



# **City of Fort Wayne, Indiana**

## **Title VI**

### **Program and Implementation**

#### **Plan**

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## **Title VI Policy Statement**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, disability, religion, sex, sexual orientation, gender identity, age, low income status, or limited English proficiency in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the grounds of race, color, national origin, disability, religion, sex, sexual orientation, gender identity, age, low income status, or limited English proficiency be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. Section 2000d).

The City of Fort Wayne is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, national origin, disability, religion, sex, sexual orientation, gender identity, age, low income status or limited English proficiency as protected with Title VI (Exhibit 1).

This plan was developed to guide The City of Fort Wayne in its administration and management of Title VI related activities.

## Organization and Staffing

The Risk Management Specialist within the City of Fort Wayne's Risk Management Department, Marcia Wiblin-Whited, serves as the Title VI Coordinator on behalf of The City of Fort Wayne (Executive Order; Exhibit 2). The Title VI Coordinator is responsible for the overall management of the Title VI Program to ensure the compliance with provisions of the City's policy of non-discrimination with the law. The contact information for the Title VI Coordinator is as follows:

Marcia Wiblin-Whited  
Title VI Coordinator  
200 E. Berry Street, Suite 470  
Fort Wayne, IN 46802  
Ph: 260-427-6362  
Fax: 260-427-6947

## Responsibilities of Title VI Coordinator

As authorized by the LPA Administrator, 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 statistical data gathering process to ensure sufficiency of data for meeting requirements of Title VI program administration.
- Ensure that available census data is included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving Federal Highway Administration or other Federal assistance.
- Conduct or facilitate training programs on Title VI issues and regulations for LPA employees; facilitate Title VI training for appropriate staff, contractors and sub-recipients.
- Review and update the LPA Title VI plan as needed or required.
- Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year, identify goals and objectives for the upcoming year as required.
- Work with LPA staff to develop and disseminate Title VI program information to LPA employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.

- Work with other LPA offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in and LPA processes.
- The Coordinator will maintain and update Legislative and Procedural information for the current LPA Title VI Plan.

## Department Head (Title VI Liaison) Responsibilities

- See “Department Head Chart” for contact information

The Department Heads for the City of Fort Wayne are as follows:

### Each Department Head within the City of Fort Wayne is responsible for the following under Title VI:

- Ensuring all City contract documents contain the appropriate Title VI provisions (Exhibit #3).
- Consulting with the Title VI Coordinator when Title VI complaints are received or issues arise.
- Ensure that all people are treated equitably regardless of race, color, national origin, disability, religion, sex, sexual orientation, gender identity, age, low income status or limited English proficiency.
- Develop and update internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.
- Ensure all business pertaining to the selection, negotiation, and administration of consultant contracts and agreements is accomplished without discrimination based on race, color, national origin, disability, religion, sex, sexual orientation, gender identity, age, low income status, or limited English proficiency.
- Provide information in the appropriate language or interpreters (within reason) as needed for individuals with disabilities and LEP persons.

## Department Head (Title VI Liaison) Reporting

The Department Heads must submit the Title VI Compliance Review Form (Exhibit # 5) to the Title VI Coordinator to be used as an assessment tool to determine whether the departments are in compliance with Title VI and to ascertain instances where the Title VI Coordinator may provide training to help the Department Heads achieve its Title VI goals and maintain compliance. The Title VI Coordinator will review the data collection procedures for each department periodically to ensure compliance with The City of Fort Wayne’s Title VI Program requirements. The Department Heads should prepare the report and submit it annually around October.

The following information should be included in each annual report submitted:

- Number of federally funded projects awarded during the past year.
- Number of Title VI Complaints received during the past year.
- Attendance at public meetings/hearings tracked and broken down by ethnicity, race, gender, and disability.
- Data collected on ethnicity, race, gender, and disability for communities impacted by construction projects.
- Does your staff understand the Title VI Policy and Procedures set in place for the City?
- Information on number of LEP persons needing assistance including service used and any related costs.
- Any questions, comments, or concerns regarding the Title VI Policy and Procedure.

## **Training**

The Title VI Coordinator will make Title VI Program and the LEP Plan training available to employees, contractors, sub-recipients, and the Title VI Liaisons. The training provides information on Title VI provisions and operation and identifying Title VI issues and resolution of complaints. All City of Fort Wayne employees and Title VI Liaisons training is tracked by the City's Human Resources tracker.

## **City of Fort Wayne 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 identity, age, disability, sex, sexual orientation, 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 the City of Fort Wayne 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. The complaint may be communicated to any City of Fort Wayne Department Supervisor or to the City of Fort Wayne Title VI Coordinator, Marcia Wiblin-Whited. The complaint should be submitted within 60 days of the alleged discrimination. Complaint forms may be found on the City of Fort Wayne website, <http://www.cityoffortwayne.org/>, or in the City of Fort Wayne Risk Management office (Exhibit #6). Individuals are not required to use the City of Fort Wayne complaint form. If necessary, the City of Fort Wayne will help an individual prepare his or her complaint to writing for his or her signature.

