



Department of

**Agriculture**

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

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# Purpose of this Training

- To ensure all TDA management, staff, subrecipients, contractors, 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.
- Title VI regulations require agencies to provide civil rights training for staff and assign sufficient personnel to ensure effective enforcement. Periodic training should be designed to develop awareness and sensitivity in carrying out federally funded programs.

# What is Title VI

- *“No person in the U.S. shall, on the ground 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:* To verify that all federal fund recipient state agency entities comply with Title VI of the Civil Rights Act of 1964.



# Title VI Compliance-The Basics

203 Requires Commission to review Title VI monitoring and enforcement procedures, and

- Periodically audit, review, evaluate and report on Title VI compliance efforts and outcomes for each executive branch department and agency.
- Recipients are required to audit, review, evaluate and report on Title VI compliance efforts and outcomes of all its subrecipients and beneficiaries of federal funds.

# Title VI Compliance-The Basics

- *Who* is required to comply with Title VI?
- ~~Who~~ What does compliance entail?
- ~~What~~ What programs or activities have to be compliant with Title VI?

# Title VI Compliance-The Basics

## *Definitions*

- Federal Financial Assistance (FFA) – Award or grant money; loans below fair market value or subsidies; any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance; others.
- ~~Recipient~~ **Primary** recipients include state entities required or authorized to extend FFA to another recipient or subrecipient for the purpose of carrying out a program.



# Title VI Compliance-The Basics

## *Definitions*

- Subrecipient – any entity or individual that receives FFA from a primary recipient to carry out a program.
- Contractor – any entity or individual who provides any function or service that requires the performance or delivery of assistance to beneficiaries under the terms of a contract with a state entity.

So

# Title VI Compliance-The Basics

## *Examples of Federal Financial Assistance*

- Medicare, Medicaid Payments
- Federal Grants or Sub-grants
- Federal Contracts at amounts below market value
- Use or rent of Federal Land
- Federal Training
- Loan of Federal Personnel

# Title VI Compliance-The Basics

## *Discriminatory Practices under Title VI*

- Denying an individual any program services, financial aid, or benefits;
- Providing a different service, aid, or benefit, or providing them in a manner different than they are provided to others; or
- Segregating or treating individuals separately in any matter related to receiving any program service, aid, or benefit.

# Title VI Compliance-The Basics

## *Disparate Treatment vs. Disparate Impact*

- Disparate treatment means discrimination against an individual.
- Disparate impact means discrimination that occurs as a result of a neutral policy which appears harmless on the surface, but negatively affects a group of people.

# Title VI Compliance-The Basics

## *Retaliation*

- Retaliation occurs when a recipient or another person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because a person made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under Title VI.

*THRC Rule 1500-01-03-.06(3)(c) & 28  
CFR 42.107*

# Responsibility and Plan of Action

## *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.

# Responsibility and Plan of Action

## ***Ensure your Contractors and Sub-Contractors follow the same guidelines***

- Subrecipients must ensure that all contractors and sub-contractors awarded TDA funded contracts adhere to Title VI and all other applicable civilrights laws and regulations.

## ***Minority Representation on Planning Boards & Commissions***

- The inclusion of minorities on planning boards and commissions is critical in establishing an equal access planning system. Subrecipients 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.”

# Responsibility and Plan of Action

## *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 subrecipient should be forwarded to TDA Title VI funding entity for investigation;
- Take final action within 60 days
- Provide appeal instructions



# Responsibility and Plan of Action

## *Have a Limited English Proficiency (LEP) Plan*

How do you assist customers that do not speak English?

- **Who are LEP Persons?**

**Persons who do not speak English as their primary language, and who have a **limited ability** to read, speak, write or understand English**

# Limited English Proficiency (LEP)

*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;
4. Resources available.

# Limited English Proficiency (LEP)

- Executive Order 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.

# Summary

- 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

# Questions

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