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II. PLAN STATEMENT

This plan was developed to guide the City of West Lafayette, Indiana, in its administration and management of Title VI-related activities and to establish a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities to the community in which it operates and to the society it serves. It is the City of West Lafayette's policy to utilize its best efforts to assure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under its programs, services, activities and related benefits.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, 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" (42 U.S.C. Section 2000d)." Throughout the years, additional regulations, statutes, directives and executive orders have been passed which expand the breadth of Title VI. The City of West Lafayette has adopted these tenets and hereby makes the following Plan Statement:

The City of West Lafayette, Indiana is committed to ensuring 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 on the basis of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency.

III. ACCESSIBILITY (ADA)

Accessibility is necessarily a part of the City of West Lafayette's Title VI Program as Title VI prohibits discrimination on the basis of disability. The City of West Lafayette describes its accessibility programs in its ADA Transition Plan Available online at <http://www.westlafayette.in.gov/department/index.php?structureid=3>. The City of West Lafayette aims to comply with the American's with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

IV. TITLE VI/ADA COORDINATOR

The City Facilities Director, Timothy A. Clark shall serve as the Title VI/ADA Coordinator, on behalf of the Mayor and the City, and is responsible for the overall management of the Title VI Program and to ensure compliance with provisions of the City's policy of non-discrimination. In addition to Title VI responsibilities, the Coordinator's responsibilities include those covered under the ADA.

Title VI/ADA Coordinator: Timothy A. Clark
Address: 222 N. Chauncey Ave.
West Lafayette, IN 47906
E-Mail: tclark@westlafayette.in.gov
Phone: 765.807.8971 TTY: 711

V. TITLE VI/ADA COORDINATOR RESPONSIBILITIES

The Title VI Coordinator is responsible for implementing, monitoring, and ensuring the City's compliance with Title VI regulations and the overall administration of the Title VI Program and Standard U.S. Title VI Assurances (**Assurances: Appendices A-E**). This includes the completion of the following activities:

- **Program Administration** – Administer the Title VI Program and coordinate implementation of the City's plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI Program reviews to assess and update administrative procedures, staffing, and resources; provide recommendations, as required, to the Mayor.
- **Data Collection** – Review and analyze the statistical data gathering process performed by the Title VI Liaisons (Department Heads) periodically to ensure sufficiency of data for meeting the requirements of the Title VI Program Administration.
- **Training Programs** – Conduct or facilitate training programs on Title VI current and new regulations for City employees.
- **Title VI Plan Update** – Review and update the Title VI Plan annually (in or by June). Present updated plan to the Mayor for approval; submit amended Plan to INDOT as required.
- **Reporting** - Conduct reviews of the City's Title VI Program to assess Title VI compliance to assure effectiveness in compliance with Title VI provisions. The Title VI Coordinator and the Department Heads will coordinate efforts to ensure the requirements of Title VI are met.
- **Public Dissemination** – Work with the Department Heads to develop and disseminate Title VI Program information to the City employees and sub-recipients, including contractors, subcontractors, consultants, sub-consultants and the general public. Public dissemination may include postings of official statements, inclusions of Title VI language in contracts or other agreements, website postings, and/or publication of the City's Title VI Policy Statement in the newspaper. The Title VI Coordinator shall ensure adherence to Indiana's Open Door laws, and, where reasonable requests are submitted, provide written or verbal information in languages other than English.
- **Complaints** – Administer the complaint procedure, including the filing process, review and investigation of Title VI complaints that may be received by the City of West Lafayette, and following procedural guidelines. Ensure every effort is made to resolve complaints.
- **Maintenance** - Maintain a log of all complaints and upkeep training log.
- **Elimination of Discrimination** – Work with the Department Heads to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in the City's processes.

- **LEP Plan** -- Develop and implement the City of West Lafayette's Limited English Proficiency (LEP) Plan. Train Department Heads on the procedure to follow when a person requests an interpreter.
- **Contract Compliance** -- Establish procedures for reviewing contracts with sub-recipients, special interest programs and activities to include the Title VI Assurances;
- **Collection of Data** - Collect statistical data, where available, on the impact of applicable construction projects on the different classes described in the Plan Statement;
- **Continuing Education** -- Attend Title VI Training as necessary. Maintain logs of training attendees.

