htm>.

## COMPLAINT POLICY

INDOT has a complaint policy for complaints of discrimination related to Title VI and will promptly investigate all properly submitted complaints of alleged discrimination. Note that ALL COMPLAINTS AGAINST INDOT will be referred to the appropriate federal or state agency for investigation while INDOT will investigate complaints filed against subrecipients over whom INDOT has oversight authority.

INDOT will promptly investigate all properly submitted complaints of alleged discrimination. INDOT will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. Within 60 days of receiving a complete complaint, INDOT will submit its final confidential investigative report to FHWA. INDOT's complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination.

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## COMPLAINT INVESTIGATION PROCEDURES

***The Program Manager will make a determination to accept, reject or refer to the appropriate federal/state agency a complaint within ten (10) calendar days of its receipt.*** Complaints are not considered received until they are submitted to INDOT as complete complaints, both signed and in writing.

INDOT will determine whether the person or entity purportedly engaged in the alleged discriminatory act is an INDOT subrecipient (the legal entity to which INDOT made a sub-award of federal funds and which is accountable to the INDOT for the use of the funds provided). If the complaint does not specifically mention that the alleged discriminatory actor is an INDOT subrecipient, INDOT 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, as amended. 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, such as for punitive or compensatory damages for the Complainant.

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

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### **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 INDOT service, program or activity whether federally funded or not, based on their race, color, or national origin may file a complaint. A complainant's representative may also file a complaint on behalf of such a person.

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### **TIMELINESS OF COMPLAINT**

For a complaint against INDOT or a subrecipient 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 the date a signed, written complaint is received by INDOT.

INDOT may determine on a case-by-case basis whether to waive the 180 calendar day time limit for a "good cause" at its discretion. Good cause for a waiver shall include, but is not limited to, the following instances:

#### **Lack of Knowledge**

INDOT may waive the time limit in situations where the person on whose behalf the complaint was filed did not know of and could not have reasonably known of the violation during the 180-day time limit. The complainant must file his or her complaint within 60 days of becoming knowledgeable of the violation.

#### **Incapacitation**

INDOT may also waive the time limit in situations where the person on whose behalf the complaint was filed was incapacitated because of illness or other incapacitating circumstances. The Complainant must provide independent documentation of the purported incapacitation. The complainant must file his or her complaint within 60 days after the period of incapacity ends.

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### **LOCATION AND AVAILABILITY OF COMPLAINT FORMS**

INDOT provides complaint forms online via the INDOT website at <https://www.in.gov/indot/3584.htm>.

Additionally, persons may contact the Program Manager to request a copy of the complaint form via email, facsimile or United States mail. The Program Manager provides copies of its complaint form in alternative formats upon request and provides copies of the form in Spanish and other languages as determined by

INDOT's LEP plan. Complainants are encouraged, but not required, to use the complaint form when filing a complaint.

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## **HOW TO FILE A COMPLAINT**

A complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email. However, the complainant must submit a signed, original copy of the complaint by first-class U. S. Postal Mail to the Title VI Program Manager to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. INDOT does not require a complainant to use the INDOT complaint form when submitting his or her complaint. A copy of INDOT's Complaint Form is found in **Exhibit E**.

Direct all complaints of discrimination pursuant to Title VI to:

Kimberly Ray, MBA  
Title VI Program Manager &  
Title VI Coordinator  
Indiana Department of Transportation  
100 N. Senate, Room N755  
Indianapolis, IN 46204  
[KiRay@indot.in.gov](mailto:KiRay@indot.in.gov)  
(317) 232-0924 (Phone); (317) 232-1499 (Facsimile)

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## **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 INDOT website at: <https://www.in.gov/indot/3584.htm>.

A complaint must include the following information:

- The full name and address of the complainant;
- The full name and address of the respondent, which may be 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, or national origin and the date of occurrence.

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

- Anonymous complaints
- Inquiries seeking advice or information

- Newspaper articles
- Courtesy copies of court pleadings
- Courtesy copies of complaints addressed to other agencies
- Courtesy copies of internal grievances
- Oral complaints

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

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## **PROCESSING COMPLAINTS**

The Program Manager processes all complaints:

- Logging complaints: The Program Manager will note the complaint in the log by sequential case number based on the year, month and order in which INDOT received the complaint. For example, if INDOT received its first complaint on March 4, 2011, the case number would be 2011-03-04.
- Acknowledging receipt: The Program Manager will acknowledge receipt of the complaint and inform the Complainant of the action taken or proposed action to be taken to process the complaint by letter. This acknowledgement letter shall include a restatement of the complaint, brief statement of INDOT's jurisdiction over the subrecipient, and contact information for the investigator assigned to conduct the investigation.
- FHWA Notice: INDOT shall forward the complaint to the FHWA within 10 business days of receipt of the complaint.
- Respondent Notice: INDOT forwards a notice via certified mail to the Respondent informing them of the allegations, requesting a position statement and providing the name and telephone number of the Title VI Program staff person assigned to investigate the complaint.
- Complainant Notice: INDOT informs the Complainant that he or she has a right: (1) to have a witness or representative present during any interviews and (2) to submit any documentation he or she perceives as relevant to proving the allegations contained in the complaint.
- Opportunity to Respond: INDOT will provide the Respondent a reasonable opportunity to respond to all aspects of the Complainant's allegations.
- Witnesses: INDOT will determine if witnesses will be contacted and interviewed as part of its investigation.
- Additional Information: INDOT may reach out to gather additional information from the parties.
- Investigative Report: INDOT drafts a confidential investigative report (IR) and forwarding a copy of the same to the FHWA within 180 calendar days following the receipt of the complaint by INDOT. The report shall not be

disclosed to the Complainant or Respondent. The report typically includes the following:

- A summary of the written complaint;
  - A brief description of the standard of review/methodology used to investigate the complaint;
  - Summarized statements taken from witnesses interviewed by INDOT;
  - Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position;
  - A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated; and
  - Proposed corrective action for substantiated cases.
- Letter of Findings: INDOT is responsible for drafting a Letter of Findings (LOF) and mailing the LOF to the FHWA, Respondent and Complainant within 180 calendar days of the date the complaint was received by INDOT. The LOF may include the following:
    - A summary of the written complaint;
    - A brief description of the standard of review/methodology used to investigate the complaint;
    - Findings of fact and an analysis of the evidence gathered. The analysis should address each allegation in the complaint and Respondent's position;
    - A determination, based on the preponderance of evidence presented, of whether the complaint is substantiated or unsubstantiated;
    - Proposed corrective action for substantiated cases.

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## **CONFIDENTIALITY**

In accordance with DOT Order 1000.12, INDOT shall keep all complainants' identities confidential except to the extent necessary for carrying out an investigation. If an investigator determines that it is necessary to disclose the Complainant's identity to the Respondent or a third party, the investigator must first obtain Complainant's written permission. INDOT may refer complaints to the appropriate agency or entity without obtaining permission as referral may be required. INDOT will notify Complainant of the referral at the time the referral is made.

Otherwise, INDOT shall obtain a Complainant's written consent before providing a copy of the complaint to the Respondent or a third party.

The Program Manager shall maintain all records of an investigation in a confidential area for three (3) years after the completion of the investigation.

## SUBRECIPIENT COMPLIANCE MONITORING

INDOT has policies in place to monitor its subrecipients for compliance with Title VI as required and is putting those policies into practice. Policies currently exist for review of contractors and consultants as well as LPAs, MPOs, and university subrecipients. These policies are specific to each type of subrecipient and represent, in many cases, layers of oversight and/or levels of review.

### **Objective:**

The overall objective of compliance monitoring is to ensure all entities and agencies over which INDOT has Title VI oversight responsibility remain or are brought into compliance with Title VI and other nondiscrimination requirements.

INDOT conducts compliance reviews to comply with Title VI, to monitor recipient and subrecipient compliance, and to proactively identify and remedy potential and actual violations of the nondiscrimination laws.

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### **TYPES OF SUBRECIPIENT COMPLIANCE MONITORING AND REVIEWS**

INDOT tailors its subrecipient monitoring practices to the type of subrecipient and level of review required. Types of subrecipients over whom INDOT has oversight responsibility include:

- Contractors
- Consultants
- Local Public Agencies (LPAs)
- Metropolitan Planning Organizations (MPOs)
- Cities, Towns and Counties
- Universities & Colleges

Levels of subrecipient monitoring may include:

- Certifications of compliance
- Compliance Surveys
- Desk Reviews
- Telephone / Web Interviews
- On-site Reviews

The following sections detail our compliance review levels and procedures for each subrecipient type.

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## **POLICIES AND PROCEDURES FOR CONTRACTOR COMPLIANCE REVIEWS**

The Program Manager collects and reviews prequalification certifications from contractors and consultants. These subrecipients may be selected to participate in compliance reviews at INDOT's discretion. The Program Manager will request that the subrecipient under review provide documentation before a scheduled telephone conference or on-site visit. The subrecipient's responses will be reviewed and feedback will be provided during the conference or on-site visit. By using this method, the Program Manager is able to provide a same day verbal preliminary determination of compliance to the subrecipient.

