

Tennessee District Attorneys

General Conference



Title VI Compliance

About Title VI

How Title VI Applies to Public Policy

Programs & Activities Covered by Title VI

What Title VI Does & Does Not Do

Who is Required to Comply

Quick Facts

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Equality Assurance

About Title VI

Title VI of the 1964 Civil Rights Act says, "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (42 U.S.C. § 2000)

About Federal Financial Assistance

Federal financial assistance means more than just money. It is also aid that enhances the ability to improve or expand allocation of a recipient's own resources. Examples of federal financial assistance include:

- Grants and loans, tax-exempt bonds
- Loan of personnel
- Property
- Student aid (releases recipient's funds for other uses)
- Tax incentives and tax-exempt status
- Technical assistance and other similar types of assistance
- Training of employees that permits better use of the employer

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Policies Examined

How Title VI Applies to Public Policy

Title VI is a mechanism that directs the federal financial assistance, which drives or promotes economic development. By legislative mandate, Title VI examines the following public policy issues:

- Accessibility for all persons
- Accountability in public funds expenditures
- Disparate impact
- Economic empowerment
- Environmental justice
- Infrastructure development
- Minority participation in decision making
- Program service delivery
- Public and private partnerships built in part or whole with public funds
- Site and location of facilities

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Ensuring Compliance

Programs & Activities Covered by Title VI

To ensure the broad, institution-wide application of Title VI and other civil rights statutes, the United States Congress passed the Civil Rights Restoration Act of 1987. This act clarifies the definition of programs and activities covered by the nondiscrimination provisions of civil rights statutes. The revised definition states that discrimination is prohibited throughout an entire agency or institution, if any part of that agency or institution receives federal financial assistance. Examples of this include the following:

- A department, agency, special purpose district, or other instrumentality of a state or local government, or the entity of such state or local government that distributes such assistance and each such department or agency (and each other state or local government entity) to which the assistance is extended, in the case of assistance to a state or local government
- A college, university, or other postsecondary institution or public system of education; or system of vocational education or other school system

Title VI applies to discrimination throughout an agency, not just to actions involving the federally assisted program. Therefore, if an agency receives any federal financial assistance for any program or activity, the entire agency is required to comply with Title VI, not just that particular program. For instance, if the District Attorneys General Conference receives grant funding, the agency / division must be in compliance with Title VI rules and regulations.

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What Title VI Does

What Title VI Does & Does Not Do

Title VI was enacted to ensure equal distribution of federal funds regardless of race, color, or national origin. Because of this, Title VI:

- Encourages the participation of minorities as members of planning or advisory bodies for programs receiving federal funds
- Prohibits discriminatory activity in a facility built in whole or part with federal funds
- Prohibits entities from denying an individual any service, financial aid, or other benefit because of race, color, or national origin
- Prohibits entities from providing a different service or benefit, or providing these in a different manner from those provided to others under the program
- Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals
- Prohibits locating facilities in any way that would limit or impede access to a federally funded service or benefit
- Prohibits segregation or separate treatment in any manner related to receiving program services or benefits
- Requires assurance of nondiscrimination in purchasing of services
- Requires entities to notify the respective population about applicable programs
- Requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English speaking ability

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What Title VI Does Not Do

Continued

According to the 1964 Civil Rights Act, Title VI does not apply to the following situations:

- Direct benefit programs such as Social Security
- Employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment
- Federal assistance provided through insurance or guaranty contracts (i.e., FHA loan insurance)

Additionally, Title VI does not only apply to contracts and set-aside programs.

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Types of Organizations / Institutions

Who is Required to Comply

- An entire corporation, partnership, or other private organization, or an entire sole proprietorship
- Higher education: college, university, or other post-secondary institution
- Local education agency, system of vocational education, or other school system
- State and local government: agency distributing federal assistance or entity distributing federal assistance to the state or local government entity
- The entire plant or private corporation or other organization that is a geographically separate facility to which federal financial assistance is extended

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Quick Facts

- According to Federal Law, Title VI of the Civil Rights Act of 1964 states that 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. In addition, Tennessee legislation (TCA 4-21-904 and TCA 4-21-203) enforces Title VI compliance in all of its departments, programs, and agencies.
- Sub-recipients are encouraged to engage the public with the opportunity to make them aware of projects or services and to provide input in the decision-making process through: Public Meetings/Hearings in centralized locations; Advertisement with Local Media Resources and Minority Newspapers; Direct Mailings; Public Service Announcements; Website, and Radio and Television.
- LEP Persons are a people who do not speak English as their primary language, and have a limited ability to read, speak, write or understand English.

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Quick Facts

- Non-Compliance is the failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable Civil Rights Laws, and implementing departmental regulations.
- Non-compliance may result in sanctions such as withholding of payments to the recipient under the contract until the recipient complies, and/or Cancellation, termination or suspension of the contract, in whole or in part.
- Agencies are to evaluate current LEP practices. This evaluation process may include identifying actions already being taken and existing tools that can be used to provide meaningful access; taking inventory of existing materials that have been translated into other languages; staff awareness and response plan.

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Quick Facts

- To be compliant with Title VI requirements, agencies must: 1) Appoint a Title VI Coordinator; 2) Provide Title VI Employee Training for employees; 3) Develop a Title VI Policy Statement and post in visible areas; 4) Acquire signed Title VI Assurances.
- Title VI regulations require agencies to provide civil rights training for staff and assign sufficient personnel to ensure effective enforcement. Periodic training should be designed to develop awareness and sensitivity in carrying out federally funded programs.
- Compliance includes developing a Title VI Policy Statement and posting it in visible areas. Sub-recipients must have a mechanism for advising service recipients of their rights under Title VI of the Civil Rights Act of 1964 and how to file a discrimination complaint.

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Quick Facts

- Agencies are required to have a written Title VI complaint process and complaint log. Which includes: How to file a complaint; Instructions that the complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant; Procedure stating that the complaint should be in writing and signed by the person making the complaint; Process for determining the jurisdiction, acceptability, and the need for additional information upon receipt in order to investigate the merit; Instructions that complaints filed against the sub-recipient should be forwarded to Title VI funding entity for investigation; Commitment to take final action within 60 days; and appeal instructions.
- The inclusion of minorities on planning boards and commissions is critical in establishing an equal access planning system. Sub-recipients cannot “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

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Training

To complete the DAGC Title VI Program Training, click on the link below to access the Title VI Training Questions.

<http://www.tndagc.org/TitleVI.pdf>

After completing the questions, they will need to be submitted to:

Tennessee District Attorneys General Conference

ATTN: Laurie Steen, Compliance Officer

226 Capital Blvd.

Nashville TN, 37243

615-532-1865

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Complaint Filing

- Complete the complaint form included in this program and send to your agencies Title VI Coordinator.

<http://www.tndagc.org/DA-0001.pdf>

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ATTN: Laurie Steen, Compliance Officer

226 Capital Blvd.

Nashville TN, 37243

615-532-1865

- Human Rights Commission

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www.tn.gov/humanrights

Or

- U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Avenue N.W.

Office of the Assistant Attorney General

Washington, D.C. 20530