

Title VI and Land & Water Conservation Fund

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What is Title VI?

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities of any entity that receive federal assistance.

The law provides that:

“[n]o 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 assistance.” 42 U.S.C. § 2000d.

What is Title VI?

<https://www.youtube.com/watch?v=lw0mefqIZ5Y>

Lets take a look!

What does Title VI have to do with LWCF?

- Entities, whether public or private, that receive federal assistance from any federal agency must take concrete steps to ensure nondiscrimination in their programs and activities.
- LWCF dollars are federal dollars received from the Department of Interior through the National Park Service.
- All LWCF recipients must comply with Title VI.

What is the benefit of becoming Title VI Compliant?

- Eligible to receive LWCF and RTP funding once compliant
- Ownership over your projects
- Ability to bid and host bid openings
- Contracts are between the project sponsor and contractor
- Project sponsors can pay contractors directly

How do I become Title VI compliant?

NPS requires sub-recipients to do the following:

1. Identified Title VI Coordinator
2. Establish Standard Assurances
3. Create a Limited English Proficiency (LEP) Plan
4. Identify a Data Collection Process
5. Establish a Complaint Procedure Process

You are taking the steps to become compliant right now by attending this presentation!!!

1. Identify a Title VI Coordinator

Title VI Coordinator responsibilities:

1. Maintain Title VI Plan with up-to-date Standard Assurance/Signatures
2. Report any complaints to NDPRD
3. Assist NDPRD with future Title VI audits

2. Standard Assurances

- Title VI Plan must include a signed copy of the Standard Title VI Assurances with Appendices "A," "B," "C," "D," and "E" (attach as appendix to the plan). Please see the example Title VI plans in your folder.
- Signed with a current date

Limited English Proficiency

<https://www.youtube.com/watch?v=mSGbIpKRQ-c>

3. Limited English Proficiency (LEP)

LEP Four Factor Analysis

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- Frequency with which LEP individuals come into contact with the program;
- Nature and importance of the program, activity or service provided by the program to the people's lives; and
- The resources available to the grantee/recipient or agency, and costs

https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm

Limited English Proficiency (LEP) Continued

There are two methods to determine the percentage of LEP households in your community.

1. Look at the most recent American Community Survey (ACS)
2. Use the American Fact Finder from the Census Bureau

Let's try the ACS method!

<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

ACS Recap

Fact Finder – Enter Community name

- Origins & Language (left ribbon)
 - 'Want More?' hyperlink in dialog box
 - Topics (left ribbon)
 - +People
 - +Language
 - English Usage
 - Language Spoken at Home
 - Close X 'Select Topics' box
 - Select 'Limited English Speaking Households' at top of Search Results
 - Use the 'Percent Limited English-Speaking Households – Estimate Percentage' for LEP

The screenshot shows the American FactFinder interface. At the top, there's a navigation bar with 'United States Census Bureau' and 'AMERICAN FactFinder'. Below that, a search bar is visible. The main content area has a 'Your Selections' section and a 'Search using the options below:' section with buttons for 'Topics', 'Geographies', 'Race and Ethnic Groups', 'Industry Codes', and 'EEO Occupation Codes'. A 'Select Topics' dialog box is open, showing a list of topics under the 'People' category. The 'Include archived products in your search' checkbox is checked.

4. Data Collection Process

Each subrecipient must determine its methodology for determining the percentage of Limited English Proficiency households in their community.

The Data Collection Process lists out the methodology used, how the data was collected, and the process used should language interpretation be needed.

Data Collection Process Continued

To use translation (written) or interpreter (oral) services complete these steps:

Go to ND's Procurement website:

<https://www.nd.gov/omb/agency/procurement/state-contracts>



- State Contracts
 - State Contract List
 - Find Contract Number 488 "Telephone Based Interpreter Services"
 - Linguistica – Account Setup

5. Complaint Procedure

- Individuals must be able to find and file a complaint easily.
- Post complaint forms on website and/or have available in a public location.
- Once a complaint is received, the Title VI coordinator must contact North Dakota Parks and Recreation Department about the complaint.
- All complaints must be kept on file for five years.

<https://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

... Then what?

NDPRD will randomly select sub-recipients for Title VI Audits once Title VI programs are established.

NDPRD will look to see if any complaints have been filed and if so, were the complaint procedures followed correctly?

Opportunity for both NDPRD and the sub-recipient to better the Title VI process.

Questions?

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