

## **TITLE VI & VII FREQUENTLY ASKED QUESTIONS**

### **What is Title VI?**

Title VI of the Civil Rights Act of 1964 states 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 that receives Federal financial assistance.”

The rights of women, the elderly and the disabled are protected under Related Statutes.

Presidential Executive Order 12898 addresses environmental justice in Minority and Low-Income populations.

Presidential Executive Order 13166 addresses services to those individuals who are limited English proficient.

The above Presidential Executive Orders and Related Statutes fall under the umbrella of Title VI.

### **What is Title VII?**

Title VII of the Civil Rights Act of 1964 is a federal law that protects employees against discrimination based on certain specified characteristics: race, color, national origin, sex, and religion. Under Title VII, an employer may not discriminate with regard to any term, condition, or privilege of employment.

### **What is a recipient of federal financial assistance?**

Recipients of federal funds range from state and local agencies (towns, cities, counties, transportation planning agencies, transit agencies, colleges and universities, etc.) to non-profits and contractors. Title VI covers a recipient’s entire program or activity. This means that all parts of a recipient’s operations are covered. This is true even if only one part of the recipient receives the federal assistance. Sub-recipients are also covered, when federal funds are passed from one recipient to a sub-recipient. Federal financial assistance includes, among other things, grants, training, use of equipment, donations of surplus property, etc.

### **What is Limited English Proficiency (LEP)?**

Presidential Executive Order 13166 states that people who are limited English proficient should have meaningful access to federally conducted and federally funded programs and activities. Recipients of federal financial assistance must take reasonable steps to provide meaningful access to federally funded programs and activities consistent with Title VI regulations.

### **Who is an LEP individual?**

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.” The individuals may be entitled language assistance with respect to a particular type of service, benefit, or encounter.

## **What discrimination is prohibited by Title VI?**

Title VI prohibits discrimination based on race, color, or national origin that can limit 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 through contractual means:

- deny a 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
- Separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

## **Who must comply?**

State and local government agencies distributing Federal assistance or entities distributing Federal assistance to the State or local government agency.

Corporations, partnerships, other private organizations, or a sole proprietorship.

Entire plant or private corporations or other organization that is a geographically separate facility to which Federal financial assistance is extended.

## **Who is a Limited English Proficient (LEP) individual?**

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. These individuals are entitled to language assistance to ensure equal access to programs, services or activities.

## **What are the relevant laws concerning language access for LEP individuals?**

- Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin.
- Executive Order 13166 issued in 2000 reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and recommends that the recipients develop a language implementation plan.

## **Who may file a Title VI complaint?**

Complaints may be filed by any individual or group who believes:

- Their rights under Title VI have been violated in a discriminatory manner
- The Authority's programs or activities do not comply with Federal civil rights laws
- They have been treated in a disparate manner.

**Discrimination:**

An act (or action) whether intentional or unintentional through which a person solely because of race, color, religion, gender, or national origin has been otherwise subjected to unequal treatment under any program or activities receiving Federal financial assistance.

**Disparate Treatment:**

Disparate treatment is inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes.

**Disparate Impact:**

Discrimination that occurs as a result of a neutral policy which appears harmless on the surface, but negatively affects a group of people.

**“The difference between disparate impact and disparate treatment is that disparate treatment is intentional discrimination, while disparate impact is unintentional.**

**If your organization’s policies, practices or procedures are unbiased but end in a disproportionate impact on protected groups – race, color, religion, sex or national origin – this would be disparate impact.”**

**Who may file a Title VI complaint?**

Complaints may be filed by any individual or group who believes:

- That their rights, under the Title VI have been violated in a discriminatory manner.
- That the department’s programs or activities do not comply with Federal civil rights laws.
- That they have been treated in a disparate manner.

**How can I file a discrimination complaint?**

Each Federal agency that provides Federal financial assistance as well as the KYTC as a recipient of Federal financial assistance is responsible for investigating complaints of discrimination on the basis of race, color, or national origin in the use of its funds. If you believe that you or others protected by Title VI have been discriminated against, you may file a complaint with the Federal agency that provides funds for the program where you believe the discrimination is occurring or the KYTC. Complaints filed with the KYTC should be directed to:

Title VI/ADA Coordinator

KYTC Office for Civil Rights and Small Business Development

200 Mero Street, 6<sup>th</sup> Floor

Frankfort, KY 40622

**What is the time limit for filing a Title VI complaint?**

You should file your complaint as soon as possible, but no later than 180 days after the alleged incident(s).