

TITLE VI CIVIL RIGHTS NEWS @FCS

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Dear Colleague –

January holds an annual reminder of the importance of advocacy in furthering civil rights for all. I am, of course, referring to the national holiday commemorating the work and sacrifice of Dr. Martin Luther King, Jr.

In our efforts to ensure compliance with civil rights laws, federal agencies rely on and actively seek communication with advocates, community leaders, and other civil rights stakeholders to identify individual allegations of discrimination, as well as systemic problems, to ensure that federal funds are not used in any manner to promote discrimination. To that end, the Winter 2015 issue of the Title VI Newsletter highlights stakeholder outreach and input as an effective way to advance the goals of Title VI and includes information from several agencies delineating their stakeholder processes.

While agencies have made strides to communicate directly with stakeholders and advocates and have heeded the call for transparency in communications and the investigative process, we all can do more to improve our efforts. Effective outreach is often a strong indicator of whether agencies will receive “on the ground” information of civil rights issues, well before it percolates to national attention. Identifying potential discrimination and systemic disparities requires ongoing communication with advocates, stakeholders, and recipients of federal funds, to inform effective agency decision-making. Some agencies are very well versed in this process and have made it a part of their mission, and we all can benefit from a “refresher” on how to do this effectively. We hope that the article in the Newsletter, “10 Tips for Conducting Effective Community Outreach,” will help accomplish this.

As in our previous issues, we also highlight noteworthy government-wide Title VI developments as part of the Department of Justice’s civil rights coordination responsibilities under Executive Order 12250. Our “frequently asked questions” is a continuing segment and we invite you to send in any Title VI FAQs that need answering. We welcome your comments and suggestions to make the Newsletter more informative. Contact us at FCS.CRT@usdoj.gov.

As we come to the end of the first month of the New Year and commemorate Dr. Martin Luther King, Jr., I am reminded of his clarion call: “Become a dedicated fighter for civil rights. Make it a central part of your life.... Make a career of humanity. Commit yourself to the noble struggle for equal rights. You will make a greater person of yourself, a greater Nation of your country, and a finer world to live in.” I hope these words continue to resonate with all of you who work to further justice.

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The questions and answers in this newsletter are intended only to provide guidance to federal agencies and other interested entities and is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States.



TEN TIPS FOR CONDUCTING EFFECTIVE COMMUNITY OUTREACH

By Lauren Laglagaron

Community-based organizations (CBOs) and advocacy groups can be important allies that identify discrimination and assist investigations and compliance reviews. CBOs and advocacy groups can introduce you to potential victims or witnesses, explain complex neighborhood dynamics, and serve as a voice for underserved populations facing bias or prejudice. But, like all skills, fostering productive working relationships with CBOs and advocacy groups takes practice.

We encourage you to share how you have effectively built relationships with CBOs and advocacy groups through websites, publications, and internally. Share any tips, anecdotes, or "Lessons Learned" with us, at FCS.CRT@usdoj.gov, that we can include in forthcoming issues. Please let us know if you would like the thoughts and suggestions you share to be published anonymously.

Communicate. CBOs and advocacy groups will not know if your agency takes action on (or even receives) their complaint or concern unless you tell them. CBOs and advocacy organizations invest considerable

time and resources in preparing a complaint or approaching you to voice a concern. Priority Mail, email, or call the complainant when you receive their complaint, especially if you act on that complaint. It's neither necessary nor wise to provide a lengthy explanation of your review. A simple acknowledgment of receipt or explanation of initial action and the name of an agency contact can go far in building an initial cooperative relationship.

Explain Your Process. How long did it take you to decipher all the acronyms in your organization? On your first day, was it easy to understand the role of each section, division, mode, and component within your agency? If you think it's hard to navigate from the "inside," it's even more difficult for a CBO or advocacy organization to understand an agency's structure or chain of command. Be patient. Take some time to explain your office's roles and responsibilities, approval process, and any limitations in authority or remedies. Helping a CBO or advocacy organization understand your intake process for complaints, the typical timeline for a compliance review, or how an allegation of discrimination works its way through your agency can help manage CBOs' expectations. If you are working on a case or matter with multiple federal agencies, be sure to distinguish your own agency's role and how it may (or may not) differ from that of the other agencies.

