



Department of  
**Environment &  
Conservation**

# TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

# Purpose

- ❑ This training is being conducted to ensure all TDEC staff, contractees, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.
- ❑ Objectives:
  - Introduction to and/or review Title VI;
  - Provide information and examples of what Title VI requires of TDEC; and
  - Describe your role in ensuring TDEC complies with Title VI.

# What is Title VI?

## **Federal Law (42 U.S.C. 2000d):**

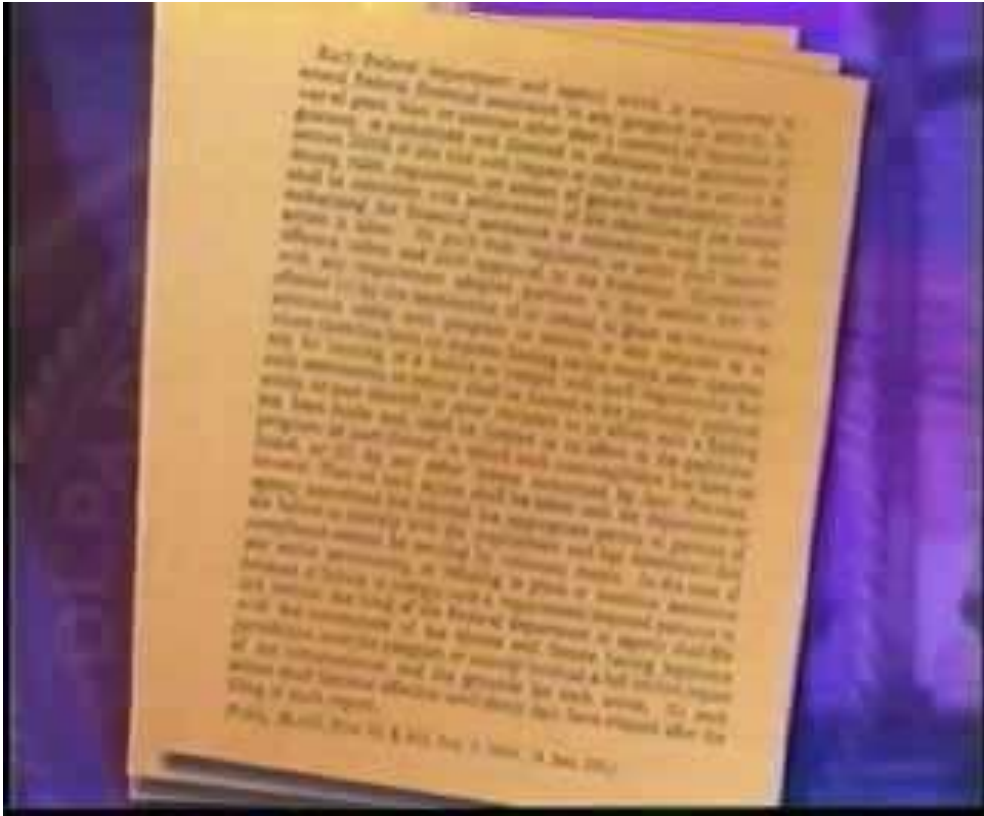
**Title VI of the Civil Rights Act of 1964** ensures that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**TN Law – Tenn. Code Ann. § 4-21-904; May 31, 1993.**

