



Town of Cedar Lake, Indiana

Title VI Implementation Plan

Town of Cedar Lake  
P.O. Box 707  
7408 Constitution Avenue  
Cedar Lake, Indiana 46303  
219-374-7400  
[www.cedarlakein.org](http://www.cedarlakein.org)

### Title VI Plan/Nondiscrimination Agreement

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## A. Title VI Policy Statement

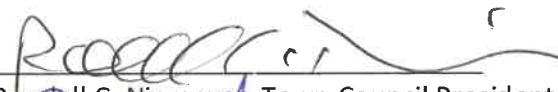
The Town of Cedar Lake (hereafter referred to as "Town") is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, age, national origin, sex, sexual orientation, gender identity, religion, disability, income status, or limited English proficiency.


The Town assures that no person in the United States shall, on the grounds or religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9 Title 49 CFR 21).

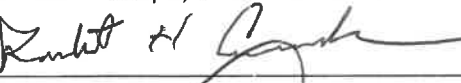
The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are all federally assisted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

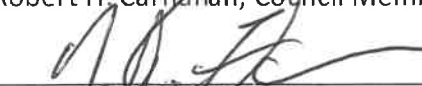
Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC § 794), the Town hereby gives assurance that no qualified disabled person shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in employment, under any program or activity that receives of benefits from Federal financial assistance.

In the event the Town distributes federal aid funds to a sub-recipient, the Town will include Title VI language in all written agreements and will monitor for compliance. The Town's Title VI Coordinator is responsible for initiating and monitoring the Title VI activities, preparing reports, and other responsibilities as required by 23 CFR 200.9 Title 49 CFR 21.

  
Randall C. Niemeyer, Town Council President

  
Richard Sharpe, Town Council V-P


  
Robert H. Carnahan, Council Member

  
John C. Foreman, Council Member

10/19/21  
Date

  
Julie A. Rivera, Council Member

  
Ralph Miller, Council Member

  
Colleen Schieben, Council Member

## B. Authorities

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

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

## C. Organization

- Town Council
  - P.O. Box 707
  - 7408 Constitution Avenue
  - Cedar Lake, IN 46303
  - 219-374-7400
- Clerk-Treasurer
  - P.O. Box 707
  - 7408 Constitution Avenue
  - Cedar Lake, IN 46303
  - 219-374-7000, Extension 105
- Town Manager
  - P.O. Box 707
  - 7408 Constitution Avenue
  - Cedar Lake, IN 46303
  - 219-374-7400, extension 119
- Planning Director
  - Planning, Zoning & Building Department
  - P.O. Box 707
  - 7408 Constitution Avenue
  - Cedar Lake, IN 46303
  - 219-374-7400, extension 106
- Director of Operations
  - Public Works Department
  - 8550 Lake Shore Drive
  - Cedar Lake, IN 46303
  - 219-374-7478
- Chief of Police
  - Police Department
  - 7408 Constitution Avenue
  - Cedar Lake, IN 46303
  - 219-374-5416
- Fire Chief
  - Fire Department
  - 9430 West 133<sup>rd</sup> Avenue
  - Cedar Lake, IN 46303
  - 219-374-5961

## D. Filing a Complaint

Complaint Procedure – Any person who believes that he or she as a member of a protected class has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income states, 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 Town of Cedar Lake to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

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

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint to the designated Title VI Coordinator within 180 days of the offense. A complaint must include the name, address, and telephone number of the individual making the complaint (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 the Title VI Coordinator:

Mr. Rick Eberly  
7408 Constitution Avenue  
Cedar Lake, Indiana 46303  
Phone: 219-374-7400  
Fax: 219-374-8588  
E-mail: [rick.eberly@cedarlakein.org](mailto:rick.eberly@cedarlakein.org)

Within 60 days of the receipt of the complaint, the Town will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The Town will try to obtain any 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.

