

Discrimination Prohibited by Title VI & Other Laws



There are many forms of illegal discrimination based on race, color, national origin, sex, age, income and disability that limit the opportunity of individuals to participate in activities or benefit from programs that receive federal funds. In federally-assisted programs, a recipient cannot directly or indirectly:

- Deny program services, aids, or benefits
- Provide different services, aids, or benefits, 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 services, aids or benefits.

Programs or services include, but are not limited to:

- Transportation
- Construction
- Environmental Services
- Transportation Planning
- Location & Design
- Right of Way & Utilities
- Asset Management
- Materials
- Programming
- Administrative Services
- Web site services
- Human Resources
- Local Planning Organizations
- DMV

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 & retention of first-tier subcontractors; subcontractors may not discriminate in the selection & 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 assisted by the Federal Highway Administration.

How to File a Complaint or Obtain Additional Information

You may file a signed, written complaint up to 180 days from 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.
- The names of any persons, if known, whom the VTrans Civil Rights Division could contact for clarity of your allegations.

Please submit your complaint to the following address:

Vermont Agency of Transportation
Civil Rights and Labor Compliance
1 National Life Drive
National Life Building
Montpelier, Vermont 05633-5001

Phone: 802.828.5858

Fax: 802.828.1047

www.vtrans.vermont.gov/civil-rights



Vermont Agency of Transportation



Office of Civil Rights & Labor Compliance

TITLE VI PROGRAM



Title VI Program Commitment

The primary goal of VTrans' Title VI Program is to ensure that all management staff, subrecipients, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. We are readily available to provide you with technical assistance, resources, guidance, and any other information in regards to Title VI. Please do not hesitate to call our office for further assistance.



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

It is the policy of VTrans to ensure 42 U.S.C. 2000d, which 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 benefits of, or be subjected to discrimination under a program or activity receiving federal financial assistance." The Title VI Program is made up of the Title VI Civil Rights Act of 1964 and other related laws including but not limited to, The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (prohibits unfair treatment of persons displaced or whose property will be acquired as a result of a highway project); Section 504 of the Rehabilitation Act of 1973 (prohibits discriminating against persons with DISABILITIES); The 1973 Federal Aid Highway Act (prohibits discrimination based on SEX); and The 1975 Age Discrimination Act (prohibits discrimination based on all AGES).

Environmental Justice (EJ)

On February 11, 1994, President Clinton signed Executive Order 12898: *Federal Action to Address 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 5610.2). This order clarifies and reinforces Title VI responsibilities as well as addressing the effects on low-income populations.



Adverse Impact may include:



- The denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities
- Bodily impairment, infirmity, illness, or death
- Air, noise, and water pollution
- Soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or disruption of 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

Public Involvement

Is an integral part of transportation planning and project development decision making. The DOT Order (5610.2) on EJ directs the department to provide minority populations and low-income populations greater access to information on, and opportunities for public participation in matters that may impact human health and environment.



Limited English Proficiency (LEP)

The federal government and those receiving assistance from the federal government must take reasonable steps to ensure 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 at no cost to them with respect to a particular type of service, benefit, or encounter. DOT has provided recipients with an assessment tool entitled the "Four Factor Analysis." The four factors include: Demography— number and/or proportion of LEPs served and languages spoken in a service area; Frequency—rate of contact with service or program; Importance—nature and importance of program/service to people's lives (transportation); and Resources—available resources, including language assistance services (limited or wide-ranging).

Who Must Comply with Title VI and Who Can be Found in Violation?

All entities that receive financial assistance from the federal government.