



# TITLE VI COMPLIANCE



**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS**



# OVERVIEW

- Title VI
- Complaint Process
- External Subrecipient Reviews



# CIVIL RIGHTS COMPLIANCE DIVISION

Disadvantaged Business Enterprise  
Program (DBE)

ADA

Title VI

Labor Compliance

Civil Rights and Labor (CRL)

# WHAT IS THE LAW?

“No person in the **United States** shall, on the ground 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.” Title VI of the Civil Rights Act of 1964; 42 U.S.C. § 2000d, et seq.

# TITLE VI



## What is Title VI?

Prevents illegal discrimination, on the basis of Race, Color, or National Origin, in Federally Assisted Programs or Activities that receive Federal funds or other Federal financial assistance.

## What is the Purpose of Title VI?

To ensure public funds are not spent in a manner that encourages, subsidizes, perpetuates, or results in discrimination.

## What is the Intent of Title VI?

To eliminate barriers and conditions that prevent the Title VI Program protected groups and persons from receiving access, participation and benefits from Federally assisted programs, services and activities.

# CRITERIA NECESSARY FOR TITLE VI TO APPLY

A program or agency must:

1. Provide a service, aid or benefit;
2. Be located within the United States;
3. Receive direct (recipient) or indirect (sub-recipient) federal funding or assistance, including contractual means.

Examples of areas include construction, recreation, community development, law enforcement, planning, etc...


# WHO IS PROTECTED?

- Title VI applies to all “persons.” Courts have interpreted the Equal Protection Clause of the Fourteenth Amendment and analogous language in civil rights laws to mean that Title VI protects all persons in the United States.
- Applies to direct and indirect effects on those persons.





# TITLE VI GENERALLY DOES NOT APPLY TO:

1. Employment except where employment services are federally funded
  2. Discrimination based on age, sex, geographic location or socio-economic status
  3. Direct benefits programs such as Social Security
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# Executive Order 13166 on Limited English Proficiency (LEP)



Executive Order 13166 was signed on August 11, 2000, to ensure that people who are Limited English Proficient have meaningful access to services.

## Who is a Limited English Proficiency Person?

A person who does not speak English as a primary language and has limited ability to read, speak, write, or understand English.



## Four-Factor Analysis

1. The number or LEP individuals in your area;
2. The frequency with which LEP individuals come in contact with the programs;
3. The nature and importance of the program, activity, or service provided; and
4. The resources available and cost of outreach.

Contact:  
Antonio Gonzalez  
Civil Rights Compliance  
Specialist Sr.  
(304) 720-5132  
[antonio.gonzalez@wv.gov](mailto:antonio.gonzalez@wv.gov)

## Language Assistance Plan

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance is needed
- Training staff
- Outreach - Providing notice to LEP persons
- Monitoring and updating LEP policy



Environmental Justice

## Executive Order 12898 on Environmental Justice

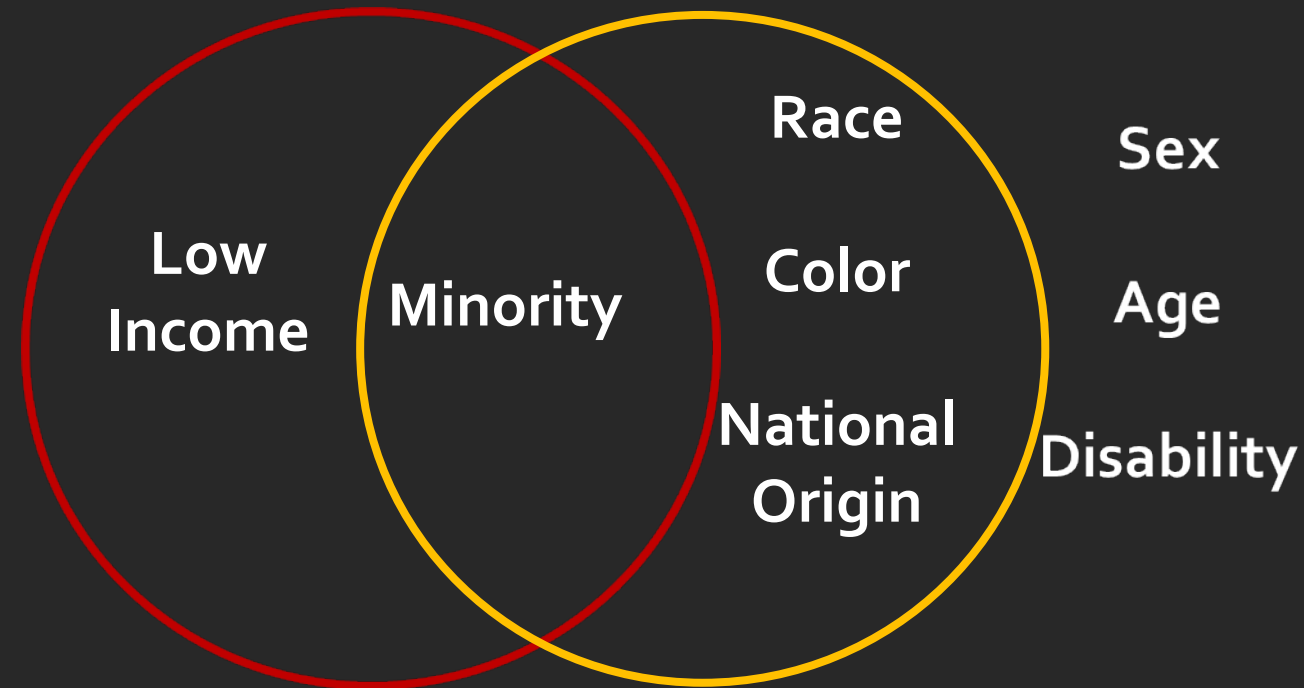
Reaffirms that each Federal agency must make environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority and low-income populations.