### **Title VI Compliance Review process**

1. During the call for projects, the contractor will submit paperwork to the prequalification division detailing their compliance with Title VI.
2. The contractor is asked a series of detailed questions pertaining to Title VI in order to certify their level of compliance. These surveys are submitted to the Subrecipient Compliance Auditor for entry into Actionstep, our case management system. Contractors who certify complete compliance are still randomly audited to verify accurate reporting and self-certification.
3. If the contractor is found to be in noncompliance, stage two (2) of the compliance review will go into effect, which may include an onsite review.
4. The Program Manager provides written notice to the contractor of the scheduled compliance review.
5. This notice is mailed at least thirty (30) days before the submission of information is due and includes the due date, address, and required information and/or certifications; and notification to the contractor of its obligation to cooperate by providing records, allowing access to data and making staff, subcontractors and/or witnesses readily available.
6. Any person who fails to respond to a notice of compliance review, including the request for information, within the prescribed deadline shall receive written notification of his or her deficiency status. INDOT will send the Compliance Review Notice of Deficiency via mail or email. The subrecipient then has five (5) calendar days from the date of receipt to respond in writing.
7. Information received from the contractor/consultant is reviewed by INDOT at its offices. Once the information is reviewed, it will be determined at that time if an onsite is needed. If an onsite is not needed, INDOT will schedule a phone or virtual interview to help the contractor/consultant come into compliance.
8. When conducted, the on-site reviews consist of three phases and are conducted by the Manager, the Subrecipient Compliance Auditor, or other trained and informed INDOT staff.
  - The *first phase* may consist of a meeting with leadership and pertinent personnel. The reviewer may interview pertinent personnel and gather sufficient information to determine the subrecipient's compliance.
  - The reviewer uses the on-site review form to solicit and record information gathered during the on-site interviews. The Contractor's



contract with INDOT requires the contractor to monitor its subrecipients and to include the assurances in its subcontracts.

- During the *second phase* of the on-site compliance review, the reviewer may tour the project site and interview personnel and subrecipients if this is necessary due to the nature of the project or the deficiency.
- In the *third and final phase* of the on-site review, the reviewer may conduct an exit interview with the pertinent personnel to report preliminary findings, conclusions and recommendations.

9. Preliminary Findings – Following the conclusion of the desk review and/or on-site review, the reviewer will provide the contractor with a written report of preliminary findings which may include:

- Documentation of any deficiencies observed; and
- Directives requiring the contractor to come into compliance within 30 days.

Compliance Plan - Any deficiency which cannot possibly be resolved within 30 days shall be reflected in a compliance plan submitted to INDOT for approval within 30 days and shall include dates by which compliance will be achieved.

Notice of Achievement - In addition, it is the contractor's responsibility to notify INDOT that it has achieved its approved compliance plan goals. Failure to provide such notice may place the contractor or consultant in deficiency status.

Examples of Title VI Deficiencies:

- The contractor's Title VI Coordinator needs Title VI training;
- Contracts do not contain nondiscrimination assurance language;
- No method to solicit Disadvantaged Business Enterprises (DBE) and/or businesses with meaningful minority representation; and beyond that, to solicit participation from the broader scope of Title VI protected individuals regardless of race, color, or national origin;
- No method to provide services to LEP persons
- No Title VI complaint log;
- No Title VI complaint and hearing procedure; and
- No method to monitor race, ethnicity and gender of contractors.

7. Failure to Comply: If the contractor does not voluntarily comply within 30 days of the original notification or by the agreed upon extension of time, INDOT will issue a notice of noncompliance. If the contractor fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, INDOT will issue a noncompliance letter and forward a copy to FHWA. Following the expiration of 30 days, INDOT will either:

- Certify the contractor's compliance, or
- Issue a notice of noncompliance which may result in withholding payment or suspending or terminating a contract.

Copies of all notices will be provided to FHWA upon their request.

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## **LPA SUBRECIPIENT MONITORING PROCEDURES**

INDOT's subrecipient monitoring processes for cities, towns, and counties utilizes a tiered approach to ensure compliance. The lowest "tier" on the monitoring program is also the broadest and includes certifications and surveys. The top tier includes on-site compliance reviews and is reserved for a narrow subset of subrecipients selected using risk-based criteria explained below.

The current subrecipient tiered monitoring approach for Indiana communities who are subrecipients of federal funds by INDOT is as follows:

- Information provided to INDOT as part of a survey, update request or other form of outreach;
- Desk reviews of survey responses or applications submitted;
- Certifications of compliance submitted at the time of application;
- Letters of Commitment to resolve deficiencies existing at the time of application;
- Action Plan review and monitoring for deficiency resolution;
- Risk-based on-site compliance reviews

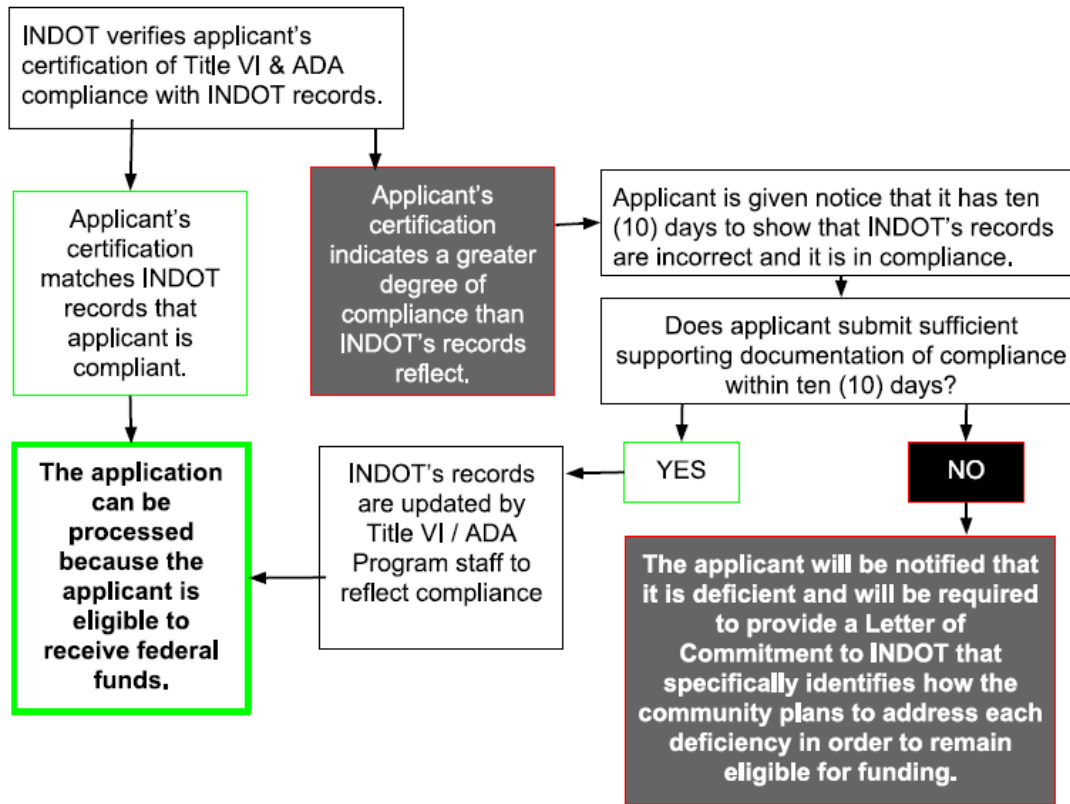
### LPA Initial Review Process

At the time of submitting an application for federal funds, subrecipients are required to certify their compliance with both Title VI and ADA requirements and to provide current contact information for both their Title VI and ADA Coordinators.

INDOT reviews applicants for compliance and periodically reviews information related to all former applicants and subrecipients in its records to ensure subrecipients are maintaining compliance with the federal and state law requirements.

The flowcharts on the following pages illustrate how subrecipient monitoring works for LPA/MPO subrecipients. A discussion follows.

## APPLICATIONS FOR FUNDING



### PRELIMINARY COMPLIANCE NOTIFICATIONS:

- LPAs who submit program documents annually, as required by INDOT, are eligible to apply for federal funds from INDOT without taking further action to address deficiencies.
- LPAs who do not maintain accurate records with INDOT may not be evaluated for compliance nor provided an opportunity to address deficiencies prior to submitting an application for funding as INDOT may not be able to determine who to contact in order to address program deficiencies .
- Compliance reviews target current subrecipients who have deficiencies:
- On-site reviews may be performed at the discretion of the Program Manager.

INDOT is utilizing a case management software to monitor subrecipients for compliance. The LPA is responsible for providing updated and current program documents to INDOT to maintain their level of compliance. LPAs should continue to provide copies of annual program documents and notify INDOT of changes and updates by submitting their documents to our Subrecipient Compliance Auditor, Devin Gay by e-mail at [WGay@indot.in.gov](mailto:WGay@indot.in.gov).

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## **LPA PROJECTS AND GRANT APPLICANT COMPLIANCE MONITORING PROCEDURES:**

The following process describes how subrecipient monitoring is integrated into the project and grant application process at INDOT:

- 1) Statement of compliance submitted with application:
  - i) At the time of application, applicants certify their compliance with Title VI and identify their coordinators and / or provide a voluntary compliance action plan (VCAP) as part of their application to address known deficiencies;
  - ii) Certification is cross-checked with INDOT'S most recent reviews;
  - iii) If the applicant indicates a higher level of compliance (i.e. claims to have Title VI plan when our last review or records indicates they do not), the applicant must submit proof that the missing document exists and provide supporting documentation for review by the Title VI program staff.
- 2) Compliance Review period:
  - i) If received, supporting documents are forwarded to the Title VI compliance staff for consideration; and,
  - ii) If acceptable, changes are made to the compliance level indicated in the database.
- 3) INDOT will coordinate with the LPA's on managing their Title VI compliance to promote their eligibility for funding where the LPA is willing to be cooperative in their compliance efforts. Noncompliant LPA's will provide a sample of commitment addressing their deficiencies. A sample letter of commitment is included in **Exhibit D**.

