

**TOWN OF RICHLAND, INDIANA
ADA GRIEVANCE PROCEDURE**

Americans with Disabilities Act Grievance Procedure This grievance procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Richland.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number, email address of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted as soon as possible, preferably within 60 calendar days of the alleged violation to:

Cindy Sarver, ADA Coordinator
PO Box 126
Richland, IN 47634
(812) 660-0550
adacoordinatorrichland@gmail.com

Within 15 calendar days after receipt of the complaint, Cindy Sarver, ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Cindy Sarver, ADA Coordinator will respond in writing, and where appropriate, in format that is accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Richland and offer options for substantive resolution of the complaint.

If the response by Cindy Sarver, ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the Town of Richland Clerk/Treasurer, Jenifer Schneider or designee.

Within 15 calendar days after receipt of the appeal, the Town of Richland Clerk/Treasurer or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town of Richland Clerk/Treasurer or designee will respond in writing, and, where appropriate, in a format that is accessible to the complainant, with a final resolution of the complaint.

**NOTICE OF NONDISCRIMINATION UNDER
THE AMERICANS WITH DISABILITIES ACT AND
SECTION 504 OF THE REHABILITATION ACT OF 1973**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the **TOWN OF RICHLAND** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The **TOWN OF RICHLAND** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I ADA.

Effective Communication: The **TOWN OF RICHLAND** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **TOWN OF RICHLAND** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The **TOWN OF RICHLAND** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the **TOWN OF RICHLAND** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in a program, service, or activity of the **TOWN OF RICHLAND**, should contact **Cindy Sarver, ADA/Title VI Coordinator, PO Box 126, Richland, IN, 47634** or by calling **812-660-0550**, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **TOWN OF RICHLAND** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the **TOWN OF RICHLAND** is not accessible to persons with disabilities should be directed to **Cindy Sarver, ADA Coordinator**.

The **TOWN OF RICHLAND** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Town of Richland, Indiana

RESOLUTION NO. 2020-06

A RESOLUTION ADOPTING THE NOTICE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT IN THE COMMUNITY OF ANYWHERE

WHEREAS, the Town of Richland receives Federal funds for many uses and projects; and

WHEREAS, the receipt of such funds requires compliance with Federal laws and policies; and

WHEREAS, it is the wish of the U.S. Equal Employment Opportunity Commission that Municipal entities such as Town of Richland formally enact and adopt policies and procedures demonstrating compliance with the Americans With Disabilities Act (ADA); and

WHEREAS, The **Town of Richland**, by its Town Council wishes to formally adopt and implement the following policy and procedure for the benefit of all **Town of Richland** Citizens; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the **Town of Richland** that the following declaration become a written policy of the Town of Richland and be posted in all Municipal Buildings upon passage.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)

The **Town of Richland** adopts the 2010 Americans with Disabilities Act Standards for Accessible Design and the 2005 Guidelines for Accessible Public Rights. In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **Town of Richland**, Indiana will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Town of Richland Indiana does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Town of Richland Indiana will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **Town of Richland's** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town of Richland will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **Town of Richland** offices, even where pets are generally prohibited.

**A RESOLUTION ADOPTING THE NOTICE PROVISIONS OF THE AMERICAN
WITH DISABILITIES ACT IN THE TOWN OF RICHLAND**

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Richland should contact Jenifer Schneider at the office of Town of Richland, 812-660-2463 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **Town of Richland** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the **Town of Richland** is not accessible to persons with disabilities should be directed to Jenifer Schneider at the office of **Town of Richland**, 812-660-2463. The **Town of Richland** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**Town of Richland
Grievance Procedure under
The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Richland. The **Town of Richland's** Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Town of Richland
PO Box 126
Richland, IN 47634

Within 15 calendar days after receipt of the complaint, the Council President or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Council President or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **Town of Richland** and offer options for substantive resolution of the complaint.