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Complaints may also be filed with the following government agencies:

Indiana Department of Transportation Indianapolis District  
EEOC Office

101 West Ohio Street, Suite 1900

Indianapolis, IN 46204

Phone: 800-669-4000

Fax: 317-226-7953

TTY: 800-669-6820

Economic Opportunity Division

100 N. Senate Ave., Room N750

Indianapolis, IN 46204

Phone: 317-233-6511

Fax: 317-233-0891

Indiana Civil Rights Commission

100 N. Senate Ave., Room N103

Indianapolis, IN 46204

Toll Free: 800-628-2909

Phone: 317-232-2600

Fax: 317-232-6560

Hearing Impaired: 800-743-3336

## E. Complaint Processing

1. The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided, the complaint meets the filing deadline which is 180 days from the date the alleged discriminatory act occurred, and falls within the jurisdiction of the Town.
2. The Title VI Coordinator will investigate the complaint in conjunction with the Town Manager.
3. 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.
4. Once the Town has investigated the report findings, the Town will adopt a final resolution.
5. All parties will be properly notified of the outcome of the Town's investigative report.
6. 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.
7. 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 at: <http://www.justice.gov>.
8. **Title VI Complaint Filing** – Complaints filed with the Town of Cedar Lake, Indiana, based on violations of the Title VI of the Civil Rights Act of 1964, must include the following information: 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.
9. **Alleged Discrimination** – If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken:
  - i. Race/Ethnicity/Color/Religion
  - ii. Age
  - iii. Disability
  - iv. National Origin
  - v. Gender
  - vi. Limited English Proficiency



- vii. Income Status
- viii. Signature of Complainant
- ix. Date of Complaint
- x. Additionally, include an Explanation of Alleged Discrimination – Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written material pertaining to your case.)

**Note:** *The Town of Cedar Lake prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the Town. Please inform the Title VI Coordinator if you feel intimidated or experience perceived retaliation in relation to filing a complaint.*

- 10. **Letter Acknowledging Receipt of Complaint** – Following receipt of the complaint alleging discriminatory actions/behaviors, the Title VI Coordinator will send the complainant a letter acknowledging receipt by the Town of the complaint.
- 11. **Letter Notifying Complainant that the Complaint is Substantiated** – If, after investigation, the Town determines that the filed complaint alleging a Title VI violation has been substantiated, the Town shall notify the complainant of such determination and that the Town has implemented measures to correct the issue. Such notices shall also indicate that the complainant may be notified again by the Town or State or Federal authorities if an administrative hearing process is initiated.
- 12. **Letter Notifying Complainant that the Complaint is Not Substantiated** – If, after investigation, the Town determines that the filed complaint alleging a Title VI violation has not been substantiated, the Town shall notify the complainant of such determination and that the Town is closing the file for this issue. Such notice shall also indicate that the complainant as the right to:
  - i. Appeal within **seven (7) calendar days** of receipt of this final written decision from the Town, and/or
  - ii. File a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor – TCR 1200 New Jersey Ave SE, Washington DC 20590.

## F. Environmental Justice

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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income. Part of Title VI reads, "No person in the United States shall, on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income 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; and
- 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.

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

## G. Administration – Work Plan

Pursuant to 23 CFR 200, the Town of Cedar Lake has designated a Title VI Coordinator who is responsible for initiating, monitoring, and ensuring the Town's compliance with Title VI requirements for the following work plan:

- Administer, coordinate, and implement the Title VI Program plan and distribute internally and externally via website and provide updates annually as required; and
- Ensure that Assurances are used in contracts for Federal projects; and
- Attend Title VI training; and
- Collect public involvement data; and
- Review written Title VI complaints and ensure every effort is made to resolve complaints informally at the local or regional level and review and update the Town's Title VI plan and procedures as required; and
- Implement a plan that provides training to Town employees on the basic requirements of the Title VI Implementation Plan.

Title VI Coordinator:

Mr. Rick Eberly  
 7408 Constitution Avenue  
 Cedar Lake, Indiana 46303  
 Phone: 219-374-7400  
 Fax: 219-374-8588  
 E-mail: rick.eberly@cedarlakein.org

## H. 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 U.S. 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 assess the LEP populations in Cedar Lake:

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

### 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 Town:

The U.S. Census Bureau provides estimated statistics from 2015 for the Town of Cedar Lake. The estimated population as of 2015 is 14,078 people.