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## **POST-AWARD SUBRECIPIENT COMPLIANCE MONITORING**

Post-award subrecipient compliance monitoring is focused on ensuring compliance with the assurances of nondiscrimination and is risk-based. A post-award risk-based compliance review may be conducted based upon the following:

- A high-dollar or high-impact project is being undertaken by the LPA. Impacts must be related to race, color, or national origin;
- The LPA has received a complaint of discrimination or INDOT has received a complaint about the LPA; or
- INDOT has other reason to suspect the LPA may not be in compliance with nondiscrimination requirements. This may be based upon the manner of construction of improvements, content present or absent from the LPA's website, responses of the LPA to the annual precertification survey or lack thereof, comments made by the LPA in its official capacity, actions taken that generate concern regarding the level of the LPA's compliance, or other reasonable basis identified by INDOT.

1. Notice of compliance review:

- When a post-award compliance review commences, the Title VI program staff will send a notice of compliance review providing the reason for the review and a request for documents to the subrecipient.
- The subrecipient will be given an initial thirty (30) day time period to produce the requested documentation. This time period may be extended when a reasonable request for extension is made and at the discretion of INDOT staff.
- 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 his or her deficiency status from the Title VI Program Staff. (see preliminary findings below)

2. Desk review:

Information received from the subrecipient is reviewed in office by the Title VI compliance staff and a telephone call maybe scheduled to discuss preliminary deficiencies observed and to request additional information as necessary.

The following factors will play a role in determining whether or not 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 coordinator 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;
- The review is based upon the receipt of a complaint

3. Preliminary Findings:

Following the conclusion of the desk review and/or on-site review, the reviewer shall provide the subrecipient with a written report of preliminary findings which shall:

- Document any deficiencies observed and direct the subrecipient to come into compliance within 90 days.
- Require that any deficiency which cannot possibly be resolved within 90 days shall be reflected in a compliance plan submitted to INDOT for approval within the 90 day period and shall include dates by which compliance will be achieved and specific action steps with identified task ownership.
- In addition, it is the subrecipient's responsibility to notify INDOT that is has achieved its approved compliance plan goals. Failure to

provide such notice will place the contractor or consultant in deficiency status.

- Failure to Comply: If the subrecipient does not voluntarily comply within 90 days of the original notification or alternative period approved by INDOT, INDOT will issue a Notice of Noncompliance. If the subrecipient fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, INDOT 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.
- Following the expiration of 90 days, INDOT may do any of the following:
  - Certify the current subrecipient compliant and eligible to receive funds;
  - Identify the current subrecipient as deficient but on an approved corrective action plan; or
  - Issue a notice of noncompliance.

Copies of all notices will be provided to FHWA upon their request.

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**REQUIREMENTS FOR LPA'S DEFICIENCY RESOLUTION:**

A subrecipient may become compliant at any time by submitting sufficient documentation to the Subrecipient Compliance Manager for review that demonstrates resolution of their deficiencies; however, INDOT requires time to review the documentation submitted and compliance determinations will not be able to made in a manner that would improve eligibility at the time of application given the number of applications received and the tight timeframe. As a result, letters of commitment are required to ensure the community is committed to addressing and resolving its deficiencies within a reasonable amount of time and can demonstrate a plan for doing so. (See **Exhibit D.**)

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**RECORDKEEPING AND REPORTING**

INDOT shall maintain our compliance records electronically in our case management system.

A subrecipient case file contains:

- Title VI Compliance Review Checklist;
- Reviewer Name/Title;
- Proof of notification of the on-site review;
- Completed request for information with supporting documentation;
- Subrecipient's Title VI Implementation plan, if applicable;
- Subrecipient's nondiscrimination policy;
- Subrecipient's complaint log and policy;
- Description of the subrecipient's method used to monitor subrecipients, if any;
- Title VI contract assurance language used in the subrecipient's contracts;
- Description of the method of providing and soliciting contracting opportunities; and
- Any notes or meeting minutes made by the reviewer and any exceptions, notes or objections provided by the subrecipients to be maintained in the file.

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**EXAMPLES OF TITLE VI DEFICIENCIES:**

- Title VI coordinator has not been identified;
- A Title VI Implementation Plan does not exist or meet requirements;
- The subrecipient does not collect, analyze and report data sufficient to identify program areas where discrimination may occur;
- The subrecipient does not address discrimination which has occurred or is occurring;
- The subrecipient does not provide Title VI training to its staff;
- The subrecipient does not sufficient nondiscrimination policies;
- Title VI Coordinator needs to participate in Title VI training;
- Subcontracts do not contain nondiscrimination assurance language;
- No method exists to solicit participation from the broader scope of Title VI protected individuals regardless of race, color, or national origin;
- No method exists to provide services to LEP persons;
- No Title VI complaint log;
- No Title VI complaint and hearing procedure; and
- No method to monitor race, ethnicity and gender of subrecipients.

## PUBLIC INVOLVEMENT AND DISSEMINATION

INDOT has an Office of Public Involvement (OPI) within its Communications Division. The Office of Public Involvement promotes proactive public involvement activities for INDOT projects and ensures compliance with the National Environmental Policy Act (NEPA) – federal legislation pertaining to public involvement in project development by INDOT.

The role of INDOT's OPI is to ensure compliance with state and federal laws and regulations pertaining to public involvement in transportation decision-making, including Title VI and related non-discrimination laws, rules and regulations. Compliance with federal laws connected to the NEPA is required to receive federal funds for transportation improvement projects in INDOT's production schedule.

Any project receiving or planning to receive federal funds as part of the funding mechanism is subject to at least a minimum level of public involvement, which must be documented and certified by the OPI for the project to proceed to the next stage of development. The goal of course is to exceed the minimum standards to maintain meaningful and effective levels of public involvement. Public involvement activities may include public hearings or meetings and project newsletters/correspondence mailed directly to property owners and project stakeholders, Internet/electronic notification and paid legal advertising. A list of the public hearings or meetings regarding various INDOT projects is contained in the 2018 Annual Goals and Accomplishments.

INDOT uses a voluntary public involvement survey which can be located at the INDOT'S website, Public Involvement Page at <http://www.in.gov/indot/2366.htm>. The survey is a tool to collect information regarding persons affected by proposed transportation projects. The survey permits persons to remain anonymous, while voluntarily answering questions regarding their, race, color, or national origin.

INDOT distributes the voluntary public involvement survey at all public hearings and meetings. Additionally, the INDOT facilitator of the meeting or hearing is responsible for making an announcement at the beginning and end of the meeting or hearing informing the attendees of the purpose of the survey. The facilitator shall then make a request for the attendees to complete the survey. The facilitator may also capture his or her impressions regarding attendees and the opportunity to attend which shall be submitted to the program manager.

INDOT retains completed surveys for three years from the date of the meeting and/or completion of the related project if applicable. These surveys are retained by the Program Manager.



For current data specific to this area, please refer to the “Goals and Accomplishments” report.

INDOT Public Involvement Policy Manual can be found online at:

<https://www.in.gov/indot/2366.htm>. The current Communications Manager in charge of this office is:

Jennifer A. Clark  
Office of Public Involvement/Communications  
Indiana Department of Transportation, IGCN Room 755  
100 North Senate Avenue  
Indianapolis, IN 46204  
(317) 448-6718  
[JClark2@indot.IN.gov](mailto:JClark2@indot.IN.gov)

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## **COMMUNICATIONS – PUBLIC NOTICES**

INDOT publishes legal notices in newspapers throughout the state to: (1) announce a planned improvement project or a public hearing, (2) inform the community where project-related documents and preliminary design plans are available for public review, (3) solicit public comment on the proposed project, and (4) inform individuals with disabilities of the right to request an accommodation if needed so that the individual can participate in the public involvement process.

INDOT publishes legal notices in the most widely circulated papers within a project area and in non-traditional and/or minority papers within a project area where applicable. Each year the OPI purchases an Indiana Media Directory to identify, determine and coordinate legal notice publishing in Indiana newspapers and periodicals. INDOT determines where to publish the legal notices and in what publications on a case-by-case basis to achieve broad and effective public involvement on a non-discriminatory basis depending on the availability of such publications within a project area when applicable.

In addition to the above and through coordination and consultation with the project team (project manager, design and environmental, others) and upon assessing the project scope and level of impact, the OPI publishes legal notices in non-traditional and/or minority papers statewide on a project specific basis.

OPI performs the public involvement tasks for most INDOT projects. Frequently, for large-scale projects, a consultant is used and the public involvement tasks are included in the scope of the work performed by the consultant. OPI notifies consultants and professional service providers doing business with INDOT of INDOT’s policies by using its public involvement listserv to communicate information.

Often, OPI will ask the consultant to perform public involvement activities to assist INDOT in areas of resources and support. When INDOT uses a consultant to perform the public involvement tasks for a project, the INDOT project manager for the project monitors and evaluates the consultant’s performance. Additionally, to ensure that the consultant charged with performing the public involvement tasks satisfactorily completes the work, an OPI staff member’s signature is required for all LPA and state projects to certify the completion of all public involvement tasks.

Additionally, the OPI uses listservs maintained by other INDOT divisions such as Environmental Services, Design and Local Public Agencies to communicate information to the consultant and professional service providers doing business with INDOT.

## LIMITED ENGLISH PROFICIENCY (LEP)

One of INDOT's program goals in implementing and adhering to its Title VI obligations is to improve the accessibility of its programs and activities to eligible Limited English Proficiency (LEP) persons, e.g. those persons who have a limited ability to read, write, speak or understand English. This section of INDOT's Title VI Implementation Plan discusses how INDOT reaches populations with Limited English Proficiency. Strategies INDOT uses to meet LEP requirements include:

- An ongoing self-assessment of LEP needs through the use of an LEP Report Form (**Exhibit C**) coupled with employee training sufficient to create an effective monitoring program;
- An LEP Analysis (see **Exhibit C**); and
- An LEP Plan (also in **Exhibit C**.)

