



GREATER NASHVILLE  
REGIONAL COUNCIL

# Compliance Training

## Title VI of the Civil Rights Act



## Nondiscrimination and Harassment

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# Objectives of Training

- ★ To ensure that all management and staff understand the protections guaranteed under Title VI of the Civil Rights Act of 1964
- ★ To ensure all management and staff understand the protections guaranteed under Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination Act, the Equal Pay Act, the Genetic Information Act, and the Veterans Readjustment Act.
- ★ To ensure that all management and staff understand what constitutes unlawful harassment.
- ★ To ensure that all management and staff understand what constitutes retaliation.
- ★ To understand what to do if you experience discrimination, harassment, or retaliation in the workplace.

# Title VI

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*Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)*

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 any program or activity receiving Federal Financial Assistance (“FFA”).

# What does this mean?

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- ★ Any recipient of federal funds may not discriminate on a basis of race, color, or national origin.
- ★ All state agencies that receive federal pass-through funding are required to audit GNRC and make sure that we are complying with Title VI. Tenn. Code Ann. § 4-21-203.
- ★ GNRC is required to make sure our sub-contractors are complying with Title VI.

# Nondiscrimination

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Applicants and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected by State and federal law from discrimination on a basis race, color, religion, sex (including pregnancy), national origin, disability, age, sex (wages), and genetics.

Employers holding state or federal contracts are prohibited from discriminating against any individual on a basis of race, color, religion, sex, national origin, disability, or veteran status.

# Title VII

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*Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e)-*

Protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment on a basis of race, color, religion, sex (including pregnancy), or national origin.

# Title I and V

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*Title I and V of the Americans with Disabilities Act of 1990*

Protects qualified individuals from discrimination on a basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

**Disability discrimination** includes not making reasonable accommodation to known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless it causes an undue hardship on the organization.

# Sex (Wages)

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## *Equal Pay Act of Title VII*

**Prohibits sex discrimination** in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

# Age Discrimination

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## *Age Discrimination Act of 1967*

Protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training classification, referral, and other aspects of employment.

# Genetic Information

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## *Title II of the Genetic Information Act of 2008*

Protects applicants and employees 40 years of age or older from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Includes information about genetic tests of applicants, employees, or their families.

# Veteran Status

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## *The Veterans' Era Readjustment Assistance Act of 1974*

Prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of active duty), other protected veterans (veterans that served during a war or expedition for which a campaign badge has been authorized), and Armed Forces service metal veterans.

# How to Comply

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## *Title VI and Nondiscrimination Compliance*

### *Sub-contractors/ Sub-recipients must adhere to the following:*

- ★ Appoint a Title VI and Nondiscrimination Coordinator (Laylah Smith)
- ★ Provide Nondiscrimination Training for all employees
- ★ Develop a Nondiscrimination Policy Statement and post in visible areas
- ★ Acquire signed Title VI and Nondiscrimination assurances
- ★ Advise service recipients of their rights under Title VI and provide guidance on how to file a discrimination complaint

# Discrimination

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## *What are considered Discriminatory Practices?*

- ★ Denying an individual any program services, financial aid, or benefits
- ★ Providing a different service, aid, or benefit, or providing them in a manner different than they are provided to others
- ★ Segregating or treating individuals separately in any matter related to receiving any program, service, aid, or benefit

# Examples of Discrimination

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*What are some examples of discrimination?*

- ★ Making racial statements, singling someone out based on race, or making comments with racial overtones
- ★ Pay inequity based on gender
- ★ Passing over a job applicant because they are 50
- ★ Passing over an applicant that is pregnant because the employer is concerned about increased medical costs and finding a temporary replacement while the woman is on pregnancy leave
- ★ An employer's unwillingness to make religious accommodations when it doesn't interfere with company practices
- ★ Discriminating against someone based on gender identity.

# Disparate Treatment

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## *Disparate Treatment vs. Disparate Impact*

- ★ **Disparate treatment** is discrimination against an individual
- ★ **Disparate impact** is discrimination that occurs as a result of a neutral policy which appears harmless on the surface, but negatively affects a group of people

# Public Engagement

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## *How to Develop a Public Participation Plan*

Engage the public with the opportunity to make them aware of projects or services, and to provide input in the decision making process through:

- ★ Public meetings/hearings in central locations
- ★ Advertisements with local media and minority newspapers
- ★ Direct mailings
- ★ Public Service Announcements
- ★ Website, Radio and Television

# Minority Representation

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## *Representation of Minorities on Planning Boards and Commissions*

The inclusion of minorities on planning boards and commissions is critical in establishing an equal access planning system.

