

TITLE VI

EQUAL EMPLOYMENT OPPORTUNITY OFFICE

DUTIES, ROLES & RESPONSIBILITIES



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, or be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Civil Rights Act of 1964

What is Discrimination?

An *act* (action or inaction), whether intentional or unintentional, through which a person in the United States, solely because of their race, color, national origin, sex, age, disability, etc., is subjected to *disparate/unequal treatment or impact*, in any program or activity receiving Federal financial assistance from FHWA under 23 USC.

How Does Title VI Apply?

For Title VI to apply, the program or agency must:

- 1. Be located in the United States**
- 2. Be providing a Service**
- 3. Be receiving direct (recipient) or indirect (sub-recipient) federal funding or assistance**

Services vs. Employment

- Title VI does not apply to employment, except when an employment practice results in discrimination against a program beneficiary.
- Title VI applies to Services such as Transportation, Housing, Grants, Loans, Unemployment Insurance, Property & Training.

Expectations for GDOT Partners

1. SIGNED ASSURANCES. Follow USDOT's Regs found in 49 CFR 21 and FHWA Title VI Regs found in 23 CFR 200. (Updated every 3 years)

Both REQUIRE recipients execution of Title VI Assurances as a condition of federal aid. **NOT AN OPTION!**

2. *TITLE VI PLAN* or Nondiscrimination Agreement

Title VI Plan vs. Title VI Agreement

FHWA *BEST PRACTICES* for Local Governments serving:

- 100,000 or more persons - required to have a Title VI Plan (updated every year).
- Less than 100,000 people - have the option of developing a Title VI Plan or adopting GDOT's Title VI Plan which consists of signing the Nondiscrimination agreement.

Nondiscrimination Agreement

REQUIREMENTS:

- **Issue a signed Title VI policy statement.**
- **Take action to correct deficiencies.**
- **Establish a Civil Rights Unit with a coordinator.**
- **Adequately staff the Civil Rights Unit.**
- **Process complaints.**
- **Collect statistical data.**
- **Conduct Title VI Reviews**

Nondiscrimination Agreement

- **Conduct Title VI Training Programs.**
- **Prepare an annual report of the Title VI accomplishments for the past year and goals for the new year.**
- ***Accomplishment Report-* List any major activities regarding Title VI.**
- ***Annual Work Plan-* Outline Title VI monitoring and activities planned for the year.**