Do Your Homework. Gathering evidence of a systemic violation is very hard to do without reliable local contacts. Before you reach out to a CBO or advocacy organization, spend some time researching their mission, work focus areas, constituents, and current and past projects. Ask your colleagues, especially if they work in the same geographic area, if they have any experience communicating with this particular CBO and familiarize yourself with any recent news involving this organization. Work with a diverse mix of CBOs to avoid relying on one organization to speak on behalf of a particular group or community. Doing your homework and understanding a CBO or advocacy organization before you contact them saves time and helps you ask more informed and directed questions.

Listen. In rural or remote locales, communicating with you may be the rare (or first) occasion that a CBO has to interact with the federal government. Consequently, you may hear complaints or concerns that are unrelated to the matter at hand or outside of your office's jurisdiction. Be open-minded to the topics that may arise, the conversational style, or the number of conversations that may take place before you can elicit information helpful for your investigation. For some CBOs, you are their only connection to a representative of the federal government. Listen patiently to their concerns, explain your process (see above), and, if possible, refer the CBO to other government agencies for issues/matters that your office cannot address.



TEN TIPS FOR CONDUCTING EFFECTIVE COMMUNITY OUTREACH

Speak Their Language. Effective communication can only occur when both parties understand each other. If you know or suspect that you will be speaking with community members who are limited English proficient or are people with disabilities, have a plan in place to ensure that you have interpreters (live or via telephone) and/or assistive technology in place to ensure that you can bridge any communication barriers and that the meetings take place at a location that is accessible. Do not rely on a CBO to provide you with interpreters or to serve as interpreters in any meeting or interview or to provide or pay for any reasonable accommodations. It is important that you use neutral and accurate parties as interpreters during an investigation, keeping in mind that agencies are responsible, under Executive Order No. 13166, for providing meaningful access to individuals with limited English proficiency. Relying on community-provided linguists may also trigger ethics questions in that your agency may be seen as receiving a “gift” of translation or interpretation from a CBO.

Keep in Touch. To the extent possible, provide updates to your community contacts even after the initial conversation or interview whenever there are important developments. In some cases, CBOs can also suggest remedies, set priorities, and play a formal or informal role in monitoring compliance. Staying in touch with CBOs and community contacts throughout the course of an investigation can unearth new facts

or witnesses or simply inform you that conditions remain the same. Don’t assume that CBOs or community contacts will update you when important developments arise – they may assume you already know them!

Respect People’s Time. Allocate enough time for interviews or conversations. Schedule interviews or conversations at a time and place that is accessible and convenient for your community contact. Be on time. Establish a point of contact and communicate any delays or time constraints. These simple courtesies can go far in creating an environment conducive to frank and candid conversations.

Understand Your Role. There will be times when your agency cannot take any action because of jurisdictional, legal, or resource constraints. Manage expectations and avoid overpromising results at the outset. Although it’s tempting to satisfy everyone’s concerns, it’s more fair (and realistic) to explain these limitations and be honest.

Update Your Community Outreach Database. Keep the information about a CBO or advocacy organization up to date by entering data about new personnel or position changes during breaks between meetings, flying home from a site visit, or as soon as you get back to your office. Maintaining accurate information about your contacts will make it easier for you (and your colleagues) to keep in touch over time. For developing or maintaining contacts in remote locales, consider joining a national

organization and attending nearby events in an effort to stay abreast of issues that continue to affect those remote areas.

Share Your Contacts and Stay Connected. Eliminate having your colleagues recreate or reestablish contact with your connections by maintaining a community outreach database and staying in touch with your community contacts. Staying in touch, even after a matter is resolved, helps you monitor compliance to ensure that no further discrimination takes place and may help you build connections for future cases and matters.

AGENCY OUTREACH ACTIVITIES



Department of Justice

Access to Justice

The U.S. Department of Justice’s Access to Justice Initiative (ATJ) supports the Civil Rights Division’s investigations under 42 U.S.C. § 14141 by engaging ATJ’s network of advocates. For example, ATJ reached out to leading juvenile justice organizations for a national conference call soon after the Civil Rights Division announced the findings from its investigation into allegations of due process and equal protection violations at the Shelby



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County, Tennessee juvenile courts and in the conditions of confinement in the juvenile detention center. ATJ helped convene a meeting of advocacy groups, researchers, foundation program officers, and others concerned about juvenile justice with the Assistant Attorney General for Civil Rights, to explore the implications of the Shelby County matter for their own work and for safeguarding the rights of juveniles. These stakeholders were also invited to provide input on ways the federal government could continue to work to protect juvenile rights. This is just one example of the many ways that ATJ supports the work of the Civil Rights Division on Title VI, and civil rights work generally. As new investigations unfold, ATJ will continue to support the Division in its enforcement activities.

