

Title VI of the Civil Rights Act of 1964

Consequences of Non-Compliance

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Background: If you receive federal money, grants, subsidies or any type of U.S. government assistance, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000, et seq., applies to you. This law prohibits federal financial assistance recipients from discrimination in their subsidized programs or activities based on **race, color, or national origin**. According to the United States Supreme Court, language-based discrimination equates with national origin discrimination. Violation of Title VI can result in federal subsidy recipients' loss of federal funds and liability for monetary damages and injunctive relief in federal court.

According to the 2000 Census, more than 54 million people in the United States primarily speak non-English languages. Title VI protects their ability to have "meaningful access" to federally subsidized services, free from national origin discrimination. Nationally, the number of limited English proficient U.S. citizens and legal residents continues to grow, as does Title VI awareness, the number of suits and administrative complaints alleging Title VI violations, and federal government enforcement activity. Such trends alert federal subsidy recipients to their potential liability pursuant to one of this country's most far-reaching civil rights laws.

Here are six true cases of what can happen when federal subsidy recipients do not comply with federal law.

Case #1

In 2009, a federal agency terminated federal funding for a large East Coast organization. The federal agency investigated a Title VI complaint against the organization and decided to terminate funding while the organization attempted to fix Title VI problems revealed in a preliminary investigation.

Case #2

A federal court entered a \$15 million judgment in 2008 against a small Midwestern city, finding that the city had engaged in racial discrimination in violation of Title VI.

Case #3

Paramedics responded to an emergency call involving an 18 year-old man who spoke primarily Spanish and needed medical attention. The paramedics had no Spanish-language skills or training to enable them to communicate with him. The federally subsidized hospital that the paramedics worked for did not have a trained interpreter available to assist them. The paramedics misunderstood what the man told them and provided inappropriate emergency care that eventually left him a quadriplegic. He and his family filed suit and settled their case for \$71 million.

Case #4

County and state social services departments in a large Midwestern state received substantial federal funds from the Department of Health and Human Services. The county and state departments did not provide documents in Spanish or Spanish-language interpreters for their customers, despite receiving several requests for such services. Hispanic citizens sued both departments, alleging Title VI violations. State and county governments fought the case, spending substantial sums in legal fees. After several years of unsuccessful litigation, government defendants settled the case and agreed to provide the Spanish language-based assistance they should have in the first place. In addition, a federal judge ordered the state and county to pay more than \$70,000 in plaintiffs' legal fees.

Case #5

A small, three-person police department received approximately \$200 from the federal government to purchase a bulletproof vest for one of its officers. A Title VI complaint was filed against the department. Title VI applied because of the department's federally subsidized purchase of one vest. Any amount of federal assistance triggers Title VI coverage.

Case #6

A small city in a large Southern state was the subject of several administrative Title VI complaints. A state agency received federal funds and distributed them among several recipients, including this small city. The state agency investigated the complaints, determined their validity, and terminated the city's federal funds.