The population distribution by race and ethnicity in 2015 is as follows:

- White – 94%
- Black or African American – 0.2%
- American Indian or Alaska Native – 0%
- Asian – 0.3%
- Native Hawaiian and Pacific Islander – 0%
- Hispanic – 6.2%

The most common language spoken besides English is Spanish with the remaining possible LEP population spread among the other language groups. Based on the above figures, the estimated population for possible language groups are:

- White – 13,231
- Black or African American – 26
- American Indian or Alaska Native – 0
- Asian – 45
- Native Hawaiian and Pacific Islander – 0
- Hispanic – 879

**Factor 1: cont'd**

The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are: "very well," "well," "not well," and "not at all." For planning purposes, the Town considers people that speak English less than "very well" as Limited English Proficient (LEP) persons. It is estimated that the majority of minorities in the community speak English well or very well or have translation availability within their own families or friends. According to the American Community Survey data provided by the U.S. Census Bureau, of the population aged 5 and over, it is estimated that 176 individuals in Town speak English less than "very well". This figure works out to be approximately 1.3% of the Town's population. Based on actual contact between Town staff and the community, there is no record of anyone in the service area within the last few years asking the Town to provide language translation services. Therefore, the LEP population is probably even fewer than the estimate shown above.

**Factor 2** – The frequency with which LEP individuals come into contact with the program, activity, or service:

There have not been any recorded language translation requests, nor has there been any complaints concerning discrimination regarding the LEP population known to the Town at this time.

**Factor 3** – The nature and importance of the program, activity, or service provided by the program:

If at any time a LEP individual requests translation services that are considered important, such that denial or delay of access to services or information could have serious or even life-threatening implications, the Town will provide, upon request, services to assist the LEP population including translation of vital Town documents and interpretation services.

**Factor 4** – The resources available to the Town and costs:

The Town of Cedar Lake is a relatively small community with limited resources so an intricate plan to accommodate LEP persons is not practical at this time. Considering the minor numbers as estimated in Factor 1 above for the LEP population, the Town plans to provide basic services upon request as discussed in Factor 3 above.

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### Summary of LEP Accommodation Plan

- The Town of Cedar Lake strives to serve its population to the best of its ability and will provide, upon request, services to assist with LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to Town Services.
- A U.S. Census Bureau ISpeak card is available as part of this document and on the Town's website and is also available at Town Hall located at 7408 Constitution Avenue. This card allows LEP individuals to communicate their preferred language to Town Staff; whereas, Town Staff may then access a language translation service to accommodate the needs of the person with LEP. A translation service called Continental Languages, phone number 1-800-489-6982, is available to Town Staff and other translation services may be used as determined by the Town.
- Several Town Employees speak secondary languages and may be called upon to help with translation.
- Collect public involvement data to monitor possible LEP individuals in the community. The Town of Cedar Lake utilizes a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status, and household income. This voluntary public involvement survey is available at all public hearings and meetings. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the Town may consider changes to their LEP policy. Completed surveys shall be retained for a period of three years from the data of the meeting and or completion of the related project, if applicable. See Appendix G for a sample of this survey.
- Review written Title VI complaints and ensure every effort is made to resolve complaints informally at the local or regional level and review and update the Town's Title VI plan and procedures as required.
- Staff Training – Staff for the Town of Cedar Lake will be provided training on the requirements for providing meaningful access to services for LEP person. Considering the relatively small size of the Town of Cedar Lake and the estimated small number of LEP individuals in the service area and limited financial resources, current training may be limited to web access to this document and its attachments by all Town employees, a log showing the names of all employees that have been made aware of this document (sign off that they have read the document), and require that all new employees receive the same training.
- Monitor public involvement surveys and Census data to determine percentage of population who may be LEP.

## I. Standard U.S. DOT Title VI Assurances

The Town of Cedar Lake, Indiana (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the "Regulations") and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of religion, race color, or national origin, sex (23 USC 324), sexual orientation, gender identity (Executive Order 13672), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) 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 the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federally funded program:

1. That the Recipient agrees that each "program" and each "facility", as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by or pursuant to the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally funded programs and in adapted form in all proposals for negotiated agreements:

The Town of Cedar Lake, Indiana, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in 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 religion, race, color, national

origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, "as a covenant running with the land," in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall 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 shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federally funded program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federally funded 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. That the Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom she/he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. That the Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federally funded program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federally funded program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient:

