

FENTRESS COUNTY GOVERNMENT TITLE VI POLICY

1.	No person 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 any program or activity receiving federal financial assistance.
2.	This policy applies to all activities of any department of Fentress County Government.
3.	The Administrative Assistant has been designated by the Fentress County Executive to serve as the Title VI Coordinator whose primary responsibility is to facilitate Title VI matters.
4.	Title VI Coordinator will maintain permanent records, submit required Title VI reports, complete all Title VI self-surveys and attend necessary training(s).
5.	Title VI information posters, including the name of the Title VI Coordinator and contact information, shall be prominently and publicly displayed in each department.
6.	Title VI information shall be disseminated to county employees at least once per year via payroll stuffers. This brochure of information reminds the employees of the county's policy statement, and of their Title VI responsibilities in their daily work and duties.
7.	During new employee orientation, new employees shall be informed of the provisions of Title VI and the county's expectations to perform their duties accordingly. Necessary information shall be distributed to the new employee by the Title VI Coordinator.
8.	Title VI information shall be disseminated to citizens at least once per year by public service announcement through the newspaper, internet website or local broadcast media.
9.	Whenever possible, Fentress County will take positive and specific actions to advise minorities of program availability by using such means of communication as newspaper, public area postings and local cable broadcast.
10.	All subcontractors and vendors who receive payments from Fentress County Government where funding originates from any federal assistance received by the involved department are subject to provisions of Title VI of the Civil Rights Act of 1964 as amended.
11.	Written Contracts shall contain nondiscrimination language, either directly or through the bid specification package which becomes an associated component of the contract
12.	County facilities (such as restrooms, roads, park facilities, etc.) which are accessible to citizens shall be accessible without regard to race, color, or national origin.
13.	County employees shall use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address citizens without regard to race, color or national origin.

**EQUAL OPPORTUNITY
TITLE VI
POLICY STATEMENT**

IT IS THE POLICY OF FENTRESS COUNTY GOVERNMENT TO ENSURE COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964; 49CFR, PART 26; RELATED STATUTES AND REGULATIONS TO THE END THAT NO PERSON SHALL BE EXCLUDED FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF; OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY ON THE GROUNDS OF RACE, COLOR, SEX, OR NATIONAL ORIGIN.

J. Michael Cross

ANY PERSON WHO BELIEVES HE OR SHE HAS BEEN DISCRIMINATED
AGAINST SHOULD CONTACT

**FENTRESS COUNTY GOVERNMENT
OFFICE OF COUNTY EXECUTIVE**

**TITLE VI COORDINATOR
101 MAIN STREET
JAMESTOWN, TN 38556
931-879-7713**

Fentress County Government – Title VI

History and Purpose of Title VI

The landmark Civil Rights Act of 1964 was a product of the growing demand during the early 1960s for the Federal Government to launch a nationwide offensive against racial discrimination. In calling for its enactment, President John F. Kennedy identified "simple justice" as the justification for Title VI:

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. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.

Title VI was not the first attempt to ensure that Federal monies not be used to finance discrimination on the basis of race, color, or national origin. For example, various prior Executive Orders prohibited racial discrimination in the armed forces, in employment by federally funded construction contractors, and in federally assisted housing.⁽²⁾ Various Federal court decisions also served to eliminate discrimination in individual federally assisted programs.⁽³⁾

Congress recognized the need for a statutory nondiscrimination provision such as Title VI to apply across-the-board "to make sure that the funds of the United States are not used to support racial discrimination." 110 Cong. Rec. 6544 (Statement of Sen. Humphrey). Senator Humphrey, the Senate manager of H.R. 7152, which became the Civil Rights Act of 1964, identified several reasons for the enactment of Title VI. *Id.* First, several Federal financial assistance statutes, enacted prior to Brown v. Board of Education, 347 U.S. 483 (1954), expressly provided for Federal grants to racially segregated institutions under the "separate but equal" doctrine that was overturned by Brown. Although the validity of these programs was doubtful after Brown, this decision did not automatically invalidate these statutory provisions. Second, Title VI would eliminate any doubts that some Federal agencies may have had about their authority to prohibit discrimination in their programs.

Third, through Title VI, Congress would "insure the uniformity and permanence to the nondiscrimination policy" in all programs and activities involving Federal financial assistance. *Id.* Thus, Title VI would eliminate the need for Congress to debate nondiscrimination amendments in each new piece of legislation authorizing Federal financial assistance.⁽⁴⁾ As stated by Congressman Celler:

Title VI enables the Congress to consider the overall issue of racial discrimination separately from the issue of the desirability of particular Federal

assistance programs. Its enactment would avoid for the future the occasion for further legislative maneuvers like the so-called Powell amendment.

Fourth, the supporters of Title VI considered it an efficient alternative to litigation. It was uncertain whether the courts consistently would declare that government funding to recipients that engaged in discriminatory practices was unconstitutional. Prior court decisions had demonstrated that litigation involving private discrimination would proceed slowly, and the adoption of Title VI was seen as an alternative to such an arduous route. See 110 Cong. Rec. 7054 (1964) (Statement by Sen. Pastore).

