



TITLE VI: NONDISCRIMINATION IN THE FEDERAL-AID PROGRAM

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LEARNING OUTCOMES

At the end of this training, participants will be able to:

- Discuss the **context, purpose, and intent** of Title VI;
- Define **Title VI and other nondiscrimination authorities**;
- Explain the **roles and responsibilities** of State DOTs and subrecipients including **Planning Organizations**.



PROLOGUE



TITLE VI BACKGROUND

- Context
- Purpose & Intent



VIDEO PRESENTATION

- Background & Purpose of Title VI



TITLE VI PROGRAM PURPOSE

- To ensure **public funds** are not spent in a manner that encourages, subsidizes, perpetuates, or results in discrimination;
- Title VI therefore bars **intentional** (disparate **treatment**) and **unintentional** (disparate **impacts or effects**) discrimination.

TITLE VI PROGRAM **INTENT**

- To **eliminate barriers and conditions** that prevent the Title VI Program **protected groups and persons** from receiving **access; participation** and **benefits** from Federally-assisted programs, services and activities.

FHWA VISION, MISSION & PARTNERSHIPS



FHWA's VISION

- **The Best Agency & Transportation System in the World**
 - Be the **best agency** in the Federal Government providing the **best service** to the American public;
 - **Safest roads;**
 - **Most excellent pavements & bridges;**
 - **Congestion-free highways;**
 - **Socially and environmentally sensitive.**

FHWA's MISSION

- **Improving Mobility on our Nation's Highways Through National Leadership, Innovation, & Program Delivery**
 - Constantly **improve free movement** of traffic, people, goods & services;
 - Continually **provide transportation solutions** beyond highways;
 - **Assuming leadership role** in the delivery of transportation programs and products;
 - **Provide new, cost-effective/efficient technology and ideas;**
 - **Be credible, reliable and trusted stewards;**
 - **Engage in sustained efforts to improve**
 - The American & global economy
 - Our way & quality of life
 - Our security

PARTNERSHIPS

- **State Highway/Transportation Agencies, Local Public Agencies (LPAs), Planning Organizations, etc.**
 - Construct
 - Improve
 - Maintain/Preserve



Interstate motoring network as well as urban and rural roads, tunnels & bridges.

State Transportation Agencies & Federal-aid Highway Funds

- State Transportation Agencies (STAs) are the **principal recipients** of Federal-aid Highway Funds



- “Any State desiring to avail itself of the provisions of this title shall have a State transportation department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title.” (23 USC 302(a))

- STAs are responsible for construction of all Federal-aid projects



- “The ST[A] has responsibility for the construction of all Federal-aid projects, and is not relieved of such responsibility by authorizing performance of the work by a local public agency or other Federal agency.”

(23 CFR 635.105(a))



Delegation of Project Management Activities

- STAs may delegate Federal-aid project administration and management to **subrecipients** including Local Public Agencies (LPAs)



- “The State highway department may utilize, under its supervision, the services of well-qualified and suitably equipped engineering organizations of other **governmental entities** for making surveys, preparing plans, specifications and estimates, and for supervising the construction of any projects.” (23 CFR 1.11(b))

Who is a [Sub]recipient?

- **Recipient**

- An entity or person to whom Federal financial assistance is **directly** extended and thereby subjects them to Title VI compliance obligations (23 CFR 200.5(n))

- **Subrecipient**

- An entity or person to whom Federal financial assistance is **indirectly** extended either through a recipient or another subrecipient and thereby subjects them to Title VI compliance obligations (23 CFR 200.5(n))

Who Are Local Public Agencies?

- **Local Public Agency**



- **LPA SOP Template**

- “any city, county, township, municipality, or other **political subdivision** that may be empowered to cooperate with the State transportation department in highway matters” (23 CFR 635.102)
- Any organization, other than the State Transportation Agency, with administrative or functional responsibilities which are directly or indirectly affiliated with a governmental body of any nation, State, or local jurisdiction

Subrecipients Must Abide by all Federal Requirements

- Subrecipients are required to carry out their Federal-aid project actions in accordance with all applicable Federal requirements →
 - “When the work is to be performed under a contract awarded by a **local public agency**, all Federal requirements including those prescribed in this subpart shall be met.”
(23 CFR 635.105(c)(2))



