

“PUBLIC FUNDS EQUAL PUBLIC BENEFITS”

Title VI Program Responsibilities

Learning Objectives

- Identify *Title VI* responsibilities of Recipients
STAs
- Identify Title VI responsibilities of Subrecipients
MPOs
Local Public Agencies
Colleges and Universities

IDENTIFY TITLE VI PROGRAM RESPONSIBILITIES OF RECIPIENTS AND SUBRECIPIENTS

Title VI declares that each federal fund recipient and subrecipient is responsible for implementing a specific set of actions, procedures, processes, to ensure compliance with their nondiscrimination obligations. In this module, a brief review will be conducted on the responsibilities of both federal-aid recipients (i.e. State Transportation Agencies or STAs) and subrecipients (e.g. Metropolitan Planning Organizations, Local Public Agencies, Colleges and Universities, etc.).

Recipient Responsibilities

Every federal agency must have a comprehensive and proactive Title VI enforcement program to eliminate and prevent discrimination in each of the programs it funds and administers. Therefore, the FHWA's Title VI Program was established. As recipients of funds from the FHWA, and in keeping with FHWA Title VI Program requirements, STAs are strongly encouraged to design the objectives of their federally-assisted services, programs, and activities to align with the FHWA's Title VI enforcement procedures and proactive measures.

More specifically, federal aid recipients are required to develop a system of procedures and mechanisms (more commonly referred to as methods of administration) to assure nondiscrimination in all of their programs, activities and services. Whether or not these specific programs, activities and services are federally funded makes no difference, as long as the *agency, itself*, is a recipient of federal funds for anything at all.

To be in compliance with Title VI of the Civil Rights Act of 1964, each STA must:

- 1) **Establish a civil rights unit** and designate a coordinator with a responsible position and easy access to the head of the State highway agency. This unit shall also contain a Title VI Equal Employment Opportunity Coordinator or a Title VI

Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.

- 2) **Adequately staff the civil rights unit** to effectively implement the State civil rights requirements.
- 3) **Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints** received directly by the State and not by the FHWA. Complaints shall be investigated by State civil rights personnel trained in compliance investigations.

MOUSE-OVER TEXT

Procedures:

Procedures might include the following: Identify each complainant by race, color, sex, or national origin; the recipient; the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; the date of the disposition; and other pertinent information. Each recipient (State) processing Title VI complaints shall be required to maintain a similar log. A copy of the complaint, together with a copy of the State's report of investigation, shall be forwarded to the FHWA division office within 60 days of the date the complaint was received by the State.

- 4) **Develop procedures for the collection of statistical data** (e.g. race, color, sex, age, disability and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.
- 5) **Develop a program to conduct Title VI reviews and audits of the program areas** associated with transportation projects. These reviews can be conducted before, during, and following the award stages of project implementation.
- 6) **Conduct annual reviews of special emphasis program areas** or program area activities at all levels to determine the effectiveness of the recipient's Title VI program.
- 7) **Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds.**
- 8) **Review State program directives in coordination with State program officials** and, where applicable, include Title VI and related requirements.

- 9) The State highway agency Title VI designee shall be responsible for **conducting training programs on Title VI** and related statutes for State program, and officials, as well as other stakeholders.
- 10) **Prepare a yearly report of Title VI accomplishments** for the past year and goals for the next year.
- 11) Each State highway agency shall **annually submit an updated Title VI implementing plan** to the Division Office Administrator for approval or disapproval.
- 12) **Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.**
- 13) **Establish procedures for pre-award and post-award approval reviews of State programs and applicants for compliance with Title VI requirements** (i.e., highway location, design and relocation, and persons seeking contracts with the State).
- 14) **Establish procedures to identify and eliminate discrimination** when found to exist.
- 15) **Establish procedures for promptly resolving deficiency status** and reduce to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

In addition to these responsibilities, the FHWA advises every STA that a well developed Title VI program should include an implementation plan that:

- 1) Describes the nature of the program and the responsibilities of the operating divisions, office or unit that administers the federally-assisted program;
- 2) Indicates the number of programs administered annually, an estimated total of the amount of Federal financial assistance distributed annually, and the approximate number of grants and recipients and sub-recipients involved;
- 3) Includes proactive programs to prevent discrimination; and
- 4) Includes enforcement procedures that correspond with the objectives of their federally assisted programs and activities.

