

# Civil Rights Act of 1964 Title VI Compliance

City of East Ridge



# GOAL

- To protect the civil rights of service recipients and to ensure equal access to programs, activities, and services regardless of race, color, or national origin.
- To ensure all management, staff, contractees, and service beneficiaries are aware of the provision of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.



# CIVIL RIGHTS

- Civil Rights are enforceable rights or privileges guaranteed by the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the US Constitution, which if interfered with by another gives rise to an action for injury.
- **EXAMPLES:**
  - Freedom of Speech
  - Freedom of Assembly
  - Right to Vote
  - Freedom from Involuntary Servitude
  - Equality in Public Places



# DISCRIMINATION

- Discrimination occurs when an individual's civil rights are denied or interfered with because of their membership in a particular group or class.



# CONGRESSIONAL ACTS

- The Civil Rights Act of 1964 was broad in scope and covered those entities receiving federal funds, places of public accommodation such as bus stations, restrooms, and restaurants. It prohibited discrimination on the basis of race, color, religion, and national origin.
- However, the Civil Rights Act of 1964 did not protect people with disabilities. Discrimination against people with disabilities would not be addressed until 1973 when Section 504 of the Rehabilitation Act of 1973 became law and later still in 1990 when the Americans' with Disabilities Act (ADA) was passed.



# WHAT IS *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.”



# FOR TITLE VI TO APPLY:

- The program or agency must be located within the United States
- The program or agency must be providing a service
- The program or agency must be receiving direct (recipient) or indirect (sub-recipient) federal funding or assistance.



# PROGRAM OR ACTIVITY

- What constitutes a program or activity?
  - A department, agency, or other instrumentality of a state or local government;
  - The entity of such a state or local government that distributes assistance and each department or agency to which assistance is extended.





# FINANCIAL ASSISTANCE

- Federal Financial assistance includes:
  - Grants
  - Loans, below fair market value
  - Use of equipment
  - Training
  - Detail of federal personnel
  - Surplus property



# TENNESSEE ATTORNEY GENERAL'S OPINION

- State and local agencies or corporations which receive federal financial assistance are subject to the restrictions of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.



# COMPLIANCE ORDERED

- On May 31, 1993, the State of Tennessee became the first state to pass legislation enforcing Title VI compliance in all of its departments, programs, and agencies.
- Sub-recipients are also required to comply with Title VI of the Civil Rights Act of 1964, when federal funds are passed from a recipient to a sub-recipient.



# TENNESSEE CODE ANNOTATED (TCA) 4-21-904

- It is a discriminatory practice for any state agency receiving federal funds, making it subject to Title VI of the Civil Rights Act of 1964, or for any person receiving such federal funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds, on the basis of race, color, or national origin.



# HOW TO BE COMPLIANT WITH TITLE VI

- Appoint a Title VI Coordinator
  - Specific Training for Coordinator
- Provide Title VI Training for all employees
- Develop a Title VI Policy and statement
- Post Title VI Policy and Statement in visible areas



# PROGRAM COVERAGE

- Title VI applies to:
  - All City of East Ridge functions, facilities, operations, programs, and projects (hereinafter referred to as “Services”) that receive federal funds and
  - All Services provided by sub-recipients that receive federal financial assistance through the City of East Ridge
- Because the City of East Ridge receives federal assistance all of its services are covered by Title VI. It is the City’s objective that all services be administered in a non-discriminatory manner.



# TITLE VI DOES NOT APPLY TO:

- Employment, except where the purpose of the federal assistance is to provide employment.
- Relief for discrimination based on age, sex, geographical locale, or wealth.
- Direct benefit programs such as Social Security.



# KEYS TO TITLE VI COMPLIANCE

- Ensure that service recipients receive:
  - Equal treatment
  - Equal access
  - Equal rights
  - Equal opportunities
- Without regard to their race, color, national origin, including Limited English Proficiency (LEP).





# LIMITED ENGLISH PROFICIENCY (LEP)

- LEP applies to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.



# COMPLIANCE RESOURCES

- [www.usdoj.gov](http://www.usdoj.gov)
- [www.tn.gov/humanrights](http://www.tn.gov/humanrights)
- [www.lep.gov](http://www.lep.gov)
- The City of East Ridge **Title VI Coordinator**
  - Diane Qualls, Finance Director
  - [dqualls@eastridgetn.gov](mailto:dqualls@eastridgetn.gov)
  - 423-867-7711 X:103



# NON-COMPLIANCE RESOURCES

- Any person who thinks they have been discriminated against, relating to any program or activity administered by the City or its sub-recipients, consultants, and/or contractors; based on race, color, and/or national origin should:
  - Follow non-discrimination complaint procedures found on this website [www.eastridgetn.gov](http://www.eastridgetn.gov) under Title VI tab.
- OR
  - Contact the City's Title VI Coordinator:
    - Diane Qualls - [dqualls@eastridgetn.gov](mailto:dqualls@eastridgetn.gov) - 423-867-7711 X: 103