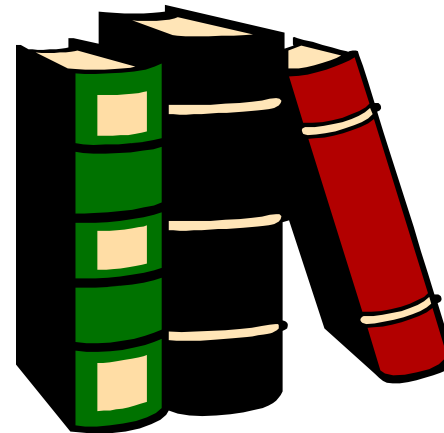
Planning Organizations & Title VI/Nondiscrimination

- **23 CFR 450.334 (a)**

- “For all MPAs, concurrent with the submittal of the entire proposed TIP to the FHWA and FTA as part of the STIP approval, the State and the MPO shall certify at least every four years that the metropolitan transportation planning process is being carried out in accordance with **all applicable requirements** including: (3) **Title VI of the Civil Rights Act of 1964** as amended” (42 U.S.C. 2000d-1) and 49 CFR part 21 [**& 23 CFR part 200**];

FHWA TITLE VI POLICY

- It is the policy of the FHWA to ensure **nondiscrimination** in all programs and activities receiving financial assistance from the Federal Highway Administration
(23 CFR 200.7)



DISCRIMINATION



WHAT IS IN THE WORD?

- In commonplace usage, “**to discriminate**” means to *differentiate*, to *discern*, to *distinguish*, or to *single out*;
- We “**discriminate**” daily to arrive at almost every decisions we make;
- In the context of civil rights, “**discrimination**” refers to an **unlawful**, **unfair** or **unequal** treatment or impact to an individual (or group) **based on certain distinguishing characteristics**.

DISCRIMINATION

- That **act** (action or inaction), whether intentional or unintentional, through which a person in the United States solely because of their race, color, national origin, sex, age, disability, etc. is subjected to **disparate [unequal] treatment or impact**, in any program or activity receiving Federal financial assistance from FHWA under 23 USC.

DISCRIMINATION CONTD.

- Unlawful behavior;
- Insidious & invidious;
- Latent & Patent;
- **Prominent feature in transportation activities;**
- **Preventing discrimination is everybody's responsibility;**
- Ergo, as stakeholders, we have to do everything possible to **prevent, minimize & eradicate** discrimination;
- **Leadership must provide commitment, support, drive, directives and direction.**



TITLE VI AUTHORITIES


- **Legislative Authorities**

THE UNIVERSITY OF TEXAS AT AUSTIN

YOUR RIGHTS UNDER
TITLE VI OF THE
 CIVIL RIGHTS ACT OF 1964

<p>The University of Texas at Austin provides equal opportunity in all programs that receive federal assistance. Facilities, programs, and services sponsored by The University of Texas are available to all eligible persons regardless of race, color, or national origin.</p> <p style="text-align: right;">— Title VI of the Civil Rights Act of 1964</p>	<p>La Universidad de Texas en Austin ofrece igualdad de oportunidades en todos los programas que reciben asistencia federal. Cualquier persona elegible por La Universidad de Texas tiene derecho a las instalaciones, los programas y servicios que ésta patrocina sin importar su raza, color, o nacionalidad.</p> <p style="text-align: right;">— Título VI del Acta de Derechos Civiles de 1964</p>
<p>If you feel you have been discriminated against in any program because of race, color, or national origin, contact your Title VI coordinator.</p>	<p>Si usted siente que ha sido discriminado en cualquier programa debido a su raza, color, o nacionalidad, póngase en contacto con su coordinador de Título VI.</p>

All qualified applicants will receive equal consideration for employment and admission without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, gender expression, age, physical or mental disability, or covered veteran status. Eligibility and other terms and conditions of employment benefits at The University of Texas at Austin are governed by federal and state laws and regulations and this non-discrimination statement is intended to be consistent with those laws and regulations. In accordance with the requirements of Title VI and Title VII of the Civil Rights Act of 1964, Title III of the Education Amendments for 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, and all other applicable laws and amendments, The University of Texas at Austin affirmatively states that it does not discriminate on the basis of race, color, national origin, sex, or disability in its education programs and activities, and this policy extends to employment by the university, inquiries and charges of violation of Title III, Title V, and Federal Equal Pay Act of 1963, Section 504 (Disability), ADA (Disability), Age Discrimination in Employment Act (Age), Sexual Orientation, or Veteran Status should be directed to the Office of Institutional Equity (OIE) at (512) 471-5889 or equity@utexas.edu. Request for accommodation for disability should be directed to the ADA coordinator at (512) 471-5889.