Find out more about Access to Justice at: justice.gov/atj.

Civil Rights Division

Including community and stakeholder perspectives is integral to the Civil Rights Division's Title VI responsibilities. The Division takes several approaches to ensuring that community groups, recipients, and other affected stakeholders have a voice in Title VI enforcement:

Conducting Outreach in the Community. Agency investigations frequently involve targeted outreach to community groups and individuals likely exposed to the complained-about behavior.

However, even if there is no formal investigation in an area, the Division prioritizes making time to meet with recipients and community members when staff travel to a location for a conference, meeting, or unrelated investigation. With our budget limitations, building in supplemental outreach meetings has been a successful approach to cultivating and maintaining stakeholder relationships.

Welcoming Conference Opportunities and Listening Sessions. Division staff routinely participate as speakers and participants in national conferences and listening sessions. For example, in November, the Federal Coordination and Compliance Section (FCS) worked with leaders of the National Legal Aid and Defenders Association (NLADA) to organize a federal listening session at the organization's Annual conference. Over ten federal agencies were represented, and NLADA participants were able to meet and share their civil rights concerns directly with agency contacts. Division staff also participated in two panel sessions on Title VI disparate impact, and language access in the courts and discussed current efforts by the Division and other agencies on both issues.

Formally Incorporating Stakeholder Input. In addition to meeting with community groups as we negotiate resolution with recipients in Title VI matters, Division staff often consider the *formal* role that community-based organizations and other stakeholders

can have in monitoring compliance with Title VI resolutions or agreements. For example, recommending that recipients of federal funds create and consult with a neighborhood or stakeholder council or reserve seats exclusively for community members on a committee are some remedies Division staff employ to ensure continued stakeholder and community input during the resolution and monitoring of Title VI investigations.

Enhancing External Communications. The Division continues to research and test various platforms for announcing resolutions or obtaining additional witnesses or victims impacted by discriminatory actions. Through our website, Twitter, the Division's blog, and multilingual press releases, we continue to learn and employ various strategies for educating the public about our Title VI work.

Developing Longstanding Relationships. Lastly, Division staff have developed longstanding, productive working relationships with national and community-based organizations. Through our outreach listed above, Division staff continue Title VI enforcement conversations with stakeholders through check-in phone calls and emails. The Division also encourages staff to make themselves available to stakeholders and community partners to help us stay abreast of civil rights developments. FCS staff can be reached at FCS.CRT@usdoj.gov. For additional information and materials, visit go.usa.gov/JQew.



AGENCY OUTREACH ACTIVITIES

Office of Justice Programs

The Office of Justice Programs' (OJP) Office for Civil Rights (OCR) for the U.S. Department of Justice (DOJ) is the principal agency within DOJ that enforces Title VI. Communicating with community members and advocacy groups is crucial to Title VI enforcement, and over the years, OCR-OJP has enhanced its outreach efforts, which require intensive preparation to produce effective outcomes. OCR has conducted hundreds of Title VI compliance reviews of DOJ-funded law enforcement agencies that focus on language-access services to limited English proficient (LEP) communities. The key element in all OCR language-access compliance reviews is preparing in advance and then listening once onsite.

Preparation Prior to Onsite Visit. Prior to an onsite visit, OCR identifies community leaders and local organizations that may have first-hand knowledge of a law enforcement agency's encounters with LEP residents. OCR does so through a variety of sources, including Internet searches and communications with the law enforcement agency under review, the local U.S. Attorney's Office, the DOJ's Community Relations Service, and national advocacy organizations. OCR then contacts the community leaders by email to explain OCR's mission and the need for community feedback, and to invite the community leaders to a private onsite meeting with OCR's

investigative attorneys. OCR ordinarily follows up the emails with telephone calls and a hard-copy invitation.