**TOWN OF CEDAR LAKE, LAKE COUNTY,  
INDIANA, TOWN COUNCIL**



Randell C. Niemeyer, President



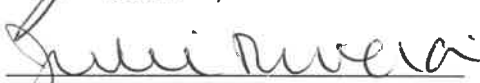
Richard Sharpe, Vice-President



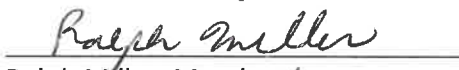
Robert H. Carnahan, Member



John C. Foreman, Member



Julie A. Rivera, Member



Ralph Miller, Member



Colleen Schieben, Member

**ATTEST:**

  
Jennifer N. Sandberg, Clerk-Treasurer

Dated: 10/19/21



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## 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 shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, 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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Town of Cedar Lake, the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Town of Cedar Lake, INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Town of Cedar Lake shall impose such contract sanctions as it or INDOT or the FHWA may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the Town of Cedar Lake, INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance, provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Town of Cedar Lake to enter into such litigation to protect the interests of the Town of Cedar Lake and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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## APPENDIX B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Town of Cedar Lake will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of the Federally funded programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the "Regulations") 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 *Town of Cedar Lake* all the right, title and interest of the 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 the Town of Cedar Lake 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 shall be binding on the Town of Cedar Lake its successors and assigns.

The Town of Cedar Lake, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income 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 Town of Cedar Lake shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Town of Cedar Lake pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for oneself, 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, Town of Cedar Lake shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, Town of Cedar Lake shall have the right to re-enter said lands and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of Town of Cedar Lake and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Town of Cedar Lake pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall 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

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

the furnishing of services thereon, no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, Town of Cedar Lake shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, Town of Cedar Lake shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of Town of Cedar Lake and its assigns.

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

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**APPENDIX D: TITLE VI COMPLAINT LOG**

**Town of Cedar Lake Complaint Log**

[illegible]

## **APPENDIX E: COMPLAINTS OF DISCRIMINATION**



## Town of Cedar Lake – Title VI Complaint Form

The purpose of this form is to help any person interested in filing a discrimination complaint with the Town of Cedar Lake. You are not required to sue this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations (Title VI) prohibit discrimination on the basis of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in connection with programs or activities receiving Federal financial assistance for the United States Department of Transportation, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to the Town of Cedar Lake as a subrecipient of Federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability of have limited English proficiency. Complaints may also be filed using alternative formats such as an electronic submission or Braille.

You also have the right to file a complaint with other state or federal agencies that provide Federal financial assistance to the Town of Cedar Lake. Additionally, you have the right to seek private counsel.

The Town of Cedar Lake is prohibited from retaliating against any individual because that individual opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of your documents or records relevant to your complaint to the address below.

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.**

Title VI Coordinator:

Mr. Rick Eberly

7408 Constitution Avenue, P.O. Box 707

Cedar Lake, Indiana 46303

Phone: 219-374-7400

Fax: 219-374-8588

Email: [rick.eberly@cedarlakein.org](mailto:rick.eberly@cedarlakein.org)

[illegible]

Name of complainant		Date (month, day, year)	
<b>Provide the names of any individuals with additional information regarding your complaint:</b>			
Name of witness 1 (first, middle, and last)		Title	
Name of company			
Address (number and street, city, state and ZIP code)			
Home telephone number (   ) -	Work telephone number (   ) -	Cellular telephone number (   ) -	
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.			
Name of witness 2 (first, middle, and last)		Title	
Name of company			
Address (number and street, city, state and ZIP code)			
Home telephone number (   ) -	Work telephone number (   ) -	Cellular telephone number (   ) -	
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.			
Name of witness 3 (first, middle, and last)		Title	
Name of company			
Address (number and street, city, state and ZIP code)			
Home telephone number (   ) -	Work telephone number (   ) -	Cellular telephone number (   ) -	
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.			
<b>How would you like your complaint to be resolved?</b>			

Name of complainant	Date ( <i>month, day, year</i> )
Have you filed a complaint alleging the same discrimination with another agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please provide the following information for each agency:	
Name of the agency	Date complaint filed ( <i>month, day, year</i> )
Case number assigned to your complaint	Current status of your complaint

Signature and date are required:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Office Use Only:

Signature of Recipient of Complaint: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date received: \_\_\_\_\_

