



# *Title VI of the Civil Rights Act of 1964*

*Overview*  
*August 19<sup>th</sup>, 2003*

John Birdsong  
Tennessee Title VI Compliance Commission



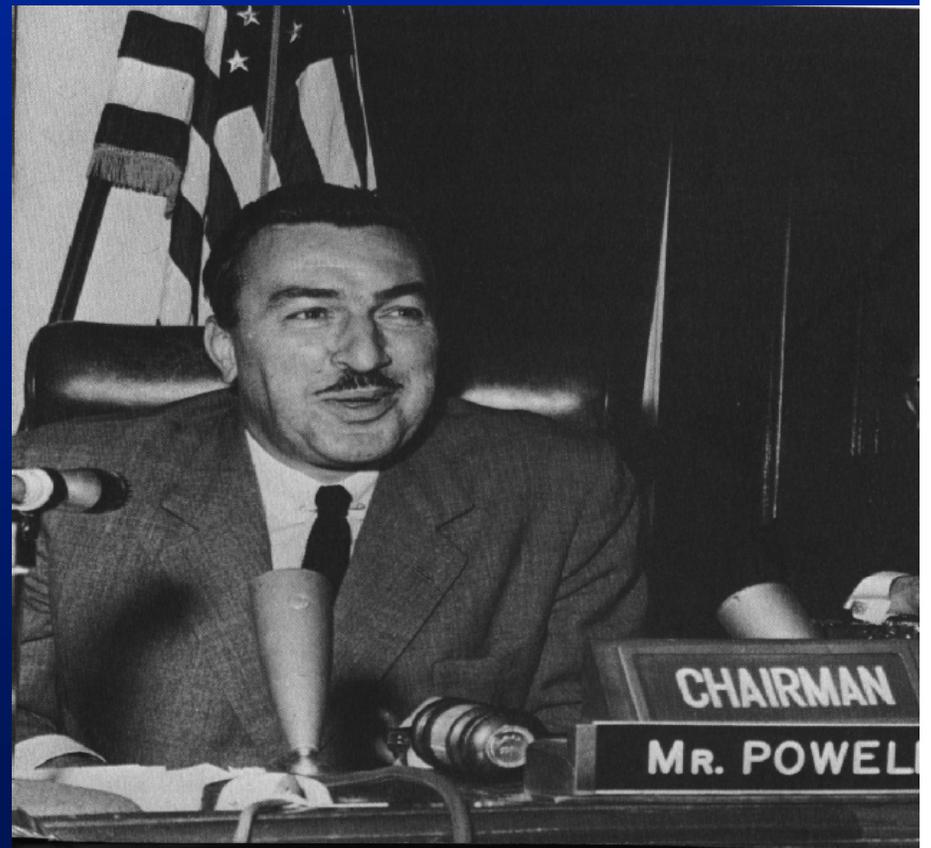


# Father of Title VI

*Former Congressman  
Adam Clayton Powell*

## Title VI

*A Catch All Provision to  
cover racial discrimination  
in all federally funded  
programs*



# Title VI of the 1964 Civil Rights Act



“No person in the United States shall be

- Excluded from participation
  - Denied benefits
  - Subjected to discrimination
- » In any **Federally-funded** program or activity

On the **basis** of

- Race,
- Color, or
- National origin



## *Title VI - Why are we interested in Title VI?*

**“Title VI applies to approximately 27 Federal agencies administering more than 1000 programs and distributing annually an estimated \$900 billion in Federal financial Assistance”**

- Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs - June 1996 - - U.S. Commission on Civil Rights

# *Title VI -- Recipients*

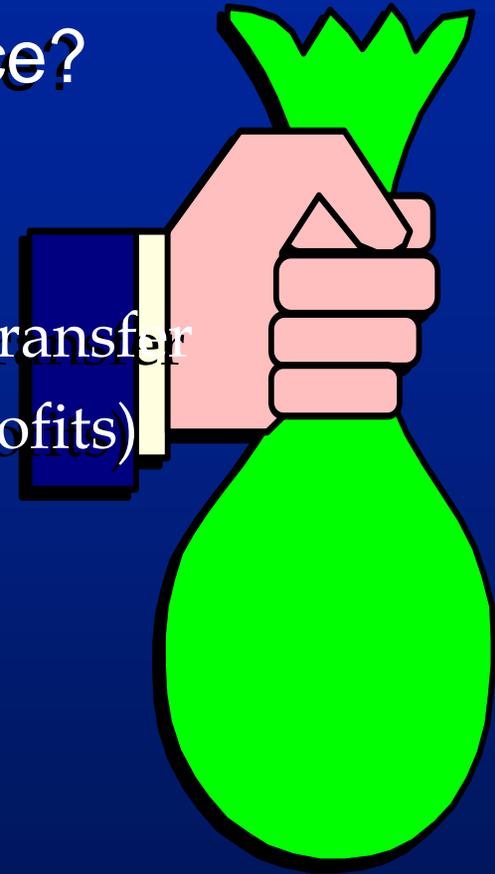
- **Primary Recipients - (Direct)**  
State Agencies, Local Governments,  
Higher education institutions, Private  
organizations
- **Subrecipients/Subgrantees**



# Title VI -- What?

- What is Federal Financial Assistance?

