



**TITLE VI NONDISCRIMINATION
IMPLEMENTATION PLAN & POLICY AND
ASSURANCES OF NONDISCRIMINATION**
UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964,
THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1992
AND SECTION 504 OF THE REHABILITATION ACT OF 1973

Fulton County Government • 125 E 9th Street, Rochester, Indiana, 46975 • www.co.fulton.in.us

ANNUAL GOALS AND ACCOMPLISHMENTS REPORT FOR 2016/17-2017/18

- A Voluntary Public Survey was made available at the Fulton County Office Building as well as on the Fulton County website (www.co.fulton.in.us) from May 2016 to the present. In the coming year the survey will also be made available at the Fulton County Courthouse. The Title VI Coordinator will be transitioning from Auditor Christina Sriver to Human Resources Director Denise Mattocks.
- The Nondiscrimination Policy was delivered to subrecipients including Fulton County 4-H Association, Fulton County Airport, Fulton County Parks and Recreation, Fulton County Public Library (Rochester and Aubbeenaubbee branches), Fulton County for posting.
- Training was held on Wednesday, April 19, 2017 for ADA and Title VI. The training was conducted by speaker Cathy Gross, ADA & Title VI Coordinator for the City of Monticello, IN, and the President, IN ADA & Title VI Coordinators' Association. She presented a PowerPoint presentation explaining which laws & regulations govern Accessibility & Nondiscrimination, how they relate to Fulton County's programs, how to integrate the requirements into our business practices and how they are enforced. The PowerPoint is attached as Appendix A.
- No Title VI grievances have been logged to date.
- The Voluntary Public Survey results have been compiled and the results are:
 - Total surveys completed: 10
 - Males:5 Females:5
 - Highest level of education: High School Diploma or GED:5, Some College:1, Bachelor's Degree:2, Master's Degree:2
 - Age Group: 18-29:1, 30-39:1, 40-59:4, 60-69:3, 70-79:1
 - Primary Language: English:9
 - Race: Caucasian:3, White:4
 - Marital status: Divorced:3, Married:6, Single:1
 - Township residing in: Henry:2, Fulton:2, Newcastle:2, Rochester Township:2, Rochester City:1, Union-Rochester:1
 - How long in residence: 6-10 years:1, 11-20 years:6, 21-39 years:2, 40+ years:1
 - Own or rent: Own:9, Rent:1
 - Number of people in household: 7:1, 5:2, 2:5, 1:2
 - Number of children riding the school bus, to school: 1, from school: 1
 - How many cars does your household own: 3:3, 2:4, 1:1, 0:2
 - Household income: \$20,000-\$29,999:2, \$30,000-\$39,999:1, \$40,000-\$49,999:1, \$50,000-\$74,999:2, \$75,000-\$99,999:1, \$100,000-\$149,999:2, over \$250,000:1
 - Miles traveled to work: 0-5 miles:6, 6-10 miles:2, 11-20 miles:1, 21-30 miles:1
 - Role in industry: Middle management:1, Junior management:1, Administrative staff:2, Unemployed:2, Trained professional:2, Skilled laborer:1, Self-employed:1, Other:2
 - Time at current job:7-11 months:1, 1-4 years:3, 5-9 years:2, 20+ years:1
 - Internet access at residence: Yes:9
 - How often do you access the internet: Daily:8, Weekly:1

Appendix A

Fulton County Indiana
 April 19, 2017
 Presented by Cathy Gross
 ADA & Title VI Coordinator, City of Monticello IN
 President, IN ADA & Title VI Coordinators' Association

Let's start at the Beginning....the all important Disclaimer!
What I am not:
 Attorney, architect, engineer, consultant, an expert, shy!
What I am:
 A public Servant with a Passion

**Fulton County
Nondiscrimination & Accessibility Programs**

Fulton County Title VI Program Manager
Christina Sriver
574-223-7706
auditor@co.fulton.in.us

Overview

In this module you will learn:

- Which laws & regulations govern Accessibility & Nondiscrimination
- How these regulations relate to Fulton County's programs
- How we integrate these requirements into our business practices, and
- How they are enforced

- Recipients of Federal Funds have both a **contractual and legal obligation** to comply with Title VI, including:
 - Limited English Proficiency (LEP) Requirements
 - Environmental Justice (EJ) Requirements
 - Disability.
- Compliance includes monitoring internal programs as well as monitoring sub-recipients of Federal Funds when we provide those funds to third parties.
- Recipients of Federal Funds must comply with Section 504 & not discriminate on the basis of disability while Public Entities must comply with the ADA. We are both!
- As a recipient of federal funds, we must comply with Title VI regardless of whether or not federal funds are used.
- **Assurances** must be included in every subcontract and appropriate appendices included in deeds, leases, etc.
- All programs & facilities must be accessible.
- Noncompliance may result in loss of funding and legal action.

