

Civil Rights Act of 1964

Title VI Compliance



CITY OF KNOXVILLE

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 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.**



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Objectives

This course will include:

- **Historical basis for the Civil Rights Act of 1964,**
- **Prohibited practices under Title VI of the Civil Rights Act of 1964,**
- **City & Sub-Recipients Title VI requirements and responsibilities**
- **Limited English Proficiency**
- **Environmental Justice**
- **How to report a Title VI violation.**



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CIVIL RIGHTS

Civil Rights are enforceable rights or privileges guaranteed by the 13th and 14th Amendments to the U.S. 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



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DISCRIMINATION

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



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CIVIL RIGHTS MOVEMENT

The American *Civil Rights Movement* is one of the most momentous epics in the history of the American Republic. The most active period of the *Civil Rights Movement* was between: **1954**, Brown vs. Topeka Board of Education, and **1965**, passage of the Voting Rights Act of 1965.



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CIVIL RIGHTS MOVEMENT (cont.)

Studies show that in 1991 less than one-third of Americans had firsthand memories of the events of the 1950s and the 1960s that encompassed the most active period of the Civil Rights Movement.



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CIVIL RIGHTS MOVEMENT (cont.)

- **1954** **Brown vs the Board of Education**
- **1955-56** **Montgomery Bus Boycott**
- **1957** **Little Rock Arkansas Central High School**
- **1957** **Separate public facilities**



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SOURCE: LIBRARY OF CONGRESS

Rosa Parks refused to give up her seat at the front of the "colored section" of a bus, defying a southern custom of the time. In response to her arrest the Montgomery black community launches a bus boycott, which will last for more than a year, until the buses were desegregated Dec. 21, 1956



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CIVIL RIGHTS MOVEMENT (cont.)

- **1959-1963** **Lunch Counter Sit-Ins**
- **1961** **“Freedom Rides”**
organized by the Congress of Racial Equality (CORE) to expose illegal segregation practices on Interstate bus or train travel
- **1962** **United Farm Workers Union**
established to protest working conditions and civil rights for Mexican American



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Cesar Chavez founded the United Farm Workers Association in 1962



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United Farm Worker's strike in Delano (Calif.): Strike Call--Picketers gather at edge of grape field at Delano to urge workers, foreground, to join the strike, . The word "Huelga" is Spanish for strike



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1961 CORE began sending student volunteers on bus trips to test the implementation of new laws prohibiting segregation in interstate travel facilities.



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- **The Civil Rights Act of 1964 was a product of the growing demand, from civil rights leaders, for the Federal Government to launch a nationwide offensive against racial discrimination.**

In calling for its enactment, President John F. Kennedy identified “simple justice**” as the justification for passage of the Civil Rights Act of 1964.**



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JFK's "Simple Justice"

“Simple Justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds is as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.”



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**On July 2, 1964, after much debate,
President Lyndon B. Johnson signed
the Civil Rights Act into law.**



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- 1. 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.**
- 2. 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 ADA was passed.**



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Member of the US House of
Representatives from
New York's 18th District

In office 1945-1972

Adam Clayton Powell Jr. 1908-1972

In 1961, after 15 years in Congress, Powell became chairman of the powerful Education and Labor Committee. In this position he presided over federal programs for minimum wage increases, education and training for the deaf, vocational training and standards for wages and work hours, as well as aid to elementary and secondary education. He orchestrated passage of the backbone of President John Kennedy's "New Frontier" legislation. He also was instrumental in the passage of President Lyndon B. Johnson's "Great Society" social programs.



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The Civil Rights Act of 1964 has several sections or “Titles”

- **Title I**
Barred unequal application of voter registration requirements, but did not abolish literacy tests sometimes used to disqualify voters.
- **Title II**
Outlawed discrimination in hotels, motels, restaurants, theaters, and all other public accommodations engaged in interstate commerce; exempted private clubs without defining "private," thereby allowing a loophole..
- **Title III**
Encouraged the desegregation of public schools and authorized the U.S. Attorney General to file suits to force desegregation, but did not authorize busing as a means to overcome segregation based on residence.
- **Title IV**
Authorized but did not require withdrawal of federal funds from programs which practiced discriminations.