In requesting the participation of community leaders in the compliance review process, OCR informs the invitees that the meeting is a private. By stating this upfront, OCR sets the agenda and determines who may attend. OCR does not necessarily limit the attendees, however, to those on the initial contact list. OCR's written invitation encourages community leaders to suggest other organizations or community leaders that they would like OCR to invite. OCR discourages officials from the law enforcement agency from attending the meeting to promote an environment that encourages free discourse. The invitations also clearly state that the event is not open to representatives of the news media. Consistent with DOJ's own internal language-assistance guidelines, as well as to lead by example, OCR ensures it has sufficient advance notice to provide appropriate interpretation. The written invitations always ask whether there may be a need for an interpreter at the community consultation.

OCR also carefully selects the venues for community consultations, making sure that they are in easily accessible public buildings that either have ample parking or are close to public transportation. A favorite OCR venue for a public meeting is the community room at a public library. In large cities, OCR may hold more than one community consultation. OCR may schedule

multiple meetings in different neighborhoods to encourage the participation of certain language groups. Neighborhoods within the same city may also have significantly different experiences of language-access services depending on the local police precinct or law enforcement district.

At the Onsite and Afterwards. At the community meeting, OCR explains its role and the purpose of soliciting community feedback, provides a clear agenda, and establishes the protocols for the discussion. One of the most important ground rules is giving every person at the meeting an opportunity to contribute, which often entails getting all participants to agree not to speak a second time before others have had a chance to speak. OCR is careful to strike a neutral tone in soliciting information about a recipient's delivery of language-access services because the focus is not only deficiencies, but also successes.

Ordinarily, OCR holds the community consultations prior to initiating the onsite visit to the law enforcement agency because the issues community leaders raise in the consultation often inform OCR's interviews with the recipients. Afterwards, OCR's compliance review reports at the end of its investigations always include a section that summarizes feedback from community leaders on the recipient's language-access services, noting both their positive and negative comments as well as their recommendations for improvement.



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Department of Transportation

Stakeholder outreach and input is an essential part of DOT’s civil rights program, which includes training. For example, on February 4-6, 2014, the U.S. Department of Transportation (DOT) hosted 12 live sessions of the DOT Virtual Civil Rights Symposium entitled “Broadening Perspectives.” The event gathered experts from across the federal government to speak on current, forward-moving topics to broaden participants’ perspectives on how civil rights are integral to the DOT mission. The Symposium provided a training platform featuring several Title VI sessions, including a presentation on the critical role that metropolitan planning organizations can have in enforcing Title VI by performing equity analyses of long-range transportation plans to ensure that disadvantaged populations have access and are protected from discrimination in transportation decision-making. More than 800 federal and state employees, transportation stakeholders, and civil rights practitioners participated. More information on DOT’s stakeholder outreach and input efforts can be found at:

The Federal Aviation Administration Title VI page: go.usa.gov/tfrc

The Federal Highway Administration Title VI page: go.usa.gov/tfY5

The Federal Railway Administration Title VI complaint template:

go.usa.gov/tfrw



Department of Health and Human Services

The Office for Civil Rights (OCR) is HHS’s sole agency responsible for enforcing compliance with civil rights obligations, including Title VI of the Civil Rights Act of 1964. Consistent with Title VI, OCR develops ongoing communication with entities receiving federal financial assistance from HHS, advocates, and stakeholders to promote awareness and compliance with Title VI. OCR engages directly with advocates and stakeholders through presentations at conferences, participation in webinars and use of social media. OCR also partners with communities to produce educational Title VI products such as the OCR collaboration with the Association of American Medical Colleges to develop curricula for a Title VI medical school course, examining the impact of civil rights laws on health care disparities, which is available in person or online.

OCR often works with stakeholders to address Title VI compliance concerns that they encounter in their communities and has initiated compliance reviews based on advocates’ and stakeholders’ reports of egregious discrimination. These groups have been especially helpful

in raising Title VI issues affecting communities with limited English proficiency. OCR regularly posts Title VI settlement agreements and press bulletins to its website (hhs.gov/ocr) as resources for advocates, stakeholders, and covered entities – highlighting how OCR uses Title VI to ensure nondiscrimination in federally funded activities.