INDOT does data collection efforts to better track the actual number of LEP individuals encountered in the delivery of services so that INDOT may continue to evaluate the effectiveness of its LEP plan. Training provided to INDOT employees in person or via the online module contains information about LEP requirements and tools and resources INDOT uses to gather information on an ongoing basis about LEP needs.

INDOT has also aligned itself with the safe harbor provisions pursuant to Federal Transit Administration (FTA) Circular 4702.1B and maintains a separate Title VI Plan addendum specific to the FTA's Title VI Program requirements. The safe harbor provisions implemented by INDOT comply with the following FTA requirement:

- Translations (of vital documents) must be in each LEP language group that is 5% or 1,000 people (whichever is less) of the total population eligible to be served. Providing these translations shows compliance and provides a "safe harbor" for transit providers that receive federal funding. INDOT vital documents are defined in our LEP plan, set forth in **Exhibit C**.
- INDOT's LEP information gathering tools include the use of the following: (Included in **Exhibit C** as appropriate)
  - Internal LEP Report Form
  - "I Speak" Cards
  - Ability of the public to request language services and translation services as appropriate, including use of a translation request form that will be translated into common secondary languages.
  - Use of demographic information, not limited to but including, census information to determine whether LEP resources and/or alternative

advertising measures should be considered as part of public involvement activities.

- Employee language questionnaires

LEP information is included in INDOT's internal training and customer service staff will track, record, and monitor the number of LEP requests and individuals encountered. For more information on LEP, see **Exhibit C**, INDOT LEP Analysis and LEP Plan.

## STATE TRANSPORTATION DIRECTIVES

INDOT is committed to reviewing all policies and directives that may implicate Title VI deficiencies. INDOT's policies are reviewed by division or program directors who have received training in Title VI and serve as a PAR or liaison. Some of these policies may also be considered directives by a broad definition of the term.

In 2021 INDOT is exploring the formation of an office of policy within the agency and working to formulate definition of what a policy is, what procedures are and what is a guidance document to better define the level of review required for each type of document.

INDOT lists some specific directives on its website at <https://www.in.gov/indot/div/mt/directives/directives.htm>. These are not the only "directives" INDOT issues in the sense that other policies may be directive in nature. This section of our Implementation Plan covers these directives specifically, as they fall within multiple program areas. Other policy reviews are discussed in our goals and accomplishments report for a program area under specific goals and accomplishments for the program area that owns the policy.

In 2018-19 INDOT's Legal Division reviewed the directives posted on the website above for Title VI Implications / discrimination and consult with the program manager primarily responsible for implementing the directive to address any concerns. These findings are included in our annual accomplishments report.

For this site; directives which already exist have been reviewed by Program Staff. Prior to establishing a new directive, the Program Manager will be copied so that new directives can be reviewed and discrimination concerns identified and addressed in a timely manner. This may or may not occur prior to the directive being established as some directives are time sensitive, but the Title VI Program Manager will have a meaningful opportunity to raise and address concerns and report the same in the annual Goals and Accomplishments Report. The Title VI Program Manager has direct access to Chief Counsel, Agency Directors and the Commissioner as needed to address concerns.

## EXHIBITS

**Exhibit A: INDOT's Title VI Team Representing its Key Program Areas & Divisions**

**Exhibit B: Public Involvement Survey**

**Exhibit C: INDOT LEP Analysis and LEP Plan**

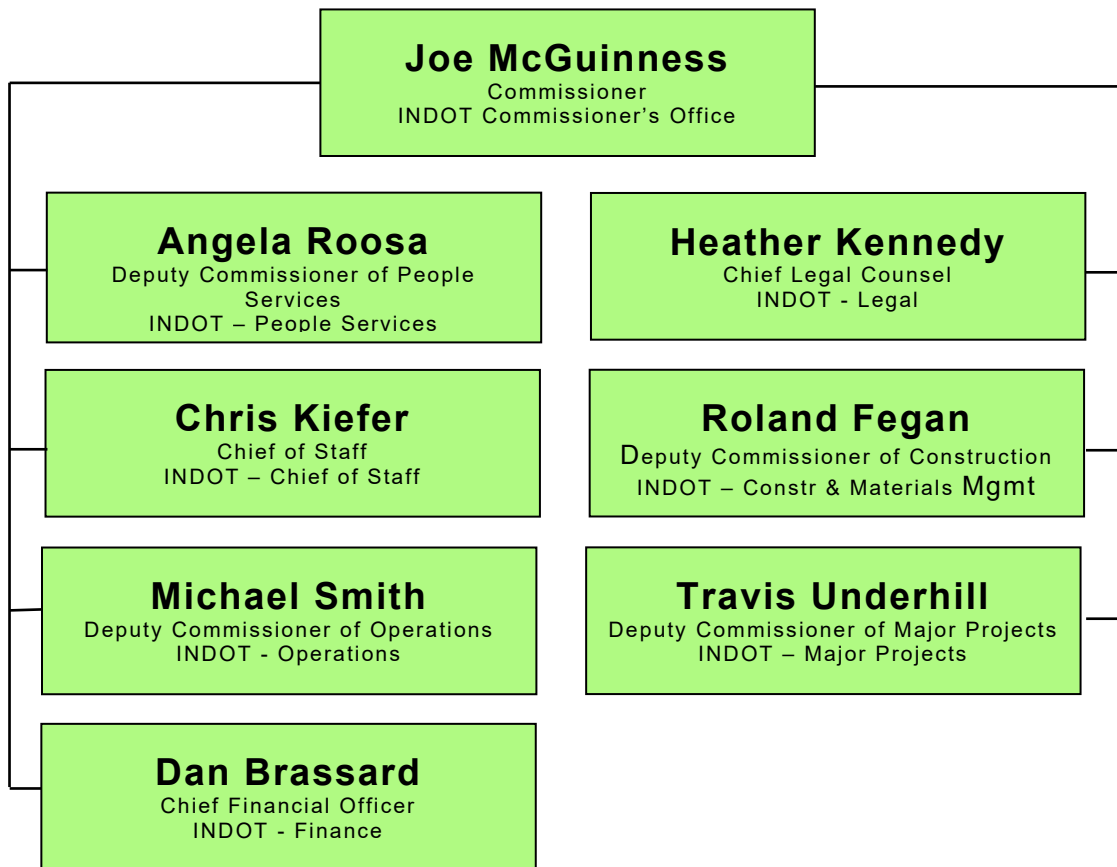
**Exhibit D: Letter of Commitment**

**Exhibit E: External Complaint Form**

**EXHIBIT A: INDOT’S TITLE VI TEAM REPRESENTING ITS KEY PROGRAM AREAS & DIVISIONS**

**GENERAL PROGRAM AREA & DISTRICT OFFICE RESPONSIBILITY MATRIX:**

This matrix reflects program-specific practices. Agency-wide policies also apply (see p. 24) and both should be considered together when evaluating INDOT’s comprehensive compliance practices. In addition, INDOT’s organization chart can be located at the following website, <https://entapps.indot.in.gov/hrorg/Dashboard/OrgChart>.



<u>Responsibility</u>	<u>Ownership</u>
Serves as primary point of contact for the Program Manager.	Liaison
Responsible for ensuring all employees in the Program Area are trained in Title VI Nondiscrimination requirements.	Liaison

Responsible for ensuring discrimination does not occur in the program area.	Liaison and PARs
Responsible for ensuring regular communications occur regarding policies, practices, and issues within the program area between the liaison, PARs and program area staff.	Liaison and PARs
Responsible for identifying and analyzing nondiscrimination data collected in the program area	PARs
Responsible for reporting data collected AND analyzed in the program area	Liaison
Responsible for resolving Title VI issues within the program area	Liaison, Program Manager and PARs
Responsible for developing agency nondiscrimination policies, processing complaints, and reporting on INDOT Title VI compliance.	Program Manager
Primarily responsible for subrecipient monitoring where subrecipients exist in the Program Area.	Liaisons, PARS, Title VI Subrecipient Compliance Auditor

**LEGAL DIVISION**

The Legal Division is responsible for ensuring compliance with the law in all contracts, transaction and interactions while also managing any litigation in which INDOT is involved. No PARs have been identified or determined necessary at this time.

**PROGRAM AREA LIAISON AND PARS:**

Legal Division Title VI Liaison:	Teresa Giller, Attorney
Legal Division PARs:	(none)

**COMMUNICATIONS**

The Communications Division is responsible for the following INDOT functions:

- Website design and updates;

- Developing a public involvement policy for INDOT that adheres to federal requirements,
- Coordinating and Facilitating public involvement activities to adhere to the spirit of public participation in transportation decision making, and producing updates as needed agency public involvement procedure;
- Responding to customer inquiries via telephone email, letter, or walk in;
- Creating and distributing the employee newsletter, employee intranet, external annual report, web content writing, and agency videography;
- Writing and developing of presentations for the Commissioner to present to external audiences; and
- Designing, producing, print mounting, laminating and delivering electronic and hard communication solutions.

**PROGRAM AREA LIAISON AND PARS**

<b>Communication Title VI Liaison:</b>	<b>Jennifer Clark, E-Communications Manager</b>	
<b>Communications PARs:</b>	<b>Executive Communications Director</b>	Linda McGrannahan-Roberson
	<b>Customer Satisfaction Manager</b>	Lisa Wisely
	<b>Website</b>	Cole Thompson

\* *Members of other divisions / program areas who may be a necessary part of this workflow. Their attendance and participation is deemed as necessary to be determined by the liaison.*

\*\* *Vacant PAR roles shall be covered by the Program Area's Title VI Liaison until filled.*

## CONTRACT ADMINISTRATION

Contract Administration is responsible for acquiring contractors for both construction (low bid) and consultants for professional services (qualification based). INDOT reviews all federal-aid contracts. INDOT sets DBE contract goals to increase minority and female participation in contracts with INDOT. Additionally, INDOT includes contract DBE goals in the advertisement of contracts.

