

An Introduction to Title VI of the 1964 Civil Rights Act

Presented By:

**Michelle A. Lane, Title VI
Coordinator**

**Metro Nashville
Government**



Goals Of This Training

- Provide a brief introduction to Title VI and its applicability;
- To foster an understanding in Metro Employees of Title VI and its history;
- Start a dialogue and action whereby Metro can be sure that it is continuously maintaining compliance;
- To understand our Title VI plan of action

Agenda

- What is Title VI? An Historical Overview ;
- Title VI Compliance- The Basics;
- Question and Answer



What is Title VI? An Historical Overview

- Title VI is a Federal Law which prohibits discrimination on the basis of race, color, or national origin-*The Law- "No person in the U.S. 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".*
- A part of the Civil Rights Act of 1964
- Initial interpretation was very broad
- Supreme Court decision in 1984 in Grove City College v. Bell (465 U.S. 555)
- Civil Rights Restoration Act of 1987 redefined applicability



Title VI Compliance- The Basics

- *Who* is required to comply with Title VI?
 - Any entity which receives federal financial assistance must comply with the provision of Title VI;
- *What* does compliance entail?
 - Ensuring that the method in which programs or activities are delivered are such that no person is denied benefit of or access to those programs or activities because of their race, color or national origin;
- *When* do programs or activities have to be compliant with Title VI?
 - Federally funded programs should be compliant immediately, however, compliance can be achieved within grantor dictated timelines

Title VI Compliance- The Basics

Examples of Federal Financial Assistance

- Medicare, Medicaid Payments
- Federal Grants or Sub-grants
- Federal Contracts at amounts below market value
- Use or rent of Federal Land
- Federal Training
- Loan of Federal Personnel
- Subsidies

Title VI Compliance- The Basics

Common Myths About Title VI

- Title VI prohibits gender discrimination
- Title VI only applies to direct recipients of Federal Funding
 - Pass thru sub-recipients not only receive \$\$.
They also receive the requirement to comply with the provisions of Title VI;
- Title VI only applies to the specific program in the department that receives federal funding;
- Grantors will automatically pull federal funding if you don't comply with the provisions of Title VI.

Title VI Compliance- The Basics

Limited English Proficiency (LEP) Provisions of Title VI

- Covers discrimination on the basis of National Origin because of language barriers;
- Ensures equal access to benefits for persons with limited English Proficiency;
- Ensures that services are not delayed or denied because the service provider cannot communicate with clients because they don't speak English.
- Agencies must provide interpreters who are appropriately trained and can accurately translate either in person or on the telephone

Title VI Compliance- The Basics

Examples of Non Compliance

- Obvious denial of services or the delivery of inferior service to individuals because of their race, color or National Origin;
- Engaging in differential treatment to individuals seeking to access services due to race, color or national origin- providing services, but not providing the same level of information, customer service, etc. because of the clients race, color or national origin;
- Denying access to membership of planning or advisory bodies which are integral to programs because of race color or national origin;
- Failure to provide information or education about program availability and eligibility to protected beneficiary groups;
- Failure to provide services or information in a language other than English when a significant portion of the potential client base have a limited English proficiency.

Title VI Compliance- The Basics

What are other Entities Doing?

- Department of Justice Office of Civil Rights
 - Proactive in Title VI compliance
 - Provides a wealth of resources about Title VI and other Civil Rights laws
 - Publications and Training Materials
 - Legal Manual

Title VI Compliance- The Basics

What are other Entities Doing?

- State of Tennessee
 - First State with Title VI Legislation- Public Chapter 502
 - Requires the preparation of Title VI implementation plans with participation of protected beneficiary groups.
 - Plans are annual and hearings are held by members of the Legislative Black Caucus to review;
 - Executive Order 34 established the Tennessee Title VI Compliance Commission to serve as the central coordinating agency on the State level or Title VI.

What is Our Responsibility and Plan of Action?

- Responsibility?
 - Maintained Title VI Compliance/Delivery of Programs in a nondiscriminatory manner;
 - Maintained Federal Funding for programs and service to taxpayers;
 - Awareness of possible, unintended actions which could result in noncompliance;
 - Continued training and education about Title VI and its impact

What is Our Responsibility and Plan of Action?

- Plan of Action?
 - Self Surveys provided to all Departments to assist in the definition of current level of knowledge about Title VI and to identify areas of noncompliance which should be remedied;
 - Engage in Training Processes to increase awareness;
 - Development of a Title VI Compliance Plan and Annual Compliance Review;
- The Goal is to identify areas of noncompliance and achieve compliance and then to maintain enterprise wide, continuous compliance- Nobody wants to loose their federal funding for failure to comply.

Feel Free to contact me with
any ??????'s

Michelle A. Lane
222 3rd Avenue North
Nashville, TN 37201
615-862-6170

Michelle.lane@nashville.gov