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Civil Rights Title VI Program Nondiscrimination Assurances

www.fhwa.dot.gov/federal-aidessentials

A Federal-aid recipient must have 'assurances,' a signed agreement to assure nondiscrimination in all of its programs and activities



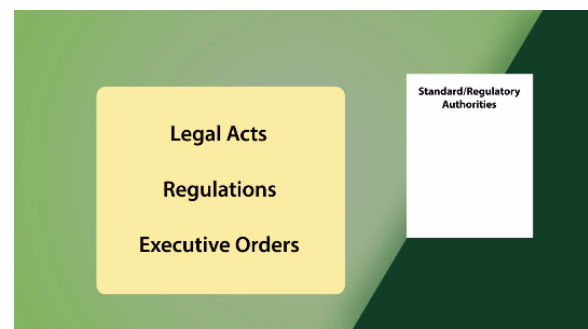
Title VI of the Civil Rights Act of 1964, along with other nondiscrimination authorities, prohibits discrimination based upon race, color, national origin, sex, age, disability, income status, and limited English proficiency in any program or activity of an entity that receives Federal-aid.



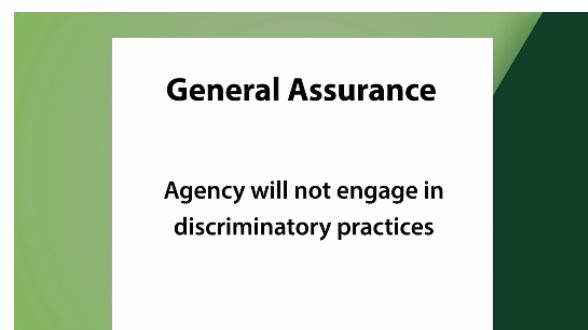
To ensure continuous compliance with Title VI, the Federal Highway Administration, the FHWA, requires each Federal-aid recipient to have a Title VI program. That program includes assurances, a signed agreement between the recipient and FHWA, that the recipient will work to prevent discrimination in all its programs and activities.

If your agency has previously signed or is being asked to sign an assurance document, then all agency decisionmakers will need to know what the document contains. Let's review the Standard Title VI Assurance & Nondiscrimination Provisions and its application on an FHWA-funded project.

The assurances document includes three sections and Appendices A through E.



The first section, Standard and Regulatory Authorities, references the numerous legal acts, regulations, and Executive Orders that prohibit discrimination. Some authorities prohibit discrimination based on race, color, and national origin while others prohibit discrimination based on age, sex, disability, limited English proficiency and income status.

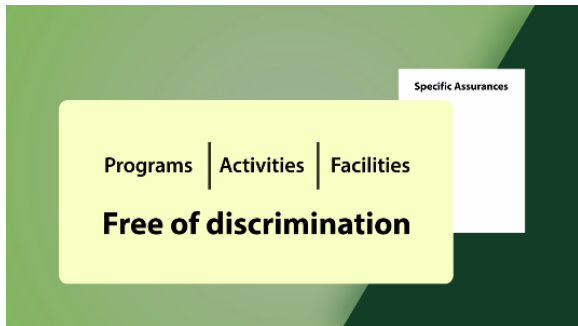


Next is a general assurance that your agency will not engage in discriminatory practices.



Specific assurances follow, which state that agency programs, facilities, and activities are free of discrimination.

These numerous authorities and assurances result in a broad definition of prohibited discriminatory actions.



The specific assurances also describe proactive steps your agency must take to ensure nondiscrimination. They state that your agency will:

- Provide a method of administration typically contained in an implementation plan
- Include in all solicitations for bids the affirmation that bidders will receive fair opportunity
- Add clauses related to nondiscrimination in every contract. General clauses are contained in Appendices A and E, while clauses related to property and property rights are contained in Appendices B, C, and D
- Provide evidence that it is complying with these requirements.

To illustrate how these assurances work in practice, let's follow the fictional town of Pebble Creek as it plans its initial use of Federal funds to widen a road.



First, the newly appointed Title VI coordinator and the town's appropriate department heads describe all the nondiscrimination policies and practices in an implementation plan.



When the project is ready to submit for bid, the town's procurement department publishes an advertisement to all bidders and includes the required nondiscrimination notice.

After all the bids are in, the town drafts a contract with the lowest bidder, Ace Construction Company. The procurement officer makes sure to include the clauses from Appendices A and E.



During the pre-construction meeting, Pebble Creek's project manager reviews the nondiscrimination clauses with Ace Construction Company. Specifically, they talk about the contractor's requirements for subcontracting, as

well as the records the contractor will maintain. They discuss ways in which Pebble Creek will ensure these requirements are met, along with the sanctions for noncompliance, including withholding progress payments.



As our example illustrates, by signing the Title VI assurance document and accepting Federal funds, agencies agree to follow their implementation plan, participate in reviews with their funding agency, conduct reviews of their subrecipients and contractors, and take

enforcement actions when required. Failure to do so may result in a loss of Federal funding for projects or for all of an agency's programs.



After signing a Title VI assurance document, meet with your agency's key decisionmakers and review the document's requirements, noting ways it might change your existing practices. If your agency did not sign its agreement recently, it's time to remind key decisionmakers of their legal obligation to comply with their requirements.

Additional Resources

- FHWA's Office of Civil Rights Web site with additional resources to Title VI program implementation
<http://www.fhwa.dot.gov/civilrights/>

FHWA Title VI and related statutes, including regulations for implementing Title VI program requirements http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title23/23cfr200_main_02.tpl

- U.S. DOT regulations for implementing its Title VI nondiscrimination requirements
http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH61-11-D-00025 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This Companion Resource is the script content for the video production of the same name.