VI. DEPARTMENT HEAD RESPONSIBILITIES & DEPARTMENT HEAD REPORTING

The City of West Lafayette employees will be expected to follow Title VI policy and the guidelines set forth. In addition, City of West Lafayette employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI/ADA Coordinator or department head, in writing, of any questions, complaints or allegations of discrimination. Department heads are responsible for:

- Ensuring applicable City contract documents contain the appropriate Title VI provisions;
- Consulting with the Mayor and the Title VI Coordinator when Title VI complaints are received or issues arise;
- Comply with the Plan Statement;
- 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 applicable consultant contracts and agreements is accomplished without discrimination as set out herein;
- Provide information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

Department heads should complete Title VI Review Forms and submit to Title VI Coordinator. Review Forms will be used as an assessment tool to determine compliance within the departments with Title VI. Title VI Coordinator may provide training to help the Department Heads achieve its Title VI goals and better assist to alleviate discrimination. The Title VI Coordinator will review the data collection procedures for each department periodically to ensure compliance is met with the City of West Lafayette's Title VI Program requirements. The Department Heads should prepare the report and submit it annually on or around **April 30th of each year**. 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, Statistical data collected on ethnicity, race, gender and disability for all right-of-way relocates.
- Affirmation that staff understands the Title VI Policy and procedures set in place for the City.
- Information related to the public dissemination of the Title VI Policy or Policy Statement.
- Information on number of individuals who received Title VI training in each department including attendees, dates and locations.
- Information on number of LEP persons needing assistance including service used, related cost, and a description of the communication needs of LEP persons.

VII. TRAINING

The Title VI Coordinator will make Title VI Program training available to employees, contractors, sub- recipients, and Department Heads. The training will be documented on the Training Log (**Attachment B**).

The training will provide information on Title VI provisions and operation, and identify Title VI issues and resolution of complaints. A record of the training conducted will be kept by the Title VI Coordinator.

VIII. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

This Limited English Proficiency Plan has been prepared to address the City of West Lafayette, 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. It implements regulations that provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Presidential Executive Order No. 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 understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients 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 West Lafayette departments and divisions receiving federal grant funds.

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 West Lafayette'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 West Lafayette will determine when interpretation and/or translation are needed and are reasonable. The City of West Lafayette staff shall consider the following to 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.
- Have Language Identification Flashcards (**Attachment C**) available at City Hall and other City venues near 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

The 2007-2011 American Community Survey indicates Tippecanoe County area to be a population of less than 5.14% responding as "Speak English less than very well." Although there is a low percentage in the City of West Lafayette of LEP individuals, that is, persons who speak English "not well" or "not at all", the City of West Lafayette will strive to offer language assistance using the following measures:

- If an individual asks for language assistance and the City of West Lafayette determines that the individual is an LEP person and if language assistance is necessary to provide meaningful access. The City of West Lafayette 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 to be used.
- The City of West Lafayette will periodically assess the need for language assistance based on requests for interpreters and/or translation.

IX. COMPLAINT PROCEDURES

Overview

Title VI of the Civil Right Act of 1964, as amended, and with its related statutes and regulations, prohibits unequal treatment or discrimination. Any person who believes they have faced unequal treatment or discrimination as to the receipt of benefits and/or services based on their race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency, has the right to file a written complaint as described herein. Complaints should be filed with the City of West Lafayette, Indiana's Title VI Coordinator.

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Act of 1987, the Americans with Disabilities Act of 1990, and other relevant regulations, statutes, directives and Executive Orders relating to any federally-funded contract or activity administered by the City. It also applies to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties, the Title VI Coordinator and the Department Heads may be utilized for resolution.