**A RESOLUTION ADOPTING THE NOTICE PROVISIONS OF THE AMERICAN
WITH DISABILITIES ACT IN THE TOWN OF RICHLAND**

If the response by the Council President or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ADA Coordinator Cindy Sarver or [his/her] designee.

Within 15 calendar days after receipt of the appeal, the ADACoordinator, CindySarver or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordintor, Cindy Sarver or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Council President or his/her designee, appeals to the Town of Richland Council or his/her designee, and responses from these two offices will be retained by the Town of Richland for at least three years.

RESOLVED this 14th day of October, 2020



Dan Kincaid, President
Town of Richland Council


ATTEST:




Jenifer Schneider, Town of Richland Clerk-Treasurer

A RESOLUTION ADOPTING THE NOTICE PROVISIONS OF THE
AMERICAN WITH DISABILITIES ACT IN THE TOWN OF RICHLAND

PRESENTED BY ME, the undersigned Clerk-Treasurer to the Town Council of the
Town of Richland for approval on the 14th day of October, 2020.


Jennifer Schneider, Clerk-Treasurer

The foregoing Resolution No. 2020-04 consisting of four (4) typewritten pages, including
this page, approved by the Town Council on the 14th day of October
2020.


Dan Kincaid, President

PASSED by the Town Council on the 14th day of October, 2020.

TOWN OF RICHLAND, INDIANA

2020

TITLE VI IMPLEMENTATION PLAN



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INTRODUCTION

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

TOWN OF RICHLAND TITLE VI NON-DISCRIMINATION NOTICE & POLICY

Town of Richland values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, Town of Richland conforms to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from Town of Richland on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. Town of Richland further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

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

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

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, Town of Richland hereby gives assurance that no qualified disabled person shall, solely

by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

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

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

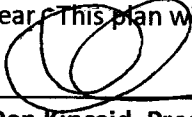
The following individual has been identified as Town of Richland's Title VI and ADA Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

Cindy Sarver
Title VI / ADA Program Manager
5818 W Lincoln St
Richland, IN 47634
adacoordinatorrichland@gmail.com