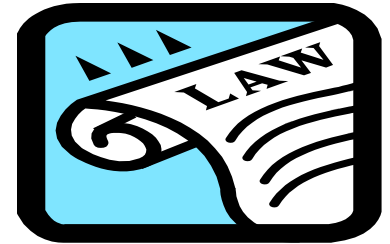


THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF INSTITUTIONAL EQUITY

The University of Texas at Austin
 Title VI Coordinator, Office of Institutional Equity
 311 E. 27th Street, A0400, Suite 4.502
 Austin, TX 78712-1641
 (512) 471-5889

THE 1964 CIVIL RIGHTS ACT- Titles

- Title I - Voting Rights
- Title II - Public Accommodation
- Title III - Desegregation of Public Facilities
- Title IV - Desegregation of Public Education
- Title V - Commission on Civil Rights
- **Title VI - Nondiscrimination in Federally Assisted Programs & Activities**
- Title VII - Equal Employment Opportunity
- Title VIII - Registration and Voting Statistics
- Title IX - Intervention & Procedure after Removal in Civil Rights Cases
- Title X - Establishment of Community Relations Service
- Title XI - Miscellaneous



Nondiscrimination & the Federal-aid Program

- Nondiscrimination denotes absence of disparate **treatment** or **impact** in Federally-assisted programs and activities
- Nondiscrimination in the Federal-aid program is governed by:
 - **Title VI of the Civil Rights Act of 1964**
 - **The 1987 Restoration Act and**
 - **Other Nondiscrimination authorities**

Title VI of the Civil Rights Act of 1964

- Essence of the law:
 - “No person in the United States shall on the ground of race, color, or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance” (42 USC 2000d)

What is Federal Financial Assistance?

Federal financial assistance broadly include:

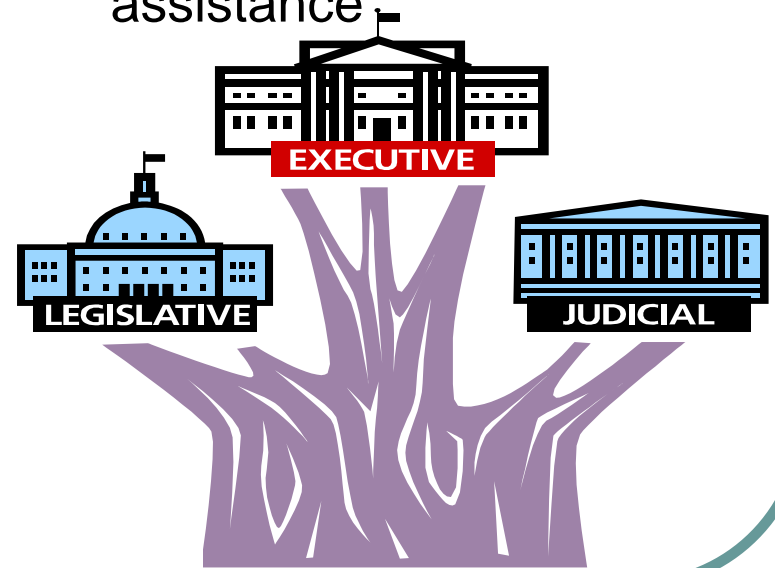
- (1) **grants and loans** of federal funds,
- (2) the grant or **donation of federal property and interests in property**,
- (3) the **detail of federal personnel**,
- (4) **the sale and lease of, and permission to use federal property or interest in such property** without consideration or at a nominal consideration, and
- (5) **any federal agreement, arrangement**, or other contract **which has as one of its purposes the provision of assistance.** (23 CFR 200.5 (h))

THE CIVIL RIGHTS RESTORATION ACT OF 1987

- Direct response to **the 1984 Supreme Court decision in the Grove City College vs. Bell case (465 U.S. 555)**
- Restored the original intent of Title VI to **include all programs and activities** of Federal-aid recipients and contractors **whether federally funded or not**



- Federal agency nondiscrimination requirements limited to just those areas of the recipient's operation that directly benefited from Federal assistance.