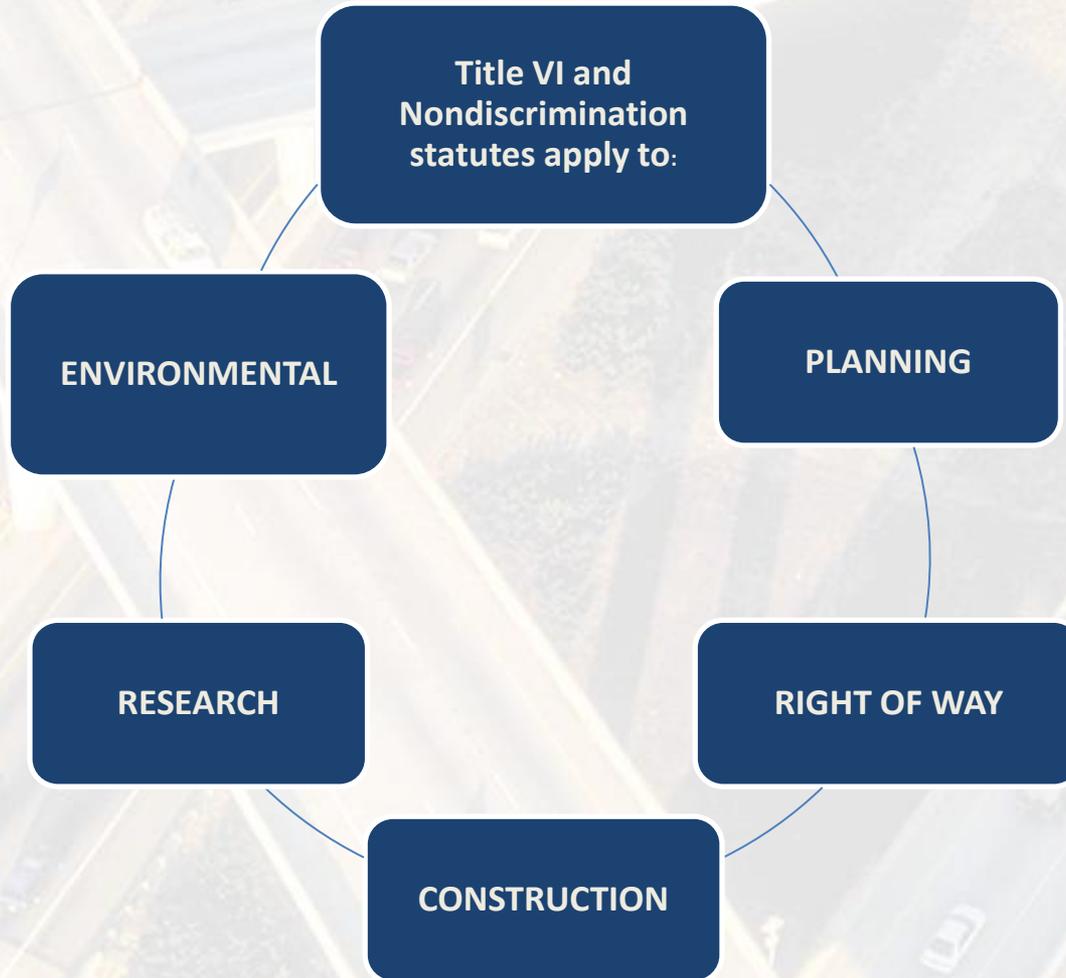
Noncompliance

Noncompliance is the failure or refusal to comply with the requirements of Title VI.

There are 2 main penalties for Noncompliance:

- 1. WITHHOLD - Federal funds to the recipient GDOT or subrecipients until the recipient complies**
- 2. CANCELLATION - Termination & Suspension of Federal Funds in whole or in part**

Title VI- Five Special Areas



Planning- Title VI

- **Effective public participation.**
- **Input from minority groups.**
- **Contracting opportunities provided to minorities and women for planning studies or other work.**
- **Adequate data collection.**

Right of Way- Title VI

- **Diversification in the use of appraisers.**
- **Efforts to negotiate for required property before filing condemnation.**
- **Selection of replacement housing was fair, consistent and without discrimination.**
- **Procurement of bids provides equal opportunity.**

Construction- Title VI

- **Ensure appropriate contract provisions are incorporated in Federal Aid Contracts.**
- **Remove barriers in pre-qualification approval of subcontractors, bonding and licensing requirements.**
- **Ensure there is uniformity in the assessment of sanctions, liquidated damages, withholding payments, suspension, termination of contracts and de-certification.**

Research- Title VI

- **Diversification in the selection of consultants or university research partners..**

Environmental- Title VI

- Describe the process being used by Environmental to encourage and maximize public involvement.
- How does Environmental identify and meet the needs of the LEP population?
- When there are discriminatory adverse impacts, what are the steps taken by Environmental to correct those impacts?

Title VI Audits

- Recipients of federal funds will be audited for Title VI Compliance.
- Title VI Audits results in two findings: *In Compliance or Not in Compliance.*
- Recipients of federal funds found “Not in Compliance” will have 90 days to address any deficiencies.
- A Follow Up Review will be conducted.

Title VI Complaints

- **Complaints must be written, signed and filed within 180 calendar days of the date you became aware of the discriminatory act.**
- **Complaint should include:**
Your name, address and telephone number. If filing on behalf of another person, include your name, address, telephone number, and your relation to that person.

Title VI Complaints

- **Name and address of the agency, institution, or department that you believe discriminated against you.**
- **Include the how, why and when complainant believed that he or she was discriminated against. Include as much background information as possible about the alleged act(s) of discrimination, including names of offending parties if known.**

Title VI Complaints

- **Name(s) and position (if known) of any person(s) that the investigating agency may contact for additional information to support or clarify your allegations.**

How to Report a Title VI Complaint

To report a Title VI Complaint, please contact:

Adoraeu Jouett

Title VI/ Environmental Justice Specialist

Georgia Department of Transportation

One Georgia Center

600 W. Peachtree Street, N.W, 7th Floor

Atlanta, GA 30308

(404)-631-1497

ajouett@dot.ga.gov

Henry Johnson, Assistant EEO Administrator

Equal Opportunity Division

One Georgia Center

600 W. Peachtree Street, N.W, 7th Floor

Atlanta, GA 30308

(404)631-1286

hjohnson@dot.ga.gov

Environmental Justice

- **Executive Order 12898 was established to AVOID, MINIMIZE, or MITIGATE disproportionately high and adverse human health and environmental effects, including social and economic effects caused by our transportation programs, policies and activities on minority populations and low income persons.**
- **To ensure the full and fair participation by all potentially affected communities in the transportation decision making process.**

Environmental Justice

To prevent the denial of, or reduction in, or significant delay in the receipt of benefits by minority and low income populations.

