

Discrimination prohibited by Title VI

There are many forms of illegal discrimination based on race, color, or national origin that limited the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color, or national origin, either directly or indirectly:

- Deny program services, aids, or benefits
- Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any services, aid, or benefit

Programs or services include but are not limited to:

- Transportation
- Construction
- The distribution of benefits and services
- Tax Benefits enjoyed by private agencies, fraternal and non-profit organizations (i.e. 501 (c)3) as well as education institutions
- Location of facilities
- Law enforcement
- Program effects on people in applicable communities
- Healthcare (i.e. Medicare, Medicaid, TennCare), social services and public welfare
- Natural resources and the environment
- Employment and job training
- Housing and community development
- Agriculture

Title VI Federal-aid Contract Provisions:

All Federal-aid contracts must include Title VI contract assurance language which requires compliance with Title VI of the Civil Rights Act of 1964. Federal-aid contractors may not discriminate in selection and retention of first-tier subcontractors; subcontractors may not discriminate in the selection and retention of second-tier subcontractors who participate in Federal aid highway construction; and contractors and subcontractors cannot discriminate in their employment practices in connection with highway construction projects or projects assisted by Federal Highway Administration.

How to file a complaint

You may file a signed, written complaint up to 180 days to the date of the alleged discrimination. The complaint should include:

- Your name, address and telephone number.
- The name and address of the agency, institution, or department you believe discriminated against you.
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information.
- Include the names of any person(s), if known, who the TDOT Civil Rights Division could contact for clarity of your allegations.

Your complaint must be signed and dated.



Please submit your complaint to the address stipulated below:

Tennessee Department of Transportation
Civil Rights Division
Title VI Program Director
505 Deaderick Street, Suite 1800
Nashville, TN 37243-0347
Telephone: (615) 741-3681
Fax: (615) 741-3169
Toll Free: 1-888-370-3647
TTY Relay: 1-800-848-0298

For a printable complaint form, visit our website:

www.tn.gov/content/dam/tn/tdot/civilrights/title-vi/complaint%20procedures01218.pdf

CLAY BRIGHT, COMMISSIONER



Civil Rights Division

Title VI Program

**Title VI of the Civil Rights Act of 1964
Environmental Justice
Limited English Proficiency**



TENNESSEE DEPARTMENT OF TRANSPORTATION

Civil Rights Division's Mission



The mission of the Civil Rights Division is to ensure adherence to Equal Employment, Title VI, and Small and Disadvantaged Business Initiatives.

What is Title VI of the Civil Rights Act of 1964?

It is the policy of the Tennessee Department of Transportation to ensure 42 U.S.C. 2000d, "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 a program or activity receiving federal financial assistance from the Department of Transportation." Title VI covers all forms of federal aid except those federally funded contracts of insurance and guaranty. It does cover employment practices resulting in discrimination against program beneficiaries or where the purpose of federal assistance is to provide employment.

TDOT's Subrecipients

TDOT's subrecipients are any city, county, possession, political subdivision, instrumentality, public or private agency, organization, entity, and individual receiving federal funding, either directly or through another recipient, from TDOT. A TDOT subrecipient includes successor, assignee, or transferee, but not the ultimate beneficiary of a program or activity.

TDOT's subrecipients are required to prevent discrimination and ensure nondiscrimination in all of their programs and Activities whether federally-funded or not.

Title VI & Environmental Justice (EJ)



On February 11, 1994, President Clinton signed Executive Order 12898: an order that addresses environmental justice in minority populations and low-income populations.

The Executive Order focused attention on Title VI by providing that, "each agency shall make

achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations." In support of Executive Order 12898, the US DOT issued an Order on Environmental Justice (DOT Order 5610.2a). This order clarifies and reinforces Title VI responsibilities as well as addresses the effects on low-income populations.

Adverse Impacts may include:

- Bodily impairment, infirmity, illness, or death
- Air, noise, water pollution, and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Vibration
- Adverse employment effects
- Displacement of persons, businesses, farms, or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community
- The denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities

Public Involvement



Public involvement plays an integral role in transportation planning and project development decision-making. The DOT Order (5610.2a) on Environmental Justice directs the department to provide minority and low-income populations greater access to information on and opportunities for public participation in matters that may impact human health and environment.

Title VI & Limited English Proficiency (LEP)

The Federal Government and those receiving assistance from the Federal Government must take reasonable steps so that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to think "outside the box" for creative solutions to address the needs of this ever growing population of individuals, for whom English is not their primary language.

Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply and Who Can be Found in Violation?

All programs and activities of entities receiving assistance from the Federal Government must comply with Title VI of the 1964 Civil Rights Act.

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination." President John F. Kennedy