

PUBLIC INVOLVEMENT

Sub-recipients must provide an opportunity for public involvement and full access to the transportation decision-making process in each stage of the planning and development of a transportation project. It is essential that everyone be afforded the opportunity to understand and articulate their concerns with any project that affects them and their way of life.

FEDERAL-AID CONTRACT PROVISIONS

Sub-recipients must include notifications in all solicitations for bids of work or material and agreements subject to Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities. Sub-recipient's contractor(s) may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors.

Sub-recipients, contractors and subcontractors may not discriminate in their employment practices in connection with highway construction projects or federal financially assisted projects.

DATA COLLECTION

Sub-recipients must provide, when requested, statistical data (race, color, national origin) of participants and beneficiaries of their programs. Data includes, but is not limited to, public meetings, relocations, low income and limited English proficient individuals served.

LIMITED ENGLISH PROFICIENCY (LEP)

Sub-recipients and contractors must take reasonable steps to provide meaningful access to LEP individuals. Among the factors to be considered in determining what constitutes reasonable steps to ensure meaningful access are: (1) the number or proportion of LEP persons in the eligible service population; (2) the frequency with which LEP individuals come in contact with the program or activity; (3) the importance of the service provided by the program; (4) the resources available to the recipient.

Disclaimer: This brochure is intended to be a guide for sub-recipients. It is not intended to be inclusive of all Title VI and other nondiscrimination authorities or sub-recipient responsibilities. Please contact the respective state transportation agency for technical assistance, additional information and other requirements.

ALABAMA
(334) 242-6336
www.dot.state.al.us

FLORIDA
(850) 414-4747
www.dot.state.fl.us/equalopportunityoffice/

GEORGIA
(404) 656-5323
www.dot.state.ga.us/dot/eeo-div/

KENTUCKY
(502) 564-3601
www.transportation.ky.gov/OBOD/

MISSISSIPPI
(601) 359-7466
civilrights@mdot.state.ms.us

NORTH CAROLINA
(919) 508-1808
www.ncdot.org/business/ocr/

SOUTH CAROLINA
(803) 737-1372
www.scdot.org

TENNESSEE
(615) 741-3681
www.tdot.state.tn.us/civil-rights/

SUB-RECIPIENT GUIDE TO IMPLEMENTING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964



SOUTHERN TRANSPORTATION CIVIL RIGHTS EXECUTIVE COUNCIL

ALABAMA
FLORIDA
GEORGIA
KENTUCKY
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TENNESSEE

WHO IS A SUB-RECIPIENT?

A **sub-recipient** is an entity or person that **indirectly** receives federal financial assistance in order to implement a program or activity which subjects them to Title VI compliance responsibilities. A sub-recipient may include, but is not limited to, a city, county, metropolitan planning organization, college/university, contractor or sub-grantee.

A **recipient** is an entity or person that **directly** receives federal financial assistance and/or manages a program or activity which would subject them to Title VI compliance responsibilities.

WHAT IS TITLE VI OF THE CIVIL RIGHTS ACT OF 1964?

Title VI of the Civil Rights Act of 1964 is a federal law that protects individuals, groups and organizations from discrimination on the basis of race, color or national origin in federally assisted programs and activities. Since other nondiscrimination authorities have expanded the scope and range of Title VI application and reach, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance. These related authorities include:

The Civil Rights Restoration Act of 1987 further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.

Environmental Justice (EJ) (Executive Order 12898) addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.

Limited English Proficiency (LEP) (Executive Order 13166) addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

The 1970 Uniform Act (42 U.S.C. 4601) prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of Federal financially assisted programs or activities.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790) prohibits discrimination based on a handicap/disability.

The Federal Aid Highway Act of 1973 (23 U.S.C. 324) prohibits discrimination based on sex (gender).

The Age Discrimination Act of 1975 (42 U.S.C. 6101) prohibits discrimination based on age.

ASSURANCES

Sub-recipients must have a signed assurance to establish full and affirmative compliance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities.

TITLE VI PROGRAM

Sub-recipients of federal financial assistance may adapt or adopt a state Department of Transportation's Title VI program, procedures or practices; or should have a Title VI program or signed agreement which at a minimum should contain the following elements:

➤ POLICY STATEMENT

The policy statement must indicate the sub-recipient's commitment to assure nondiscrimination in its program and activities to the effect that no person shall on the grounds of race, color, national origin, sex, age, disability or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the sub-recipient and/or its contractors. The policy statement must be signed by the head of the sub-recipient's organization.

➤ TITLE VI LIAISON

The sub-recipient must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance from the Department of Transportation.

Key responsibilities of the Title VI Liaison include:

- Knowledge of Title VI and the complaint process.
- Attending training on Title VI and other nondiscrimination authorities when offered by the Department of Transportation.
- Disseminate Title VI information to the public and in languages other than English, when necessary.
- Coordinate and execute Title VI educational and outreach activities.
- Develop a process to collect race, gender and national origin of relocatees, impacted citizens and affected communities to ensure low income, minorities and other under served groups are included and not disproportionately impacted.
- Implement procedures for the prompt processing of Title VI discrimination complaints.

COMPLAINT PROCEDURES

Sub-recipients of federal financial assistance shall follow the recipient's procedure for processing discrimination complaints. Sub-recipients shall accept all complaints of discrimination.

Complaints shall include:

- The complainant(s) name, address and phone number.
- A description of the incident that led the complainant to believe discrimination occurred.
- The basis of the complaint (i.e.: race, color, national origin, sex, age, disability, income status or retaliation).
- The date(s) on which the alleged discrimination occurred.
- Name(s) and contact information of individuals who may have knowledge of the alleged discrimination.
- All complaints shall be responded to, recorded and investigated. The records shall be maintained by the designated Title VI Liaison.

* **Note: Sub-recipients can not investigate themselves.**