

## FHWA Title VI Subrecipient Requirements Overview

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Several other federal legal authorities supplement Title VI to add protections based on age, sex, disability, limited English proficiency, and income status.

In accordance with 23 C.F.R. § 200.9(b)(7), Minnesota Department of Transportation (MnDOT) conducts periodic reviews to monitor Title VI compliance of entities receiving federal aid from MnDOT, including cities, counties, consultants, non-construction contractors, suppliers, universities, colleges, and planning agencies. These entities are referred to as “subrecipients.”

The table below enumerates the legal requirements and associated recommended policies, processes, and documentation to ensure Title VI compliance. It is recommended, but not required, that your agency’s Title VI efforts be compiled in a Title VI Implementation Plan.

Resources and templates to assist subrecipients are available on [MnDOT’s Title VI website](#). **Please note:** If your agency is also a recipient of Federal Transit Administration funds, you should review the additional Title VI requirements in [FTA Circular 4702.1B](#).

Legal Requirement	Recommended Policies
<b>1. Developing a Title VI/Nondiscrimination Policy Statement</b>	Policy statement commits agency to nondiscrimination in its programs and activities and includes race, color, national origin, sex, disability, and age as protected classes. Income status may also be included (see legal requirement #9).  Annually review, sign, and circulate policy.
<b>2. Public Notice of Rights under Title VI</b>	Public must be informed of their nondiscrimination rights under Title VI and how to file a Title VI complaint.  The notice must be made available online and posted in physical locations accessible to the public.
<b>3. Signing Title VI/Nondiscrimination Assurances</b>	Fill out the Standard Title VI/Nondiscrimination Assurances and Appendices. Head agency official should review and sign.  NOTE: Construction contractors, consultants, and suppliers are <u>not</u> required to sign the U.S. DOT Standard Title VI Assurances.
<b>4. Ensuring contracts and solicitations contain required DBE nondiscrimination notification and appendices from the Title VI Assurances</b>	The DBE nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs.  Appendices A and E must be inserted in every contract.  Appendices B, C, and D must be inserted in various types of real estate agreements.

Legal Requirement	Recommended Policies
<b>5. Appointing a Title VI/Nondiscrimination Coordinator</b>	Title VI Coordinator must have sufficient training, authority, and access to the head of your agency to carry out the agency’s Title VI responsibilities and oversight.
<b>6. Conduct program area reviews</b>	Conduct reviews of program areas to determine whether those areas are effective in carrying out their Title VI responsibilities.
<b>7. Developing procedures for processing and tracking external discrimination complaints</b>	<p>Create procedures and forms to process external discrimination complaints. See <a href="#">23 C.F.R. § 200.9(b)(3)</a> for details.</p> <p>Include MnDOT and FHWA contact information in publicly available procedures.</p> <p>Circulate complaint procedures internally and externally.</p> <p>Maintain a list of all discrimination complaints and lawsuits.</p>
<b>8. Providing accommodations for Limited English Proficient (LEP) Persons</b>	<p>Create and implement a language access plan to take reasonable steps to reduce language barriers for LEP persons.</p> <p>Complete the <a href="#">four-factor analysis</a> (See legal requirement #10).</p> <p>If necessary, translate nondiscrimination policy and public notice, complaint procedures, and complaint forms.</p> <p>Ensure public engagement and communications staff are trained to provide language access as needed.</p>
<b>9. Addressing Environmental Justice in minority populations and low-income populations</b>	<p>Include <a href="#">Environmental Justice</a> principles in all stages of program planning, development, and implementation.</p> <p>Include low-income populations in your agency’s demographic data analysis (See legal requirement #10).</p>
<b>10. Ensuring nondiscrimination in the public participation process</b>	<p>Agency’s public engagement activities must be accessible and do not discriminate based on race, color, national origin (LEP), sex, age, disability, or income status.</p> <p>Maintain a log of your agency’s public engagement activities, including documentation (presentations, agenda, surveys, etc.).</p> <p>Ensure public engagement and communications staff receive Title VI training and are familiar with Title VI processes.</p>
<b>11. Collecting and analyzing data to ensure nondiscrimination in programs and activities</b>	<p>Develop and implement procedures for the collection of statistical data (race, color, religion, sex, national origin, disability and income status) of participants in, and beneficiaries of, your agency’s programs and activities.</p> <p>External Data sources may include: <a href="#">U.S. Census Data</a> (if current) <a href="#">American Community Survey</a>, and <a href="#">Minnesota Compass</a>.</p> <p>Internal data sources may include, but are not limited to: your agency’s right of way office, public engagement office, and planning office.</p>