

## RESOLUTION 2017-13

### NONDISCRIMINATION POLICY CITY OF GOSHEN, INDIANA

WHEREAS Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d) 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 subject to discrimination under any program or activity receiving Federal financial assistance.

WHEREAS Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

WHEREAS Section 162(a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. §324) provides that no person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under this title [Title 23, United States Code] or carried on under this title [Title 23, United States Code].

WHEREAS the Age Discrimination Act of 1975 (42 U.S.C. §6102) provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

WHEREAS the Civil Rights Restoration Act of 1987 (PL 100-259) amended Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 to clarify that a recipient of Federal financial assistance must comply with the civil rights laws in all operations of the recipient and not just the program or activity receiving the Federal funding.

WHEREAS Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132) provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

WHEREAS Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires Federal agencies to administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid "disproportionately high and adverse" effects on minority and low-income populations.

WHEREAS Presidential Executive Order 13166, Improving Access to Services for Persons With Limited English Proficiency, requires recipients of Federal financial assistance to provide meaningful access to programs and activities for persons who, as a result of national origin, are limited in their English proficiency.

WHEREAS for the purposes of this policy the above referenced Federal statutes and executive orders and any other Federal or State law prohibiting discriminatory practices shall be collectively referred to as Nondiscrimination Statutes/Rules/Regulations; and

WHEREAS the City of Goshen, Indiana is a public entity and a recipient of Federal financial assistance for which these Nondiscrimination Statutes/Rules/Regulations apply.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety that:

**Section 1. Discrimination Prohibited.**

- 01 It shall be the policy of the City of Goshen, Indiana that no person shall, on the grounds of race, color, national origin, sex, age, income status, or limited English proficiency be excluded from participation in, be denied the benefits of, or be subject to discrimination under any of the City of Goshen's services, programs, or activities.
- 02 It shall be the policy of the City of Goshen, Indiana that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City of Goshen, or be subjected to discrimination by the City.

**Section 2. Notices.**

- 01 Notice of Nondiscrimination. The City of Goshen Notice of Nondiscrimination attached to this policy is the City of Goshen's notice to inform applicants, participants, beneficiaries, and other interested persons of the protections against discrimination assured by this policy in the services, programs, and activities of the City.
- 02 Notice Under the Americans with Disabilities Act. The City of Goshen Notice Under the Americans with Disabilities Act attached to this policy is the City of Goshen's notice to inform applicants, participants, beneficiaries, and other interested persons of the protections against discrimination assured by the Title II of the Americans with Disabilities Act and this policy in the services, programs, or activities of the City.
- 03 The Notice of Nondiscrimination and Notice Under the Americans with Disabilities Act shall be provided to the public by posting at all City of Goshen facilities open to the public, distributing to all City of Goshen departments and offices, publishing on the City of Goshen's website, and presenting in other accessible formats as may be determined from time to time.

**Section 3. Title VI Coordinator and ADA Coordinator.**

The City of Goshen Human Resources Manager is designated as the Title VI Coordinator and ADA Coordinator. The Title VI Coordinator and ADA Coordinator is responsible for coordinating the efforts of the City of Goshen to comply with the Nondiscrimination Statutes/Rules/Regulations/Policies and to assist in processing any complaint communicated to the City alleging discrimination. The Title VI Coordinator and ADA Coordinator may be contacted at:

City of Goshen Human Resources Department  
Attention: Title VI Coordinator and ADA Coordinator  
204 East Jefferson Street, Suite 3  
Goshen, Indiana 46528  
Phone: (574) 534-8475  
TDD: (574) 534-3185  
Fax: (574) 534-2410  
Email: [humanresources@goshencity.com](mailto:humanresources@goshencity.com)

**Section 4. Grievance Procedure.**

- 01 The City of Goshen Grievance Procedure Under the Americans with Disabilities Act and Nondiscrimination Policy attached to this policy is the City of Goshen's process for a person to file a complaint of alleged discrimination.
- 02 This grievance procedure shall be provided to the public by posting at all City of Goshen facilities open to the public, distributing to all City of Goshen departments and offices, publishing on the City of Goshen's website, and presenting in other accessible formats as may be determined from time to time.
- 03 The Title VI Coordinator and ADA Coordinator shall maintain documentation of all complaints received alleging discrimination, resolutions provided, hearings requested, and other pertinent information for at least three (3) years.

**Section 5. Title VI Program/Nondiscrimination Implementation Plan**

- 01 The Goshen Board of Public Works and Safety shall adopt and annually update a Title VI Program/ Nondiscrimination Implementation Plan to ensure continuous compliance with Nondiscrimination Statutes/Rules/Regulations and the City's Nondiscrimination Policy. The Title VI Program/Nondiscrimination Implementation Plan shall include, but is not limited to:
  - A. This policy, including the current notices, Title VI Coordinator and ADA Coordinator information, and grievance procedures.
  - B. Monitoring of program participants and beneficiary demographics and activities promoting compliance with the Title VI Program.
  - C. Process and procedures for handling complaints alleging discrimination.
  - D. Title VI training of staff.
  - E. Title VI Assurances document.
  - F. Annual work plan of Title VI activities and actions.
  - G. Annual accomplishment report highlighting efforts to ensure nondiscrimination practices in all City of Goshen activities.

**Section 6. Miscellaneous**

- 01 The notices and grievance procedure under this policy shall be updated as needed with the name of the current individual employed as the Human Resources Manager and designated as the Title VI Coordinator and ADA Coordinator without amending this resolution.
- 02 Resolution 2011-Q, A Resolution of the City of Goshen Board of Public Works and Safety Adopting the Americans with Disabilities Act (ADA) Accessibility Guidelines for Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way, adopted December 12, 2011 continues in full force and effect.
- 03 Resolution 2012-J, Adopting the Americans with Disabilities Act Transition Plan for Pedestrian Facilities in the Public Right-of-Way, adopted July 9, 2012, continues in full force and effect.
- 04 This policy specifically repeals and replaces Resolution 2011-P, A Resolution of the City of Goshen's Board of Public Works and Safety Adopting the Americans with Disabilities Act (ADA) ADA Coordinator and Procedures, adopted December 12, 2011.

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on April 17, 2017.

  
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Jeremy P. Sutsman, Mayor

  
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Michael A. Landis

  
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