



# City of Butler, Indiana

215 South Broadway  
Butler, IN 46721

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## CITY OF BUTLER, INDIANA TITLE VI IMPLEMENTATION POLICY & PROCEDURE

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#### A. TITLE VI NONDISCRIMINATION STATEMENT

The City of Butler (hereafter referred to “City”) is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color or national origin.

The City of Butler nondiscrimination policy also prohibits discrimination based on age, gender, disability or income status.

## **B. TITLE VI AUTHORITIES**

Title VI of 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 {S.557} March 22, 1988).

## **C. TITLE VI COORDINATOR RESPONSIBILITIES**

The Title VI Coordinator is responsible for initiating, monitoring, and ensuring LPA compliance with Title VI requirements as follows:

- Administer, coordinate and Implement the Title VI Program plan.
- Review written Title VI complaints and ensure every effort is made to resolve complaints informally at the local or regional level.
- Review and update the LPA Title VI plan and procedures as needed or required.

### **Title VI Coordinator:**

Steve Bingham, City Planner,  
City of Butler  
215 South Broadway  
Butler, IN 46721  
260-868-5200  
[planner@butler.in.us](mailto:planner@butler.in.us)

## **D. FILING A COMPLAINT**

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

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

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

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint to the designated Title VI Coordinator.

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

Complaints should be directed to:

Steve Bingham, City Planner,  
City of Butler  
215 South Broadway  
Butler, IN 46721  
260-868-5200  
[planner@butler.in.us](mailto:planner@butler.in.us)

Within 60 days of the receipt of the complaint the company will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The company will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation  
Economic Opportunity Division  
100 N. Senate, Room N750  
Indianapolis, IN 46204  
Phone: (317) 233-6511  
Fax: (317) 233-0891

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
Indianapolis, IN 46204  
Phone: (800) 669-4000  
Fax: (317) 226-7953  
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission  
100 N. Senate Ave., Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336

## E. COMPLAINT PROCESSING

1. The City Planner, acting as the Title VI Coordinator, will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180 day filing deadline and falls within the jurisdiction of the County.
2. The City Planner will then investigate the complaint. If the complaint is against the City Planning Department, then the Board of Public Works & Safety, or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the City Attorney.
3. If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency. The City will also notify the Indiana Department of Transportation of the investigation.
4. The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
5. Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator.
6. Once the City of Butler has notified the Indiana Department of Transportation of its investigative report findings, the City will adopt a final resolution.
7. All parties will be properly notified of the outcome of the City's investigative report.
8. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal the City's decision. Appeals must be filed within 180 days after the City's final resolution. Unless new facts not previously considered come to light, reconsideration of the City's determination will not be available.
9. The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at:  
<http://www.justice.gov/crt/about/cor/Pubs/manuals/complain.pdf>
10. **Title VI Complaint Filing** - Complaints filed with the City of Butler, Indiana, based on violations of Title VI of the Civil Rights Act of 1964, will need to include the following information:
  - Name of Complainant
  - Address of Complainant
  - Name of Agency / Department Accused of Discriminatory Practices
  - Address of Agency
  - Description of Alleged Discrimination (see below)
  - Date of Complaint
  - Telephone Number of Complainant
  - Name of Individual Accused of Discriminatory Practices
  - Date of Alleged Discrimination
11. **Alleged Discrimination** - If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

- Race / Color / Religion
  - Age
  - Disability
  - Explanation of Alleged Discrimination - Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written material pertaining to your case.)
  - Signature of Complainant
  - National Origin
  - Sex
  - Income Status
  - Date of Complaint
- ***Note:** The City of Butler, Indiana prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the Title VI Coordinator if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

**12. Letter Acknowledging Receipt of Complaint** – Following receipt of the complaint alleging discriminatory actions / behavior, the Title VI Coordinator will send the complainant a letter acknowledging receipt by the City of Butler of the complaint.

**13. Letter Notifying Complainant that the Complaint is Substantiated** - If, after investigation, the City of Butler determines that the filed complaint alleging a Title VI violation has been substantiated, the City shall notify the complainant of such determination and that the City has implemented measures to correct the issue. Such notice shall also indicate that the complainant may be notified again by the City or state or federal authorities if an administrative hearing process is initiated.

**14. Letter Notifying Complainant that the Complaint is Not Substantiated** - If, after investigation, the City of Butler determines that the filed complaint alleging a Title VI violation has not been substantiated, the City shall notify the complainant of such determination and that the City is closing the file for this issue. Such notice shall also indicate that the complainant has the right to:

- i. appeal within seven (7) calendar days of receipt of this final written decision from the City of Butler, and/or
- ii. file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East Building, 5th Floor – TCR 1200 New Jersey Ave SE Washington DC 20590