

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Overview and Update

Zach Packard
Associate to General Counsel

TPB Technical Committee
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Title VI

“No person in the United States shall, on the grounds 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.”

- 42 U.S.C. Section 2000d

Who is Protected by Title VI?

- Intended beneficiaries, applicants, or participants of any Federally-assisted program
- Protections are not limited to citizens
- Who isn't protected?
 - Sex and religion (are covered by other federal acts)

What Programs Are Covered by Title VI?

TITLE VI

Title VI applies to:

“any program or activity receiving Federal Financial assistance”

EXAMPLES

- Federal Grants
- Federal Loans
- Use of Federal Equipment
- Federal Training
- Loan of Federal Personnel
- Use of Federal Real Estate



COG's Obligations

- COG is a recipient of Federal funding
- Title VI's prohibitions apply institution-wide
- Sub-recipients must also comply

Disparate Treatment vs. Disparate Impact

DISPARATE TREATMENT

Intentional
discrimination on the
basis of race, color, or
national origin

DISPARATE IMPACT

Using a neutral procedure
or practice that has an
unequal impact on
minority beneficiaries,
when such practice lacks
a substantial legitimate
justification



Key to Title VI Compliance

Ensure that service recipients receive:

- equal treatment
- equal access
- equal rights
- equal opportunities

without regard to their race, color, or national origin, including Limited English Proficiency (LEP)

REMEMBER: Follow COG's Title VI Plan

Make your staff aware of the importance of the Plan

Failure to comply may result in grant termination and/or withholding of future funds!



Title VI Plan Update

- <https://www.mwcog.org/documents/titlevi/>
- COG's Title VI Plan focuses on ensuring policies and procedures are in place to maintain Title VI compliance, as well as, identify and remedy any Title VI violations
- FHWA requires a periodic update to COG's Title VI Plan
 - This update was performed by COG, and approved by its Board, earlier this year
- Major components were already in COG's then-existing Plan
 - Standard Assurances and Policy Statements
 - Designated Title VI Coordinator to monitor and manage compliance

Title VI Plan Update Cont.

- Major components continued
 - Standard Assurances and Policy Statements
 - Designated Title VI Coordinator to monitor and manage compliance
 - Description of process to ensure non-discrimination in each Primary Program Area
 - Procedures for identifying potential discrimination within COG
 - Procedures for collecting statistical data on beneficiaries of TPB programs



Title VI Plan Update Cont.

- Plan updates were minor and primarily administrative:
 - COG's Department of Transportation Planning made updates to reflect the TPB's more recent activities and goals
 - Because COG did not, and still does not, have any public transportation-related Title VI complaints, no update to this section was required
 - Most changes were to update the attachments to the Plan to reflect COG's policies and composition

Title VI Plan Update Cont.

- FHWA review noted COG's Title VI Plan needed a small clarification and a "housekeeping" update
 - TPB does not own physical facilities subject to the ADA
 - For simplicity and clarity, COG condensed and used the essential elements of DOT's assurances. FHWA wants the assurances verbatim
- COG is working now to address these minor issues

Title VI Program

- COG also has a Title VI Program
 - Required by FTA
 - Mandated triennial desk review
- Program focuses on ensuring all populations are evenly served
Demographic profile of area
 - Procedures for identifying mobility needs of minority populations and considering them in the planning process
 - Maps showing the impacts from the distribution of aggregate funding for public transportation projects
 - Analysis of investments that identifies and addresses any disparate impacts

Questions?