Department of Homeland Security

The Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regularly communicates with individuals and communities whose civil rights and civil liberties may be affected by the Department’s federally conducted or assisted programs and activities. One unique mechanism that CRCL employs in engaging stakeholders is the Community Roundtable Model. Community Roundtables provide individuals and community leaders with an opportunity to interface routinely and directly with DHS and other federal, state, and local partners on important issues, including concerns that arise from DHS conducted or assisted activities. Roundtables are held quarterly in cities throughout the country, and are hosted by federal agencies and community organizations on an alternating basis. Information gathered at roundtables can play a vital role in helping to



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inform policy and compliance activities, and improving the effectiveness of existing policies and programs. For more information about community engagement and the community roundtables, email communityengagement@hq.dhs.gov.

For more information about CRCL, or to file a complaint, visit: dhs.gov/crcl, or email crcl@dhs.gov.



Department of Housing and Urban Development

In December 2014, HUD announced the availability of a wide range of fair housing outreach materials on the civil rights laws, including Title VI. Funded by HUD's Fair Housing Initiatives Program (FHIP), the National Fair Housing Alliance has posted its catalog of Public Service Announcements and Education and Outreach Materials at: www.nationalfairhousing.org in the Fair Housing Resource Center. The materials are provided in multiple media, and many offer language options, including Spanish, Arabic, Chinese, Korean, Russian, Tagalog, and Vietnamese.

For more information on fair housing under Title VI and the Fair Housing Act, or to file a complaint, visit the FHEO website at, go.usa.gov/tGN4. To contact a local office, visit: go.usa.gov/tGNz.



Department of Labor

The Department of Labor-Civil Rights Center (CRC) has hosted and participated in several events with stakeholders to raise awareness of its work enforcing Title VI, and specifically its language access efforts. In October 2014, CRC hosted a conference call with representatives of the National Language Access Advocates Network, during which CRC provided information about the its enforcement, policy and compliance work relating to Title VI language access. Also in October, CRC staff presented on language access and Title VI at the National Association of State Workforce Agencies Equal Opportunity Conference. In November 2014, CRC staff participated in a panel discussion on civil rights in federal programs at the National Legal Aid and Defender Association Annual Conference. Most recently, CRC hosted a webinar related to Title VI enforcement by the CRC, including a segment on the use of machine translation to meet Title VI language access requirements for its stakeholders.

The DOL-CRC website, go.usa.gov/tGP4, includes a section on filing complaints in multiple languages.



Department of Education

The importance of stakeholder outreach and participation is reflected in the over 200 technical assistance events the U.S. Department of Education's (ED) Office for Civil Rights (OCR) has provided on Title VI-related issues over the past two fiscal years. These events include presentations on the application of recent Supreme Court rulings (e.g., *Fisher v. University of Texas*) and their implications on schools and districts, overviews of OCR's discipline guidance package, and information on ED's desegregation grants. Others include the June 17, 2014 ED co-sponsored event with the Georgetown Center on Poverty and Inequality to highlight recent reforms in school discipline policies and practices and the need for promising approaches that assure equitable discipline in America's schools.

The significance of stakeholder involvement to ED-OCR's ongoing mission was highlighted especially at the July 2, 2014 public [event](#) to commemorate the 50th anniversary of the Civil Rights Act of 1964. OCR's ongoing outreach efforts in 2014 have included the [announcement](#) explaining OCR's resource equity guidance in October, which reinforced the necessity of providing students of color with equal access to educational opportunities, as well as a panel discussion on November 12,



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2014, on ED's work to address disparities for women and girls of color, eliminate sexual violence in elementary and secondary schools, and increase girls' access to equitable educational resources. ED's outreach efforts to stakeholders on Title VI matters in 2014 concluded in December with the joint ED and DOJ release of the [correctional education guidance package](#) related to improving practices and ensuring nondiscrimination in juvenile justice facilities.

The New Year brings more opportunities to address the issues that are at the core of OCR's mission and stakeholders' lives and to renew ongoing efforts, such as OCR's participation in the [Supportive School Discipline Initiative](#) (SSDI). SSDI brings a number of federal agencies together to promote positive school discipline approaches and alternatives to exclusionary discipline. OCR will also continue its active participation with the [My Brother's Keeper](#) program, a cross-agency initiative announced by President Obama in February 2014, to support positive outcomes for men and boys of color. OCR emails thousands of stakeholders with OCR news to keep them updated on important policy developments (subscribe [here](#)). For example, on March 2014, OCR issued four comprehensive briefs addressing [school discipline](#), [early childhood education](#), [college and career readiness](#), and [teacher equity](#). Each snapshot document provides educators, administrators, policymakers and researchers with data revealing nationwide trends in

educational equity that provide a useful starting point for local districts and schools to analyze their own data and trends. To access them and the ED OCR Civil Rights Data Collection, please visit <http://ocrdata.ed.gov>. OCR also keeps stakeholders informed of policy guidance releases and resolution agreements via Twitter, [@edcivilrights](#). To contact OCR on a Title VI matter or to file a complaint, email OCR@ed.gov or visit go.usa.gov/tGfx.

