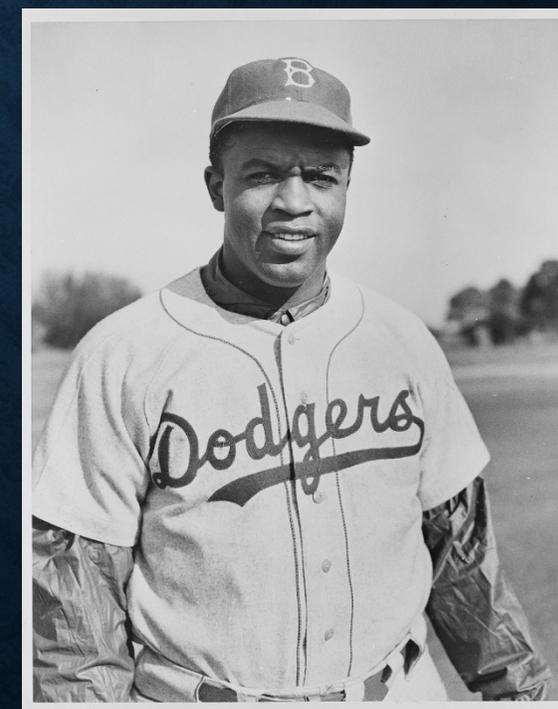
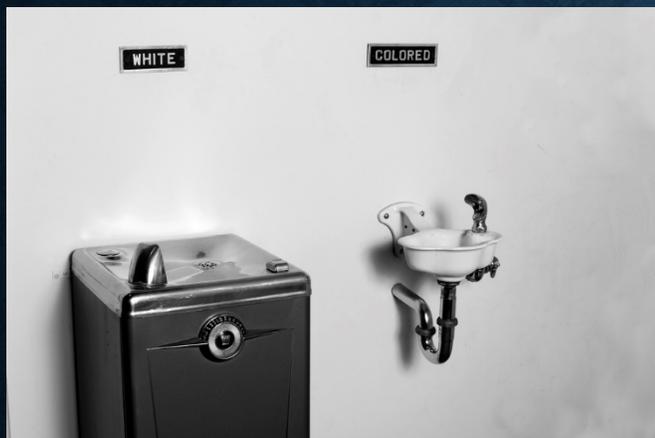


# **TITLE VI TRAINING**

# WHAT ARE CIVIL RIGHTS?



# EVENTS LEADING UP TO THE CIVIL RIGHTS MOVEMENT



# TITLE VI OF THE CIVIL RIGHTS ACT OF 1964



“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*

# 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 encourage, 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.”

# WHAT IS PREJUDICE?

- Prejudice is an opinion that is not based on any reason or actual experience
- Prejudice can be for or against an individual, group or object
- Example- A person can be prejudiced in favor of (for) anyone perceived to have a “Southern Accent” but be prejudiced against anyone perceived to have a “Northern Accent.”

# WHAT IS DISCRIMINATION?

- “Discrimination” is differential treatment that favors one individual, group, or objective over another.
- In most cases, an institution or entity may treat individuals differently UNLESS the individual is in a protected class as defined under law.
- Protected Class- cannot be discriminated against on the bases of: race, color, religion, national origin, sex, disability, and familial status.

# DISCRIMINATION- BASIC EXAMPLES

- It is discriminatory and illegal to refuse provided services to an individual based solely on the fact that the person is of Hispanic Origin.
- It is discriminatory and illegal to deny employment to someone based solely on the fact that the person uses a wheel chair.
- It is discriminatory, if an agency offers services to recipients ages 0-21 and you deny persons services because your belief is: At 21 recipients do not need the services.

# **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.**

# TITLE VI PROHIBITED PRACTICES

- Denial of any service recipient, any services, opportunities, or other benefits for which that individual is otherwise qualified;
- Provide any service recipient with any service, or other benefit, which is different or is provided in a different manner from that which is provided to others in a program;
- Subject any service recipient to segregated or separate treatment in any manner related to his receipt of service.

# TITLE VI PROHIBITED PRACTICES

- Restrict a service recipient in any way in the employment of services, facilities or any other advantage, privilege or other benefit provided to others under the program;
- Adopt methods of administration which would limit participation by any group of recipients or subject them to discrimination; and
- Address a service recipient in a manner that denotes inferiority because of race, color, or national origin.

- **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.**

# SECTION 504 OF THE REHABILITATION ACT OF 1973

- Section 504 prohibits organizations and employers, who receive federal financial assistance, from excluding or denying qualified individuals with disabilities an equal opportunity to receive program benefits and services.
- It defines the rights of “qualified individuals with disabilities” to participate in, and have access to program benefits, and services.

