MEMORANDUM

TO: Town Council

FROM: Bill Bruce

DATE: March 31, 2020

RE: Title VI Plan

Attached to this memo is a proposed resolution and policy statement demonstrating the Town of Oak Ridge's compliance with Title VI of the Civil Rights Act and other federal non-discrimination legislation. Development of this policy was prompted by a request from the Title VI Division of the NCDOT's Office of Civil Rights, who is gathering information on current Municipality Title VI Implementation Plans pursuant to the requirements of the FHWA. The Town's recent Recreational Trails Program grant award, which utilizes FHWA money, likely triggered this review.

The proposed policy is a verbatim restatement of the policy as enacted by other jurisdictions/agencies, including NCDOT.

Strategic Plan reference: None

Requested action: Approve the attached Resolution Adopting a Title VI Policy for the Town of Oak Ridge.

R-2020-01

A RESOLUTION ADOPTING A TITLE VI POLICY FOR THE TOWN OF OAK RIDGE TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

WHEREAS:

Title VI of the 1964 Civil Rights Act of 1964 prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and

Since the adoption of Title VI, additional federal regulations and court decisions have refined the definition of "federal financial assistance" and what entities are affected and controlled by Title VI; and

The Town of Oak Ridge currently has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and

Interpretation and application of said federal law are not intuitive or readily understood, requiring an understanding of what "federal financial assistance" might be in any particular situation and what persons or entities must comply with Title VI; and

Adoption of a policy and procedure for reporting violations will provide guidelines for the Town, Town personnel, and private persons and companies doing business with the Town and receiving federal financial assistance;

NOW, THEREFORE, BE IT RESOLVED by the Oak Ridge Town Council that the attached "Title VI Policy" is hereby adopted as the official policy of the Town of Oak Ridge for applying, reporting, and enforcing Title VI of the Civil Rights Act of 1964.

IT IS FURTHER RESOLVED that the Town Manager is authorized to approve and renew this policy yearly, as amended, and in conjunction with the adoption of the annual Town budget.

Adopted this__day of _____, 2020.

_____
Ann K. Schneider, Mayor

ATTEST:

_____
Sandra B. Smith, CMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

Title VI Nondiscrimination Policy Statement

It is the policy of the North Carolina Department of Transportation (NCDOT) to ensure that no person shall, on the ground of race, color, national origin, limited English Proficiency, income-level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any NCDOT program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964, United States Department of Transportation (DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) Part 21, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.[1]

The following practices are hereby prohibited throughout NCDOT to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Methods of Administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities;
- Acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

To assure that appropriate program measures are implemented and monitored, I have designated Shelby M. Scales, Director, Office of Civil Rights (OCR), as NCDOT's Title VI Coordinator; 919-508-1886; smscales@ncdot.gov. As an expression of my commitment to and support of the Department's Title VI Nondiscrimination Program, below is my signature as Secretary of NCDOT.

James H. Trogdon, III, Secretary

9/21/2018
Date

[1] Pertinent Nondiscrimination Authorities

a. *Race, Color, National Origin* – Title VI of the Civil Rights Act of 1964, *42 U.S.C. 2000d*; DOT Order 1050.2A, "Standard Title VI/Non-Discrimination Assurances;" 49 CFR 21 (DOT); 23 CFR 200 (FHWA); C 4702.1B (FTA); 49 CFR 303 (FMCSA); DOT Order 1000.12. *Sex* – 1973 Federal-Aid Highway Act, *23 U.S.C. 324*; Title IX of the Education Amendments of 1972, *20 U.S.C. 1681*. *Age* – Age Discrimination Act of 1975, as amended, *42 U.S.C. 6101*. *Disability* – Section 504 of the Rehabilitation Act of 1973, *29 U.S.C. 790*; The Americans with Disabilities Act of 1990, as amended, *P.L. 101-336*; Section 508 of the Rehabilitation Act of 1973, *29 U.S.C. 794d*. The *1987 Civil Rights Restoration Act, P.L. 100-259*, clarified and restored the original intent of Title VI by expanding coverage to include all "programs and activities" of federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally-assisted.

b. *Other nondiscrimination authorities include, but are not limited to: Religion* – Title VIII of the 1968 Civil Rights Act, *42 U.S.C. 3601* (Fair Housing Act); 49 U.S.C. 5332; 49 U.S.C. 47123 (Nondiscrimination). *Environmental Justice* – Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;" DOT Order 5610.2a; FHWA Order 6640.23A; FTA Circular 4703.1. *Limited English Proficiency* – Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency;" DOT Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, *42 U.S.C. 4601*.

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