The Contract Administration Division includes the Title VI Assurances and nondiscrimination language in all federal aid contracts. Pre-award contracts contain required Title VI language and post-award contracts also contain the Appendix A Assurances. Contracts are secured using a low-bid protocol for qualified companies regardless of race, color, or national origin.

## PROGRAM AREA LIAISON AND PARS

<b>Contracts Title VI Liaison:</b>	<b>Steve Duncan, Director of Contract Administration &amp; Jeff Clanton, Professional Services Contract Manager</b>	
<b>Contracts PARs:</b>	<b>Professional Services</b>	Heather McIntosh
	<b>Construction</b>	Mike Beuchel
	<b>MIS / technical Services *</b>	Rose Dunlap
	<b>Prequalification*</b>	Chris Serak
	<b>Contract Compliance*</b>	Kent Borggren
	<b>Title VI Subrecipient Compliance Auditor*</b>	Will Gay
	<b>Legal*</b>	Theresa Giller

*\* Members of other divisions / program areas who may be a necessary part of this workflow. Their attendance and participation is deemed as necessary to be determined by the liaison.*



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## **CONSTRUCTION MANAGEMENT**

INDOT's Construction Management Division is responsible for all construction activity on U.S. routes, state roads and interstates in the State of Indiana. This includes, but is not limited to, grading, sloping, placing culverts, paving or construction of new roadway, bridge maintenance and interchange modifications.

The Construction Division works with the district construction offices and the Program Manager, as well as EEO (Economic Opportunity Officers) when necessary to resolve problems on construction contracts. The Division provides oversight of the statewide construction programs by setting policies and maintaining the technical manuals used by consultants. The Division does not participate in the consultant selection process or direct hiring of technicians.

Construction Management will not be represented in the Contracting and Design workflows at this time.

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## **ENVIRONMENTAL SERVICES DIVISION**

The Environmental Services Division is the division responsible for conducting EJ analysis as part of the NEPA process. The program area for this team has been combined with representatives from the planning and scoping areas to promote cross-division communications regarding EJ and other Title VI issues.

### **PROGRAM AREA LIAISON AND PARS**

<b>Environmental Title VI Liaison:</b>	<b>Ron Bales, NEPA Specialist</b>	
<b>Environmental Justice PARs:</b>	<b>Director of the Environmental Division</b>	Laura Hilden
	<b>Director of Asset Management (&amp; Planning)</b>	Roy Nunnally*
	<b>Scoping</b>	Louis Feagans*

*\* Members of other divisions / program areas who may be a necessary part of this workflow. Their attendance and participation is deemed as necessary to be determined by the liaison.*

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**INDOT'S SIX DISTRICT OFFICES:**

- Greenfield
- Seymour
- Vincennes
- Crawfordsville
- LaPorte
- Fort Wayne

A District Deputy Commissioner who reports to the Deputy Commissioner of Operations manages each district. Each district organizes and manages highway construction, maintenance, traffic, development and testing for the unique needs of the communities it serves. Engineers and inspectors work out of these district offices and report daily to construction sites. Within its six districts, INDOT has 31 subdistricts and 119 units to cover the maintenance of all the highways under its authority within the state borders. Operations Managers oversee the subdistricts with Department Managers, Supervisors and employees to carry out the district's mission.

The identification of liaisons and PARs at the district level demonstrates the level of Title VI integration at INDOT.

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**GREENFIELD DISTRICT LIAISON AND PARs**

<b>Greenfield District Title VI Liaison:</b>	<b>Nathan Sturdevant, Special Projects Engineer</b>	
<b>Greenfield District PARs:</b>	<b>Technical Services</b>	
	<b>Administration</b>	Tamara Synder
	<b>Hwy Equip/Bridge Mnt 3</b>	Amy Groff
	<b>Traffic, Highway Maintenance &amp; B&amp;G Highway Maintenance 3</b>	Patrick Szewczak
	<b>Construction</b>	Sherry Reed
	<b>Indianapolis Maintenance / Fleet</b>	Jamie Renner
	<b>Greenfield Maintenance / Fleet</b>	Tracey Johnson

	<b>Cambridge City Maintenance / Fleet</b>	Jonna Miller
	<b>Tipton Maintenance / Fleet</b>	Patricia Burket
	<b>Albany Maintenance / Fleet</b>	Barbara Todd
	<b>Capital Programs</b>	Heather Johnson
	<b>Communications</b>	Lana Mason

### SEYMOUR DISTRICT LIAISON AND PARS

<b>Seymour District Title VI Liaison:</b>	<b>Annie Walker, Communications Director</b>	
<b>Seymour District PARS:</b>	Customer Service	Alisa Sweazy
	<b>Human Resources</b>	April Thompson
	<b>Technical Services</b>	Rebecca Packer
	<b>Highway Maintenance</b>	Julie Feltner

### VINCENNES DISTRICT LIAISON AND PARS

<b>Vincennes District Title VI Liaison:</b>	<b>Ernest Stoops, In-House Services Manager</b>	
<b>Vincennes District PARS:</b>	<b>Communications</b>	Jason Tiller
	<b>Technical Services Director</b>	Chris Gentry
	<b>District Deputy Commissioner</b>	Rusty Fowler

## CRAWFORDSVILLE DISTRICT LIAISON AND PARS

<b>Crawfordsville District Title VI Liaison:</b>	<b>Asfahan Khan, In-House Services Manager</b>	
<b>Crawfordsville District PARs:</b>	<b>Maintenance Director</b>	Clinton Bryant
	<b>Communications Director</b>	Debbie Calder
	<b>Systems Assessment Manager</b>	Scott Chandler
	<b>Technical Services Director</b>	Bill Smith
	<b>District Deputy Commissioner</b>	Shane Spears

## LAPORTE DISTRICT LIAISON AND PARS

<b>LaPorte District Title VI Liaison:</b>	<b>Steven Vanes, Technical Services Asset Engineer</b>	
<b>LaPorte District PARs:</b>	<b>Logistics Analyst</b>	Kathryn Penninga
	<b>Public Information Officer</b>	Adam Parkhouse
	<b>Capital Programs</b>	Amanda Sixbury Edgar Zambrano
	<b>Construction</b>	Katrina Rogan
	<b>Highway Maintenance</b>	Rachel Greenwood

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**FT. WAYNE DISTRICT LIAISON AND PARS**

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**Ft. Wayne District Title VI Liaison:** Jason Kaiser, Technical Services Director

<b>Ft. Wayne District PARs:</b>	<b>Technical Services</b>	Jason Kaiser
	<b>Admin Professional for DDC</b>	Katrise Hawkins
	<b>CPM Consultant Services Manager</b>	Brad McNair
	<b>CPM Project Manager Team Lead</b>	Matt Witt
	<b>Construction Project Engineer</b>	Terry Olding
	<b>Construction Area Engineer</b>	Nate Whitacre
	<b>Admin Professional for HMD</b>	Ellen Snyder
	<b>Hwy Maintenance Supervisor</b>	Joe Ortiz
	<b>Tech Services System Assessment Manager</b>	Nathan Edwards
	<b>Tech Services Testing Lab Supervisor</b>	Cherilynn Hull

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**TALENT MANAGEMENT AND HUMAN RESOURCES**

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Effectively managing top talent is critical to INDOT's success. The Talent Management Department enhances the overall training experience by providing access to existing training and logistics assistance for INDOT trainers and provides creative training resources and development opportunities, while building talent pipeline programs to plan for the future and invest in the next generation of talent.

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**HUMAN RESOURCES AND RECRUITING**

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The Human Resources (HR) Department, which is part of the Indiana State Personnel Department, is responsible for recruiting a diverse pool of qualified candidates to fill INDOT vacancies. INDOT's recruitment efforts include, but are not limited to, attending targeted job fairs such as the Indiana Black Expo and university outreach including University of Louisville, IUPUI, Rose-Hulman Institute of Technology, Notre Dame, Purdue University, University of Evansville, Trine

University, University of Southern Indiana, Valparaiso University, Indiana and Purdue University, Fort Wayne (IPFW), Indiana State University, Anderson university, Ball State University, Butler University, Indiana University Bloomington, Kokomo, South Bend, Southeast and Southwest, Martin University and Taylor University.

The Division advertises on Careers.in.gov, in.gov, Post Job Free, Zip Recruiter, Facebook, LinkedIn, Twitter, CareerBuilder, Hire a Vet, Indiana Career Connect, Indiana Intern, Internships.com, and with job boards for many of the above universities. It maintains required notices and posters and collects voluntary demographic data to determine the populations being served by the Agency and identify whether the agency is underutilizing women and minorities.

**PROGRAM AREA LIAISON AND PARS**

<b>Talent Management &amp; Human Resources Title VI Liaison:</b>	<b>Kathleen Thurman, Talent Management Director</b>	
<b>PARS:</b>	<b>Talent Management Director</b>	Kathleen Thurman
	<b>Human Resources</b>	Angela Roosa

**OPERATIONS AND FACILITIES MANAGEMENT**

Operations includes oversight of district offices, maintenance and snow removal. Facilities Management plans, constructs and maintains INDOT structural facility inventory. This includes district offices and labs, salt buildings, maintenance buildings (units and sub-district buildings, rest areas and welcome centers and weight stations.)