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:**

**Marcia Wiblin-Whited**  
**Title VI Coordinator**  
**Risk Management Specialist, Risk Management**  
**City of Fort Wayne**  
**200 E. Berry Street**  
**Fort Wayne, Indiana 46802**  
**260-427-6362**  
[\*\*marcia.wiblin-whited@cityoffortwayne.org\*\*](mailto:marcia.wiblin-whited@cityoffortwayne.org)

Within 60 days of the receipt of the complaint the City of Fort Wayne will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The City of Fort Wayne 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) 743-33

## Processing Complaints

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

- Maintaining a log of all complaints. The Title VI Coordinator will note the complaint in the log (Exhibit #7) by sequential case number based on the year, month and order in which the City received the complaint. For example, if the City received its first complaint on March 4, 2011, the case number would be 2011-03-01.
- Acknowledging receipt of the complaint and informing the Complainant of the action taken or proposed action to be taken to process the complaint in the form of an acknowledgement letter. The acknowledgement letter shall include a restatement of the complaint, brief statement of the City's jurisdiction over the sub-recipient if the complaint is regarding a sub-recipient, and contact information for the investigator assigned to conduct the investigation.
- Providing written notice of the complaint to INDOT within 10 working days of receipt of the complaint.
- Forwarding 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.
- Informing 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.
- Providing the Respondent an opportunity to respond to all aspects of the Complainant's allegations.
- Determining which witnesses will be contacted and interviewed.

- Contacting the Complainant at the conclusion of the investigation to provide the Complainant an opportunity to provide additional information before the City prepares its final report to be forwarded to INDOT.
- Writing a confidential investigative report (IR) and forwarding a copy of the same to INDOT. The report shall not be disclosed to the Complainant or Respondent. The report shall include 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;
  - 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.
- Drafting a Letter of Findings (LOF) and mailing the LOF to INDOT, Respondent and Complainant (by certified mail) within 60 calendar days of the date the complaint was received by the City. The LOF will 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; and
  - A notice of the right to appeal to the FHWA with an outline of the procedures for appeal.

## **Corrective Action**

If the City recommends corrective action, the City will give the Respondent 30 calendar days to inform the City of the actions taken for compliance. The Title VI Coordinator shall monitor Respondent's corrective action compliance. Corrective action may include actions that the Respondent will complete at a future date after the initial 30 days and must include projected time in which the Respondent will complete the action. If the Respondent has not taken the recommended corrective action within the 30-day period allowed, the City will find the Respondent to be in noncompliance with Title VI and its implementing regulations. Noncompliance not corrected by informal means as described above may be subject to sanctions as per 49 CFR § 21.13.

## Pre-Investigative/Administrative Closures

It is the general practice of the City to investigate all complete complaints; however, the City may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and will not be investigated include, but are not limited to, the following:

- Complaints that fail to state a claim or provide any substantial or coherent claim;
- Complaints that are outside the scope of the City's Title VI jurisdiction;
- Untimely complaints filed more than 60 days after the alleged discriminatory acts;
- Complaints voluntarily withdrawn by the Complainant;
- Complaints in which the investigation has been impaired by the City's inability to locate the Complainant;
- Complaints that are a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that repeatedly have been found factually or legally unsubstantiated by the City;
- Complaints containing the same allegations and issues that have been addressed in a recently closed complaint or compliance review conducted by the City;
- Complaints containing allegations that are foreclosed by previous decisions by the Federal courts, Department of Justice or the City policy determinations;
- Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation. In such circumstances, the Complainant should be contacted and advised that their lack of cooperation has hindered the investigation. Furthermore, the Complainant must be advised that continued failure to cooperate may result in an administrative closure of the complaint without further investigation;
- Complaints transferred to another agency for investigation; and
- Complaints where the death of a Complainant makes it impossible to investigate the Allegations fully or the death of the Complainant forecloses the possibility of relief because the complaint involved potential relief solely for the Complainant or injured party.

The City shall notify Complainants in writing via certified mail when a determination is made to administratively close a case without further investigation. The notification shall include an explanation of the basis for the administrative closure.

## Appeals Procedures

The Complainant has the right to appeal to INDOT any determination that results in an unsubstantiated claim. The City will convey to the Complainant the procedures for filing the appeal to INDOT along with the Letter of Findings. The procedure for filing an appeal with INDOT is:

- Complainant must submit the appeal in writing to the Title VI Coordinator within 14 calendar days of receipt of the City's Letter of Findings.
- Complainant must cite in the appeal the specific portion(s) of the finding with which the Complainant disagrees and the reason(s) for the disagreement.
- The City will forward the appeal and the record within seven (7) calendar days to INDOT for review.
- INDOT has 30 calendar days after the receipt of the appeal to complete its review.
- Written findings of INDOT are then sent to the Complainant and the Title VI Coordinator.