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Department of Education Releases Guidance on Implementing CDC's Ebola Guidance for Schools while Protecting the Civil Rights of Students and Others:

The Department of Education released a fact sheet on December 15, 2014, explaining that in implementing the Centers for Disease Control and Prevention's guidance on Ebola, school districts must avoid discrimination, including bullying and harassment, on the basis of actual or perceived race, color, national origin, or disability, and must take immediate and

appropriate action to stop such discrimination (at: go.usa.gov/JR9H).

Tupelo Public School District Agrees to Address School Discipline Inequity Concerns Amid ED-OCR Investigation:

On September 25, 2014, OCR resolved a compliance review of the Tupelo Public School District investigating the District's disciplinary policies and practices and, specifically, whether the District discriminated against African-American students by disciplining them more frequently and more harshly than other similarly situated students on the basis of race. Prior to the conclusion of OCR's investigation, the District entered into an agreement through which the District commits to take specific actions to ensure that all students have an equal opportunity to learn in school.

Letter: go.usa.gov/JR8w

Agreement: go.usa.gov/JR8Q

Voluntary Resolution Agreement Addresses School Discipline Inequity in Minneapolis Public Schools:

On November 20, 2014, OCR announced the successful resolution of a compliance review concerning student discipline in the Minneapolis Public School District, the largest school system in Minnesota. OCR's investigation found that African-American students were considerably overrepresented in all of the district's disciplinary actions, including out-of-school suspensions, in-school suspensions,



administrative transfers to other schools, referrals to law enforcement as well as detentions, Saturday school, and community service or restitution. Through a voluntary resolution agreement, which the District signed prior to the completion of OCR's investigation, the District committed to take specific actions to ensure that it implements fair and equitable discipline policies and practices.

Letter: go.usa.gov/JR8B

Agreement: go.usa.gov/JR8Y

Resolution Agreement Aims to Improve Minority Access to Enrichment Programs and Advanced Placement Courses: On October 28, 2014, OCR resolved a compliance review of the South Orange & Maplewood School District, New Jersey. OCR's investigation revealed that there was a statistically significant disproportionate underrepresentation of African-American students participating in the District's middle and high school enrichment programs and advanced placement courses. The agreement requires the District to take specific actions, including retention of a consultant with expertise in addressing the underrepresentation of African-American students in college and career preparatory courses and development of a plan for implementing recommendations made by the consultant.

Letter: go.usa.gov/JRkJ

Agreement: go.usa.gov/JRkA

ED OCR Addresses Discrimination Against English Language Learning Students, and students with Disabilities, with Resolution Agreement: On November 26, 2014, OCR resolved a compliance review of the Harmony Public Schools which examined whether the recipient was providing English Learners (EL) and students with disabilities equal access to and equal opportunity to participate in the Harmony charter schools in Texas. OCR's investigation revealed that in the 2011-12 school year, the enrollment rate of EL students at the Harmony charter schools was approximately half that at the local school districts and the enrollment rate of students with disabilities was even lower. The investigation uncovered admissions and enrollment policies and practices that may explain the dramatically lower enrollment rates of EL students and students with disabilities. Such policies allowed for the exclusion of students with disciplinary problems, and required students to provide enrollment documentation that may discourage participation based on students' or their parents' or guardians' citizenship or immigration status. The resulting resolution agreement requires the recipient to take specific actions to ensure equitable treatment of EL students and students with disabilities, including modification of admissions policies and practices.

Letter: go.usa.gov/JRkm

Agreement: go.usa.gov/JRkT



DOL Issues Guidance to Recipients Regarding the Potential Disparate Impact of Using Credit History and Unemployment Status Restrictions to Screen Job Applicants: On October 17, 2014, the U.S. Department of Labor issued guidance to entities receiving federal financial assistance to operate job banks on the use of credit history and unemployment status to screen out potential job applicants and its potential disparate impact on minorities and people with disabilities in violation of Title VI, related nondiscrimination laws and their implementing regulations.

