

What Are Civil Rights?

"Civil rights" are the rights of individuals to receive equal treatment (and to be free from unfair treatment or "discrimination") in a number of settings -- including education, employment, housing, and more -- and based on certain legally-protected characteristics.

Historically, the "Civil Rights Movement" referred to efforts toward achieving true equality for African-Americans in all facets of society, but today the term "civil rights" is also used to describe the advancement of equality for all people regardless of race, gender, age, disability, national origin, religion, or certain other characteristics.

1.2 The Origin Of Civil Rights

Most laws guaranteeing and regulating civil rights originate at the federal level, either through federal legislation, or through federal court decisions (such as those handed down by the U.S. Supreme Court). States also pass their own civil rights laws (usually very similar to those at the federal level), and even municipalities like cities and counties can enact ordinances and laws related to civil rights.

Most laws prohibiting discrimination, and many legal definitions of "discriminatory" acts, originated at the federal level through either:


- **Federal legislation**, such as the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1992. Other federal acts (supplemented by court decisions) prohibit discrimination in voting rights, housing, extension of credit, public education, and access to public facilities.

OR

- **Federal court decisions**, such as the U.S. Supreme Court case *Brown v. Board of Education*, which was the impetus for nationwide racial desegregation of public schools. Other Supreme Court cases have shaped the definition of civil rights violations like sexual harassment, and the legality of anti-discrimination remedies such as affirmative action programs.

Today, most states have civil rights laws of their own which mirror those at the federal level.

In 1993, the State of Tennessee became the first state to pass legislation for the enforcement of *Title VI* compliance in all of its departments, programs, agencies.

The Tennessee Title VI Compliance Commission was established by Executive Order No. 34 to define & establish components, guidelines, and objectives of a comprehensive state policy to promote present and future compliance with Title VI of the Civil Rights Act of 1964. On July 1, 2009, pursuant to 2009 Public Act 437, the duties and responsibilities associated with Title VI were transferred to the [Tennessee Human Rights Commission](#) .

1.3 Civil Rights Act Of 1964

The Civil Rights Act of 1964 was a product of the growing demand, from civil rights leaders, for the Federal Government to launch a nationwide offensive against racial discrimination.

In calling for the enactment, President John. F. Kennedy identified "simple justice" as the justification for passage of the Civil Rights Act of 1964.

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds is as invidious; and it should not be necessary to resort to the courts to prevent each individual violation."

On July 2, 1964, after much debate, President Lyndon B. Johnson signed the Civil Rights Act into law.

2.1. What Is Title VI?

"No *person* in the United States shall on the basis of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." - Civil Rights Act of 1964.

The **Civil Rights Act of 1964** is broad in scope and covers those entities receiving federal funds, places of public accommodation such as bus stations, restrooms and restaurants. It prohibits discrimination on the basis of race, color, and national origin.

Reflection Question:

What impact does Title VI have on your work? What impact does Title VI have on your institution?

2.2 Title Sections

The Civil Rights Act of 1964 has several sections or “Titles”

Title I

Barred unequal application of voter registration requirements, but did not abolish literacy tests sometimes used to disqualify voters.

Title II

Outlawed discrimination in hotels, motels, restaurants, theaters, and all other public accommodations engaged in interstate commerce; exempted private clubs without defining "private," thereby allowing a loophole..

Title III

Encouraged the desegregation of public schools and authorized the U. S. Attorney General to file suits to force desegregation, but did not authorize busing as a means to overcome segregation based on residence.

Title IV

Authorized but did not require withdrawal of federal funds from programs which practiced discriminations.

Title V

Outlines Civil Rights Commissions duties and responsibilities.

Title VI

Prohibited discrimination in federally assisted programs.

Title VII

Title VII outlaws discrimination in employment in any business on the basis of race, national origin, gender, or religion. Title VII also prohibits retaliation against employees who oppose such unlawful discrimination.

Title VIII

Authorizes the Secretary of Commerce to compile registration and voting statistics in geographic areas as recommended by the Commission on Civil Rights.

Title IX

Intervention and procedure after removal in Civil Rights Cases.

Title X

Establishment of Community Relations Service.

Title XI

Miscellaneous

Title VI was not the first attempt to ensure non-discrimination in federally assisted programs. For example, various prior Executive Orders prohibited racial discrimination in:

- U.S. Armed Forces,
- Employment by federally funded construction contractors,
- and Federally assisted housing.