Title VI of the Civil Rights Act of 1964

"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 subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. 2000d)

Purpose of Title VI

- To eliminate discrimination in federally funded programs and activities.
- To ensure equitable distribution of public funds for public benefit.

EVERYONE PAYS = EVERYONE PLAYS
 Title VI is for everyone

Civil Rights Restoration Act of 1987

- Clarified and restored the intent of Title VI.
- The scope of Title VI includes ALL programs and activities of Federal-aid recipients and contractors regardless if the programs are federally funded or not.

Our Title VI Responsibilities:

- Designate a Title VI Manager
- Ensure Programmatic Implementation @ INDOT
- Develop, Post & Implement a Title VI Policy
- Implement a Complaint Policy
 - Maintain a Complaint Log
- Evaluate the following for discrimination:
 - Programs / Facilities
 - Activities

Appendix A

Title VI Responsibilities:

- Adhere to the signed Assurances of Nondiscrimination & include the appropriate appendices where applicable
- Disseminate Title VI information to beneficiaries & stakeholders: Include Title VI in your Public Involvement Plan
- Monitor your Subrecipients for Compliance
- Develop, Post & Implement your annual program documents:
 - Title VI Implementation Plan, and
 - Annual Goals & Accomplishments Report

Designate an ADA and Title VI Manager:

Name: John Geier
 Fulton County Highway
 1037 S State Road 25
 Rochester IN 46975
[574-223-2385](tel:574-223-2385)
jgeier@fcsfpd.com

Together with...

Name: Christina Silver
 Fulton County Auditor
 125 E 9th Street, Suite 108
 Rochester IN 46975
[574-223-7706](tel:574-223-7706)
auditor@co.fulton.in.us

Our Title VI Mission Statement

Fulton County will implement compliance with Title VI of the Civil Rights Act of 1964 (Title VI); 49 CFR § 26; and related statutes and regulations to ensure 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 on the grounds of race, color, national origin, or any other prohibited basis.

Our Complaint Policy

Requirements:

- Develop a grievance procedure.
- Develop a complaint form that clearly identifies the Title VI Coordinator by name & provides contact information.

Fulton County has a complaint policy:

- Complaints must be responded to in writing
- Confidentiality
- No retaliation

Assurances of Nondiscrimination:

As a condition of receiving Federal Funds all recipients and sub-recipient must sign Assurances of Nondiscrimination.

- Create a contractual obligation
- Require programmatic compliance: Do's & Don'ts
- Contain appendices that MUST be included in certain kinds of agreements so that the contractual obligation follows the money to further sub-recipients.

Our Title VI Assurances:

Programmatic Implementation:

Requirements:

- Build a communication network of trained agency representatives in different divisions, program areas, agencies, etc. such that adequate awareness & data collection & analysis can occur. This can be scaled to fit our community.

Our Trained Staff Network includes the following individuals:

Program Evaluation:

Recommendations:

- Conduct a **discrimination analysis** whenever data collected reveals the potential for discrimination.
- The following chart indicates how a disparate impact analysis may be conducted.
- This is a legal analysis and should be done with the participation of counsel.

The flowchart starts with a box 'Discrimination potential?' leading to 'Is there intentional & substantial justification for the policy or program?'. If 'YES', it leads to 'Change the program, policy or practice'. If 'NO', it leads to 'Are there other evidence (such as discriminatory disparate impacts)?'. If 'YES', it leads to 'Change the program, policy or practice'. If 'NO', it leads to 'The program is okay'.

Limited English Proficiency (LEP)

Executive Order 13166 requires federal-aid recipients to take reasonable steps to ensure meaningful access to their services to **Limited English Proficiency persons**.


4 factor analysis:

- > number LEP persons encountered, > need for assistance
- Frequency of contact with LEP persons
- Importance of program or service provided (warning signs)
- Available resources (reasonable test)

Executive Order 12898 Requires all federal agencies to make Environmental Justice ("EJ") part of their mission by identifying and addressing the effects of all programs, policies, and activities on **minority and low-income populations**.


Appendix A

- **EJ applies to all transportation decisions, including:**
 - Policy making
 - System planning
 - MPO (Metropolitan Planning Organization) and statewide planning
 - Preliminary review under NEPA (National Environmental Policy Act)
 - Preliminary design
 - Final design engineering
 - Right-of-way
 - Construction
 - Operations and maintenance



EJ Requirements

- Make a meaningful effort to involve minorities and low income populations in the decision making process.
- Evaluate the nature, extent and incidence of probable, favorable and adverse human health or environmental impacts on protected populations.
- Incorporate EJ considerations throughout the project development process.