INDOT has Title VI representatives assigned to every facility with public access and has provided training to its maintenance and operations staff in 2014-15.

## PROGRAM AREA LIAISON AND PARS

**Operations / Maintenance Title VI  
Liaison:**

**Frank Sailer, Maintenance Operations  
Engineer**

### Subdistrict Representatives Title VI PARS for 2017-18<sup>2</sup>:

District	Subdistrict	Name
Crawfordsville	Terre Haute	Rosanna Royer
Crawfordsville	Crawfordsville	Brook Groves
Crawfordsville	West Lafayette	Cathy Stinson
Crawfordsville	Frankfort	Amy Gregory
Crawfordsville	Cloverdale	Vacant
Fort Wayne	Bluffton	Heather Athan
Fort Wayne	Fort Wayne	Kathleen Jackson
Fort Wayne	Wabash	Debra Drudge
Fort Wayne	Elkhart	Regina Fultes
Greenfield	Indianapolis	Macie Duncan
Greenfield	Greenfield	Tracey Johnson
Greenfield	Cambridge City	Jonna Miller
Greenfield	Tipton	Patty Burket
Greenfield	Albany	Barbara Todd
LaPorte	Monticello	Kim Banes
LaPorte	Rensselaer	Neenah Conley
LaPorte	Gary	Brenda Armand
LaPorte	Laporte	Charity Zerbel
LaPorte	Plymouth	Jennifer Wilson

<sup>2</sup> All employees listed here hold the position of administrative assistant.

<b>Seymour</b>	Falls City	Annette Brown
<b>Seymour</b>	Madison	Kay Gibson
<b>Seymour</b>	Aurora	Terri Hartwell
<b>Seymour</b>	Columbus	Tammy Lucas
<b>Seymour</b>	Bloomington	Teresa Galyan
<b>Vincennes</b>	Linton	Patty Farris
<b>Vincennes</b>	Vincennes	Eva Martin
<b>Vincennes</b>	Evansville	Brenda Ward
<b>Vincennes</b>	Tell City	Sarah Dougan
<b>Vincennes</b>	Paoli	Carla Newlin

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#### **LPA AND MPO PROGRAM AREAS**

The LPA/MPO Division assists LPA and MPO in carrying out local transportation projects. It also assists the Program Manager in training, certification and oversight of LPA/MPO compliance. The capital programs division oversees construction and management of the local projects. The Division successfully implemented the LPA Annual Pre-Award Certification and Assurance Surveys and is now utilizing this information to determine eligibility for funding. They communicate Title VI training opportunities to LPA and MPO subrecipients and have included this information as part of ERC (Employee of Responsible Charge) training sessions hosted by the program area. LPAs who are not compliant with Title VI requirements and fail to provide evidence of good faith efforts to resolve deficiencies may not be eligible to receive funding for future projects.



**PROGRAM AREA LIAISON AND PARS<sup>3</sup>**

<b>LPA Program Title VI Liaison:</b>	<b>Michael Cales, Program Director</b>	
<b>LPA Program PARs:</b>	<b>Funding &amp; Contracts</b>	Stephani Vermillion
	<b>Policy &amp; Guidance</b>	Brenda Fox
	<b>Newsletter &amp; Communications</b>	Cassandra Hudson
	<b>Division Director</b>	Kathy Eaton-McKalip
	<b>Subrecipient Compliance Auditor</b>	Devin Gay

**MULTIMODAL TRANSPORTATION PROGRAM AREAS**

INDOT’s Office of Transit has its own Title VI Implementation Plan that is provided to FTA. Transit has been included in INDOT’s FHWA Implementation plan. Moving forward, however, INDOT would refer FHWA and the public to transit’s plan for transit-specific Title VI information beyond general program information. In addition, INDOT has partnered with the MPOs in 2018-19 to address transit concerns.

**PROGRAM AREA LIAISON AND PARS**

<b>Multimodal Program Title VI Liaison:</b>	<b>Kristin Brier, Director of Multimodal Planning and Programs</b>	
<b>Transit Program PARs:</b>	<b>Transit Division</b>	Larry Buckel, Transit Office Manager
		Jason Casteel, Transit Planner

INDOT’s Office of Transit provides financial and technical assistance to 64 public transit systems across the state, which results in support for more than 36 million passenger trips annually. INDOT additionally provides financial assistance to over 100 specialized transportation providers around the state. INDOT’s role in the state’s public transit system is mainly financial – administering millions of dollars through funds including the Public Mass Transportation Fund (PMTF), Rural Transit Program, Commuter Rail Service Fund and the Specialized Transit Fund.

INDOT considers public transit to be an essential service that supports local and state goals for safety, mobility, economic growth, energy conservation and quality of life.

<sup>3</sup> Same as f. n. 12.

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**REAL ESTATE**

The Real Estate Division is responsible for processing all monetary claim vouchers for land purchases and relocation entitlements. Additionally, the Real Estate Division also provides Property Management Services. The Real Estate Division consists of three sections: acquisition (buying and condemnation), relocation and property management services (see page 11 of Goals & Accomplishment Report).

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**ACQUISITION**

During the acquisition process, the Real Estate Division seeks to include all persons regardless of race, color, or national origin in the process. As such, INDOT reviews each right of way contract and where subcontracting opportunities exist, INDOT sets a contract goal for DBE right of way agents to be part of the right of way team. The Real Estate Division uses appraisers included on INDOT's pre-qualified Appraiser's List. Furthermore, because right of way service fees are set amounts, there is no discrepancy in fees between the different appraisers no matter their race, color, or national origins (see page 11 of Goals & Accomplishment Report).

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**RELOCATION**

The Real Estate Division offers each displaced person relocation assistance services to locate a suitable replacement property. Real Estate Division staff and representatives explain relocation services and payments based on each person's eligibility (see page 11 of Goals & Accomplishment Report).

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**PROPERTY MANAGEMENT SERVICES**

During the comparable sales and rental properties process, each agent is required to locate a comparable property based on the Indiana Code, Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), and Code of Federal Regulations (CFR), which meets Functional Equivalent standards. The URA and CFR require that agents provide minority persons reasonable opportunity to relocate to decent, safe and sanitary housing not located in an area of high minority concentration.

When INDOT hires appraisers and brokers or any other consultant involved in the real estate division's work, equal opportunity is the protocol. All interested parties must apply through the pre-qualification process (see page 11 of Goals & Accomplishment Report).

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**PROGRAM AREA LIAISON AND PARS<sup>4</sup>**

<b>Real Estate Division Title VI Liaison:</b>	<b>Mark Niehoff, Real Estate Finance Specialist</b>	
<b>Real Estate Division PARS:</b>	<b>Appraising</b>	Nicky Mendenhall
	<b>Relocation</b>	Nicky Mendenhall
	<b>Buying</b>	Nicky Mendenhall
	<b>LPAs*</b>	Nicky Mendenhall
	<b>LRS Technical Services</b>	Cindy Gorman Devin Hutcheson

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**RESEARCH AND DEVELOPMENT**

The Research and Development Program responsibilities include conducting, overseeing and collaborating in cost-effective transportation research that addresses the needs of INDOT's customers. Additional responsibilities include performing specialized testing; assisting in technology development and identification; and transferring and providing expertise and technical assistance in solving INDOT's transportation problems.

Research and Development is responsible for the delivery of service in the following four areas: (1) Research, Development and Technology Transfer (RDT), (2) Specialized Testing, (3) Forensic Investigations and (4) Technical Training. To help fulfill this responsibility, the research program reaches, in coordination with the Joint Transportation Research Program (JTRP), into Indiana's universities and associations, and Indiana industry and national affiliations for expertise and technical assistance in solving INDOT's transportation challenges.

University subrecipients will be monitored by the Research Division and the Title VI compliance specialist and a compliance review of the primary university subrecipient, Purdue University, was conducted in the fall of 2015.

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<sup>4</sup> LPA PAR may be asked to participate in LPA Program Area issues as necessary.

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**PROGRAM AREA LIAISON AND PARS<sup>5</sup>**

<b>Research Division Title VI Liaison:</b>	<b>Mary Phillips, Business Administrator</b>	
<b>Research Division PARS:</b>	<b>Director</b>	Barry Partridge
	<b>JTRP Office</b>	Samy Noureldin
	<b>Title VI Compliance</b>	Kimberly Ray

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**TRAFFIC ENGINEERING, MAINTENANCE AND DESIGN**

This program area was recently added to INDOT's Title VI workflow to ensure discrimination does not result from INDOT's traffic signal and traffic maintenance installation or operation.

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**PROGRAM AREA LIAISON AND PARS**

<b>Traffic Programs Title VI Liaison:</b>	<b>Brad Steckler, Director of Traffic Engineering</b>	
	<b>Corridor Development</b>	Karl Leet
	<b>Traffic Administration</b>	Lalit Garg
	<b>Traffic Safety</b>	Kevin Knoke

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<sup>5</sup> Same as f. n. 12.

**EXHIBIT B: FORMS INDOT USES TO COLLECT DATA**



## INDIANA DEPARTMENT OF TRANSPORTATION

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

You are not required to complete this survey. **Submittal of this information is voluntary.** This form is a public document that INDOT will use to monitor its programs and activities for compliance with the Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have questions regarding INDOT's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act (ADA), please contact INDOT's Title VI/ADA Program Management office at 100 North Senate Avenue, Room N750, Indianapolis, Indiana 46204, (317) 232-0924, FAX (317) 233-0891. In addition, please visit the INDOT Title VI Resource page at: <http://www.in.gov/indot/2751.htm>.

You may return the survey to the registration table (if you received this survey while attending a public meeting or hearing), and if you are receiving this survey as part of a project mailing and choose to participate, please reply using the information contained within the survey.