Procedure

- a. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by the above-described nondiscrimination requirements may file a written complaint with the City of West Lafayette's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence. **(See Attachment D for Discrimination Complaint form).**
- b. Upon receipt of a written complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, need for additional information, and investigative merit of the complaint.
- c. Once the Title VI Coordinator decides the course of action for the complaint, the complainant and the respondent will be notified in writing of such determination within five calendar days of receipt of complaint. The complaint will be logged into the Complaint Log (**Attachment E**) and the basis for the allegation identified.
- d. If the complaint is against a sub-recipient, consultant, or contractor under contract with the City, the appropriate department shall be notified of the complaint within 15 calendar days of receiving the complaint.
- e. The Title VI Coordinator will provide the respondent with the opportunity to respond in writing to the allegations made by the complainant. The respondent will have 14 calendar days from receipt of notification to furnish a response to the allegations.

- f. Within 60 days of receipt of the complaint, the Title VI Coordinator will prepare a written investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
- g. The Title VI Coordinator shall provide the report and recommendations to the appropriate City employees and the Mayor. The report will be modified as needed and made final for its release to the parties.
- h. Once the investigative report and finding becomes final, the complainant and respondent shall receive a copy of the investigative report and shall be notified of their appeal rights.
- i. The City, at its discretion, may extend its deadlines above a reasonable amount of time, if more time is needed to complete a thorough investigation.

Appeals Procedure

The complainant has the right to appeal to INDOT any determination that results in an unsubstantiated claim. The procedure for filing an appeal with INDOT is:

- a. 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/Investigation Report.
- b. Complainant must cite in the appeal the specific portion(s) of the findings with which the complainant disagrees and the reason(s) for the disagreement.
- c. The City will forward the appeal and the record within seven calendar days to INDOT for review.
- d. INDOT has 30 calendar days after the receipt of the appeal to complete its review. Reasonable additional time may be added by INDOT at its discretion.
- e. Written findings of INDOT are then sent to the complainant and the City Title VI Coordinator.

X. RECORDS

The Title VI Coordinator will maintain all records of an investigation for the amount of time dictated by the State's Record Retention Schedule (INDOT recommends retaining records for three years.)

XI. PUBLIC PARTICIPATION AND OUTREACH

The City of West Lafayette is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs, and activities will provide equitable opportunities for participation. Any meetings that are open to the public are published on the main page of the City of West Lafayette website and distributed to local media outlets. The Title VI Coordinator will update the City's webpage, to include pertinent Title VI information as it becomes available.

All City of West Lafayette public meetings are held in locations accessible to individuals with disabilities. Various meeting agendas, meeting minutes, City of West Lafayette notices, events and news can be found on the City's website.

XII. TITLE VI CIVIL RIGHTS COMPLIANCE REVIEWS

The City of West Lafayette, Indiana shall perform annual reviews to determine overall compliance with its Plan Statement, including performing annual reviews through interviews and document reviews within each department. In addition, the City has adopted these 2016 goals set out in **Program Goals Attachment**.

XIII. SOCIAL EQUITY AND ENVIRONMENTAL JUSTICE

Ensuring the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities is a key component of the City's public participation activities. The City of West Lafayette's policies, procedures, and programs are consistent with federal and state environmental justice laws, regulations and requirements, Title VI, related nondiscrimination requirements and reflect the principles of social equity and environmental justice. Social equity means ensuring that all communities are treated fairly and given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind Environmental justice means ensuring that plans, policies, and action do not disproportionately affect low income and minority communities.

PROGRAM GOALS ATTACHMENT

2016 GOAL	GOAL DATE (<i>Estimated</i>)
Investigate a language service for all Departments to utilize for LEP persons	2 nd Qtr. (6/30/2016)
Place the Title VI statement and complaint form on the City's website	3 rd Qtr. (8/19/2016)
Develop a compliance review form	2 nd Qtr. (6/30/2016)
Publish Title VI Statement in the local newspaper(s)	2 nd Qtr. (8/19/2016)
Train the Department Heads on the Title VI Program and LEP Plan and EJ Plan	3 rd Qtr. (9/01/2016)
Develop annual reporting process for the Department Heads	3 rd Qtr. (9/01/2016)
Ensure Title VI training and/or information to sub-recipients	4 th Qtr. (10/01/2016)
Develop a public involvement survey	4 th Qtr. (10/01/2016)
Review Title VI Implementation Plan	1 st Qtr. ANUALLY
Compliance & Enforcement Procedures	4 th Qtr. (10/01/2016)
Review Title VI Implementation Plan	4 th Qtr. (10/01/2016)
Have Title VI Training Scheduled for Employees to Attend	3 rd Qtr. (07/01/2016)