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- **Title V**
Outlines Civil Rights Commissions duties and responsibilities.
- **Title VI**
Prohibited discrimination in federally assisted programs.
- **Title VII**
Title VII outlaws discrimination in employment in any business on the basis of race, national origin, gender, or religion. Title VII also prohibits retaliation against employees who oppose such unlawful discrimination.
- **Title VIII**
Authorizes the Secretary of Commerce to compile registration and voting statistics in geographic areas as recommended by the Commission on Civil Rights.
- **Title IX**
Intervention and procedure after removal in Civil Rights Cases.
- **Title X**
Establishment of Community Relations Service.
- **Title XI**
Miscellaneous



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Title VI was not the first attempt to ensure non-discrimination in federally assisted programs. For example, various prior Executive Orders prohibited racial discrimination in:

- **U.S. Armed Forces,**
- **Employment by federally funded construction contractors, and**
- **Federally assisted housing.**

Various federal court decisions also served to eliminate discrimination in individual federally assisted programs.



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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.”

Civil Rights Act of 1964



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FOR TITLE VI TO APPLY:

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



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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.**



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Federal financial assistance includes:

- **Grants**
- **Loans, below fair market value**
- **Use of equipment**
- **Training**
- **Detail of federal personnel**
- **Surplus property**



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Tennessee Attorney General's Opinion

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.



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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, 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.



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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.



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To Comply with Title VI

- **Appoint a Title VI Coordinator**
- **Obtain City of Knoxville Title VI Training**
- **Provide Title VI Employee Training for employees**
- **Develop a Title VI Policy Statement and post in visible areas**



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- **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.)**



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Statement of Assurance

- All federal financial assistance provided to the City of Knoxville is conditional on providing assurance that the City of Knoxville services to be benefited by the funds will operate without discrimination. The assurance is a contractual obligation through which the City of Knoxville steps to effectuate this compliance.
- Assurance will be a part of all contracts extending federal financial assistance through the City of Knoxville to the City of Knoxville's sub-recipients. A review of the sub-recipient's operations will be made within (1) one year of the sub-recipients initial receipt of federal funds to determine compliance with the assurances.



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Statement of Assurance

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



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Public Notification

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.**



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Program Coverage

Title VI applies to

- (1) All City of Knoxville functions, facilities, operations, programs and projects (hereinafter referred to as “Services”) that receive federal funds and**
- (2) All services provided by sub-recipients that receive federal financial assistance through the City of Knoxville.**

Because the City of Knoxville 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.



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Compliance in Procurement Procedures

The City of Knoxville will require an assurance of compliance with the Civil Rights Act of 1964 from every sub-recipient or contractor before entering into any contract that involves the purchases of services, or other benefits on behalf of persons serviced by the City programs.



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

Provide the opportunity to participate on City 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.



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Minority Participation in Planning and Advisory Boards

**The City of Knoxville and its sub-recipients
must take all steps legally permissible to
ensure minority representation on boards
and committees**



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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 City of Knoxville for investigation;
- Take final action within 60 days, and
- Provide appeal instructions.



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Compliance Reporting

The Title VI Coordinator **will conduct annual review of the compliance reports** submitted by the Departmental Coordinator and the **sub-recipient** to ensure that the department and the sub-recipients have received orientation and or sufficient information to function in their responsibility; have received all materials required for administering the Title VI programs; procedural manuals, posters and pamphlets and have a file on current Self Survey indicating the status of their Title VI compliance

Effecting Compliance

Sub-recipients found guilty of violating the provisions of the Title VI will be given a written notice of such violation and an opportunity to comply. Failure to eliminate further discrimination within thirty (30) days of receipt of notice will be considered a violation of the terms of the contract and a basis for contract suspension, termination, or rejection. Federal funds will be terminated or withheld as a preventive sanction for noncompliance.



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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



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Title VI does not apply to:

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



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Key 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).



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Limited English Proficiency (LEP)

- **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.**



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Limited English Proficiency

Executive Order 11366

- In August 2000, this order “Improving Access to Services for Persons with Limited English Proficiency” was issued and directed to federal agencies to:
 - Publish guidance on how their recipients can provide access to LEP persons.
 - Improve the language accessibility of their programs
 - Break down language barriers by implementing consistent standards of language assistance across federal agencies and amongst all recipients of federal financial assistance.



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LEP Requirements

Recipients and sub-recipients of federal assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Four factors should be considered:

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;**
- 2. The frequency with which LEP individuals come in contact with the program;**
- 3. The nature and importance of the program, activity, or service provided by the program to people's lives; and**
- 4. The resources available to the grantee/recipient or agency, and costs.**



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Limited English Proficiency

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**



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Environmental Justice

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.



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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



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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



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Compliance Resources

- www.usdoj.gov
- www.tn.gov/humanrights
- www.lep.gov



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[Click here to take the Online Test](#)

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