

# What is Title VI?

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-4 is a federal law prohibiting discrimination based on race, color or national origin. It covers all forms of federal aid except contracts of insurance and guaranty.

It does not cover employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment.

# What Title VI Does...

- Prohibits entities from denying an individual any service, financial aid, or other benefit of which individual qualifies
- Prohibits entities from providing services or benefits to some individuals that are different or inferior to those provided to others
- Prohibits locating facilities in any way that would limit or impede access to a federally funded service/benefit
- Prohibits discriminatory activity in a facility built in whole or part of Federal funds

# What Title VI Does Cont....

Prohibits segregation or separate treatment in any manner related to receiving program services or benefits

Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals

Requires information & services to be provided in languages other than English when significant numbers of beneficiaries are of limited English speaking ability

# Title VI Statute and Regulation

Section 601 of the Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d et. Seq., states:

“No person in the United States shall on the basis of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Civil Rights Act of 1964

# Tennessee Code Annotated (TCA) 4-21-904

“It is a discriminatory practice for any state agency receiving federal funds, making it subject to Title VI of the Civil Rights Act of 1964, or any person [entity] receiving funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds, on the basis of race, color, or national origin.”

# Reporting Requirements

TCA 4-21-901 requires each state governmental entity subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., to develop a Title VI implementation plan and submit annual Title VI compliance reports and implementation plan updates to the Tennessee Human Rights Commission (Title VI Compliance) by October 1 for end of each fiscal year ending June 30. These Implementations plans must include Title VI implementation plans of any sub recipients of federal funds through the state agency.

# **What is Covered By Title VI:**

- Social Services
- Housing and Community Development
- Public Transportation
- Elementary, secondary and higher education
- Health Care and Public Welfare
- Parks & Recreation

# What is covered? Cont...

- Contracting
- Location of Facilities
- Hiring
- Law Enforcement & Environmental Issues
- Program Effects on People in Applicable Communities

This is not an all inclusive list!



# What are the consequences of Non-Compliance?

“If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the Federal Agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action”

*Source: (Civil Rights Division Department of Justice/Coordination and Review Section) Title VI of the Civil Rights Act of 1964  
42 U.S.C. 2000d et seq.*

<http://www.usdoj.gov/crt/coord/titlevi.htm>

# Historical Basis for the Civil Rights Act of 1964

The Civil Rights Act of 1964 was a product of the growing demand from civil rights leaders for the Federal Government to launch a nationwide offensive against racial discrimination.

In calling for its enactment, President John F. Kennedy identified "**simple justice**" as the justification for passage of the Civil Rights Act of 1964.

# Defining Simple Justice

“Simple justice requires that public funds, to which ALL taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

John F. Kennedy, 1963

# **What is discrimination?**

To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.

# What are Civil Rights?

Civil Rights are enforceable rights or privileges guaranteed by the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution, which if interfered with by another gives rise to an action for injury.

# What is a protected class?

Membership in any group of individuals with the same characteristics that are protected from disparate treatment by *federal law and statutes*

# Race:

Race distinguishes one population of humans from another. The most widely used human racial categories are based on visible traits and self-identification.

*Example:* Deny program services, aids, or benefits or making assignments based upon race distinction



# Color:

Group of people recognized as a class on the basis of the visible characteristic of skin pigmentation.

*Example:* Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others based upon skin color.





# National Origin:

National origin is a concept that may refer to an individual's place of birth or ancestry.

**Example:** Segregate or separately treat individuals in any manner related to the receipt of any service, aid, or benefit. ie. language assistance



# DCS

## Service Provider Requirements

- All DCS service providers **MUST** have a mechanism in place for advising service beneficiaries of their rights under Title VI of the Civil Rights Act of 1964 and how to file a discrimination complaint.
- Each service provider **MUST** designate one individual as the Title VI Coordinator to be responsible for compliance with Title VI regulations.
- Title VI posters **MUST** be displayed in a conspicuous place and accessible to **ALL** service beneficiaries.

## DCS Service Provider Requirements (cont.)

- TCA 4-21-901 requires each state governmental entity subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., to develop a Title VI implementation plan and submit annual Title VI compliance reports and implementation plan updates to the Tennessee Human Rights Commission by October 1 of each year.
- These Implementation plans must include Title VI implementation plans of any sub recipients of federal funds through the state agency.