Americans with Disabilities Act

- Applies to all **public entities**
- Requires provision of program access and effective communication
- Includes public transportation
- Enforced by U.S. Dept. of Justice






- Equal opportunity
- Full participation
- Independence
- Economic self-sufficiency





Section 504 of the Rehabilitation Act of 1973:

"No qualified handicapped person shall, solely, by reason of his handicap, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activities that receives or benefits from Federal financial assistance."


ADA & Our Community

- Programs & Facilities must be accessible
 - ADA Transition Plan: Discuss how you use and update your transition plan
- Complaint & nondiscrimination policies
- Public Involvement
 - How do you obtain public involvement



Consequences of Noncompliance

- Withholding of payments on the contract until the sub recipient complies, and
- Cancellation, termination or suspension of the contract in whole or in part, or
- Other authorized action including provisions under state and local law (e.g. referral to FHWA or the U.S. Department of Justice)





Learn to:

- Identify areas where we should take a closer look for the appearance of discrimination
- Be able to identify potential discriminatory outcomes in your work area

Be familiar with our community-wide policies related to:

- Disabilities - accessible facilities and programs
- Complaints of Discrimination
- Language Services Requests
- Environmental Justice

EQUALITY **EQUITY**

Appendix A



Training Checklist

April 19, 2017

Employee	Main Loc Desc	Received Training
Beller, Gale E	Area Plan Commission	*
Cowles, Casi J	Area Plan Commission	*
Ginther, David L	Area Plan Commission	*
Madlem, Gary W	Area Plan Commission	*
Redinger, Heather L	Area Plan Commission	*
Rock, Sharon K	Assessor	*
Dancy, Judith M	Assessor	*
Lawson, Viki L	Assessor	*
Mills, Deborah	Assessor	*
Whetstone, Angy	Assessor	*
Curtis, Johanna K	Auditor	*
Lewis, Madalyn N	Auditor	*
Mattocks, Denise E	Auditor	*
Miller, Katelyn M	Auditor	*
Scully, Julie M	Auditor	*
Sewell, Susan M	Auditor	
Sriver, Christina M	Auditor	*
Fields, Lorena R	Circuit Court	
Sweany, Rebecca A	Circuit Court	
Fulton, Vicki L	CLERK	
Furnivall, Teresa M	CLERK	
Gordon, Nancy J	CLERK	
Hartzler, Shari	CLERK	
Kline, Lanae M	CLERK	
Murphy, Paula J	CLERK	
Smiley, Linda S	CLERK	
Vigar, Debra	CLERK	
Ziemek, Dawn M	CLERK	
Biddinger, Phyllis M	CLERK	
Bohm, L. Fred	CLERK	
Calvert, Patricia A	CLERK	
Good, Dixie L	CLERK	
Grossnickle, Dennis E	CLERK	
Kelsay, Maria T	CLERK	
Krom, George W	CLERK	
Miller, Karen	CLERK	
Shewman, Janice E	CLERK	
Stephen, Rachel L	CLERK	
Lewis, Bryan W	Commissioner	*
Metzger, Steven E	Commissioner	*

Training Checklist
April 19, 2017

Ranstead, Richard A	Commissioner	*
Carrell, Sherry M	Communications	
Duff, Jennifer L	Communications	
Kantzer, Jessica R	Communications	
Miller, Seth A	Communications	
Morales, Lindsey A	Communications	
Rentschler, Colleen G	Communications	
Sutton, Krista K	Communications	
Thompson, Brittney S	Communications	
Good, Jeri D	Coroner	*
Hazel, Barry D	Council	
Hurst, Lorie L	Council	*
Olinger, Phyllis S	Council	*
Showley, James A	Council	
Sriver, Gary L	Council	
Sutton, Randy L	Council	*
Widman, James L	Council	
Christman, Kathleen L	County Extension Office	*
Drudge, Patricia D	County Extension Office	*
Collins, Cathleen A	E911	
Denny, Malarie A	E911	
Jolley, Shan R	E911	
Karas, Gail D	E911	
Rensberger, Thomas P	E911	
Shotts, Ashley N	E911	
Hoover, Lawrence L	EMA	*
Kottkamp, Clarice J	EMA	*
Hazelwood Risten, Dawn	Health	*
Jones, Patricia S	Health	*
Baldwin, Linda J	Health	
Barnett, Rhonda L	Health	*
Brubaker, Michael J	Health	
Crill, Priscilla	Health	
Gardner, Debra K	Health	*
Ranstead, Carrie L	Health	*
Shepherd, Shannon L	Health	*
Sitjar, Julius S	Health	
Surface, Robin L	Health	
Vance, Jana K	Health	
Webb, Harry R	Health	
Eber, Ray A	Highway	*
Garner, Linda K	Highway	*