### INDOT TITLE VI PUBLIC INVOLVEMENT SURVEY

**Date** (month, day, year): \_\_\_\_\_ **Project Name:** \_\_\_\_\_

**Gender:**  Female  Male      **Ethnicity:**  Hispanic or Latino  Not Hispanic or Latino

**Race:** (Check one or more):  American Indian or Alaska Native  Asian  Black or African-American  
 Native Hawaiian or Other Pacific Islander  White  Multiracial

**Age:**  1-21  22-40  41-65  65+      **Disability:**  Yes  No

**Household Income:**  \$0 - \$12,000  \$12,001 - \$24,000  \$24,001 - \$36,000  
 \$36,001 - \$48,000  \$48,001 - \$60,000  \$60,001 +

#### Why is Title VI important?

- The purpose of Title VI is to eliminate discrimination in federally funded programs, activities and to ensure equitable distribution of public funds for public benefit

#### How will this information be used?

- INDOT will monitor, track and document data received as a result of this survey in an effort to comply with Title VI of the Civil Rights Act of 1964
- Documentation is submitted to the Federal Highway Administration (FHWA) for evaluation and review
- INDOT incorporates compliance findings into program and project development activities

#### How should I submit this information to INDOT?

- **Mail** to the INDOT Office of Public Involvement, Indiana Government Center North, Room N755, Indianapolis, Indiana 46204; ATTN: Jennifer A. Clark (317) 448-6718; E-mail [jclark2@indot.in.gov](mailto:jclark2@indot.in.gov); Visit <http://www.in.gov/indot/2366.htm>



## EXHIBIT C: INDOT LEP ANALYSIS AND LEP PLAN

### **SCOPE:**

The scope of this analysis is limited to Indiana counties where the 5% /1,000 threshold has been met or exceeded. INDOT identifies which languages are spoken to determine if that segment of the population who does not speak English very well also speak a specific language.

### **METHODOLOGY:**

INDOT based its four-factor analysis on the U.S. Census Bureau 2007-2011 American Community Survey (ACS) data.

### **ANALYSIS:**

#### **Factor 1: The number or proportion of LEP persons served or encountered in the eligible service population**

Using the American FactFinder website to locate census data, INDOT downloaded information from the table “B16001- Languages Spoken at Home by Ability to Speak English for the Populations 5 Years and Over” and calculated the total percentage of individuals for each county who reported that they spoke English less than very well. INDOT elected to use the information contained in this table for its LEP analysis because it gives the most detailed information available. The ACS uses continuous data collection methods to provide updates regarding population demographics.

Those counties where 5% / 1,000 persons of the population who does not speak English very well ALSO speaks a specific language (e.g. Spanish or German), INDOT will translate all vital documents into this language within reason. INDOT also maintains a translation request form that may be used to request translation of larger documents. In Indiana, six (6) counties currently meet or come close to meeting this safe harbor threshold. Those counties are highlighted in yellow in the table below.

Also, In any case, where INDOT has reason to believe a specific population who does not speak English very well will be impacted by its activities, programs or projects, pursuant to INDOT’s ongoing environmental justice, Title VI and LEP commitment, INDOT will provide a translation request form, which has been translated into the requisite language, during, and in many cases, prior to public meetings in order to ensure INDOT’s vital documents are made available and members of the public may make any reasonable request for language services.

The following chart identifies counties with population meeting or nearly meeting the safe harbor provision requirements for an LEP community by highlighting the requisite county in **yellow**.

County	Estimated Population	Estimated Population that Speaks English Less than Very Well	Percentage Who Speak English Less than Very Well	Languages Spoken in 5%+ Areas
<b>Adams</b>	31,300	2225	7.11%	<b>German 5.93%, Spanish 0.67%</b>
<b>Allen</b>	334,603	14627	4.37%	
<b>Bartholomew</b>	73,427	2676	3.64%	
<b>Cass</b>	36,193	2809	7.76%	<b>Spanish 6.84%, Other 0.92%</b>
<b>Clark</b>	105,004	2028	1.93%	
<b>Clay</b>	25,219	64	0.25%	
<b>Clinton</b>	30,717	2010	6.54%	<b>Spanish 6.53%</b>
<b>Crawford</b>	10,034	22	0.22%	
<b>Daviess</b>	29,450	1090	3.70%	
<b>Delaware</b>	111,355	1207	1.08%	
<b>Dubois</b>	39,490	1545	3.91%	
<b>Elkhart</b>	183,971	15703	8.54%	<b>Spanish 6.22%, Other West Germanic 1.06%</b>
<b>Floyd</b>	70,980	1201	1.69%	



County	Estimated Population	Estimated Population that Speaks English Less than Very Well	Percentage Who Speak English Less than Very Well	Languages Spoken in 5%+ Areas
Hamilton	268,765	7313	2.72%	
Hendricks	141,270	2589	1.83%	
Howard	77,861	1403	1.80%	
Jackson	40,236	1379	3.43%	
Johnson	134,296	1840	1.37%	
Kosciusko	72,613	2561	3.53%	
LaGrange	34,052	4899	14.39%	Other West Germanic 9.40% <sup>6</sup> , German 3.32%, Spanish 1.29%, Arabic 0.25% Misc. 0.38%
Lake	461,205	22582	4.90%	Spanish 3.43%,
LaPorte	104,738	2184	2.09%	
Madison	122,877	1488	1.21%	

<sup>6</sup> In this case “other west Germanic” represents several language variations spoken in the Amish community. INDOT will need to determine whether translation of vital documents into one or more Germanic languages would benefit the community and whether the 5% threshold for a specific language has been met.

County	Estimated Population	Estimated Population that Speaks English Less than Very Well	Percentage Who Speak English Less than Very Well	Languages Spoken in 5%+ Areas
Marion	849,971	51464	6.05%	Spanish 4.4%, Misc 1.65
Noble	44,341	2056	4.64%	Spanish 3.9 %, Other West Germanic 0.4%
Porter	156,422	2751	1.76%	
St. Joseph	249,426	8200	3.29%	
Tippecanoe	167,053	9882	5.92%	Spanish 2.31% Chinese 1.96 Other 1.65%
Vanderburgh	169,262	2108	1.25%	
Vigo	101,975	1745	1.71%	
Wayne	64,153	1307	2.04%	

**Factor 2: The frequency with which LEP individuals encounter INDOT’s programs, activities or services**

In 2010, INDOT began conducting annual reviews of its core programs, which include an LEP component. INDOT has since included LEP training as part of its employee training materials and has a PAR in every district and subdistrict, as well as INDOT’s customer service division, who will be trained in procedures for tracking and monitoring LEP requests and encounters with LEP individuals. “I Speak Cards” have been made available together with an LEP Report Form used to collect and track LEP requests and needs. In 2016 INDOT also developed a form to request translation of any of its documents into a language other than English. While the requests must be reasonable, these translations are not limited to vital documents. Vital documents will be translated into languages spoken when the safe harbor requirements have been met. In 2016-17, INDOT translated vital documents into Spanish and review whether translation into one Germanic language would be beneficial to our Amish communities in order to meet the safe harbor requirements. In 2018, INDOT, with the assistance of the Office of Public

Involvement will translate the Request for Translation of Documents Form into the following languages: Arabic, Burmese, Chinese, German and Spanish. These forms will be made available at all INDOT offices and online.

INDOT's goal is to improve its data collection efforts to better track the actual number of LEP individuals encountered in the delivery of services so that INDOT may continue to evaluate the effectiveness of its LEP Implementation Plan and provide effective communication and meaningful access to its programs and opportunities for LEP populations so they may fully engage in the transportation planning process.

**Factor 3: Nature and importance of the programs, activities or services provided by INDOT**

The services provided by INDOT are important service that can have great impact on LEP persons. Indiana citizens play a substantial role in shaping the transportation decisions that will affect their communities. Residents rely on the transportation system to move around their communities and through the state for work and pleasure. Visitors rely on the system to reach their destinations and return safely home. Businesses rely on the system to move products and materials. A solid transportation system is one of the top three drivers for economic development. In addition to their reliance on the system to meet transportation needs, all of these users have a stake in transportation decisions because they are taxpayers.

**Factor 4: Agency Available Resources**

INDOT has the following resources available to provide language services as the need arises in the delivery of its services and programs.

- An LEP plan, which is included in INDOT's Title VI Implementation Plan that outlines how INDOT is to provide language assistance to the LEP population including when translation of vital documents will occur and may occur when a reasonable language services request is made.
- Quantity Purchase Agreements (QPAs) for interpretation services Face-to-Face. QPAs are contracts between the State of Indiana and vendors in which commodities are supplied to Indiana state agencies on an on-going, as-needed basis. QPAs benefit the state by enabling the state to aggregate its purchases to achieve bulk pricing. INDOT awards QPAs via the competitive bid process. INDOT does not have a QPA for documentation translations. Instead, INDOT obtains document translations on an as needed basis via its traditional procurement process.
- A listing of multilingual employees who have agreed to provide volunteer translation and interpretation services on an as needed basis as determined by an employee questionnaire provided upon hire.

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## **INDOT'S FIVE-POINT LEP PLAN**

### **1. Provide Notice to LEP Persons using all means reasonably calculated to provide meaningful access**

Some notification ideas include:

- Posting signs in areas where the public is likely to read them.
- Stating in outreach documents (brochures, booklets, pamphlets, flyers) that language services are available.
- Working with community-based organizations to inform LEP persons of the language assistance available.
- Using a telephone voice mail menu in the most common languages encountered.
- Including notices in local newspapers in languages other than English for important events.
- Providing notices on non-English language radio and television stations about the availability of language assistance services for important events.
- Providing presentations and notices at schools and religious organizations for important events or where community involvement is critical.
- Providing a document translation (and/or interpretation services) request form/notice translated into other languages when INDOT is aware that a significant number of persons will be impacted by INDOT programs or activities who speak a language other than English, regardless of county-wide census data.