# Details of Title VI of the Civil Rights Act of 1964



# Details of Title VI of the Civil Rights Act of 1964



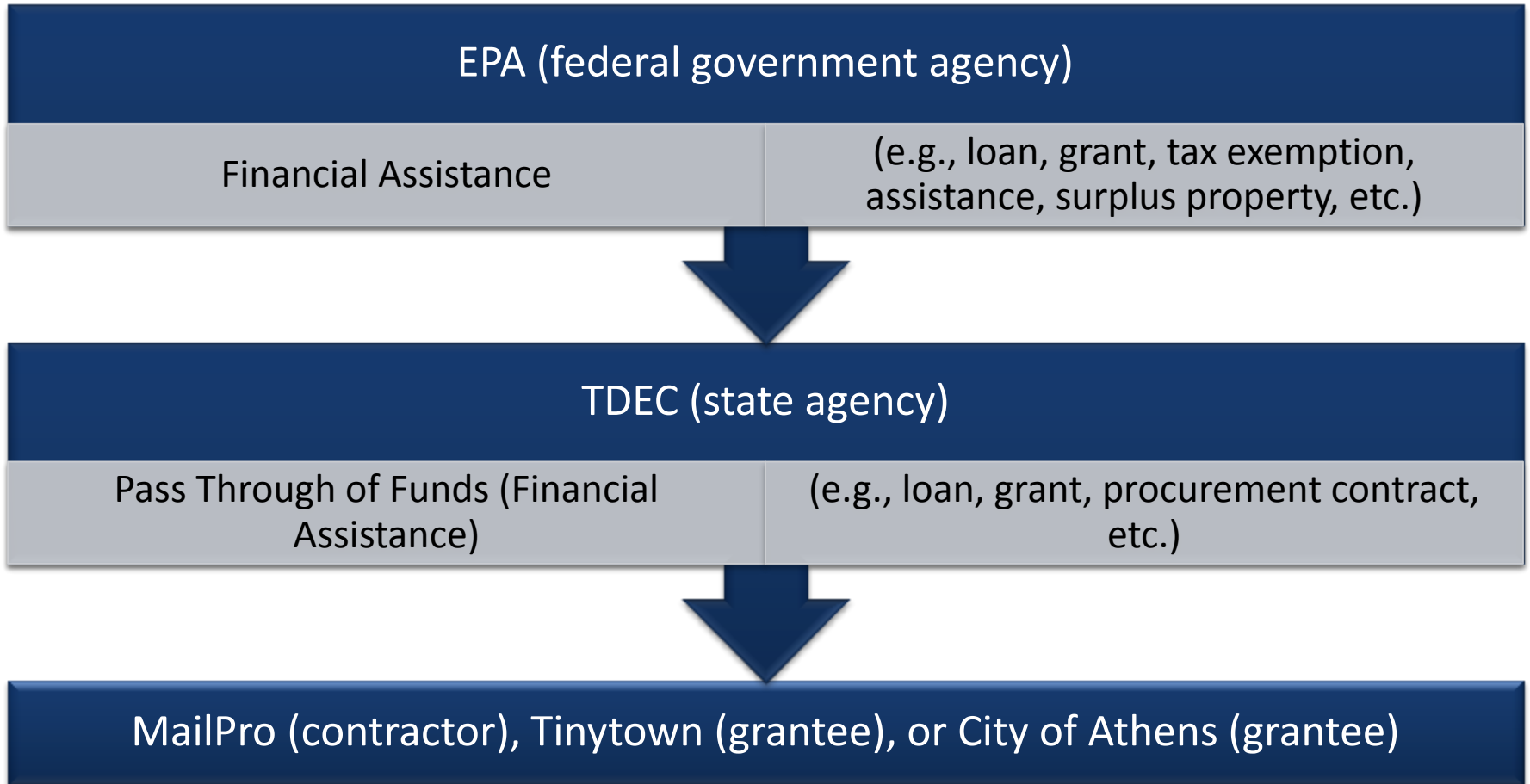
# Details of Title VI of the Civil Rights Act of 1964



# Details of Title VI of the Civil Rights Act of 1964



# How Title VI (federal law) Applies to TDEC (state agency)





# Title VI Responsibilities of Recipients

Title VI applies to discrimination throughout an agency, not just to actions involving the federally assisted program. Therefore, if an agency receives any federal financial assistance for any program or activity the entire agency is required to comply with Title VI, not just that particular program.

# How TDEC Works To Comply with Title VI

## Federal Requirement

- ❑ Appoint Title VI Coordinator and Program Liaison
- ❑ Provide Title VI training for employees at all levels

## TDEC

- ❑ TDEC coordinator and program liaison
- ❑ Inform *all* staff in your program that you are the Title VI contact for your area\*
- ❑ Provide Title VI training for TDEC employees at all levels

\*Aligns with TDEC's Customer Focused Government (CFG) and overall responsiveness to external and internal customers.

# How TDEC Works To Comply with Title VI (cont.)

## Federal Requirement

- ❑ Develop a Title VI policy statement and post in visible areas
- ❑ Include Title VI assurances in contracts/grants and acquire signed assurances from contractors/grantees

## TDEC

- ❑ Title VI poster on employee bulletin boards (Administration, Environment, and Parks & Conservation)
- ❑ Procurement – Owner of contracts
- ❑ Procurement and programs that manage grants – Owner of grants

# How TDEC Works To Comply with Title VI (cont.)

## Federal Requirement

- ❑ Monitor ethnicity of contractors and subcontractors
- ❑ Inform customers about Title VI and disseminate information to public via website, poster, newspaper, customer interactions, etc.

## TDEC

- ❑ Procurement – Owner of monitoring ethnicity
- ❑ All TDEC Employees – Owners of information sharing

# TDEC Public Participation Strategy

Engage the public to raise awareness of TDEC projects or services and to provide stakeholders with the opportunity to provide input during the decision-making process.

- ❑ Public Meetings/Hearings in centralized locations
- ❑ Advertisement with Local Media Resources and Minority Newspapers
- ❑ Website Information
- ❑ Posters

Public participation is applicable throughout the Department and impacts the work of all Bureaus—Administration, Environment, and Parks & Conservation.