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## APPENDIX F: COMPLAINANT CONSENT / RELEASE FORM

### Town of Cedar Lake Complainant Consent / Release Form

Name (first, middle, and last)	Telephone Number (    )    -
Address (number and street, city, state and ZIP code)	
Case number(s) (if known)	
<p>As a complainant, I understand that during an investigation, it may become necessary for the Town of Cedar Lake to reveal my identity to individuals outside of the Town of Cedar Lake Government in the course of verifying information or gathering facts and evidence to develop a basis for making a Civil Rights compliance determination. I understand that it may be necessary for the Town of Cedar Lake to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant, I am protected by the Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the nondiscrimination statutes enforced by the Town of Cedar Lake.</p>	
<p><i>Please read both paragraphs below and check your choice of CONSENT or CONSENT DENIED and sign below. (Please mark only one)</i></p> <p><input type="checkbox"/> CONSENT</p> <p>I have read and understand the above information and authorize the Town of Cedar Lake to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize the investigation of my complaint. I understand that the material and information will be used for authorized Civil Rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.</p> <p><input type="checkbox"/> CONSENT DENIED</p> <p>I have read and understand the above information and DO NOT WANT THE Town of Cedar Lake to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of complaint without the Town of Cedar Lake making a determination in my case.</p>	
Signature:	
<b><u>Office Use Only</u></b>	
Recipient's Signature	Date Received:
Recipient's Printed Name	

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## APPENDIX G: PUBLIC INVOLVEMENT SURVEY

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

Please note: Responding to these questions is strictly voluntary and those who respond will remain anonymous. This form is a public document that the Town of Cedar Lake will use to monitor its programs and activities for compliance with Title VI of the Civil Rights Act of 1964. If you have questions, please contact the Title VI Coordinator.

How was this survey acquired: \_\_\_\_\_ Date: \_\_\_\_\_

#### **TITLE VI PUBLIC INVOLVEMENT SURVEY**

Date (month, day, year): \_\_\_\_\_

Project Name (If applicable): \_\_\_\_\_

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

**Race** (Check one or more): American Indian or Alaska Native ☐ Asian ☐ Black or African-American ☐

Native Hawaiian or Other Pacific Islander ☐ White ☐ Multiracial ☐

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

**Household Income:**

\$0 - \$12,000 ☐ \$12,001 - \$24,000 ☐ \$24,001 - \$36,000 ☐  
\$36,001 - \$48,000 ☐ \$48,001 - \$60,000 ☐ \$60,001 + ☐

**How will this information be used?**

- The Town of Cedar Lake will monitor, track and document data received as a result of this survey in an effort to comply with Title VI of the Civil Rights Act of 1964.
- Documentation is submitted for evaluation and review.
- The Town of Cedar Lake makes changes and modifications to its program and project development activities based upon this information.

**How should I submit this information to The Town of Cedar Lake?**

- Remit by mail, hand delivery, facsimile, or E-mail to:

Mr. Rick Eberly, Title VI Coordinator  
Town of Cedar Lake  
7408 Constitution Avenue, P.O. Box 707  
Cedar Lake, Indiana 46303  
Telephone: 219-374-7400  
Facsimile: 219-374-8588  
E-mail: rick.eberly@cedarlakein.org



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## APPENDIX H: U.S. CENSUS BUREAU ISPEAK CARDS

2004 Census Test	United States Census 2010 LANGUAGE IDENTIFICATION FLASHCARD
<input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Խոսողների կամ հայերենը անգլիականացումը, կրկնապատկումը կամ կոպիտացումը հարգվում է:	2. Armenian
<input type="checkbox"/> আমি আর্মিয় ভাষায় বলছি বা বাংলা ভাষায় এই ভাষায় আমি নিই।	3. Bengali
<input type="checkbox"/> ព្រះបរមរាជវាំងប្រអប់នេះ បើកអោយ ប្តីឈ្មោះសាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin untungnu' manzilai pat untungnu' kumeclos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaukrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kreuz dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kövát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaan daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໂທດວິໄລເກຢື້ ຖ້າເຂົາເຈົ້າເຂົາເຈົ້າເຂົາເຈົ້າ.	24. Laotian
<input type="checkbox"/>	Frasiny o zaznaczenie tego kwadratu, jeżeli posługuje się Pao/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se voce lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Înscrieți 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 ovaj kvadratić ukoliko читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvoreček, 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 mazarunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ทำเครื่องหมายในช่องสี่เหลี่ยมนี้หากคุณอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he pūha ni kapau 'oku ke lan 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"/>	באמצעות דגם קוואדראט אויב איר לייענט אדער דערט אידיש.	38. Yiddish