### **2. Translate Vital Documents**

A document is considered vital if it contains critical information for obtaining services or benefit or is required by law. To further assist INDOT employees in determining whether or not a document should be considered vital INDOT employees should consider whether the document's core purpose is related public engagement activities. Public engagement activities may include:

- Solicitation of public comments
- Circulation of document for public inspection and feedback before translating it
- Circulation of public notices

Public information related to key INDOT procedures, projects, or activities which may be reasonably likely to have a significant impact on an LEP population. INDOT program areas requiring interaction with the public as a daily part of their delivery of services should assess the LEP population and the frequency and importance of contact with LEP persons to ascertain the necessity for translating vital documents. Examples of vital documents that require consideration for translation into Spanish (Indiana's largest LEP population) include the following:

- Emergency transportation information, such as road closures;
- Notices of proposed public hearings regarding proposed transportation plans, projects or changes;
- Notices of reduction, denial or termination of services or benefits;
- Signs in reception areas and other points of initial entry;
- Notices advising LEP persons of free language assistance;
- Statements about the services available and the right to free language assistance services in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public;
- Applications or instructions regarding participating in a program or activity or to receive benefits or services; and
- Consent forms.

The determination whether a document (or the information it solicits) is “vital” will depend on the importance of the program, information, encounter or service involved, and the consequence to the LEP person if the information in question is not accurate or received in a timely manner. Where appropriate, program managers are encouraged to create a plan for consistently determining what documents are “vital” to the meaningful access of the LEP populations they serve.

Where program managers are engaged in community outreach efforts as part of their programs and activities, they should regularly assess the needs of the populations frequently encountered or affected by the program to determine whether certain critical outreach materials should be translated.

### **3. Interpretation Services**

INDOT recognizes the need for greater oral and written communication with limited and non-English speaking persons located within the state. Central Office and each District office attempt to identify the language needs within its jurisdiction and current bilingual staff resources to meet those needs. Where communication of key or vital information is involved, INDOT employs the use of interpretation and translation services to ensure effective communication can be achieved. Best practices suggest that:

- INDOT should develop a listing of local Community-Based Organizations (CBO’s) and other stakeholders that includes the specific language skills available among each CBO's staff and volunteers. This often occurs as part of our EJ analysis during the environmental stage of project planning.
- When INDOT bilingual staff resources are insufficient to meet language assistance needs, INDOT staff should assist LEP persons in securing volunteer interpretive services from advocacy groups. In addition, INDOT employs the use of interpretation services when a request is made or when the threshold is met for the safe harbor requirement.
- Translations of commonly requested documents, bilingual staff and telephone interpreter services should be made available at locations that are readily accessible to the public, such as information desks, security checkpoints, and on public information telephone lines.
- Programs should not rely on family members or friends to translate or interpret for LEP persons. If the LEP customer insists upon using a friend or

family member, it should be allowed only after language services have been offered and refused. Minor children should not be used to interpret, except in emergencies. Our LEP report form tracks whether or not this practice is occurring, when and how often.

- Each INDOT component, program or activity identified as warranting language assistance measures should budget for language services to ensure that adequate resources exist for interpreters, translation and review of documents, and outreach. Notwithstanding any limitations of the current budget, programs should include language assistance resources as items in their future budget requests. Programs should be prepared to justify any failure to request funding for language assistance where the data indicates a need for such assistance.

#### **4. Staff Training**

INDOT staff should be properly trained so they know and understand their obligations to provide meaningful access to information and services for LEP persons. INDOT's current in-person and online training materials for employees include LEP requirements and policies. Training will be updated as these policies change. In 2017 INDOT staff will receive targeted training on recognizing vital documents.

#### **5. Multilingual Staffing**

In-house multilingual staffing is a cost-effective way to provide language services to LEP individuals. When needs dictate, bilingual ability should be considered. The challenge with this approach is that very few individuals self-identify as both bilingual and willing to provide translation services.

Best practices suggest that:

- INDOT create a directory of multilingual staff willing to volunteer their language skills on an as needed basis.
- Bilingual staff should be trained and versed in the standards of the interpreting profession.

Bilingual staff or contractors should be assessed for bilingual proficiency, interpretation skills and sensitivity to the special confidentiality issues raised by interpreting for others. Individuals providing interpretative services should possess a level of fluency and comprehension appropriate to the specific nature, type and purpose of information at issue. Bilingual staff should be encouraged and enabled to access interpreter and translation training.

<input type="checkbox"/>	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/>	Խնդրում ենք նշում կատարել այս քանակությունը, եթե խոսում կամ կարդում եք հայերեն:	2. Armenian
<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/>	ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/>	Motka i kakhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/>	如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/>	如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/>	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/>	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/>	Mark this box if you read or speak English.	11. English
<input type="checkbox"/>	اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	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
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໄວ້ໝາຍໃສ່ຂ່ອງນີ້ ຖ້າທ່ານອ່ານຮູ້ປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish



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

**EXHIBIT D – SAMPLE LETTER OF COMMITMENT**

[LPA Letterhead]

[Date]

Title VI Program  
Indiana Department of Transportation  
Indiana Government Center North, Room 750  
100 N. Senate Ave.  
Indianapolis, IN 46204

**RE: [Name of LPA]’s Nondiscrimination & Accessibility Letter of Commitment to INDOT**

To Whom It May Concern;

[Name of LPA] is submitting this correspondence to INDOT as a good faith representation that it intends to improve its compliance with those nondiscrimination & accessibility requirements which are conditions of receiving federal funds. INDOT has reviewed [community]’s compliance efforts and identified the following potential deficiencies:

[List deficiencies here]

[Name of LPA] has enclosed documents to know compliance with the following:

List potential deficiency identified by INDOT	List item enclosed that demonstrates compliance
e.g. [Name of LPA] does not have an ADA Transition Plan.	e.g. Copy of [Name of LPA] transition plan is enclosed.

[Community] commits to address the remaining deficiencies (if any) as follows:

- I. [Identify first deficiency: e.g. LPA does not have a Title VI Implementation Plan]
  - a. [Name of LPA] plans to address this deficiency by [insert date].
  - b. In 2016 [Name of LPA] plans to take the following steps toward resolving this deficiency:
    - i. By [insert date] [Name of LPA] will (e.g. identify program areas with Title VI implications)

- ii. By [insert date] [Name of LPA] will (e.g. review existing policies for incorporation or reference into the Title VI Implementation Plan)
- iii. [identify next action step]

II. [Identify next deficiency]

[Name of LPA] represents that the above representation are made in good faith and represent its commitment toward achieving compliance with all nondiscrimination and accessibility requirements. [Name of LPA] represents that the undersigned individual is authorized to make these commitments on behalf of [Name of LPA] and understands that INDOT may monitor [Name of LAP]'s progress toward achieving its goals as represented herein.

This Letter of Commitment is being submitted by:

[Name, Title/Role]  
[Address]  
[Email]  
[Phone]  
[Fax]

Sincerely,

[Name]

**EXHIBIT E - EXTERNAL COMPLAINT FORM**



**EXTERNAL COMPLAINT OF DISCRIMINATION**

State Form 54516 (R3 / 7-15)  
INDIANA DEPARTMENT OF TRANSPORTATION  
ECONOMIC OPPORTUNITY DIVISION

**Kimberly Ray, Title VI / ADA Program Manager**  
**INDIANA DEPARTMENT OF TRANSPORTATION**  
**ECONOMIC OPPORTUNITY DIVISION**  
100 N Senate Ave. Room N750  
Indianapolis, IN 46204  
Telephone number : (317) 234-6142  
Fax number : (317) 233-0891  
E-mail address: Ehall2@indot.in.gov  
[www.in.gov/dot/](http://www.in.gov/dot/)

**INSTRUCTIONS:**

*The purpose of this form is to help any person interested in filing a discrimination complaint with the Indiana Department of Transportation (INDOT). If the complaint is against INDOT, INDOT's Title VI/ADA Program Manager will forward it to the appropriate federal agency for investigation.*

*You are not required to use this form. You may write a letter with the same information, sign it and return it to the address printed above.*

*All items in bold must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.*

*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 and national origin 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 INDOT as a direct recipient of federal financial assistance and to its sub-recipients, consultants, and contractors, whether federally funded or not. INDOT's non-discrimination policy also prohibits discrimination based on age, gender and income status.*

*INDOT is also required to implement measures to ensure that persons with limited English proficiency and persons with disabilities have meaningful access to the services, benefits, and information of all its programs and activities under Executive Order 13166 and the Americans with Disabilities Act of 1990, as amended.*

*Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats, such as computer disk, audiotape or Braille. For TTY customers, dial 711 to reach the Indiana Relay Service.*

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

*INDOT and its sub-recipients, consultants, and contractors are prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.*

*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.*

*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.*

**\*\*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 an alternative format upon request.



Name of complainant	Date (month, day, year)
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<b>Provide the names of any individuals with additional information regarding your complaint:</b>		
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? ..... .....		

Available in an alternative format upon request.



Name of complainant	Date (month, day, year)
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Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
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*If yes, please provide the following information for each agency:*

Name of the agency	Date complaint filed (month, day, year)
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Case number assigned to your complaint	Current status of your complaint
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How did you learn about your right to file a discrimination complaint with INDOT?
.....
.....

Signature	Date signed (month, day, year)
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Available in an alternative format upon request.