# Ensuring Compliance

- ❑ TDEC must ensure that all contractors, sub-contractors, and sub-recipients awarded TDEC funded contracts and grants adhere to Title VI and all other applicable civil rights laws and regulations.
- ❑ This responsibility is owned by all programs and divisions who administer procurement contracts and manage grant programs.

# Examples of Title VI Violations

- ❑ Restricting an individual in any way in the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others
  - Example: Denying Asian Americans and Hispanic Americans the right to reserve available meeting rooms at Henry Horton State Park, but permitting white Americans and black Americans to reserve available meeting rooms.
  
- ❑ Failure to provide service or information in a language other than English where significant numbers of potential or actual beneficiaries are of limited English speaking ability
  - Example: Failure to provide language translation assistance to Hispanic persons with limited English proficiency who are seeking wastewater treatment operators' training and certification at Fleming Training Center.

# TDEC's Written Title VI Complaint Process and Log

- ❑ Complaint must be filed in writing and signed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- ❑ Complaints filed against the contractor (doing business with TDEC) or sub-recipient (who is recipient of funding from TDEC) should be forwarded to TDEC for investigation.
- ❑ Upon receipt of complaint, TDEC determines the jurisdiction, acceptability, and the need for additional information to investigate the merit of the complaint.
- ❑ Following investigation, TDEC takes final action within 60 days and provides decision and appeal instructions to the complainant.
- ❑ Complaints should be forwarded to:

Costin Shamble  
Title VI Manager  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Blvd., 2<sup>nd</sup> Floor  
Nashville, TN 37243  
615-253-8337



# Limited English Proficiency (LEP)

- ❑ LEP is a component of Title VI
- ❑ How do you assist customers that do not speak English?
- ❑ E.O. 13166 clarifies the existing requirements to serve LEP persons under Title VI – Treating people differently based on English language ability can be a type of national origin discrimination.
- ❑ T.H.R.C. Rule 1500-01-03-.08(a)(7) – Requires all State of Tennessee executive branch departments and agencies to have an LEP policy and procedure.
- ❑ Individuals 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.

# TDEC LEP Policy and Process

## *Provide Language assistance at no cost to the customer*

- ❑ **Preferred option:** Contracting with a telephone interpreter service (State of Tennessee)
- ❑ Other options (limited circumstances) must be well-documented:
  - Hiring bi-lingual Staff for client contact positions
  - Hiring staff interpreters
  - Contracting for interpreter services
  - Engaging community volunteers
- ❑ Ensures meaningful access to programs and activities of LEP persons
- ❑ Aligns with TDEC's CFG initiative

# Elements of the TDEC LEP Plan

- ❑ Identify actions already being taken and existing tools that can be used to provide meaningful access (LEP contact, program staff, and Title VI Manager)
- ❑ Inventory existing materials that have been translated into other languages (LEP contact, program staff, and Title VI Manager)
- ❑ Staff awareness of:
  - Obligation to provide language assistance to LEP persons.
  - The LEP contact for your division or program to be contacted in order to access language assistance services.
- ❑ Each division/program LEP contact is responsible for maintaining language assistance service usage totals for ongoing evaluation and compliance reporting.

# Assisting LEP Customers

- ❑ Contact Susan Ray or Tina Pennington in Procurement for guidance on document translation and onsite interpretation services that you need to access or procure **before** contacting AVAZA.
  - Susan Ray: [susan.ray@tn.gov](mailto:susan.ray@tn.gov) or 615-532-0344
  - Tina Pennington: [tina.pennington@tn.gov](mailto:tina.pennington@tn.gov) or 615-532-0314
- ❑ AVAZA Langage Services is the language services vendor procured on statewide contract.
  - 615-534-3405: Nashville
  - 901-257-3190: Memphis
  - 865-342-7768: Knoxville
  - 731-410-2911: Jackson
  - 931-472-0446: Clarksville
  - 423-424-0950: Chattanooga
  - 800-482-8292: Toll-free (outside of Nashville)

# Title VI Noncompliance Consequences

- ❑ **Withholding** of payments to TDEC under the grant or contract until compliance achieved; and/or
- ❑ **Cancellation, termination or suspension** of TDEC's grant or contract, in whole or in part.

**TDEC's receipt of federal funding is contingent upon Title VI compliance. Thus, it is extremely important for all TDEC staff to assist with compliance.**

# Questions?

Costin D. Shamble

Tennessee Department of Environment and Conservation  
Environmental Justice/Title VI Manager

Office of Policy and Planning  
William R. Snodgrass Tennessee Tower

312 Rosa L. Parks Blvd., 2<sup>nd</sup> Floor

Nashville, TN 37243

(615) 253-8337

costin.d.shamble@tn.gov

<http://tdecintranet.tn.gov/tdec-library/entry/title-vi-and-environmental-justice-overview>