What is FHWA's Nondiscrimination Program?

- **The current FHWA Title VI Program focuses on the provisions of Title VI of the Civil Rights Act of 1964.**
- **Other Nondiscrimination & Cross-cutting Authorities** include:
 - The 1970 Uniform Act (42 USC 4601) - **Persons**
 - Section 504 of the 1973 Rehabilitation Act (29 USC 790) – **Disability**
 - Americans with Disabilities Act of 1990
 - The 1973 Federal-aid Highway Act (23 USC 324) - **Sex**
 - The 1975 Age Discrimination Act (42 USC 6101) - **Age**
 - **Executive Order 12898** on Environmental Justice (**EJ**)
 - **Executive Order 13166** on Limited English Proficiency (**LEP**)



The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601)

- Prohibits **unfair and inequitable treatment** of **persons** displaced or whose property will be acquired **as a result of Federal and Federal-aid programs & projects**



Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790)

- “No **QUALIFIED HANDICAPPED PERSON** shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination **under any program or activity that receives or benefits from Federal financial assistance.**”



The 1973 Federal Aid Highway Act (23 U.S.C. 324)

- “No person shall on the grounds of **SEX** be excluded from participation in, be denied the benefits of, or be subjected to discrimination **under any program or activity receiving Federal assistance under this title or carried on under this title.**”



The 1975 Age Discrimination Act (42 U.S.C. 6101)

- “No person shall on the basis of **AGE**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination **under any program or activity receiving Federal financial assistance.**”



EXECUTIVE ORDERS

- Executive Authorities

EXECUTIVE ORDER (EO) 12898

- Presidential mandate to address equity and fairness toward **low income and minority persons/population**;
- Nondiscrimination authority rooted in Title VI;
- Signed by President Clinton on February 11, 1994



E.O. 12898 DIRECTS...

- “Each Federal agency [[including recipients \(see FHWA Order 6640.23\(2\)\(h\)\)](#)] shall make achieving EJ part of its mission by **identifying**, and **addressing**, as appropriate, **disproportionately high** and **adverse** human health and environmental **effects** of its programs, policies, and activities on minority populations and low income populations in the United States, D.C., Puerto Rico and Marina Islands.”

DEFINITION OF EFFECT

- **Adverse**: Totality of significant individual or cumulative human health or environmental effects
- **Disproportionately High**: An effect that:
 - Is predominantly borne by a minority or low income persons/population; or
 - Will be suffered by the minority or low income persons/population...appreciably more severe or greater in magnitude than the adverse effect ... suffered by the non-minority or non-low income persons/population.

MINORITY & LOW INCOME POPULATIONS

- **Minority** - Black, Hispanic, Asian American, American Indian and Alaskan Native
- **Minority Population** - Any readily identifiable groups of minority persons living in geographical proximity, and geographically dispersed/transient persons similarly affected by a proposed Federal program, policy or activity;
- **Low Income** - Person whose household income (Community or group, whose average household income) is at or below US Department of Health & Human Services poverty guidelines.

E.O. 12898

- Revives and reinforces Title VI (**Section 2-2**)
- Calls for improved methods in research, data collection, and analysis (**Section 3-3(301)**)
- Triggers a new look at NEPA (**Section 3-3(302)**)
- Encourages participation of impacted persons in all phases of decision-making (**Section 5-5**)
- Appeals for absence of denial, delay and reduction in benefits to Low Income and Minority persons (**#3 of FHWA's Fundamental EJ Concepts**)

EXECUTIVE ORDER (EO) 13166

- Presidential directive to federal agencies to ensure people who are LEP have **meaningful access to services**;
- Nondiscrimination authority grounded on Title VI;
- Signed by President Clinton on August 11, 2000;
- USDOJ's LEP Guidance pursuant to EO 12250
 - General principles in development of guidance
 - The four factors paradigm

E.O. 13166 DIRECTS...

