

# Civil Rights Act of 1964

## Title VI



# Goal

- **To protect the civil rights of service recipients and to ensure equal access to programs, activities, and services regardless of race, color, or national origin.**
- **To ensure all management staff, contractees, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.**

# Objectives

## **This course will include:**

- Prohibited practices under Title VI of the Civil Rights Act of 1964,**
- County & Sub-Recipients Title VI requirements and responsibilities**
- Limited English Proficiency**
- Environmental Justice**
- How to report a Title VI violation.**

## 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.

### EXAMPLES:

Freedom of Speech Freedom of Assembly  
Right to Vote  
Freedom from Involuntary Servitude Equality in Public Places

## DISCRIMINATION

Discrimination occurs when an individual's civil rights are denied or interfered with because of their membership in a particular group or class.

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.

- 1.** The Civil Rights Act of 1964 was broad in scope and covered those entities receiving federal funds, places of public accommodation such as bus stations, restrooms and restaurants. It prohibited discrimination on the basis of race, color, religion and national origin.
- 2.** However, the Civil Rights Act of 1964 did not protect people with disabilities. Discrimination against people with disabilities would not be addressed until 1973 when Section 504 of the Rehabilitation Act of 1973 became law and later still in 1990 when the ADA was passed.

## What is *Title VI* ?

**“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

### FOR TITLE VI TO APPLY:

- 1. The program or agency must be located within the United States.**
- 2. The program or agency must be providing a service.**
- 3. The program or agency must be receiving direct (recipient) or indirect (sub-recipient) federal funding or assistance.**

### What constitutes a program or activity?

- A department, agency or other instrumentality of a state or local government.**
- The entity of such a state or local government that distributes assistance and each department or agency to which assistance is extended.**

### Federal financial assistance includes:

Grants	Training
Loans, below fair market value	Detail of Federal personnel
Use of Equipment	Surplus Property

## Tennessee Attorney General's Opinion

**Opinion: State and local agencies or corporations which receive federal financial assistance are subject to the restrictions of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.**

On May 31, 1993, the state of Tennessee became the first state to pass legislation enforcing *Title VI* compliance [in all of its departments, programs, agencies.](#)

[Sub-recipients are also required](#) to comply with Title VI of the Civil Rights Act of 1964, when federal funds are passed from a recipient to a sub-recipient.

### **-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 for any person receiving such federal 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.

### **To Comply with Title VI**

- Appoint a Title VI Coordinator
- Obtain Blount County Government Title VI Training
- Provide Title VI Employee Training for employees
- Develop a Title VI Policy Statement and post in visible areas
- Acquire signed Title VI Assurances
- Monitor ethnicity and gender of contractors and subcontractors
- Include Title VI Assurances in all contracts

## Statement of Assurance

*\*\*All federal financial assistance provided to the Blount County Government is conditional on providing assurance that the County services to be benefited by the funds will operate without discrimination. The assurance is a contractual obligation through which the County steps to effectuate this compliance. Assurance will be a part of all contracts extending federal financial assistance through the Blount County Government to the County's sub-recipients.*

## Statement of Assurance

*\*\*Sub-recipients must ensure that all contractors and sub-contractors awarded County funded contracts adhere to Title VI and all other applicable civil rights laws and regulations.*

## Program Coverage

[Title VI applies to:](#)

*\*All Blount County Government functions, facilities, operations, programs and projects (hereinafter referred to as "Services") that receive federal funds, and*

*\*All services provided by sub-recipients that receive federal financial assistance through the Blount County Government.*

*\*Because Blount County Government receives federal assistance, all of its services are covered by Title VI. It is the County's objective that all services be administered in a non-discriminatory manner.*

## Compliance in Procurement Procedures

*\*The Blount County Government will require an assurance of compliance with the Civil Rights Act of 1964 from every sub-recipient or contractor before entering into any contract that involves the purchases of services, or other benefits on behalf of persons serviced by the County programs.*

### **PROMOTE CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES (DBES) AND OTHER SMALL, MINORITY AND WOMEN-OWNED UTILIZATION**

[Provide the opportunity to participate on County contracts by means of:](#)

- \*Outreach to Certified DBEs and other small, minority and women-owned businesses on both goal and non-goal projects;*
- \*Soliciting Certified DBEs and other small, minority and women-owned businesses through all reasonable and available means (e.g. pre-bid meetings, advertisement, TDOT DBE list, etc.);*
- \*Arranging times for presentation of bids, quantities, specifications and delivery schedules in ways that facilitate DBEs participation;*
- \*Ensuring that bid notices and requests for proposals are available to (DBEs) in a timely manner, and*
- \*Advertising with local media resources and minority newspapers.*

