

TITLE VI FREQUENTLY ASKED QUESTIONS

What is Title VI?

- Title VI of the Civil Rights Act of 1964 states 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 benefit of, or be subjected to discrimination under any program or activity that receives Federal financial assistance.”
- The rights of women, the elderly and the disabled are protected under Related Statutes.
- Presidential Executive Order 12898 addresses environmental justice in Minority and Low-Income populations.
- Presidential Executive Order 13166 addresses services to those individuals who are limited English proficient.
- The above Presidential Executive Orders and Related Statutes fall under the umbrella of Title VI.

What is a recipient of federal financial assistance?

- Federal financial assistance includes grants, training, use of equipment, donations of surplus property and other assistance.
- Subrecipients are also covered when federal funds are passed from one recipient to a sub recipient.
- Recipients of federal funds range from state and local agencies, to nonprofits and other organizations.

Who are considered persons under Title VI?

All individuals are considered persons under Title VI. The Supreme Court has held that undocumented aliens are considered “persons” under the equal protection clause of the Fifth and Fourteenth Amendments.

What does Title VI do?

- Prohibits entities from discriminatorily denying a protected individual any service, financial aid, or other benefit under the covered program and activities.
- Prohibits entities from providing services or benefits to some individuals that are different from or inferior (in either quantity or quality) to those provided to others.
- Prohibits segregation or separate treatment in any manner related to the receiving program services or benefits.

- Prohibits entities from imposing different standards or conditions as prerequisites for serving individuals.

Who must comply?

- State and local government agency distributing Federal assistance or entity distributing Federal assistance to the State or local government agency.
- Entire corporation, partnership, or other private organization, or a sole proprietorship.
- Entire plant or private corporation or other organization that is a geographically separate facility to which Federal financial assistance is extended.

What does Title VI cover?

- All Advertisements
- Bid proposals
- Contracts/subcontracts
- Title VI reports, issues, and complaints
- Public meetings
- Title VI contract provisions and other legal documents

What discrimination is prohibited by Title VI?

- There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services, programs, and activities. Among other things, in operating a federally assisted program, a recipient cannot on the basis of race, color or nation origin, either directly or through contractual means:
- Deny program services, activities, or benefits
- Provide different services, activities, or benefits, or provide them in a manner different than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any services, activities, or benefits.

What is meant by the term “program or activity?”

The term encompasses the entire institution receiving Federal financial assistance. For example, all of the programs or activities of a state agency are subject to Title VI even though it is only part of the total budget. The law is applied institution-wide. The Civil Rights Restoration Act of 1987 amended Title VI and related statutes by adding a broad definition of program or activity.

Who is a Limited English Proficient (LEP) individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient. These individuals are entitled to language assistance to ensure equal access to programs, services or activities.

What are the relevant laws concerning language access for LEP individuals?

- Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin.
- Executive Order 13166 issued in 2000 reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and recommends that the recipients develop a language implementation plan.
- Dymally-Alatorre Bilingual Services Act is California State law enacted in 1973 that requires all State Departments involved in furnishing information or rendering services to the public, whereby contact is made with a substantial number (five percent) of non/or limited English speaking persons, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure information and services are provided in the language of the non-English speaking person.

Who may file a Title VI complaint?

Complaints may be filed by any individual or group who believes:

- Their rights under Title VI have been violated in a discriminatory manner
- The Authority's programs or activities do not comply with Federal civil rights laws
- They have been treated in a disparate manner.

Discrimination

An act (or action) whether intentional or unintentional through which a person solely because of race, color, religion, gender, or national origin has been otherwise subjected to unequal treatment under any program or activities receiving Federal financial assistance.

Disparate Treatment

Disparate treatment is inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to member of protected classes.

How can an individual or group file a complaint?

An individual or group can complete the Authority's complaint form. This form has been developed to assist the complainant. The complaint form is not required to be used. The Authority will accept a letter from the complainant. The complaint should be forwarded to the Title VI Coordinator. Every effort will be made to complete the investigation within 180 days.