- Federal agencies to examine their services, develop and implement processes by which LEP persons can meaningfully access those services;
- Establish guidance on how recipients can provide meaningful access to LEP persons;
- Prepare a plan with consistent standards and steps to overcome language barriers in the delivery of programs and activities;
- Ensure stakeholders have “adequate opportunity to provide input.”

WHO IS AN LEP PERSON?

- Person who does not speak English as primary language and has limited ability to read, speak, write or understand English;
- Failure to provide LEP person services or meaningful access to services [may] constitute national origin discrimination.

(Lau v. Nichols, 1974)

WHAT IS REQUIRED OF RECIPIENTS?

- Perform Self-Assessment to determine which personnel interact with members of the public;
- Identify LEP Populations State-wide using US Census data (American Community Survey data available annually), www.census.gov/acs/www/
- Conduct Four Factor Analysis
- Develop Language Access Plan



Requirements

ASSESSMENT FACTORS

- **Demography** – Number and/or proportion of LEPs served and languages spoken in service area
- **Frequency** - Rate of contact with service or program
- **Importance** – Nature and importance of program/service to peoples lives (transportation)
- **Resources** – Available resources, including Language assistance services (limited or wide-ranging)

LEP PLAN OF ACTION

- **Identification** of volume and location of LEPs and LEP Communities
- **Language assistance** measures:
 - Types of languages services available
 - How to respond to LEP callers and in person
 - How to respond to written communication
 - Types of documents/information to translate
- **Staff** – Knowledge of policy and procedures; linguistic diversity and sophistication; cultural sensitivity and communication skills; training and experience
- **Outreach** measures - Notification methods on special language assistance
- **Monitoring and Evaluation of Efforts**

TITLE VI COURT CASES & DECISIONS

- **Judicial Authorities**
 - [Lau v. Nichols \(1974\)](#)
 - [Grove City College v. Bell \(1984\)](#)
 - [Alexander v. Sandoval \(2000\)](#)

LAU v. NICHOLS

- In a 9 to 0 decision, the Supreme Court held that the failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures,
 - denies them a meaningful opportunity to participate in the public educational program, and therefore
 - violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance," and the implementing regulations

GROVE CITY COLLEGE V. BELL

- The Supreme Court decision **limited the reach of Federal agency Title VI/Nondiscrimination requirements to those parts of a recipient's operations which directly benefitted from Federal assistance;**
- The 1987 Civil Rights Restoration Act **clarified the intent, scope and applicability of Title VI and related nondiscrimination statutes to include all programs and activities of recipients and subrecipients, whether Federally funded or not.**

ALEXANDER V. SANDOVAL

- In a 5 to 4 decision, the Supreme Court held that **there is no private right of action to enforce disparate impact regulations issued pursuant to Title VI**;
- That **Title VI itself directly extends only to instances of intentional discrimination.**

FHWA's Title VI Program

- **Assures nondiscrimination on the ground of race, color, national origin;**
- Discrimination related to **disability/handicap, sex, age, minority or income status** in programs or activities receiving financial assistance are addressed under their respective nondiscrimination laws and authorities.

ROLES & RESPONSIBILITIES

- State Transportation Agencies (STAs)
- Subrecipients, including LPAs, MPOs...

STATE REQUIREMENTS & RESPONSIBILITIES

- **REQUIREMENTS & RESPONSIBILITIES**
(23 CFR 200.9)

- **Signed Assurance**
- Adequately Staffed **Civil Rights Unit**
- Title VI Program **Coordinator** & Title VI **Specialist/Manager**
- **Implementation Plan**
- **Training Program**
- **Develop Procedures**
 - Complaint investigations, reviews & monitoring process
 - Deficiency resolution; data collection and analysis; Outreach/Public Involvement
- **Conduct Reviews**
 - Programs & special emphasis areas
 - Subrecipients & State program directives
 - Pre-award & post-award/grant applications

SUBRECIPIENTS & TITLE VI

- ❖ Title VI Assurances
- ❖ Methods of Administration
- ❖ Compliance

Subrecipients & Title VI: Memo

- The FHWA Regulations do not explicitly prescribe Title VI requirements for **subrecipients**;
- As Recipients, however, **subrecipients** are required by USDOT Nondiscrimination Regulations (49 CFR 21) and Title VI Assurances (DOT Order 1050.2 A) to do certain things **to assure nondiscrimination** and **guarantee compliance** in programs and activities receiving Federal financial assistance;
- Stewardship, monitoring and oversight of subrecipients' program is usually the responsibility of the principal or primary recipient.

