SIMPLE JUSTICE
The Heart of Title VI

Caroline G. Blackwell
Executive Director
Metro Human Relations Commission
November 2011
Do You Ignore Reality?

Draw a Hand.
WIIFM?

- Overview of Title VI
- Law & Regulations
- Application, Scope
- Programs & Activities
- Tennessee Law
- Violations of Title VI
- “Simple” Keys for Compliance
- Reporting
“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....

But indirect discrimination, through the use of Federal funds is as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.”
The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex or national origin. Through its ten Acts or Titles, the law redressed discrimination in:

- Voting rights
- Public Accommodations
- Public Facilities
- Public Education
- Employment
- Federally Assisted Programs & Activities – 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.”
TITLE VI & LEP
Tennessee & TITLE VI

- First state to require enforcement of Title VI in all programs, agencies, and departments (1993).
- *State, local agencies, and corporations* (profit or non-profit) who receive federal assistance are subject to the requirements of Title VI (Attorney General, Opinion No. 92.47)
WHEN?
- In the U.S.
- Program or Service
- Direct or Indirect

WHAT?
- Grants or Loans
- Lease/Sale of Property
- Technical Assistance/Technology Transfer
- Student Aid

Applying the Law
How does Title VI impact your life, work, or business?

Are the provisions of Title VI broad enough to address race, color, and national origin discrimination?
Spotting Title VI Discrimination

- Denying any individual services, opportunities, or other benefits
- Offering different services or programs
- Segregating service recipients
- Restricting access to program services or benefits
- Failure to provide translation and/or interpreting services when warranted
• Establishing policies and/or practices which would limit participation or subject recipients to discrimination
• Using language to address someone that conveys inferiority based on race, color, national origin
• Retaliation in response to a complaint
INTENT v. IMPACT

Theories of Proof

1. Intentional discrimination/disparate treatment. (deliberate, motivated)

2. Disparate impact/effects. (Neutral procedure or practice; lacks substantial justification)
LEP FOUR FACTOR ANALYSIS
Reason and Meaningful Access
When All Else Fails...

Metro Human Relations Commission
800 Second Avenue South, Fourth Floor
Nashville, TN 37210 | (615) 880-3370
www.nashville.gov/humanrelations

You’re the Title VI Coordinator in your department of organization.
“How we recover is more important than how we cover up.”

-- Dr. Derald Wing Sue