Implementation of the Title VI program is a joint responsibility of FHWA and STA program managers at all levels, although primary responsibility lies with the State. To ensure nondiscrimination in their programs, program managers should be familiar with Title VI-related issues in their day-to-day activities. Further, the impact of these programs on minorities, women, the disabled, the elderly, persons with limited English proficiency, and non-minorities should be monitored to ensure that the programs provide equitable treatment in the provision of benefits, services and opportunities to all beneficiaries of the program.

Subrecipient Responsibilities

Consistent with the recipient responsibilities just reviewed, *subrecipients* of federal-aid funds must also meet minimum requirements to be in compliance with Title VI laws and amendments. Therefore, a review of the subrecipients' responsibilities will follow.

First, each subrecipient is expected to **sign an assurance** with their recipient to assure that their activities are conducted (or facility is operated) in a **nondiscriminatory manner**. This assurance is a contract that obligates the subrecipient to comply with Title VI statutes and essentially confirms that noncompliance with Title VI by the subrecipient may result in a loss of federally-provided funds and could constitute adverse legal action against the agency. Further, subrecipients should also ensure that procedures to **ensure Title VI provisions are contained in any federally funded related contracts** extended to other subrecipients.

Next, each subrecipient should have a **method of administration**. This method of administration is a system of procedures, policies, and methods or mechanisms to ensure nondiscrimination in all subrecipient activities and services, whether federally funded or not.

- As they are able, subrecipients should **extend contracting (or subcontract) opportunities to Disadvantaged Business Enterprises (or DBEs)**. By providing such fairly attainable contracting opportunities, subrecipients are not only giving back to their communities, they are positively stimulating the economic growth of their local government, which in turn, ultimately impacts the overall stimulation of the national economy.
- Very similar to the requirements of the recipients, subrecipients are also expected to establish **training, enforcement, community outreach, and public education programs**. By implementing such programs the subrecipient staff, other subrecipients (i.e. County and City Government agencies, etc.), and the general public all receive the opportunity to become further educated on their personal rights and the agency's responsibilities toward them as it pertains to Title VI.
- Additionally, the establishment of procedures for **complaints processing, identifying and addressing Title VI issues, and assuring compliance** is required. With these procedures in place, the subrecipient creates an atmosphere whereby complaints are handled fairly, issues identified and addressed in a formal, timely manner, and compliance is assured in light of establishing a discrimination-free environment for staff as well as the general public. These same individuals also benefit by receiving the comfort that should the need ever arise, the agency is prepared to address their specific concerns via a fair, uncompromising process.
- The **collection and analysis of data and the maintenance of compliance (or status) reports** create opportunities for the agency to not only internally and adequately address any expressed concerns, but these activities also monitor the subrecipient's level of compliance with Title VI and allow agencies the chance to **develop plans that bring discriminating programs into compliance**.

MOUSE-OVER TEXT

Types of Reports and Activities:

- Subrecipients may develop:
 - Title VI Accomplishment Reports for the past year
 - Title VI Goal Reports for the upcoming year
 - Reports that identify instances where Title VI issues were identified and discrimination was prevented
 - Activities to monitor and implement Title VI

Subrecipients are expected to **establish nondiscrimination requirements**. These requirements should be readily available to any inquiring individual and should state the agency's commitment to its nondiscrimination obligation. They should also be clear and unambiguous so that there is never a question regarding whether or not a wrong has been committed with regard to any specific program, activity, or service offered by the agency.

Subrecipients should have an **implementation plan** that clearly outlines the agency's nondiscrimination policy. This policy should be signed **by the Chief Administrative Officer** and should be circulated throughout the agency and the general public. The **recipient** should **appoint or designate** an individual who is knowledgeable of Title VI policies and issues as its **Title VI Coordinator or Specialist**. The Coordinator's (or Specialist's) **responsibilities should be clearly outlined** and he or she should be responsible for **managing the day-to-day program administration of the subrecipient's Title VI program**.

Finally, because the public funds they receive are expected to equally benefit each member of the public, it is encouraged that both recipients and subrecipients go beyond the minimum requirements to establish additional measures that ensure the prevention of discrimination, and promote the full equality of each member of its community.