Subrecipients & Title VI Requirements

Signed Assurances

- 1) Signed Assurances



- *“every [award of, or] application for Federal financial assistance shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the [award or] application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed...”*
(49 CFR 21.7)



USDOT 1050.2A

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A

The (***Title of Recipient***) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through (***Title of Modal Operating Administration***), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- **Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);**
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"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 otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the (***Title of Modal Operating Administration***).*

Signed Assurances Contd.

- **Failure or refusal to furnish required assurance** is grounds for the termination, refusal to grant or continue Federal financial assistance
- “If an applicant fails or refuses to furnish an assurance required under § 21.7 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to this section, Federal financial assistance may be refused...”
(49 CFR 21.13(b)&(c))



Methods of Administration

● 2) Methods of Administration



- “The **Recipient** shall provide for such **methods of administration** ...to give **reasonable guarantee** that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will **comply with all requirements** imposed or pursuant to the Act, the Regulations and this assurance” (**USDOT Assurance #9**); see also **49 CFR 21.7(b)**.

Methods Administration Contd:

- **Methods of Administration** connote **procedures, policies, actions and mechanisms** to provide **reasonable guarantee** for Title VI compliance;
- Efforts to prevent discrimination must address, but not be limited to:
 - **program's impact** upon access, benefits, participation,
 - treatment, services, contracting opportunities,
 - training opportunities, investigation of complaints,
 - allocation of funds, prioritization of projects and
 - the **functions** of planning, project development, design, right-of-way acquisition, construction, research, etc.

Methods of Administration contd.

Acceptable methods of administration

- **Data collection procedures and methods** (49 CFR 21.9(b) & 23 CFR 200.9(b)(4))
- **Program to assess (review) and periodically report on status of Title VI compliance** (23 CFR 200.9(b)(5)(6) & (7))
- **Public outreach and education** procedures (49 CFR 21.9(d))
- **Training program** for subrecipients' staff (23 CFR 200.9(b)(9))
- Procedures for **processing complaints** (23 CFR 200.9(b)(3))
- Procedures for identifying and addressing Title VI issues (23 CFR 200.9(b)(11))
- Detailed plans for bringing discriminatory programs into **compliance** (49 CFR 21.13 & 23 CFR 200.11)

Title VI Contract Provisions

- Procedures to ensure Title VI contract provisions are included in all Federally-funded contracts regardless of tier (*Appendix A of USDOT Order 1050.2A*)
 - Nondiscrimination in **selection** and **retention** of subcontractors; procurement of materials and leases of equipments
 - Nondiscrimination in **notification** of Title VI obligation to each potential subcontractor or supplier



What Is Compliance?

- Compliance with Title VI is **a satisfactory condition when a recipient [or subrecipient] has effectively implemented all of the Title VI requirements** or can demonstrate that every good faith effort toward achieving this end has been made (**23 CFR 200.5(d)**).

What Actions Can Be Employed in the Event of Noncompliance?

- When a recipient is found in noncompliance either through a review or investigations, **efforts should be made to the fullest extent practicable to obtain compliance through voluntary/informal means first.**
- If compliance cannot be obtained through voluntary/informal means, then compliance is effected by:
 - (1) Suspension or termination of Federal financial assistance;
 - (2) Refusal to grant or continue federal financial assistance;
 - (3) Any other means authorized by law, including a reference to DOJ to enforce Federal law, assurance or contractual obligation and utilizing applicable proceedings under state or local law (49 CFR 21.13(a)(1))

Towards A Sound Compliance Program - Considerations

- Maintain current **Title VI Assurances**;
- Designate a **Title VI Manager** responsible for initiating and monitoring Title VI activities on a day-to-day basis;
- Take **affirmative action to correct any deficiency** found by recipient within a reasonable time period;
- Develop procedures for **processing and disposition of**;
- Develop procedures for the **collection and analysis of statistical data** based on race, color, national origin, and beneficiaries of Federally-assisted programs and activities;
- Develop **procedures for public involvement and outreach**;

Towards A Sound Compliance Program – Considerations contd.