APPENDIX A: Assurances (USDOT)

The United States Department of Transportation (USDOT) Standard Title

VI/Nondiscrimination Assurances

DOT Order No. 1050.ZA

The _____ (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Office of the Assistant Secretary for Research and Technology (OST-R), 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 *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. § 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 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;
- 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);
- 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);
- Title 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 49 C.F.R. parts 37 and 38;
- 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.*).

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 OST-R".

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 University Transportation Centers 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 University Transportation Centers Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of West Lafayette, Indiana in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full 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 City of West Lafayette, Indiana 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 OST-R 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 OST-R. You must keep records, reports, and submit the material for review upon request to OST-R, 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.

ASSURANCES: 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, Office of the Secretary for Research and Technology (OST-R), 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, national origin, sex, age, or disability 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, sex, and disability, and low income.
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 OST-R 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 OST-R, 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 OST-R 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 OST-R may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or 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.

Signed By:

(Signature of Authorized Official)

Company Name:

(Signature of Authorized Official)

Dated:

(MM/DD/YYYY)

ASSURANCES: 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 _____ will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), the regulations for the administration of the University Transportation Centers Program, and the policies and procedures prescribed by the Office of the Secretary 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 _____ 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 _____ 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 _____, its successors and assigns.

The _____, in consideration of the conveyance of said lands and interest 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

_____ will use the lands and interests in lands and interest 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]. *

*(*Reverted 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.)*

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 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, 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 _____ 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 _____ and its assigns.*

*(*Reverted 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.)*

**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 (Title of Recipient) 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 or, 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 of the above Non-discrimination covenants, _____ will have the right to terminate the (license, permits, 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, _____ will there upon revert to and vest in and become the absolute propriety of _____ and its assigns.*

*(*Reverted 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.)*

ASSURANCES: 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 U.S.C. § 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 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 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*).

Attachment D: COMPLAINT POLICY AND DISCRIMINATION FORM

Timothy A. Clark
Facilities Director
Title VI/ADA Coordinator City of West Lafayette, Indiana
222 N Chauncey Ave West Lafayette, IN 47906
Telephone number: (765) 807-8971
Fax number: (765) 775-5249 TTY: 711
E-mail address: tclark@westlafayette.in.gov

INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with the City of West Lafayette, Indiana. If the complaint is against the City of West Lafayette, Indiana, the City's Title VI Coordinator will forward it to the appropriate state or 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 or contact the Title VI coordinator and arrangements can be made where the coordinator may write a complainant and accept the complainant's signature on the prepared complaint document.

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

The City of West Lafayette, Indiana will provide assistance 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.

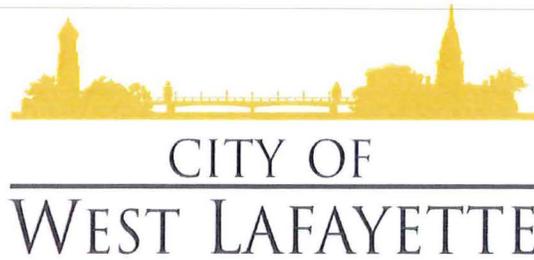
You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to the City of West Lafayette, Indiana. Additionally, you have a right to seek private counsel.

The City of West Lafayette, Indiana and its sub-recipients, consultants, and contractors are prohibited from retaliating against any individual because he or she, in good faith 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. 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.**



As we receive and use public (federal) funds, the City of West Lafayette will use the following survey to ensure our programs do not result in discrimination. The survey will gather data about the beneficiaries of federal highway programs and activities (23 CFR 200) The City of West Lafayette is distributing this voluntary survey to make sure our projects benefit everyone. Your response is important as it helps us better serve you.