Further, despite various remedial efforts, racial discrimination continued to be widely subsidized by Federal funds. For example, Senator Pastore addressed how North Carolina hospitals received substantial Federal monies for construction, that such hospitals discriminated against blacks as patients and as medical staff, and that, in the absence of legislation, judicial action was the only means to end these discriminatory practices.

That is why we need Title VI of the Civil Rights Act, H.R. 7152 - to prevent such discrimination where Federal funds are involved. . . . Title VI is sound; it is morally right; it is legally right; it is constitutionally right. . . . What will it accomplish? It will guarantee that the money collected by colorblind tax collectors will be distributed by Federal and State administrators who are equally colorblind. Let me say it again: The title has a simple purpose - to eliminate discrimination in federally financed programs.

President Lyndon Johnson signed the Civil Rights Act of 1964 into law on July 2, 1964, after more than a year of hearings, analyses, and debate. During the course of congressional consideration, Title VI was one of the most debated provisions of the Act.

Source: Title VI Legal Manual
Department of Justice

Title VI

What is Title VI?

Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

How does Title VI affect my county, city, community or business?

State agencies, local or municipal government entities, educational institutions, for profit and non-profit corporations and institutions that receive federal financial assistance are subject to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. According to the Tennessee Attorney General, state and local governmental agencies that administer federally funded programs are required to comply with Title VI of the Civil Rights act and all applicable federal regulations. The Attorney General concluded that under certain circumstances federal authorities may refuse to grant or continue federal financial assistance for failure to comply with Title VI and its regulations. Therefore, all state and local agencies in Tennessee which administer federally funded programs are advised to use their best efforts in complying with Title VI and all other federal regulations applicable to the administration of such programs.

Policy Statement

Fentress County Government will comply with the Title VI Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. The department will utilize its best efforts in maintaining compliance in all programs subject to the requirements of Title VI and all other federal regulations applicable to the administration of such programs.

Fentress County Government:

- will not deny any person service, assistance or other benefits for which you are qualified;
- will not provide any person with a service different from that provided to others under the same program;
- will not subject any person to separate treatment in any manner related to services, aid or other benefits;
- will not limit any person in anyway in the use of services, facilities, or any other advantages, privileges, or benefits provided to others under any program;

- will not treat any person differently from others in deciding whether you meet requirements to receive aid, care, service or other benefit;
- will not deny any person or offer an opportunity different from that offered others in any program or service;
- will not adopt methods that limit participation by any group of recipients or subject them to discrimination; and
- will not refer any person to agencies that do not obey civil rights law.

All agencies receiving financial assistance through the department must sign a statement of compliance with Title VI of the Civil Rights Act of 1964.

Complaints of Discrimination

A complaint alleging discrimination may be filed with the Title VI Coordinator. All entities receiving assistance from the department will be required to have information available for public review on the procedures for filing a complaint.

The Title VI Coordinator has the responsibility for receiving, logging, acknowledging, investigating complaints and reporting the findings. The coordinator will notify the commissioner and the appropriate program director when a complaint is received.

After receiving a complaint or identifying potential discriminating activity the department will take the following steps:

- Within 30 calendar days of receiving the complaint, the Title VI Coordinator will conduct a fact finding investigation. The coordinator will meet with the complainant or the staff member who identified the alleged discriminatory activity to determine the nature of the complaint and whether Title VI requirements were violated. The coordinator will meet with the director in whose area the alleged violation occurred to ascertain the director's perspective on the complaint. The coordinator will notify the members of the Title VI Review Committee
- If the coordinator determines that discrimination has not occurred, the complainant, commissioner, and program director will be informed. The complainant will then have a right to appeal the decision.
- If the investigation indicates that discrimination did in fact occur, it will be discussed with the program director. The Title VI Coordinator will discuss ways in which to resolve the complaint and seek voluntary corrective action.
- The complainant, applicant, or program director may appeal any rulings made by the coordinator to the Title VI Review Committee within 10 calendar days of the receipt of the written findings. The request can include relevant documentation and sworn

testimony, if any, from appealing party together with any testimony by witnesses having first-hand knowledge of the Title VI violations. The testimony may be in the form of an affidavit and shall describe in detail the circumstances and events which would lead a reasonable person to believe that a Title VI violation has occurred. The Title VI Review Committee will have broad latitude to review an appealed case and make a finding. The committee may discuss the complaint with the complainant, the alleged offender, the Title VI Coordinator, or other parties to determine the facts. The committee will make a finding on the appeal within 15 calendar days of receipt of the request for appeal.

- If the discriminatory activity cannot be resolved by the committee, a written report on the situation will be prepared and forwarded to the Tennessee Title VI Compliance Commission. If a complaint involves one of the department's federally funded programs, the federal agency sponsoring the program will also be notified. Information will also be provided to the parties involved on the procedures for appealing to the federal level.
- If either the Tennessee Title VI Compliance Commission, or other federal agency determines that discrimination has in fact occurred, the offending party will be denied further services or benefits of the department's programs until the discriminatory activities have been terminated.

Complaints may be filed with:

Fentress County Government
Amanda Hicks
Title VI Coordinator
P. O. Box 1128
Jamestown, TN 38556
Telephone: 931-879-7713
E-Mail: Amanda.Hicks@FentressCountyTn.gov