Training Checklist

April 19, 2017

Geier, John W	Highway	*
Adamson, Teri L	Highway	*
Beck, Jonathan D	Highway	*
Clark, Michael L	Highway	*
Fishburn, Steven L	Highway	*
Flint, John W	Highway	
Garvison, Douglas A	Highway	*
Gundrum, Randy J	Highway	*
Hartzler, Jerry L	Highway	*
Hines, Robert L	Highway	*
Miller, Nyle W	Highway	*
Morrow, Larry J	Highway	*
Polen, Terry L	Highway	
Powell, Brandon E	Highway	*
Richard, Derek A	Highway	*
Richter, Nicolas J	Highway	
Rude, Jesse G	Highway	
Shaffer, Jamison A	Highway	
Shuey, Gary L	Highway	
Sutton, Steven R	Highway	*
Ward, Michael J	Highway	*
Chilcutt, David M	Highway	*
Edington, Robert A	Highway	*
Anglin, Ann L	Jail	
Bower, Trenton A	Jail	
Calvert, Austin D	Jail	
Collins, Catherine L	Jail	
Ehlinger, Marty L	Jail	
Frieden, Von A	Jail	
Hetzner, Dana L	Jail	
Hobbs, Terry	Jail	
Ingram, Caleb M	Jail	
Martin, MaryAnne	Jail	
Miller, Jodi A	Jail	
Morales, LeeAnn	Jail	
Russell, Caleb J	Jail	
Tate, Timothy L	Jail	
Whitbeck, Becky K	Jail	
Williams, Mary H	Jail	
Gibbons, Charles M	Maintenance	*
Madeford, Joseph D	Network Administrator	*
Sliver, Joshua I	Network Administrator	*

Training Checklist

April 19, 2017

Weiand, Amy L	Probation	
Barkman, Stacy L	Probation	
Bixler, Kristine L	Probation	
Green, Jessica L	Probation	
Holland, Andrew N	Probation	
Hudkins, William T	Probation	
Lahman, Phyllis D	Probation	
Markley, Jeff E	Probation	
Mathis, Shayla M	Probation	
Mavrick, Natalie K	Probation	
Montel, Timothy R	Probation	
Sutton, Maurice E	Probation	
Thomas, Bryan L	Probation	
Hoagland, Kourtney C	Prosecutor	
Vollmer, Phyllis J	Prosecutor	
Marrs, Michael T	Prosecuting Atto	
Ragon, Danna K	Prosecuting Atto	
Lawson, Huey D	Prosecutor	
Marchlik, Kristin A	Prosecutor	
Goodman, Cindy L	Recorder	*
Jackson, Amanda S	Recorder	*
Adley, Joshua L	Sheriff	
Atkins, Michael W	Sheriff	
Carrell, David A	Sheriff	
Conley, Walker D	Sheriff	
Craig, Matthew J	Sheriff	
Deming, Paul D	Sheriff	
Foust, Jeffrey J	Sheriff	
Garvison, Charlotte J	Sheriff	
Halterman, Derek M	Sheriff	
Hatfield, Kelli L	Sheriff	
Heishman, Travis W	Sheriff	
Hubbard, James C	Sheriff	
Jolley, Larry C	Sheriff	*
Layman, Rickey E	Sheriff	
Little, John N	Sheriff	
Martin, Ralph E	Sheriff	
Moolenaar, Amber M	Sheriff	
Nault, Brian A	Sheriff	
Perkins, Kyle R	Sheriff	
Price, Dennis E	Sheriff	
Richter, Harry J	Sheriff	

Training Checklist

April 19, 2017

Rudd, Rodney L	Sheriff	
Sailors, Christopher D	Sheriff	
Shriver, Don R	Sheriff	
Smith, Cullen A	Sheriff	
Sutton, Matthew W	Sheriff	
Utter, Matthew A	Sheriff	
Wilburn, Scott D	Sheriff	
Winter, Danny R	Sheriff	
Yeargin, Aaron J	Sheriff	
Mann, Lois M	Soil & Water Conservation	*
Carr, Sherry S	Superior Court	
Price, Jennifer E	Superior Court	
Reese, Rachelle L	Superior Court	
Boyne, James P	Surveyor	
Hensley, Kasey A	Surveyor	*
Towne, Donald R	Surveyor	*
Abbott, Lois A	Treasurer	*
Brown, Cheryl A	Treasurer	*
Easterday, Katherine L	Treasurer	*
Gast, Angela S	Treasurer	*
Utter, Jennifer	Treasurer	*
Zartman, Kim R	Treasurer	*
BABER, RICKY L	Veterans Service Office	*
Bailon, Dwayne A	Veterans Service Office	
Fouts, Ricci L	Veterans Service Office	*
Miller, Carl W	Veterans Service Office	
Ponto, Kurt L	Veterans Service Office	*
Early, Michael D	Weights & Measure	*
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