## **Minority Participation in Planning and Advisory Boards**

*The Blount County Government and its sub-recipients must take all steps legally permissible to ensure minority representation on boards and committees*

## **Have a written Title VI Complaint Process and Complaint Log**

### **To Include:**

*\*How to file a complaint; (see below)*

*---The complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant;*

*\*The complaint should be in writing and signed;*

*\*Determining the jurisdiction, acceptability, and the need for additional information upon receipt to investigate the merit;*

*\*Complaints filed against the sub-recipient should be forwarded to Blount County Government for investigation;*

*\*Take final action within 60 days, and*

*\*Provide appeal instructions.*

*\*\*\*The Human Resources Department of Blount County Government is responsible for investigating any allegations of discrimination relating to Title VI of the Civil Rights Act of 1964 and any Executive Orders pertaining to Civil Rights, and places of public accommodations or services that may occur within Blount County Government and its offices. Any person that feels that they have been discriminated against because of race, color, or national origin, may file a complaint of discrimination. Complaints of discrimination must be filed with the HR Department within 180 days of the alleged discriminatory act. Please contact:*

**Blount County Government  
Misty Guge, Title VI Coordinator  
Human Resources Department  
397 Court Street  
Maryville, TN 37804  
P: 865-273-5780  
HR@blounttn.org**

## **Compliance Reporting**

The Title VI Coordinator *will conduct annual review of the compliance* reports submitted by the Departmental Coordinator and the *sub-recipient* to ensure that the department and the sub-recipients have received orientation and or sufficient information to function in their responsibility; have received all materials required for administering the Title VI programs; procedural manuals, posters and pamphlets and have a file on current Self Survey indicating the status of their Title VI compliance.

## Effecting Compliance

*Sub-recipients found guilty of violating the provisions of the Title VI will be given a written notice of such violation and an opportunity to comply. Failure to eliminate further discrimination within thirty (30) days of receipt of notice will be considered a violation of the terms of the contract and a basis for contract suspension, termination, or rejection. Federal funds will be terminated or withheld as a preventive sanction for noncompliance.*

## Sanctions for Non-Compliance

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.

### Title VI does not apply to:

- Employment, except where the purpose of the federal assistance is to provide employment.
- Relief for discrimination based on age, sex, geographical locale or wealth.
- Direct benefit programs such as Social Security.

## Key to Title VI Compliance

Ensure that service recipients receive:

- *Equal treatment*
- *Equal access*
- *Equal rights*
- *Equal opportunities*

*without regard to their race, color, national origin, including Limited English Proficiency (LEP).*

## Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

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

#### *Limited English Proficiency Executive Order 11366*

In August 2000, this order “Improving Access to Services for Persons with Limited English Proficiency” was issued and directed to federal agencies to:

*\*Publish guidance on how their recipients can provide access to LEP persons.*

*\*Improve the language accessibility of their programs*

*\*Break down language barriers by implementing consistent standards of language assistance across federal agencies and amongst all recipients of federal financial assistance.*

#### **LEP Requirements**

[Recipients and sub-recipients of federal assistance](#) are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Four factors should be considered:

- *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;*
- *The frequency with which LEP individuals come in contact with the program;*
- *The nature and importance of the program, activity, or service provided by the program to people's lives; and*
- *The resources available to the grantee/recipient or agency, and costs.*

#### **LEP...**

##### [Evaluate Current Practices](#)

- *Identify actions already being taken and existing tools that can be used to provide meaningful access*
- *Inventory existing materials that have been translated into other languages*
- *Staff awareness*
- *Response Plan*

## **Environmental Justice**

EXECUTIVE ORDER 12898 - [Environmental Justice \(EJ\)](#) - EO 12898, each Federal agency must identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

## **DEVELOP AN ENVIRONMENTAL JUSTICE PROCESS**

- Aims for fair treatment and protection from environmental hazards for all;
- Provides meaningful involvement in decision-making means inclusive and accessible for all people;
- Provides good community impact assessments addressing the concerns of all people;
- Documents efforts taken to identify and engage minority and low-income populations, and
- Provides an analysis for each alternative that offsets the benefits needed to be considered before making a determination

## **REMEMBER!!**

### **Non-Compliance is...**

*Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable Civil Rights Laws, and implementing departmental regulations!!*



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