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

If you have questions regarding the City of West Lafayette's responsibilities under Title VI of the Civil Rights Act or the American's with Disabilities Act, please contact the City's Title VI/ADA Coordinator at **222 N. Chauncey Ave., West Lafayette, IN 47906. (765) 807-8971, TTY: 711.**

You may return the survey to the registration table or if you have received this as part of a project mailing and choose to participate, please reply and return mailing using the information contained within the survey.

TITLE VI PUBLIC INVOLVEMENT SURVEY

Date (month, day, year): _____ **Project Name:** _____

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

Race: (Check One or more): American Indian or Alaska Native Asian Black or African American

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 \$60,000+

**Attachment C: FLASH CARDS
(LEP)**

Attached are Language Identification Flashcards, "*If you can read this or speak this, mark this box.*" Additional steps will be developed throughout the year to help improve communication and ensure the City can provide the best language assistance possible to individuals whom may be a Limited English Proficient person.

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

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

Attachment D: COMPLAINT POLICY AND DISCRIMINATION FORM

Timothy A. Clark

Facilities Director

Title VI/ADA Coordinator City of West Lafayette, Indiana

222 N Chauncey Ave West Lafayette, IN 47906

Telephone number: (765) 807-8971

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Attachment D: COMPLAINT AND DISCRIMINATION FORM
City of West Lafayette Title VI/ADA Complaint Form

▪ **Section 1: Personal Information Date of Complaint Filed:**

Please fill in completely and legibly.

Last Name		Middle Initial	First Name
Street Address		City	State
Zip Code		Telephone Number (including area code)	Best time to call this number
Alternate Telephone Number (including area code)			Best time to call this number
Email Address			

▪ **Section 2: Information Supporting Discriminatory Act(s)**

Please provide information identifying alleged discrimination and any additional information to support claim (use additional pages as necessary and provide documentation supporting the allegation). Please fill in completely and legibly.

Name of: *Person or Business, Company, Department or other identified party*

Location where Discriminatory Act Occurred: Street Address, City, State, Zip Code

Witness #1 Name: *(First, Last)* Contact Phone Number Address: Street, City, Town, State, Zip

Witness #2 Name: *(First, Last)*, Contact Phone Number Address: Street, City, Town, State, Zip

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.

▪ **Alleged discrimination was based on: (Please Circle Applicable)**

Race ⇔	Color ⇔	Age ⇔	Gender ⇔	LEP ⇔
National Origin ⇔	Ancestry ⇔	Disability ⇔	Sexual Orientation ⇔	
Retaliation ⇔	Religious Affiliation ⇔		Income Status⇔	
Gender Identity ⇔	Other:⇔:			

▪ **Section 5: Witness #2 Description**

Please provide a brief description of the relevant information that will help support this claim against alleged discriminatory act:

▪ **Date of You Witnessed Discriminatory Act:**

▪ **Contact Information:** _____ **Signature:** _____

Phone: _____ Alt. Phone: _____ E-mail: _____

▪ **Section 6: Additional Information**

If have any suggestions or would like to provide any helpful information in ways this can be changed to prevent future discriminatory acts, please provide us with your input.

Please sign and date this form.

Signature

Date

Mail completed complaint form to:

City of West Lafayette
Engineering Department
222 N. Chauncey Ave
West Lafayette, Indiana 47906
ATTN: Title VI/ADA Coordinator

▪ **Attachment D: COMPLAINT AND DISCRIMINATION FORM**

For Office Use Only:

Date received

Date investigated

Summarize Findings, Analyze Data Collected, And Write an Explanation of Results how to Resolve Discriminatory Act(s) (with supporting documentation or photographs):

Date Complainant contacted

Method of Contact

Phone

Letter

Email

CASE NUMBER: _____

Printed Name of Person Investigated & Reviewed
Discriminatory Act:

Signature

Last Updated 5/16/2016

