

What is Title VI?

Title VI of the Civil Rights Act of 1964, as amended, is the federal law that protects individuals from discrimination on the basis of their race, color, national origin, in programs that receive federal financial assistance. (Additional protected categories under the HDOT Title VI Program include sex, age, and disability).

What is Environmental Justice (EJ) Executive Order (EO) 12898?

To the greatest extent practicable and permitted by law each agency shall make achieving EJ part of its mission by identifying and addressing as appropriate, disproportionate high and adverse human health or environmental effects on its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

What is Limited English Proficiency (LEP) Executive Order (EO) 13166?

EO 13166 directs HDOT to assess and address the needs of individuals seeking access to HDOT programs and activities who, due to limited English proficiency (LEP), cannot fully and equally participate in or benefit from those programs and activities.

What does Title VI Cover?

As a recipient of federal assistance, HDOT must manage programs and deliver benefits and services to individuals in a nondiscriminatory manner to achieve the goals of the federal legislation that

authorizes the programs. Title VI responsibilities are very broad covering such diverse areas as:

- Planning
- Project Development
- Right of Way
- Construction
- Research

What is Discrimination?

Discrimination under Title VI of the Civil Rights Act of 1964, as amended, and other nondiscrimination authorities, is an act (action or inaction), whether intentional or unintentional, through which a person solely because of race, color, national origin, sex, age, or disability has been otherwise subjected to unequal treatment or impact, under any program or activity receiving financial assistance.

What discrimination does Title VI prohibit?

There are many forms of discrimination based on race, color, national origin, sex, age, or disability that can limit the opportunity of individuals to gain equal access to services and programs. In operating federally assisted programs, a recipient cannot discriminate either directly or through contractual means by:

Denying program services, financial aids, or benefits;

Denying persons opportunity to participate in the program through the provision of services;

Providing a different service, financial aid, or benefit, or provide them in a manner different than they are provided to others; or

Subjecting a person to segregation or separate treatment in any manner related to the receipt of any service, financial aid, or other benefits under the program.

Who may file a Title VI complaint?

Any person who believes that he or she, individually, as a member of any class has been subjected to discrimination on the basis of race, color, national origin, sex, age, or disability may file a Title VI complaint.

How to file a discrimination complaint.

Each federal agency that provides federal financial assistance is responsible for investigating complaints of discrimination based on race, color, national origin, sex, age, or disability in the use of its funds. If you believe that you or others protected by Title VI have been discriminated against by HDOT, you may file a complaint with the federal agency that provides the respective funding for that program or at HDOT. Complaints filed with HDOT should be directed to:

Hawaii Department of Transportation
Office of Civil Rights
869 Punchbowl Street, Room 112
Honolulu, HI 96813

(808) 587-2022 (Voice)
(808) 587-2210 (TTY)

What information should be included in a complaint?

1. Your name, address and telephone number. If you are filing on behalf of another person, include their name, address, telephone number and your

relations to that person (e.g., friend, attorney, parent, etc.)

2. The name and address of the agency, institution, department and or persons you believe discriminated against you.
3. Your signature.
4. A description of how, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination.
5. The names of any persons, if known, that the investigative agency could contact for additional information to support or clarify your allegations.

How will HDOT deal with my complaint?

Once a complaint is filed, the HDOT OCR will forward the complaint to the federal agency responsible for the area of alleged discrimination if the complaint is against HDOT. If the complaint is against a subrecipient then the HDOT OCR will investigate the allegations and resolve the issue.

What happens if there is retaliation for asserting your rights or filing a complaint?

A subrecipient is prohibited, as is HDOT, from retaliating against a complainant or any person because they reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI.

TITLE VI POLICY

It is HDOT policy for all recipients of Federal funds, including HDOT divisions, Metropolitan Planning Organizations (MPO's), and subrecipients to ensure that they are in compliance with Title VI of the Civil Rights Act of 1964 and all related statutes, regulations, and directives in all programs and activities. No person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any HDOT program, policy, or activity.

AUTHORITY

The primary authorities for Title VI compliance and enforcement are the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987. Other statutes, laws, regulations and Executive Orders protect against discrimination and include: the Federal-aid Highway Act of 1973 (sex); Section 504 of the Rehabilitation Act of 1973 (disability); Age Discrimination Act of 1975 (age); the Uniform Relocation Act of 1970; and Executive Orders 12898 (EJ) and 13166 (LEP).



“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.”

President John F. Kennedy, in his message for enactment of Title VI, 1963

This publication will be made available in an alternative format upon request by contacting the Office of Civil Rights, Title VI Program at:

(808) 587-2022

or

(808) 587-2210 (TTY)



Linda Lingle,
Governor



Brennon T. Morioka, Ph.D., P.E.
Director



Rey Domingo,
Civil Rights Coordinator

YOU and HDOT

Your Rights Under
Title VI
of
The Civil Rights Act of 1964



“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.”