The goals:

- 1. Provide for meaningful involvement.**
- 2. Consider the needs of those who have traditionally been ignored by our transportation systems.**
- 3. Long term agendas that are consistent with Title VI and nondiscrimination.**

Ensuring Meaningful Involvement

- **Consider the composition of the affected area.**
- **Aim for fair treatment and protection from Environmental Hazards.**
- **Document actions taken to identify and engage minorities and low income persons.**
- **Consider the interrelated cultural, social, occupational, historical and economic factors.**
- **Develop effective public participation.**

Ensuring Meaningful Involvement

- **Public Meetings, Hearings in Central Locations**
- **Advertisements in local media, radio, TV**
- **Direct mail**
- **Public Service Announcements**
- **Website**
- **Posters**
- **Minority Newspapers & Churches**
- **Community Organizers, Organizations**
- **Bus Routes**

Limited English Proficiency (LEP)

- Executive order 13166 addresses those individuals for whom English is not their primary language and who have a limited ability to READ, SPEAK, WRITE and understand English.
- The goal here is to make a targeted effort to overcome barriers.

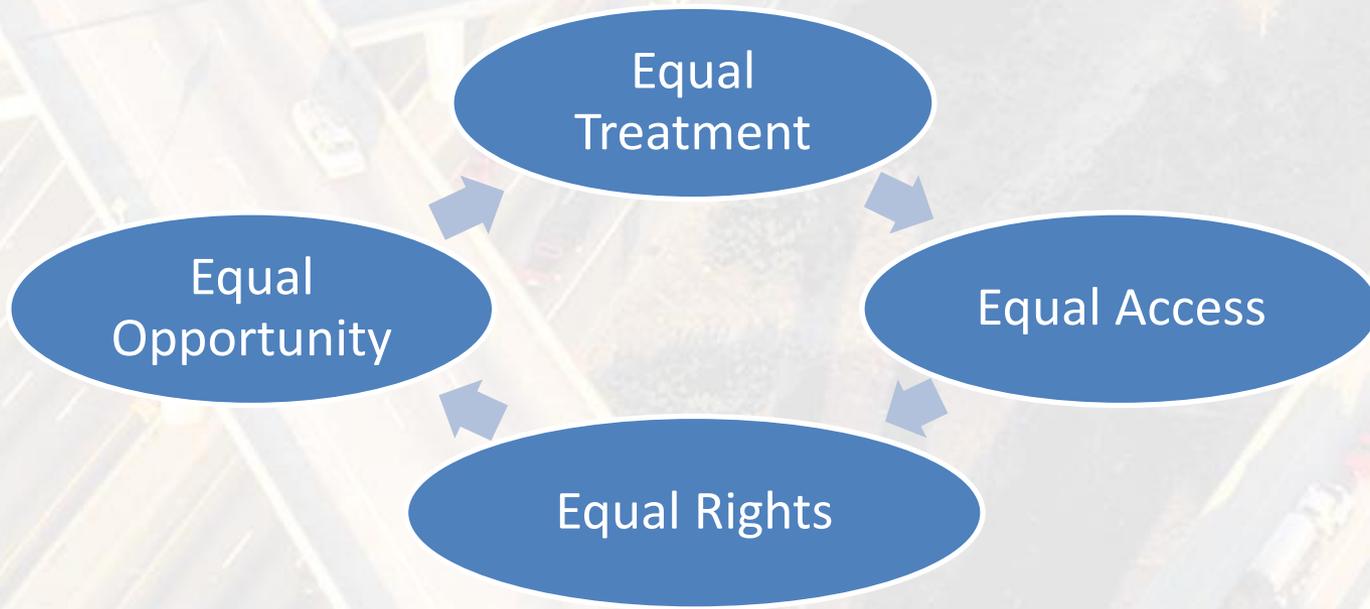
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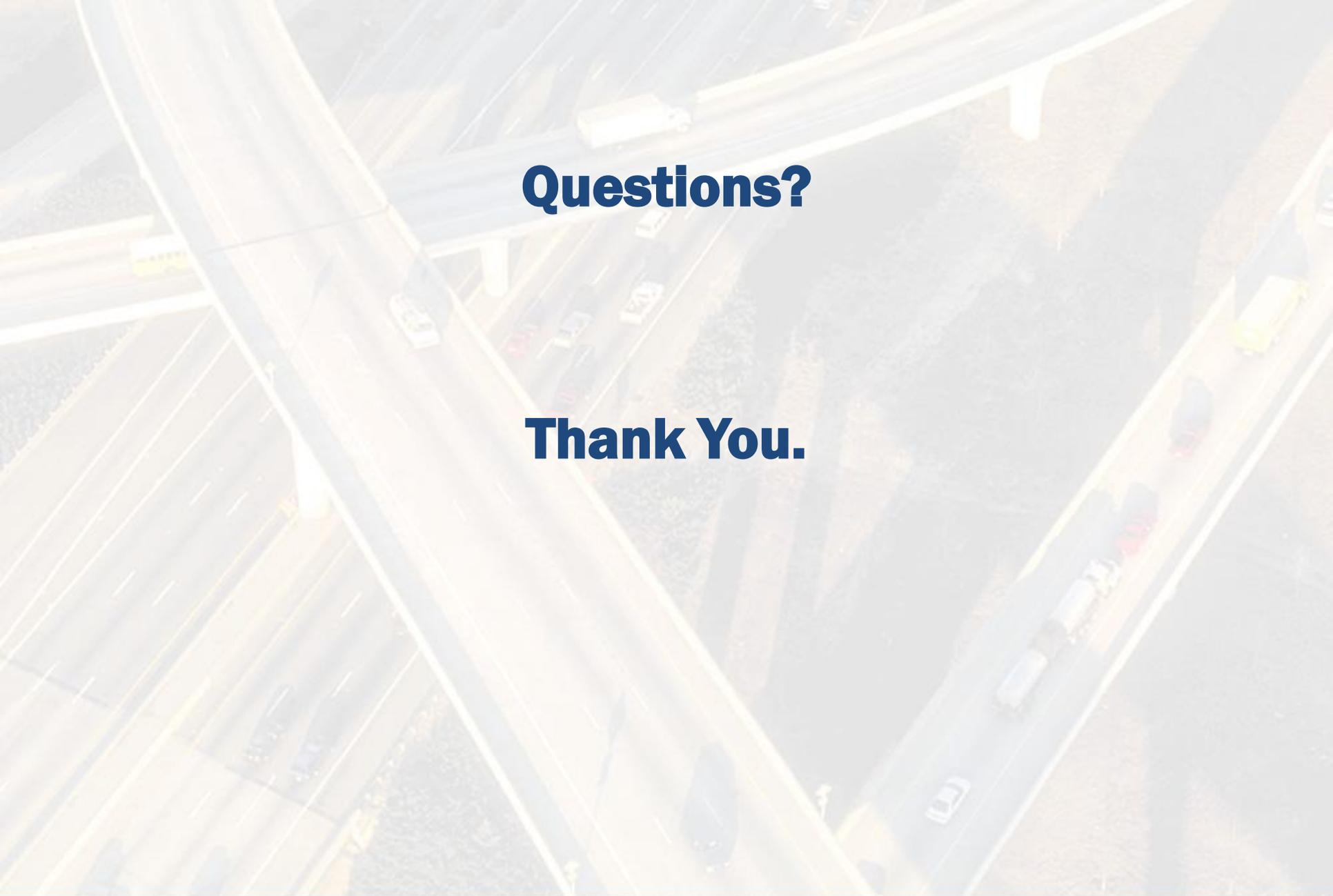
Recipients and sub-recipients of federal assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons

Language Assistive Measures

- **Bilingual Staff**
- **Telephone Interpretation**
- **Volunteer Interpreters**
- **Use of “I Speak” Cards**
- **Translating Documents**

The Importance of Title VI





Questions?

Thank You.