

Cumberland Town Council

Ordinance 2015 -16

**Ordinance Reiterating and Adopting Title VI of the Civil Rights Act of 1964
into the Town of Cumberland Code of Ordinances**

Whereas, it is the policy of the Town of Cumberland that no person 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; and

Whereas, the Civil Rights Restoration Act defines “any program” as all of the operations of “(A) a department, agency, special purpose district, or other instrumentality of a State or of local government; or (B) the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government”; and

Whereas, the Town of Cumberland’s local government operates under the definition of “any program” as provided by the Civil Rights Act of 1964 and the Civil Rights Restoration Act; and

Whereas, it is the policy of the Town of Cumberland to comply with Title VI of the Civil Rights Act of 1964; and

Whereas, the Town of Cumberland recognizes it is of the utmost importance to expel racial discrimination and to ensure that public funds are not spent in a way which encourages, subsidizes, or results in racial discrimination; and

Whereas, the Town of Cumberland is committed to implementing Title VI of the Civil Rights Act of 1964 administratively, physically and financially; and

Whereas, the Town of Cumberland has and will continue to disseminate sufficient information to applicants, participants, beneficiaries, and other interested persons to inform them of their rights and protections afforded by Title VI of the Civil Rights Act of 1964; and

Whereas, although the Town of Cumberland has enforced and complied with Title VI of the Civil Rights Act of 1964, the Town wishes to reiterate its policy under Title VI of the Civil Rights Act of 1964 by adopting a new section in the Town of Cumberland Code of Ordinances;

It is, therefore, ordained that a new section, 00-03-32-04, is added to the Town of Cumberland Code of Ordinances and that this section reads as follows:

“§00-03-32-04 Title VI of the Civil Rights Act of 1964 Policy

(A) **Policy Against Discrimination:** It is the policy of the Town of Cumberland that no person 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;

(B) **Intention to Comply with Title VI of the Civil Rights Act of 1964:** It is the policy of the Town of Cumberland to comply with Title VI of the Civil Rights Act of 1964. If a policy of the Town and a provision of Title VI of the Civil Rights Act of 1964 conflict, the Title VI provision will be deemed to be the policy of the Town and will be enforceable as if specifically written in this policy;

(C) **Importance of Equal Treatment:** The Town of Cumberland recognizes that it is important to expel all racial discrimination and to ensure that public funds are not spent in a way which encourages, subsidizes, or results in racial discrimination;

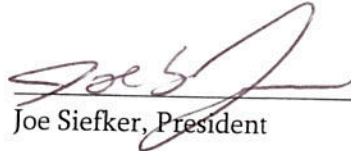
(D) **Notice of Rights:** The Town of Cumberland has and will continue to disseminate sufficient information to applicants, participants, beneficiaries, and other interested persons to inform them of their rights and protections afforded by Title VI of the Civil Rights Act of 1964;

(E) **Grievance Procedure:** The Town of Cumberland has adopted and implemented a grievance procedure for complaints under this section, and this procedure is attached as Exhibit A. The grievance procedure was established to meet the requirements of Title VI of the Civil Rights Act of 1964. It may be used by anyone who wishes to file a complaint alleging the *Town of Cumberland* discriminated on the basis of race, color, or national origin regarding the exclusion from participation in, being denied the benefits of, or being subjected to discrimination under any program or activity receiving Federal financial assistance.”


It is further ordained that this Ordinance takes effect upon adoption.

Adopted this 2 day of December, 2015.

A MAJORITY OF THE TOWN COUNCIL OF
CUMBERLAND, INDIANA



Joe Siefker, President

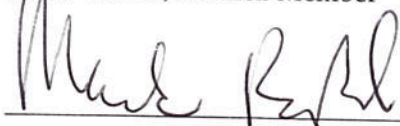


Anna Pea, Vice President

Nicole Bell, Council Member



Brian Gritter, Council Member



Mark Reynold, Council Member

ATTEST:

Erica Salmon, Clerk-Treasurer

Exhibit A

Town of Cumberland Title VI Grievance Procedure

- (1) **Filing of Grievance:** Any person alleging discrimination under Title VI may file a complaint with the Town's Title VI Grievance Coordinator. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem.
- (2) **Where to File:** The complaint should be submitted by the grievant or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the Grievance Coordinator at the Cumberland Town Hall, 11501 East Washington Street, Cumberland, Indiana 46229.
- (3) **Meeting With Grievance Coordinator:** Within 15 calendar days after receipt of the complaint the Title VI Grievance Coordinator or his designee will meet with the complainant to discuss the complaint and the possible resolutions.
- (4) **Written Response:** Within 15 calendar days of the meeting, the Grievance Coordinator or his designee will respond in writing and where appropriate in a format accessible to the complainant. The response will explain the position of the *Town of Cumberland* and offer options for substantive resolution of the complaint.
- (5) **Appeal To Town Council:** If the response of Grievance Coordinator or his designee does not satisfactory resolve The issue, the complainant or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Cumberland Town Council.
- (6) **Town Council Action:** Within 15 calendar days after receipt of the appeal, the Cumberland Town Council will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after that meeting, the Cumberland Town Council will respond in writing and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- (7) **Retention of Records:** All written complaints received by the Town, appeals to the Cumberland Town Council and responses will be retained by the *Town* for at least three years.