## Confidentiality

In accordance with DOT Order 1000.12, the City 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. Furthermore, the City shall obtain a Complainant's written consent before providing a copy of the complaint to the Respondent or a third party.

## Records

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

## Summary of Complaints Received

- As of November 2020 there were no Title VI related complaints.

## Public Participation and Outreach

The City of Fort Wayne's Title VI Coordinator will update the Title VI webpage as needed.

The City of Fort Wayne, Indiana will make available a Voluntary Title VI Public Involvement Survey (Exhibit #8) available at all public meetings and hearings. The Presiding Officer is responsible for making an announcement at the beginning and at the end of the meeting or hearing informing the attendees of the purpose of the survey and requests the attendees to complete the survey.

The completed surveys will be retained for three (3) years from the date of the meeting or hearing.

## Title VI Civil Rights Compliance Reviews

The City of Fort Wayne, Indiana performs annual reviews to determine overall compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination against person(s) based on race, color, national origin, disability sex, age, low income status, or limited English proficiency in programs or activities, receiving Federal financial assistance. The City of Fort Wayne performs annual reviews through interviews and document reviews within each department (See Exhibit #5 – Compliance Review Form).

## Limited English Proficiency (LEP) Plan

This Limited English Proficiency Plan has been prepared to address City of Fort Wayne, Indiana responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, U.S.C. 2010, and its implement regulations provide that no person shall be subjected to discrimination on the basis of race, color, national origin, disability, religion, sex, sexual orientation, gender identity, age, low income status or limited English proficiency under any program or activity that receives federal financial assistance.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipient clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which

receive federal funds, including all City of Fort Wayne departments and divisions receiving federal grant funds.

In developing the plan while determining the City of Fort Wayne's extent of obligation to provide LEP services, we undertook the U. S. Department of Transportation's four-factor analysis which considers the following factors:

**1. The number or proportion of LEP person in the service area who may be served or are likely to encounter a City program, activity, or service.**

The City of Fort Wayne has a population of 263,886 based on the 2020 U.S. Census. The total population for The City of Fort Wayne 5 years of age and older is 237,780 based on the 2019 American Community Survey 1-Year Estimates. The 1-Year 2019 American Community Survey determined that 13,391 (5.5% of the City's population 5 years and older) persons in The City of Fort Wayne have limited English proficiency; that is, they speak English "less than very well". The Spanish language was the largest non-English speaking language group. Based on the 2019 1-Year American Community Survey there were 5,104 respondents age 5 and older identified as speaking the Spanish language that spoke English "less than very well".

**2. The frequency with which LEP individuals come in contact with a City program, activity, or service.**

The City of Fort Wayne implemented the LEP Plan in July 2017; therefore, the City assesses the frequency at which employees have or could have contact with LEP persons over the next year.

**3. The nature and importance of the program, activity, or service provided by the City to LEP community.**

The majority of the population, 85.2% in The City of Fort Wayne speaks only English. Based on the 2019 1-Year American Community Survey the largest geographic concentration of any one type of LEP individuals in The City of Fort Wayne service area is Spanish.

**4. The resources available to the City and overall cost to provide LEP assistance.**

This will be a goal in the upcoming year for The City of Fort Wayne to investigate and select a resource for interpreting and document translation service that best serves the needs of The City of Fort Wayne.

## Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to The City of Fort Wayne's programs and activities. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language. The City of Fort Wayne will determine when interpretation and/or translation are needed and are reasonable. How City staff may identify if an interpreter is needed or if an LEP person needs language assistance:

- Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events (Exhibit 10)
- Have Language Identification Flashcards (Exhibit 11) available at City events near the registration table and at customer service areas easily accessible to the staff. Individuals self-identifying as persons not proficient in English may not be able to be accommodated with translation assistance at the time, but it will assist in identifying language assistance needs for future events.

## Language Assistance Measures

Although there is a low percentage in the City of Fort Wayne of LEP individuals, that is, persons who speak English "not well" or "not at all", the City of Fort Wayne will strive to offer language assistance using the following measures:

- If an individual asks for language assistance and The City of Fort Wayne determines that the individual is an LEP person and if language assistance is necessary to provide meaningful access. The City of Fort Wayne has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.
- When an interpreter is needed, in person or on the telephone, staff will attempt to determine what language is required and access the language interpreting service provided to the staff.
- The City of Fort Wayne will periodically assess the need for language assistance based on requests for interpreters and/or translation.

## Summary of Language Services requests

- As of January, 2022 there were no requests for language services.

## Title VI Reporting/Accomplishments

**\*\*Please refer to website ([cityoffortwayne.org](http://cityoffortwayne.org)) for updated goals and accomplishments\*\***