

CHAPTER 16

TITLE VI COMPLIANCE

16.1 TITLE VI COMPLIANCE STATEMENT

The City of Shelbyville complies with Title VI of the Civil Rights Act of 1964. Title VI requires 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 any program or activity receiving federal financial assistance.

16.2 COMPLAINT AND INVESTIGATION PROCEDURE

Title VI complaints filed against the City of Shelbyville should be logged and forwarded to the appropriate state or federal agency within three (3) business days.

Any complaint of discriminatory practices filed against contractors or sub-contractors of the City of Shelbyville must be referred to the City Recorder/Title VI Coordinator. The guidelines for processing complaints are as follows:

A. Acceptance of the Complaint

1. The Title VI Complaint Form must be completed by the complainant and forwarded to the City Recorder/Title VI Coordinator.
2. The complainant must include their address, phone number, agency or program involved and the nature of the complaint, including all facts, date of incident and names of individuals involved on the form.
3. The complaint must be filed within 180 calendar days from the alleged discriminatory act.
4. The City Recorder/Title VI Coordinator reviews the complaint to assess any disparate impact. The complaint is entered on the Title VI Complaint log.
5. Notification of the complaint is made to the alleged discriminatory contractor or sub-contractor official. Including the name and telephone number of the Title VI Officer. The appropriate state and/or federal agency will also receive notification of the complaint from the City Recorder/Title VI Coordinator within (7) business days.

B. Investigation Process

1. The City Recorder/Title VI Coordinator will conduct factual investigations to determine whether the reported incident constitutes discrimination based on race, color or national origin.
2. The City Recorder/Title VI Coordinator will contact the complainant and set up an interview within three (3) business days of receiving the complaint. The complainant will be informed that he/she has a right to have a witness or representative present and can submit any documentation that is relevant to proving his/her complaint.
3. The contractor and/or sub-contractor will be given the opportunity to respond to all aspects of the complainant's allegations.
4. The City Recorder/Title VI Coordinator will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
5. The City Recorder/Title VI Coordinator will contact the complainant at the conclusion of the investigation, but prior to writing the final report and give the complainant the opportunity to give a rebuttal statement only at the end of the investigation process.
6. The City Recorder/Title VI Coordinator will prepare a report which will be sent to the state and/or federal agency, the City Manager, the alleged discriminatory contractor and/or sub-contractor and the complainant within sixty (60) days of the date the complaint was received. The results of the investigation will include a) the Title VI Complaint Form, b) summarized statements from the witnesses, c) finding of facts, d) recommendation, based on the evidence presented, that the incident is substantiated or unsubstantiated and e) corrective action for substantiated cases.

C. Resolution of Complaint

- a. The complaint is resolved if the involved parties accept the findings and the recommended corrective action, if applicable.
- b. Corrective action may be recommended by either part to resolve the basis of the complaint if disparate impact is determined. Corrective actions can be taken at a future date after the initial thirty (30) days with projected time periods in which action will be completed. All corrective actions must be made within sixty (60) days from the date of the actual recommendation.

- c. If corrective action is recommended, the alleged discriminatory agency will be given thirty (30) days to inform Title VI Director of the actions taken for compliance.
- d. If the recommended corrective action(s) have not been taken within the thirty (30) day time period allowed, the contractor and/or sub-contractor will be found to be in non-compliance with Title VI and implementing rules and regulations, and a referral will be made to the appropriate state and/or federal agency for enforcement action.

D. Appeals Procedure

1. The complainant has the right to appeal all written reports to the Title VI Director of the appropriate state and/or federal agency within fourteen (14) days of receipt of the final report.
2. The appeal must specifically cite the portions(s) of the finding with which the complainant disagrees and his/her reason(s) for disagreement.
3. The Title VI Director of the state and/or federal agency will forward this appeal within seven (7) days to their Title VI Advisory Board for review.
4. The Board's review of the finding will be based on the entire record.
5. The Board must complete the appeal review thirty (30) calendar days after receipt of the appeal.
6. The Board will forward their written findings to the complainant, the City of Shelbyville and their Title VI Commissioner or appropriate official.

16.3 CONTRACT MONITORING PROCEDURE

The City of Shelbyville may directly contract for services for programs receiving Federal financial assistance or a consultant firm may provide bid services. The following wording will be included in all contract documents:

Civil Rights Act of 1964

“Under Title VI of the Civil Rights Act of 1964, 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 any program or activity receiving Federal financial assistance.”

Upon notification of a project which will be receiving Federal funds, the City Attorney/Title VI Coordinator will take the following steps to monitor Title VI compliance

during the bidding process and during the contract award process. These efforts will be done in conjunction with the contractor and/or sub-contractor, Finance Director and Purchasing Officer.

1. Contractors that are awarded projects will receive a request for voluntary disclosure of the bidder's gender and ethnicity of ownership of the company. Records will be kept of the gender and ethnicity of the company owners.
2. Contractors will receive Title VI awareness during the construction conference.
3. Records will be kept of efforts to solicit bids from and to utilize minority group contractors or subcontractors with measurable minority group representation among their employees.