- Conduct annual **reviews** of program areas and contractors;
- Conduct **training** on Title VI for program officials, staff and other stakeholders
- Prepare an annual **report** of Title VI accomplishments;
- Develop Title VI **educational information** for dissemination to the general public and, where appropriate in languages other than English;
- Prescribe procedures to ensure **Title VI provisions** are included **in all Federally-funded contracts** (Appendix A &E of USDOT Order 1050.2A).

Planning Cues

- Adhere to Planning Code of Ethics
 - AICP Code of Ethics
 - “... be conscious of the rights of others”
 - “... seek social justice”
 - “... give people the opportunity to have a meaningful impact on development of plans”
 - “... deal fairly with all participants in the planning process”
 - “we shall not unlawfully discriminate against another person.”

- Incorporate nondiscrimination aspects in the ten planning factors;
- Tailor plans for local conditions;
- Develop demographic profile which identifies and locates groups;
- Collect, analyze and utilize data;
- Maintain a process to identify and recognize prominent community needs and concerns;
- Maintain an effective public participation and involvement process;
- Conduct outreach and public engagement activities;
- Conduct reviews for compliance and verification;
- Address complaints and concerns promptly.

TITLE VI PROGRAM SUMMARY

- Not a threat...
- Beyond a bureaucratic exercise

TITLE VI IS NOT A THREAT

- **It is an opportunity**
 - To **give serious attention to the effects** of transportation decisions on people and communities
 - To **redeem ourselves of oversight and inattention** regarding past and lingering disparate actions towards “disadvantaged” persons, groups, communities and businesses

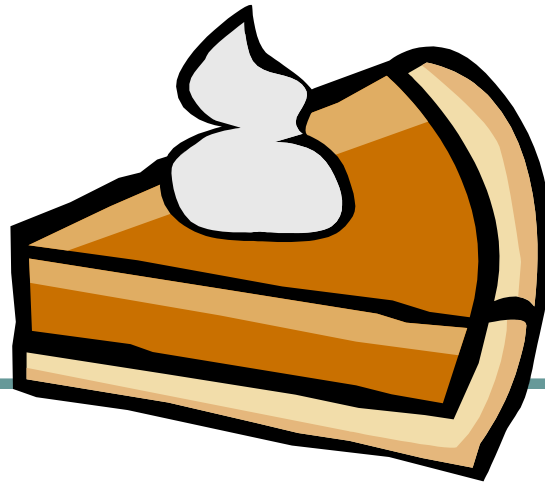


BEYOND A BUREAUCRATIC EXERCISE: WHY TITLE VI IS IMPORTANT TO YOU

- Constitutional & Statutory requirement
- Our Professional & Fiduciary responsibility
- Business and Economic necessity
- Civic duty
- Moral & Ethical imperative - **THE GOLDEN RULE**
- In short, **IT IS THE RIGHT THING TO DO!**



EPILOGUE



WORDS OF WISDOM

- Injustice to **ANYONE** is a threat to justice to **EVERYONE!**
- Doing the right thing is always the right thing to do!



REVIEW OF LEARNING OUTCOMES

- Discuss the **context, purpose, and intent** of Title VI;
- Define Title VI and other nondiscrimination authorities;
- Explain the roles and responsibilities of State DOTs and subrecipients including Planning Organizations.

OPEN FLOOR

- Questions
- Concerns
- Comments
- Suggestions



ADDITIONAL RESOURCES

● RESOURCES

- Federal-aid Essentials For Local Public Agencies <http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?category=civilrig>
- USDOJ Title VI Manual, <http://www.justice.gov/crt/about/cor/coord/vimannual.pdf>
- Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs, June 1996 – A Report of the U.S. Commission on Civil Rights <http://catalog.hathitrust.org/Record/003102564>
- FHWA Title VI Nondiscrimination in the Federal-aid Highway Program Desk Reference, FHWA-HCR-07-0001

THE END

Merci

Gracias

Vielen
Dank

شكراً

THANK
YOU

Obrigado!

धन्यवाद

Bedankt