# SECTION 504 OF THE REHABILITATION ACT OF 1973

- “Qualified Individual with Disabilities” are persons who have:
  - A physical or mental impairment that substantially limits major life activities;

AND ONE OR BOTH OF THE FOLLOWING:

  - With reasonable accommodations, can perform the essential functions of the job for which they have applied or have been hired to perform; OR
  - In terms of accessing and receiving public services and benefits are persons who meet the normal and essential eligibility requirements.

# SECTION 504 OF THE REHABILITATION ACT OF 1973

- “Physical and Mental Impairment” includes but are not limited to:
  - Visual, speech, and hearing impairments
  - Mental retardation
  - Mental and emotional illness
  - Cerebral palsy
  - Epilepsy
  - Muscular dystrophy
  - Multiple sclerosis
  - Orthopedic conditions
  - Cancer, heart disease, or diabetes
  - Contagious and non-contagious diseases such as tuberculosis and HIV diseases (symptomatic or not)

# SECTION 504 OF THE REHABILITATION ACT OF 1973

- “Reasonable Accommodations” requires an employer or government agency to take reasonable steps to accommodate a person with a disability, unless it would cause undue hardship.
- In relationship to accessing public services and benefits, covered entities must take reasonable steps to make sure a person with a disability can access programs, services, benefits, or has opportunities to participate. This includes opportunity to participate regardless of physical barriers.

# AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

- Based on Title VI of the Civil Rights Act of 1964 & Section 504 of the Rehabilitation Act of 1973.
- Provides comprehensive civil rights protections to individuals with disabilities in the areas of:
  - Employment,
  - State and local government services,
  - Public accommodations, transportation, and
  - Telecommunications.
- Unlike Section 504, ADA compliance is mandated for state and local governments or businesses that service the public even if they do not receive federal funds.

# AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

- “Qualified Individual with a Disability” is a person who has:
  - A physical or mental impairment that substantially limits major life activities;
  - Has a record of such an impairment; or
  - Is regarded as having such an impairment.
- Decisions about whether or not a particular condition constitutes a disability within the meaning of ADA should be made on a case-by-case determination.

# AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

- “Physical and Mental Impairment” includes but are not limited to:
  - Visual, speech, and hearing impairments
  - Mental retardation
  - Mental and emotional illness
  - Cerebral palsy
  - Epilepsy
  - Muscular dystrophy
  - Multiple sclerosis
  - Orthopedic conditions
  - Cancer, heart disease, or diabetes
  - Contagious and non-contagious diseases such as tuberculosis and HIV diseases (symptomatic or not)

# AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

- “Major Life Activities” means functions such as
  - Caring for one’s self
  - Performing manual tasks
  - Walking, or seeing
  - Eating or sleeping
  - Interacting with others
  - Hearing, speaking or breathing
  - Learning
  - Concentrating
  - Thinking
  - Working

# AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

- Title II prohibits discrimination against qualified individuals with disabilities based on their disability in all programs, activities, of public entities. Public entities include state and local governments and their departments and agencies. Title II applies to all activities and service programs of a public entity.
- **Important note:** Public entities must consider the ability to access services and benefits and “reasonable accommodations” ...interpreters, television captioning, telecommunications devices, accessible sidewalks, doors and water fountains, Braille materials, larger print, auxiliary aids, etc...

# EXAMPLES OF PREFERRED LANGUAGE

## Preferred

## Offensive

- Person with a disability, people with disabilities-----Crippled, Deformed, the handicapped
- Person with mental illness/disorder-----The mentally ill, crazy person
- Person with substance use disorder-----Drunk, drug addict
- Person with intellectual disability-----Mentally retarded, mentally deficient
- Non-disabled-----Able-bodied, normal healthy
- Uses a wheelchair, is a wheelchair user-----Is confined to a wheelchair, is wheelchair bound
- Uses walker, walks with assistance of a walker/crutches-----Cant' walk
- Person with cerebral palsy-----Is a cerebral palsy victim
- Person with polio-----Suffers from polio

# ADA CASE LAW

- *Ashby (MN) School District, 54 NDLR 151 (OCR Chicago (MN) 2016)*

A complaint was filed against a Minnesota school district alleging that it discriminated against a student with epilepsy because it did not make her medication available during all school activities, including during field trips, afterschool activities, and on the school bus. The complainants also asserted that the district failed to ensure that school personnel would administer medication to the student if she was having a seizure at school. The district responded quickly to OCR's investigation and engaged in a number of actions. Specifically, it worked with the school nurse, medical professionals and the complainant's family to develop a seizure action plan that, among other things, noted where the student's medication was located throughout the building. The district also trained a number of staff on how to administer medication in an emergency setting. Following these actions, the Department of Education's Office of Civil Rights closed its investigation.