Credit history guidance: go.usa.gov/JRk3

Unemployment status guidance: go.usa.gov/JRkD



HUD Issues Letter of Findings Against the Alexander County, IL Housing Authority: HUD-FHEO issued a Letter of Findings against the Alexander County (Illinois) Housing Authority finding a history of racial segregation and almost complete segregation by race in its two largest sites. These public housing sites



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contain a total of 247 units of which 239 (or 96.8%) were occupied by families with an African-American head of households, while other sites had occupancy rates that were approximately 57% African-American. The investigation also revealed that significantly fewer resources were expended on maintenance at the two largest sites in comparison to other less segregated locations and identified disparities based on race in pay and promotional opportunities for African-Americans.



Departments of Education and Justice Release Guidance Concerning the Applicability of Federal Civil Rights Laws to Juvenile Justice Residential Facilities: The Departments of Education and the Justice issued a Dear Colleague Letter on December 8, 2014, concerning the applicability of federal civil rights laws to juvenile justice residential facilities. The letter provides a reminder that juvenile justice residential facilities receiving federal funds are subject to the same federal civil rights obligations as all other public schools, and highlights some of the legal requirements related to access to academic coursework and career and vocational training, students with disabilities, English language learners, and the administration of discipline (at: go.usa.gov/JRXP).

DOJ and ED Issue Joint Guidance on Overcoming Language Barriers in Schools: On January 7, 2015, the Departments of Justice and Education issued a joint guidance on the obligations of state educational agencies and school districts to overcome language barriers that impede equal participation by students in their instructional programs. The guidance was issued pursuant to the Equal Educational Opportunities Act of 1974 and Title VI. It addresses matters vital to ensuring meaningful and equal participation in education programs and services for the approximately 5 million English Learner (EL) students in the United States. The guidance includes, among other things, an outline of the civil rights obligations of state education agencies and schools, frequently encountered civil rights issues and the approaches schools could take to remedy it, and the legal obligations for schools to ensure that limited English proficient parents can meaningfully access school-related information. The guidance also speaks to the requirements to serve EL students with disabilities under the ADA, Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act.

The Guidance is located at go.usa.gov/t7jB.



UPDATE: Hawaii Department of Transportation: The summer issue of *Title VI Civil Rights News @FCS* highlighted a Statement of Interest that FCS filed in *Faith Action for Community Equity v. Hawai'i Department of Transportation*, No. 13-cv-00450 SOM, 2014 WL 1691622 (D. Haw., Apr. 28, 2014). The private plaintiffs' complaint alleged that the Hawai'i Department of Transportation denied LEP individuals a meaningful opportunity to take the Hawai'i driver's license examination. On January 13, 2015, the Department of Justice filed a second Statement of Interest with the District of Hawaii.

The Statement of Interest is located at go.usa.gov/Sjce, with accompanying documents at go.usa.gov/SjxH.

TITLE VI DEVELOPMENTS AND ACTIVITY

UPDATE: CA Courts Take Another Step Toward Meaningful Access for LEP Litigants in Civil Proceedings: The fall issue of *Title VI Civil Rights News @FCS* highlighted a new state law in California that, among other things, removed the requirement to charge



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limited English proficient (LEP) litigants for interpreter costs in civil proceedings, set forth an intention to provide interpreters consistent with federal legal requirements, and clarified that state courts may provide interpreters free of charge regardless of the income of the parties. On January 22, 2015, the California Judicial Council adopted a comprehensive language access plan that provides a strategy for implementing free language services in all California State court proceedings and operations and will ensure that millions of LEP individuals will have meaningful access to the state justice system. The plan reflects extensive stakeholder and Department of Justice input and will serve as an important and effective model for other states. The Judicial Council adopted the language access plan with no objection. The language access plan is another important step by the California courts to resolve the DOJ Title VI investigation of the California Judicial Council and the Los Angeles County Superior Court.

The *Strategic Plan for Language Access in the California Courts* is located at <http://www.courts.ca.gov/documents/jc-20150122-itemK.pdf>

Illinois Courts Improve Language Access Statewide: Effective October 1, 2014, the Illinois Supreme Court's Language Access Policy, Code of Interpreter Ethics, and sample judicial bench card provide new, powerful tools to ensure meaningful access to the courts for LEP communities in Illinois. The Illinois circuit courts are in the process of drafting language access plans, to be

posted online this spring. Details are available at go.usa.gov/JRN9.