Various federal court decisions also served to eliminate discrimination in individual federally assisted programs.

2.3 How To Apply Title VI

Title VI was not the first attempt to ensure non-discrimination in federally assisted programs. For example, various prior Executive Orders prohibited racial discrimination in:

- U.S. Armed Forces,
- Employment by federally funded construction contractors,
- and Federally assisted housing.

Various federal court decisions also served to eliminate discrimination in individual federally assisted programs.

Title VI Applies When:

The program or agency is located within the United States.

The program or agency provides a service. The program or agency receives direct (recipient) or indirect (sub-recipient) federal funding or assistance.

2.4 Programs That Qualify For Title VI

What constitutes a program or activity?

- A department, agency or other instrumentality of a state or local government.
- The entity of such a state or local government that distributes assistance and each department or agency to which assistance is extended.

What constitutes federal financial assistance?

- Grants and Loans
 - Sale or Lease of Property
 - Technical Assistance and Technology Transfer
 - Student Aide
 - Block and Research Grants
-

3.1 Tennessee Attorney General

Tennessee's Title VI Law

In 1993, the State of Tennessee became the first state to pass legislation for the enforcement of *Title VI* compliance in all of its departments, programs, agencies.

The Tennessee Title VI Compliance Commission was established by Executive Order No. 34 to define & establish components, guidelines, and objectives of a comprehensive state policy to promote present and future compliance with Title VI of the Civil Rights Act of 1964. The Tennessee Title VI Compliance Commission is now a part of the Tennessee Human Rights Commission.

Tennessee Code Annotated (TCA) 4-21-904

It is a discriminatory practice for any state agency receiving federal funds, making it subject to Title VI of the Civil Rights Act of 1964, or for any person receiving such federal funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds, on the basis of race, color, or national origin.

Tennessee Attorney General's Opinion No. 92.47

Question: Are state agencies, local government entities, private and non-profit corporations that receive direct or indirect federal assistance subject to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987?

Opinion: Yes. State and local agencies or corporations which receive federal financial assistance ARE subject to the restrictions of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.

** Sub-recipients are also required to comply with Title VI of the Civil Rights Act of 1964, when federal funds are passed from a recipient to a sub-recipient.*

Reflective Question:

Do you think that the scope of Title VI is sufficiently broad to address discrimination based on race, color, or national origin?

4.1 Prohibited Acts Under Title VI

Prohibited Acts

- Denying any individual services, opportunities, or other benefits for which that individual is otherwise qualified;
- Providing any service or benefit in a different manner from that which is provided to others in a program because of race, color, or national origin;
- Segregating service recipients solely because of race, color, or national origin;
- Restricting access to program services or benefits because of race, color, or national origin;
- Adopting methods of administration which would limit participation by any group of recipients or subject them to discrimination;
- Addressing an individual in a manner that denotes inferiority because of race, color, or national origin.

Title VI does not apply to:

- Employment, except where the purpose of the federal assistance is to provide employment.
- Relief for discrimination based on age, sex, geographical locale or socioeconomic status.
- Direct benefit programs such as Social Security.

Reflective Questions:

What would be the potential impact on students and employees at your institution if the actions prohibited by Title VI were permissible?

What impact would it have on your community?

Keys To Title VI Compliance

Ensure that service recipients receive:

- equal treatment
- equal access
- equal rights
- equal opportunities


without regard to their race, color, national origin.

Tennessee Board of Regents Title VI Compliance Requirements

All TBR service providers must have a mechanism for advising service recipients of their rights under Title VI of the Civil Rights Act of 1964 and how to file a discrimination complaint.

- Title VI posters must be displayed in conspicuous places and be accessible to all service recipients.
- Residential service providers must ensure that room/housing assignments and transfers are made without regard to race, color, or national origin.

Employee Training Requirements:

- All service providers must orient their employees to Title VI requirements within the first sixty (60) days of employment.
 - All service provider employees must receive Title VI training on an annual basis.
 - The TBR Central Office must draft and implement an annual Title VI Implementation Plan that is filed with the Tennessee Human Rights Commission in October each year. View the most recently approved [TBR Title VI Implementation Plan](#)  here.
-