# EXAMPLES OF PREFERRED LANGUAGE

- Person with specific learning disability----- Is learning disabled
- Person with a speech impediment/impairment----- Stutterer, lisp
- Person who is blind or with a visual impairment----- The blind or visually impaired
- Person who is deaf----- The deaf, deaf and dumb
- Person with Down Syndrome----- The Down Syndrome child, Mongoloid (NEVER)
- Person with epilepsy----- Epileptic
- Person with seizures----- Fits
- Congenital disability----- Birth defected
- Persons with diabetes----- Has sugar

# AGE DISCRIMINATION ACT OF 1975

- Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance
- The Age Discrimination Act applies to persons of all ages
- It does not cover employment discrimination. Employment discrimination is covered under the separate Age Discrimination in Employment Act of 1967

# TITLE VI

## LIMITED ENGLISH PROFICIENCY

- “Limited English Proficiency” is defined as the inability to speak, read, write, or understand the English language at a level that permits a service recipient to interact affectively with staff in accessing public services and benefits.
- Executive Order 13166 (August 11, 2000) requires all agencies that receive federal funding to provide services that are accessible to persons with limited English proficiency.
- Not providing services that are accessible constitutes discrimination based on national origin.

# TITLE IX

- “No person in the United States shall on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving federal financial assistance”
- Equity in athletics results in increased athletic opportunities for females

# **FOUR FACTOR ANALYSIS TO ASSESS LEP NEEDS**

Assess and balance the following four factors for your agency:

1. Number and proportion of individuals with LEP eligible or likely to be served by your agency;
2. Frequency with which persons with LEP come in contact with your agency;
3. Nature and importance of your agency's programs to people's lives; and
4. Resources available to your agency and the costs of providing their services.

# TYPES OF LANGUAGE ASSISTANCE SERVICES

- Oral interpreter services
- Bilingual staff
- Telephone interpreter lines
- Written language services
- Community volunteers

# **TENNESSEE CODE ANNOTATIVE 4-21-904**

- 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 and agencies.

# KEYS TO EFFECTIVE CIVIL RIGHTS COMPLIANCE

Ensure that service recipients receive:

- Equal treatment
- Equal access
- Equal rights
- Equal opportunities

Without regard to:

- Race,
- Color,
- National origin (including English proficiency)
- Age,
- Gender, or
- Disability

# **AGENCY LEVEL INVESTIGATING DISCRIMINATION COMPLAINTS**

- Roane County is required to have specific policies and procedures in place on how complaints are to be handled.
- All complaints are to be monitored for indication of non-compliance with Title VI, Section 504 of the Rehab. Act, ADA, Age Discrimination Act, or Title XI.
- Any complaint that indicated non-compliance with the above should be logged and reported to the appropriate state funding agency.

# **AGENCY LEVEL INVESTIGATING DISCRIMINATION COMPLAINTS**

- All complaints are logged upon receipt.
- All complaints must be in writing and signed.
- Contact is made with the complainant for a full understanding of the complaint.
- Complaints must involve an incident that occurred in the past 180 days.
- Facts of the complaint are reviewed to determine possible non-compliance with the applicable regulations.
- Investigate and provide a written response to the issue(s).

# **AGENCY LEVEL INVESTIGATING DISCRIMINATION COMPLAINTS**

- Complaints do NOT have to be originated with the Roane County
- Complainants can file their initial complaint at any level of the government.
- Roane County provides written follow-up to the state agency documenting all issues involved in the complaint and their response.
- Following a review, a determination is made of what steps will be taken to resolve the issue.
- The complainant is notified of the determination and the steps that will be taken to address the issue(s).

# **AGENCY LEVEL INVESTIGATING DISCRIMINATION COMPLAINTS**

- Complainants are advised of their right to have their complaint reviewed by one of the following agencies if they are not satisfied with the decision:
  - Tennessee Human Rights Commission,
  - DHHS, Office of Civil Rights, Region IV Office,
  - Other appropriate state funding agency
- Upon completion of the investigation process, inform the appropriate state funding agency of the outcome.
- Retaliation or intimidation of any kind toward a service recipient either before, during or after the complaint process is prohibited by law.

# NON-COMPLIANCE

- “Non-compliance” is failure or refusal to comply with Title VI and other related non-discrimination laws and regulations.
- Sub-contract agreements must contain non-discrimination language.
- Roane County is responsible for monitoring sub-contracts for Title VI compliance.
- New and current employees that administer Title VI programs must be trained on Title VI compliance at the start of employment and annually thereafter.
- Sanctions for non-compliance can include withholding payments and termination of contract.

# **ROANE COUNTY AND NON-DISCRIMINATION**

**Because the Roane County receives federal assistance, all of its services are covered by Title VI. It is the County's objective that all services be administered in a nondiscriminatory manner.**

# **TITLE VI COORDINATOR**

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