***Subrecipients cannot** “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”*

# Complaint Process

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## *Written Nondiscrimination Process and Complaint Log*

- ★ Should include: How to file a complaint
- ★ Instructions that the complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant
- ★ Procedure stating that the complaint must be in writing and signed by the person making the complaint
- ★ Process for determining the jurisdiction, acceptability, and the need for additional information upon receipt in order to investigate the merit
- ★ Instructions that complaints filed against the subrecipient should be forwarded to the GNRC Title VI/Nondiscrimination Coordinator for investigation
- ★ Commitment to take final action within 90 days
- ★ Provide instructions on filing an appeal

# Executive Order 13166

## *Limited English Proficiency (LEP)*

EO 13166 requires Federal agencies and those agencies who receive Federal funds (like GNRC) to:

- ★ examine the services they provide
- ★ identify any need for services to those with limited English proficiency (LEP)
- ★ and develop and implement a system to provide those services so LEP persons can have meaningful access to them

# LEP Plan

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## *Limited English Proficiency (LEP) Plan*

### **Who are LEP persons?**

Persons who do not speak English as their primary language, and who have a limited ability to read, speak, write or understand English.

Must Take Reasonable Steps to Ensure LEP Persons Meaningful Access to Programs and Services by determining the following:

- ★ Number and proportion of LEP persons
- ★ Frequency of contact with the program or activity
- ★ Nature and importance of the program
- ★ Resources available

# Current Practices

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## *Evaluate Current Practices*

- ★ Identify actions already being taken and existing tools that can be used to provide meaningful access
- ★ Inventory existing materials that have been translated into other languages
- ★ Develop staff awareness
- ★ Prepare a response plan/policy

# Non-Compliance

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## *What is Non-Compliance?*

Failure or refusal to comply with Title VI of the Civil Rights Act or 1964, other applicable Civil Rights Laws and implementing departmental regulations.

## *Sanctions for Non-Compliance:*

- ★ Withholding of payments to the recipient under the contract/grant until the recipient complies and/or
- ★ Cancellation, termination or suspension of the contract/grant, in whole or in part



# Unlawful Harassment



# What is harassment?

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*Harassment in the workplace happens when a person or group of people create a condition where an individual staff member or group of staff members feel:*

- ★ Belittled
- ★ Uncomfortable
- ★ Intimidated
- ★ Offended
- ★ Threatened

Men and women can be harassed.

# Examples of Harassment

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*Types of harassment may include, but are not limited to:*

- ★ Derogatory comments
- ★ Racial slurs
- ★ Bullying
- ★ Verbal abuse
- ★ Sexual comments
- ★ Discrimination
- ★ Intimidation
- ★ Offensive jokes, objects, or pictures
- ★ Ridicule
- ★ Mockery
- ★ Physical assaults or threats

# Unlawful Harassment

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Harassment is unlawful when it is based on someone's race, religion, sex, color, national origin, sexual orientation, disability, age, or genetic information or because they have filed an EEO complaint.

Harassment is unlawful when it is unwelcome and so severe or frequent that it causes an offensive or hostile work environment and/or results in an adverse employment decision.

# Zero Tolerance Policy

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***GNRC will not tolerate harassment of any kind  
regardless of whether or not it meets the definition  
of “unlawful harassment”.***

# Sexual Harassment

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Sexual harassment occurs when an employee is subject to unwelcome advances, comments, or gestures based on his or her sex.

Sexual harassment may also occur when the harasser, usually a person in authority, makes sexual requests in exchange for hiring or promoting an individual.

# Hostile Workplace

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*A workplace may become hostile when:*

Unwelcome physical or verbal conduct directed towards a protected characteristic that significantly creates an intimidating, hostile, or an offensive workplace or interferes with a person's job performance.

The behavior does not have to be targeted at any particular individual.

# Harassment

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***Harassment can happen anywhere.*** It does not physically have to occur in the workplace to have a negative impact.

Harassment could be in a text message, email, social media, at a social event, while traveling, or outside of work hours.

# Retaliation

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Retaliation occurs when an employer **punishes an employee** or takes a “**materially adverse**” action for participating or engaging in a protected activity such as filing a complaint for discrimination.

*Examples of retaliation may include, but are not limited to:*

- ★ Demotion
- ★ Discipline
- ★ Firing
- ★ Salary reduction
- ★ Job shift or reassignment

# Retaliation

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*Other examples of retaliation might include:*

- ★ Work related threats, warnings, or reprimands
- ★ Negative or lowered evaluations
- ★ Making false reports to government authorities or the media
- ★ Threatening reassignment, scrutinizing work or attendance more closely than other employees, without justification
- ★ Engaging in abusive verbal or physical behavior that is reasonably likely to deter a protected activity

# Speak Up!

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If you are being harassed or discriminated against, or are aware of someone who is being harassed or discriminated against, report it to your supervisor, another manager, director, human resources, or the executive director.

Letting the behavior continue or ignoring it could result in it escalating into something more serious.

# Contact Information

If you have questions or need additional information regarding Title VI, Nondiscrimination, and/or Harassment, please contact:

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