“The Fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.”

U.S. EPA, Office of inspector General, Evaluation Report; Report No. 2004-P-00007; March 1, 2004.

# Title VI and Environment Justice Similarities

- Both are rooted in the 14<sup>th</sup> Amendment: "All citizens are created equal and entitled to equal protection"
- Goal is to provide fair and equitable treatment
- Both cross all program areas
- Both address discrimination



Integration of Environmental Justice and Title VI

# SECTION 508 Amendment to the Rehabilitation Act of 1973

Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government.

Section 508 requires Federal electronic and information technology to be accessible to people with disabilities.

The following are several ways in which Section 508 standards are applied to DOT and Operating Administration websites:

- Acceptable Uses of Flash
- Color and Contrast
- Documents
- Excel Presentations
- Email
- Skip Navigation
- Video/Multimedia Content

# TITLE VI COMPLAINT PROCESS

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, may by themselves or by a representative file with a written complaint.

A Complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the FHWA.

## Complaint Format:

Written or typed

Signed

Basis

Contact information

Date(s) of discriminatory actions

Respondent(s)

Description of events

All complaints will be forwarded to FHWA

## WEST VIRGINIA DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS COMPLIANCE DIVISION

### TITLE VI COMPLAINT FORM

*In accordance with Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 complaints may be filed by any person who believes they have been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any WVDOT program or activity based on race, color, or national origin. To begin the process, please complete the following form with as much information as you can provide. If portions of the form are incomplete, WVDOT may not be able to process your complaint.*

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Please provide the basis upon which you believe your complaint is based (select all that apply):

Race: \_\_\_\_\_ Color: \_\_\_\_\_ National Origin: \_\_\_\_\_

Please provide the name and address of the subrecipient/respondent (company) and any alleged discriminating official(s) or person(s) who you believe discriminated against you:

\_\_\_\_\_

If discriminating person or official is unknown, please provide as much information as possible regarding the individuals involved:

\_\_\_\_\_

Description of incident including date incident occurred (attach additional pages if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: If you elect to file a complaint with WVDOT, it must be submitted in writing, signed, and dated, within 180 days of the alleged discriminatory act (or latest occurrence).

Signature \_\_\_\_\_ Date \_\_\_\_\_

Please mail completed complaint form and any attachments to:

Director - Civil Rights Compliance Division  
West Virginia Department of Transportation  
State Capitol Complex - Building 5  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305

# FEDERAL HIGHWAY ADMINISTRATION NONDISCRIMINATION PROGRAM

**FHWA is responsible for ensuring that all Recipients (State Transportation Agencies) have an approved Title VI Plan and submit Annual updated reports. FHWA is also responsible for ensuring that Transportation Agencies are implementing an effective monitoring program of their Subrecipients' efforts to effectively implement Title VI.**

# ASSURANCES

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A: The WVDOT/Division of Highways agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, through Federal Highway Administration, is subject to and will comply with:

## Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act
- 49 C.F.R. Part 21
- 28 C.F.R Section 50.3

## General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that no discriminatory acts take place.

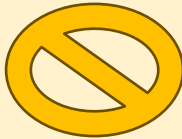
## Specific Assurances

The Recipient agrees to insert these 10 Assurances to every contract or agreement



# PENALTIES FOR NON-COMPLIANCE WITH TITLE VI

**404**



**Compliance Not  
Found**

Failure to comply with Title VI may lead to:

- ❖ Federal funds being withheld until compliance is achieved, and/or
- ❖ Federal funds being cancelled, terminated, or suspended in whole or in part.

**Compliance is necessary! Failure to comply will result in a detrimental impact on services provided to West Virginia citizens.**

# HOW DO WE ENSURE COMPLIANCE WITH TITLE VI?

## Internal Reviews: Divisions

Engineering,  
Planning,  
Technical Support,  
Right-of-Way,  
Contract Administration

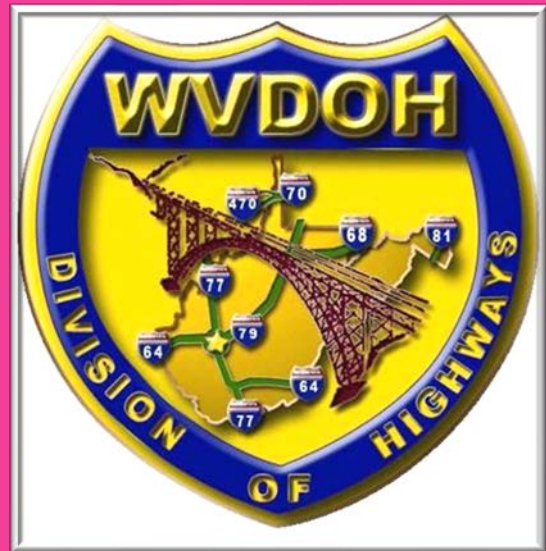
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Complete annual reviews each August

## External Reviews:

Subrecipient – MPOS, local governments, municipalities, and entities that receive federal dollars from WVDOT are subject to Title VI Compliance reviews. Reviews will be based on the amount received, the geographical location of the subrecipient, and the length of time between reviews. We aim to review the largest funding recipients at least once every three years.

Questions



**Contact:**

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(304)414-6884  
Tiffany.N.Caldwell@wv.gov**

**THANK YOU!**