Rule Change Ensures Washington D.C. Residents Broader Language Access in the Courts: The D.C. Courts have issued a new rule, Order 14-15, providing interpreters to all "...non-English and limited English proficient persons participating in court proceedings involving all case types in all divisions of the Superior Court, and to pay the cost for such services, unless such services are waived by the participant." View the new rule at go.usa.gov/JRNT.



DOJ and DHS Participate in Joint Public Webinars Exploring Challenges to Immigrant Children and Families: On December 15 and 18, 2014, the Department of Justice and Department of Homeland Security, U.S. Citizenship and Immigration Services and Immigration and Customs Enforcement, participated in two free webinars open to child welfare personnel, legal professionals, advocates, and other community members working with immigrant populations. The two sessions, *Special Immigrant Juvenile (SIJ) Status –What Judicial Officers and Court Stakeholders Need to Know* and *Immigrant Families - How to Best Serve Them*, were presented by Casey Family Programs, the Immigrant Legal Resource Center,

the American Bar Association, and the National Council of Juvenile and Family Court Judges. Participants focused on exploring the complexities that arise when working with immigrant families, including the implications of Title VI.

Webinar materials are located at <http://www.ncjfcj.org/immigration-webinar-1> and <http://www.ncjfcj.org/immigration-webinar-2>.



NASA Issues Technical Assistance Tool to Address Unconscious Bias in STEM: NASA issued its latest civil rights technical assistance tool for science, technology, engineering, and mathematics (STEM) grantees on December 8, 2014. The tool, *Unconscious Bias in STEM: Addressing the Challenges*, is designed to provide STEM program administrators, faculty, staff and students with a better understanding and appreciation of the ways in which unconscious bias on the basis of race, national origin, and sex can impact the STEM environment, as well as fresh perspectives on how to avoid the pitfalls of such bias and maintain compliance with the law. The tool is also designed to support equal opportunity compliance officials, in their efforts to help ensure equal opportunities and to advance diversity and inclusion in STEM programs. View the tool at: go.usa.gov/JRRe.

THE FEDERAL COORDINATION AND COMPLIANCE SECTION
*Ensuring Consistent and Effective Title VI Enforcement
Across the Federal Government*

FREQUENTLY ASKED QUESTIONS

Is there a central location to send Title VI complaints when it is unclear which agency has authority over an allegedly non-compliant recipient?

Generally, a complaint should be filed with the federal agency that funds the offending recipient. At times, the federal funding agency will be obvious (e.g., Department of Health and Human Services funds hospitals; Department of Justice funds police departments). Other times, it can be difficult to determine the source of federal funding, if it exists at all. To that end, the Federal Coordination and Compliance Section of the Civil Rights Division, Department of Justice, helps Title VI complainants route their complaints to the appropriate funding agencies. Complaints or inquiries can be sent to fcs.crt@usdoj.gov or mailed to the

Federal Coordination and Compliance Section – NWB, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

What is the Title VI complaint process, and how do I determine whether my complaint has been addressed by the responsible agency?

The Title VI complaint process and the number of staff available to address incoming complaints vary from agency to agency. The complaint process for each agency is generally described in the agency's Title VI regulations. However, the Coordination of Enforcement of Non-discrimination in Federally Assisted Programs regulations (Coordination Regulations) [28 C.F.R. Part 42 Subpart F](#), require each agency to investigate complaints having apparent merit and to have good cause where an agency determines an investigation is not warranted. The Coordination Regulations also require,

at a minimum, that each agency establish and publish its procedures for the prompt processing and disposition of complaints, including but not limited to: 1) notification in writing to the complainant and the applicant or recipient of federal financial assistance of the disposition of the complaint; 2) statement in the notification of disposition noting good cause where the agency determines it will not investigate the complaint; 3) referral to another federal agency where the agency that received the complaint lacks jurisdiction over a complaint or notification to the complainant of the lack of jurisdiction; and 4) maintenance of a detailed log of Title VI complaints filed with the agency or its recipients. In all cases, an agency should promptly respond to a complainant following receipt of the complaint. A complainant can contact the office handling the complaint directly to learn about the status of the investigation and provide supplemental information.



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