# DCS Service Provider Requirements (cont.)

- The Provider/Contractor shall develop and deliver to DCS on or before June 30 of each fiscal year an Implementation Plan.
- The Implementation Plan will describe the Provider's/Contractor's long range goals and objectives that will guide the Provider's/Contractor's efforts to ensure compliance with Title VI of the Civil Rights Act of 1964 pursuant to the guidelines established by the Tennessee Human Right's Commission (Title VI Compliance).

## DCS Service Provider Requirements (cont.) Employee Training Requirements:

- ALL service providers must orient their employees to Title VI requirements during their *new employee orientation.*
- ALL service provider employees must receive Title VI training on an *annual basis.*

# Limited English Proficiency (LEP)

**Limited English Proficient:** “ Individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English.”

*These individuals may require language assistance with respect to a particular type of service, benefit, or encounter.*

# LEP Requirements:

A recipient/provider whose policies, practices exclude, limit, or have the effect of excluding or limiting, the participation of any LEP person in a federally assisted program on the basis of national origin may be engaged in discrimination in violation of Title VI.

In order to ensure compliance with Title VI, the recipient/provider must take steps to ensure that LEP persons who are eligible for their programs or services have meaningful access to the benefits that they provide.

# LEP Requirements

The steps taken by a recipient/provider must ensure that the LEP person is given adequate information, is able to understand the services and benefits available, and is able to receive those for which he/she is eligible.

The recipient/provider must provide the language assistance necessary to ensure such access at no cost to the LEP person.



# Designing an Effective Language Assistance Program:

The recipient/provider must develop procedures for obtaining and providing trained and competent interpreters and other oral language assistance services, in a timely manner, by taking some or all of the following steps:

# Designing an Effective Language Assistance Program: (cont.)

- Hiring bilingual staff who are trained and competent in the skill of interpreting;
- Contracting with an outside interpreter service for trained, competent, and credentialed interpreters;
- Arranging formally for the services of voluntary interpreters who are trained, competent and credentialed in the skill of interpreting and translating;

# LEP Requirements:

- Recipients and sub-recipients of federal assistance are required to make reasonable steps to ensure meaningful access to their programs and activities by LEP persons.
  
- Four factors that should be considered:
  1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
  2. The frequency with which LEP individuals come in contact with the program.
  3. The nature and importance of the program, activity, or service provided by the program to people's lives;  
**and**
  4. The resources available to the grantee/recipient or agency, and costs.

# Determining Title VI Application

The program or agency must be located within the United States

The program or agency must be providing a service

The program or agency must be receiving direct (recipient) or indirect (sub-recipient) federal funding or assistance.

# Who Must Comply?

- State & Local Government (Agency Distributing federal assistance or entity distributing federal assistance to state/local government entity)
- Entire Corporation, Partnership, Private/Public Organization if federal financial assistance was received
- Entire Plant or Private Corporation or other Organization which is a geographically separate facility to which federal financial assistance is extended

# How to file a complaint :

Complaint may be filed by an individual, a class, or by a third party, within 180 days from the date of the alleged discriminatory act

Include the following: Your name, address, and telephone number

Include: Name & Address of the institution/agency you believe you were discriminated against

Any other relevant information

# Send Complaints to:

Your Local Title VI Representative:

OR

DCS Office of Civil Rights  
Title VI Compliance  
436 Sixth Avenue North  
Cordell Hull Bldg., 7<sup>th</sup> Fl.  
Nashville, TN 37243

OR

Tennessee Human Rights Commission  
Title VI Compliance Division  
William R. Snodgrass Building/TN Tower  
312 Rosa L. Parks Ave., 23<sup>rd</sup> Floor  
Nashville, TN 37243

