

CIVIL RIGHTS DIVISION

TENNESSEE DEPARTMENT OF TRANSPORTATION

Affirmative Action
Small Business Development
Title VI

WHAT IS TITLE VI? FEDERAL LAW

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. 2000D)

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.

PURPOSE OF TRAINING

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.

OTHER NONDISCRIMINATION AUTHORITIES

Expanded the range and scope of Title VI coverage and applicability:

- The 1970 Uniform Act (42 U.S.C 4601)
- Section 504 of the 1973 Rehabilitation Act (29 U.S.C 790)
- Federal Highway Act of 1973 - Gender Added (23 U.S.C. 324)
- The 1975 Age Discrimination Act (42 U.S.C 6101)
- Executive Order 12898 in Environmental Justice (EJ)
- Executive Order 13166 on Limited English Proficiency (LEP)

To Comply with Title VI

- Appoint a Title VI Coordinator
- Obtain TDOT 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
- Inform customers about Title VI annually and disseminate information to the public (i.e. website, poster, utility bill, water bill, newspaper ,radio, etc.)

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

Provide the opportunity to participate on TDOT federally funded 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.

DEVELOP A PUBLIC PARTICIPATION PLAN

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.

ENSURE YOUR CONTRACTORS AND SUB-CONTRACTORS FOLLOW THE SAME GUIDELINES

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

MINORITY AND WOMEN REPRESENTATION ON PLANNING BOARDS & COMMISSIONS

The inclusion of minorities and women 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.”

HAVE A WRITTEN TITLE VI COMPLAINT PROCESS AND COMPLAINT LOG

To Include:

- How to file a complaint;
- 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 TDOT for investigation;
- Take final action within 60 days, and
- Provide appeal instructions.

HAVE A LIMITED ENGLISH PROFICIENCY (LEP) PLAN

How do you assist customers that do not speak English?

EXECUTIVE ORDER 13166

Limited English Proficiency (LEP) – EO 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

LIMITED ENGLISH PROFICIENCY (LEP)

Who is a LEP Person?

Does not speak English as their primary language, and has **a limited ability** to read, speak, write or understand English.

TAKE REASONABLE STEPS TO ENSURE MEANINGFUL ACCESS TO PROGRAMS AND ACTIVITIES OF LEP PERSONS

Conduct an assessment of the population by using the:

Four Factor Analysis

1. Number or proportion of LEP persons;
2. Frequency of contact with the program or activity;
3. Nature and importance of the program; and
4. Resources available.

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

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

That:

- 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.

NON-COMPLIANCE

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

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

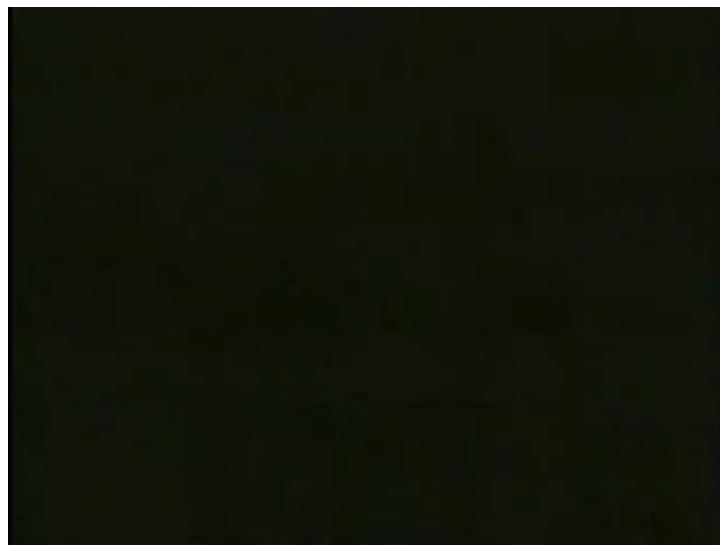
TITLE VI RELATED VIDEOS

Included are the U.S. Department of Justice videos for **optional** learning as follows:

UNDERSTANDING AND ABIDING BY TITLE VI VIDEO



LIMITED ENGLISH PROFICIENCY VIDEO



TITLE VI PROGRAM STAFF

Phone: 615.741.3681

Fax: 615.741.3169

Toll Free: 1.888.370.3647

Cynthia Howard Title VI Program Director	Statewide
Kelsey Finch Title VI Program Specialist	Regions 1 & 2
Pamela Sharp Title VI Program Specialist	Region 3
James W. White Title VI Program Specialist	Region 4

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Diversity is Power