- Grants and loans,
- Sale or lease of Property,
- Technical assistance and technology transfer
- tax incentives (businesses and non-profits)
- block grants - bonds
  - Exceptions...
- **Federally conducted programs**
  - » direct assistance, and
- insurance of contracts and guarantee





# *Title VI - Why are we interested in Title VI?*

- **Broadest Instrument Available**
  - **PUBLIC POLICY INITIATIVES**
    - » Federal guidelines require a Comprehensive Method of Administration/Prohibit Disparate Impact (THIS HAS BEEN ABSENT)
  - **BOTTOM LINE**: Ultimately about who does and does not benefit
- 



# Civil Rights Restoration Act of 1987





*Programs and Activities covered by Title VI include a wide variety of services.*

- Veterans Administration educational benefits, to
  - equipment and building loans,
  - employee or student recruitment,
  - health care,
  - social services,
  - parks and recreation,
  - construction,
  - housing,
  - transportation,
  - contracting,
  - hiring,
  - the location of facilities,
  - the distribution of benefits and services,
  - law enforcement,
  - tax benefits enjoyed by fraternal and non-profit organizations, as well as
  - program effects on people in applicable communities.
- 



# Federal Agency Oversight of Continuing State Programs

» Oversight and Monitoring



# *What discriminatory acts does Title VI prohibit?*

- Denying an individual any service, financial aid, or benefit
- Providing services or benefits to some individuals that are different or inferior (either in quantity or quality) to those provided to others
- Segregation or separate treatment in any manner related to receiving program services or benefits
- Different standards or conditions as prerequisites for serving individuals

## *Title VI -- What?*

What discriminatory acts does Title VI prohibit?

- Discriminatory activity in a facility built in whole or part with Federal funds (I.e site and location of facilities)
  - Requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English speaking ability (i.e. CDBG and communities, schools).
- 



## *Title VI -- What?*

What discriminatory acts does Title VI prohibit?

- Encourages the participation of minorities as members of planning or advisory bodies for programs receiving federal funds.





# Method of Administration

Public Outreach and Education

Training

Complaint Procedure

Assessing Compliance

Racial and Ethnic Data Collection





# *Monitoring and Enforcement*

Preaward Reviews [desk audit]

Preaward Review [Onsite]

Postaward Review [desk audit]

Postaward Review [onsite]





# Two Theories of Discrimination

- **Disparate Impact Analysis** - unintentional discrimination (consequences of actions) The overall impact of a facially neutral rule upon minorities must be compared with its overall impact on other groups. Adoption of regulations that prohibit discriminatory effects -
  - **Disparate Treatment** - intentional discrimination (motivated by intent) - An intent claim alleges that similarly situated persons are treated differently because of their race, color or national origin
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# *LEP Guidance*

President Clinton Executive Order August 2000

DOJ LEP Policy Guidance published in the Federal Register June 2002

- informs recipients about the requirements of Title VI and legal obligations
- Provides detailed information about how covered recipients can comply with legal obligations and how to provide meaningful access - comprehensive language assistance program
- identifies promising practices
- explains how OCR investigates complaints seeks compliance through technical assistance, voluntary compliance and referral for further legal action



## *Title VI* -- What discriminatory acts does Title VI not apply to?

- **Employment** -- Does not apply to employment, except where employment *practices*, result in discrimination against program beneficiaries or where the *purpose* of the program is to provide employment - **Title VI/Title VII rule**
  - Does not provide relief for discrimination based on age, sex, disability.
- 



*Office of the Attorney General*  
*Opinion Number 92.47*

Whether Title VI of the Civil Rights Act of 1964 affects state and local government boards, commissions and authorities when they are making public policy concerning the expenditure of federal funds.





# Public Chapter 502





# Title VI

## Coordinator/Organizational Placement of the Civil Rights Office





# *Termination of Funding*

**Deficiencies, Remedies and Sanctions**

**Voluntary Compliance**