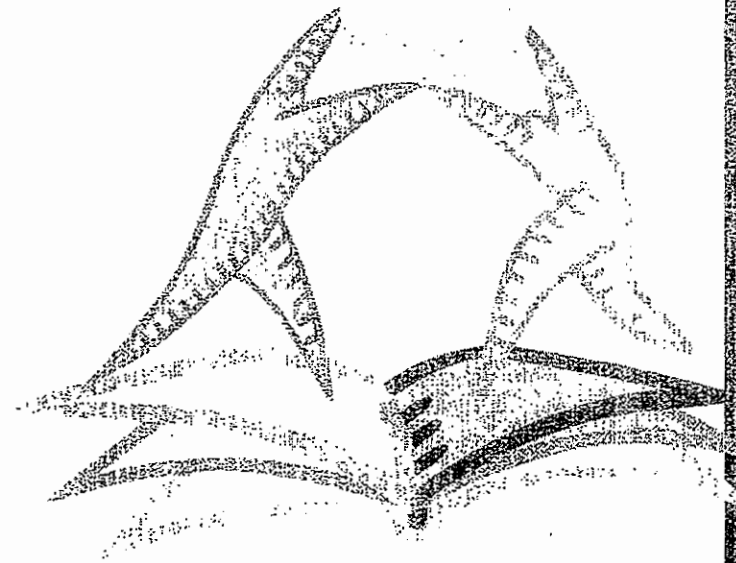
# Recap:

KEY to Title VI Compliance:

Ensure that service recipients receive

1. equal treatment
2. equal access
3. equal rights
4. equal opportunities

Without regard to their race, color, national origin, including Limited English Proficiency (LEP)







# TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) CIVIL RIGHTS DIVISION TITLE VI COMPLAINT FORM

The following information is needed in order to process your complaint.

1. What is/are the basis(es) on which you believe these alleged discriminatory actions were taken?

Race

Color

National Origin

Other, explain: \_\_\_\_\_

2. What is/are the date(s) of alleged discrimination? \_\_\_\_\_

3. Complainant's Contact Information:

Name:		
Mailing Address:		
City:	State:	Zip Code:
Home Telephone Number:	Work Telephone Number:	Cell Telephone Number:

4. Name of agency, department, or program that you believe discriminated against you: Agency or Department:

Name:		
Mailing Address:		
City:	State:	Zip Code:
Telephone Number:		

5. In your own words, describe the alleged discrimination. Explain what happened and who you believe was responsible (add additional sheets of paper for space).

\_\_\_\_\_

\_\_\_\_\_

---

---

---

---

6. List names and contact information of persons who may have knowledge of the alleged discrimination.

---

---

---

---

7. Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? Check all that apply.

Federal Agency

Federal Court

State Agency

State Court

Local Agency

If so, provide information about a contact person at the agency/court where the complaint was filed.

Name:		
Mailing Address:		
City:	State:	Zip Code:
Telephone Number:		

The complaint will not be accepted if it has not been signed. Please sign and date this complaint form below. You may attach any written materials or other supporting information that may be relevant to your claim.

---

Print Name

Signature

---

Date:

Submit complaint form and any additional information to:

TDOT Civil Rights Division  
Title VI Program Director 505 Deaderick Street, Suite 1800  
Nashville, Tennessee 37243  
Phone: 615.741.3681 Toll Free: 1.888.370.3647 Fax: 615.741.3169

\*A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act.

\*If this allegation is regarding employment discrimination, please contact the **Tennessee Human Rights Commission** or the **Equal Employment Opportunity Commission**.

\* Title VI complaints may also be filed with the **Tennessee Human Rights Commission, Federal Highway Administration, Federal Transit Authority, Federal Aviation Administration, and the U.S. Department of Justice**.

TN Human Rights Commission  
William T. Snodgrass BLD/TN Towers, 312 Rosa  
Parks AVE, 23<sup>rd</sup> Floor, Nashville, TN 37243  
Phone: 800.251.3589

Equal Employment Opportunity Commission  
50 Vantage Way, Suite 202  
Nashville, TN 37228-9940  
Phone: 800.660.4000  
TTY: 800.669.6820

FHWA Office of Civil Rights  
1200 New Jersey AVE, S.E., 8<sup>th</sup> Floor E81-314  
Washington, DC 20590  
Phone: 202.366.0693

FTA Office of Civil Rights  
Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor -TCR  
1200 New Jersey AVE, S.E.,  
Washington, DC 20590  
Phone: 888.446.4511

Federal Aviation Administration  
Office of Civil Rights  
RM 1030, ACR-1  
800 Independence AVE, SW  
Washington, DC 20591  
Phone: 888.954.8688

US Department of Justice  
Civil Rights Division  
Federal Coordination and Compliance Section, NWB  
950 Pennsylvania AVE, N.W.  
Washington, D.C. 20530  
Phone: 202.514.0716