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

TITLE VI ASSURANCES & IMPLEMENTATION

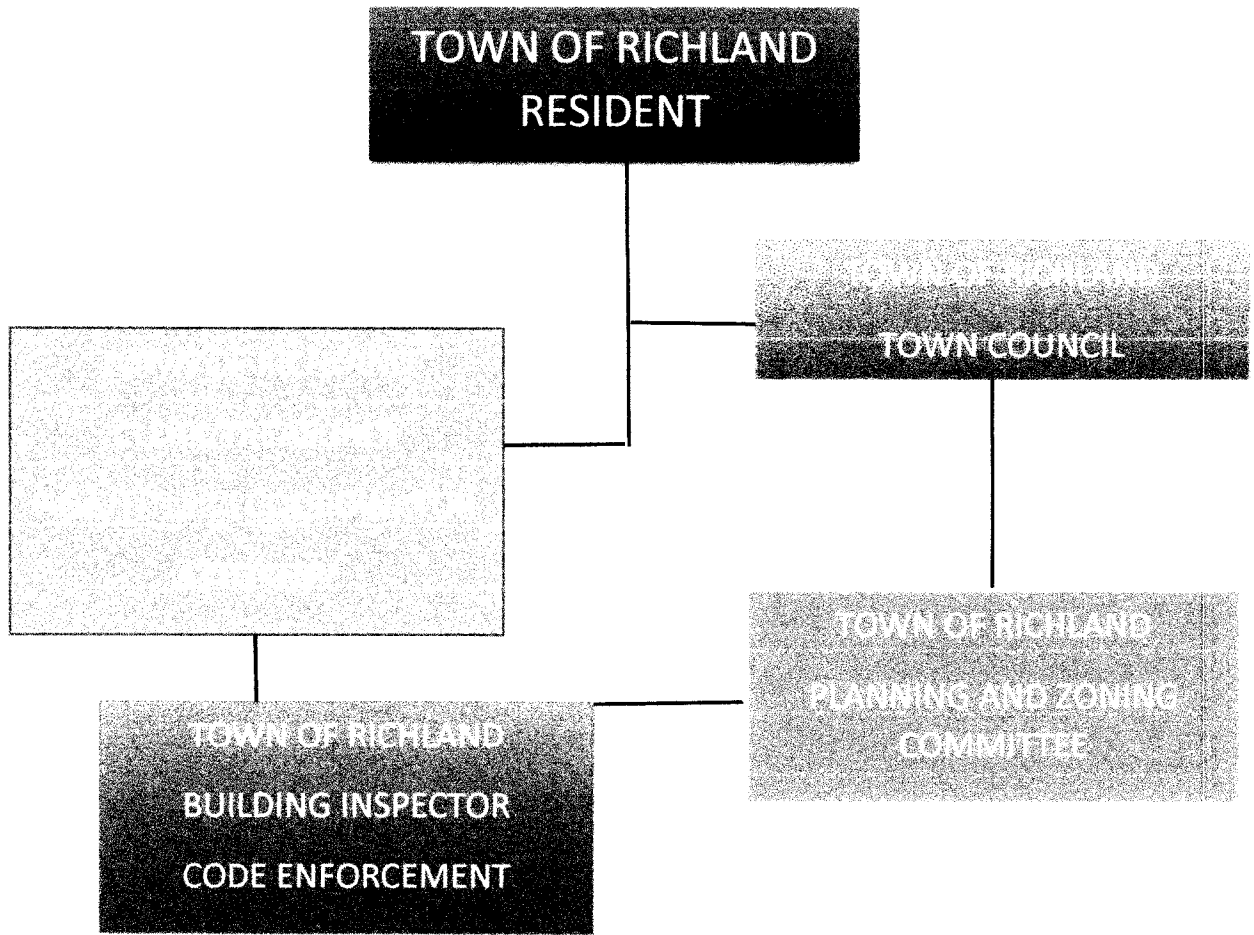
Fully executed (**Signed**) Assurances are included in Appendix A and integrated into this document. This Title VI Implementation Plan has been adopted, implemented and is being adhered to by Town of Richland. Town of Richland has implemented this plan by Resolution and it is effective for year 2020-2021 plan year. This plan will be renewed on or before July 8, 2021.

Signed by: 
Dan Kincaid, President of Town Council

Date: 10/14/2020

The individual above is a duly authorized representative of Town of Richland.

TOWN OF RICHLAND ORGANIZATION AND STAFFING



TOWN OF RICHLAND OVERVIEW OF TITLE VI PROGRAM: DATA COLLECTION, ANALYSIS & REPORTING

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

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

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

COMPLAINTS OF DISCRIMINATION

HOW TO FILE A COMPLAINT?

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

Direct all complaints of discrimination pursuant to Title VI to:

Cindy Sarver, Title VI Coordinator
5818 W Lincoln St
Richland, IN 47634
adacoordinatorrichland@gmail.com
812-660-0550

ELEMENTS OF A COMPLETE COMPLAINT

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

Additionally, a complaint must include the following information:

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

PROCESSING COMPLAINTS

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

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

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

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

ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

The three fundamental environmental justice (EJ) principles are:

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

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

LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients'

responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the Town uses to access the LEP populations in Town of Richland.

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

In addition, Town of Richland [has / has not] implemented the safe harbor provision whereby it identifies and translate all vital documents into any language where the 5% threshold is met whereby 5% or more of the population in the county both:

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

SUMMARY OF THE FOUR FACTOR ANALYSIS

Factor 1:

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

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

Total population = 397

Population by Ethnicity: (enter #)

Hispanic or Latino = (enter #) Non-Hispanic or Latino = (enter #)

Population by Race: (enter #)