



# Title VI SCAT Technical Assistance Workshop





# Section 1: Overview of the Title VI SCAT Program



In accordance with 23 CFR 200.9(b)(7), TxDOT is responsible for developing and implementing an effective subrecipient monitoring program that conducts reviews of cities, counties, consultant contractors, suppliers, universities and colleges, planning agencies and other recipients of federal-aid highway funds with whom it does business.

U.S. Department of Justice regulations additionally provide that recipient entities must create a Title VI compliance program for themselves as well as subrecipients who receive federal financial assistance through them. 28 C.F.R. §42.410.

- TxDOT's Subrecipient Monitoring Program is multi-faceted and includes:
  - Education
  - Oversight
  - Consultation
  - Monitoring
  
- TxDOT's Advanced Funding Agreement (AFA) outlines the basic requirements to ensure nondiscrimination in subrecipient transportation projects and is used by TXDOT as a starting point in the process of determining funding eligibility. See Sections 25-27.



CIV evaluates and verifies information submitted into the SCAT by subrecipients to:

1. Ensure compliance with Title VI;
2. Identify subrecipients requiring immediate Title VI Program technical assistance; and
3. Monitor Title VI Program compliance which is evaluated every three years.

- **Title VI Preliminary Survey:**

Survey consists of ten (10) questions. To ensure compliance with Title VI, subrecipients must be able to answer questions related to their agency's Title VI Program.

- **Title VI Compliance Check:**

Same questions as Survey 1. Subrecipients must identify when they are retaking the survey to demonstrate corrective actions.

- **Location:** <https://www.txdot.gov/business/grants-and-funding/subrecipients-resources.html>

- **Scoring Method & Flowchart (See next 2 slides)**

# SCAT Survey Results



Satisfactory Status

## Green Satisfactory Status

- Primary questions are answered appropriately
- Supporting documents are verified
- Other questions are answered appropriately



Un satisfactory Status

## Yellow Un satisfactory Status

- Primary questions are answered appropriately
- Supporting documents are verified
- Other questions are answered negatively

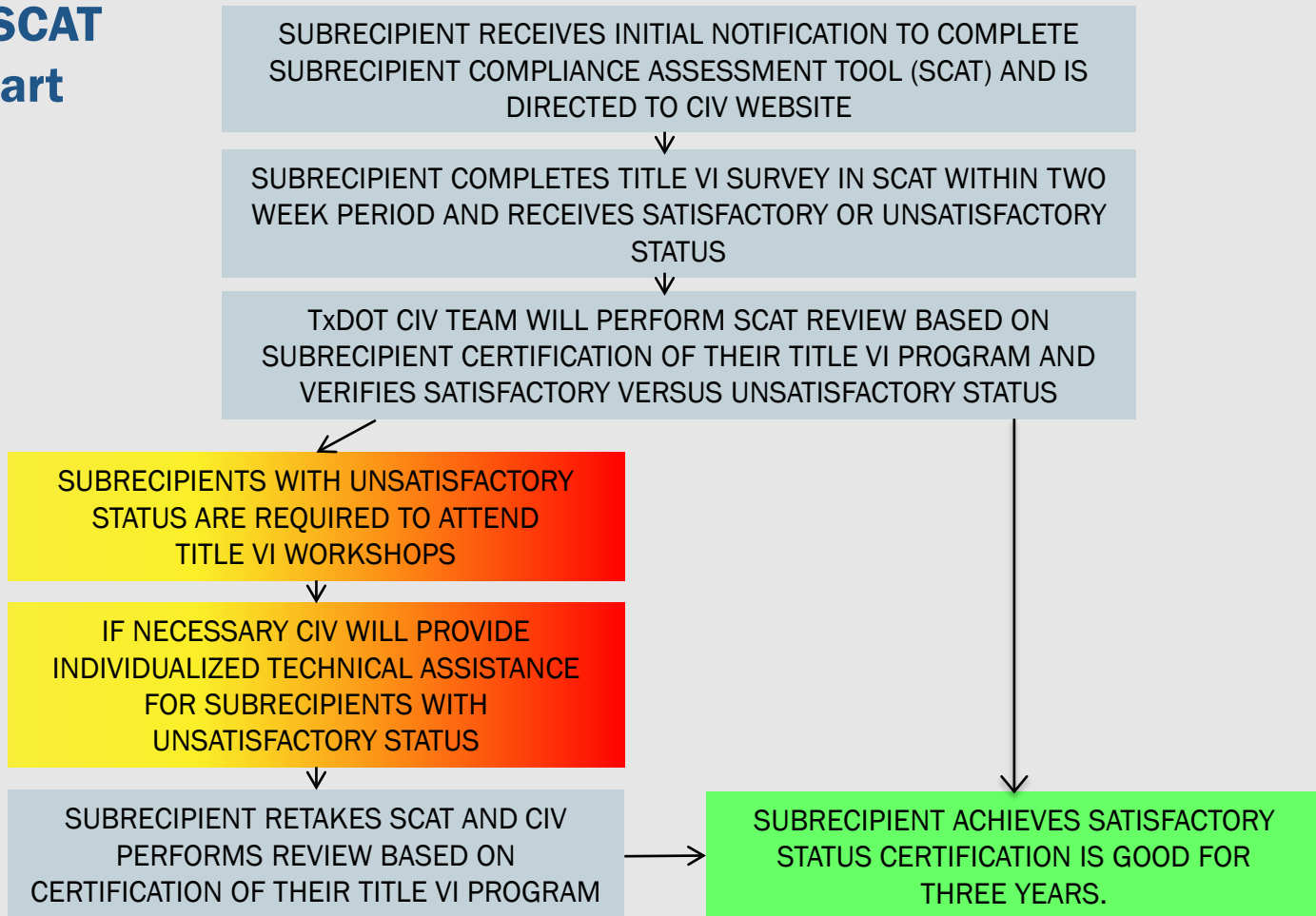


Un satisfactory Status

## Red Un satisfactory Status

- Survey incomplete
- Primary questions are answered negatively
- Supporting documents not provided

# Title VI SCAT Flow Chart





- This is not a “gotcha” situation. The goal is to ensure compliance with Title VI of the Civil Rights Act of 1964.
- TxDOT is awaiting further guidance from FHWA regarding non-responsiveness or non-compliance.
- Many of you are considering applying for BIL funds; compliance with Title VI is a requirement to receive those funds. Successful participation in the SCAT program can serve as “proof” of Title VI compliance.
- See Advanced Funding Agreement sections 25 – 27
- Applies to both ADA and Title VI

\*\*\*Manuals will be updated this Fall



# Section 2: Overview of the Title VI Requirements for Subrecipients





## SCAT Title VI, Survey Question #1

### *Agency Information*

The subrecipient must provide agency contact information. If CIV staff need further clarification on answers submitted in the SCAT survey this representative will be contacted.



**SCAT Title VI, Survey Question #2**  
*Title VI/Nondiscrimination Policy Statement*

A subrecipient must provide a statement of its commitment to Title VI and non-discrimination compliance that is signed by its top official and circulated throughout the organization and available to the general public. The policy statement must state that the agency will not discriminate in any program, service, or activity on the basis of race, color, national origin.



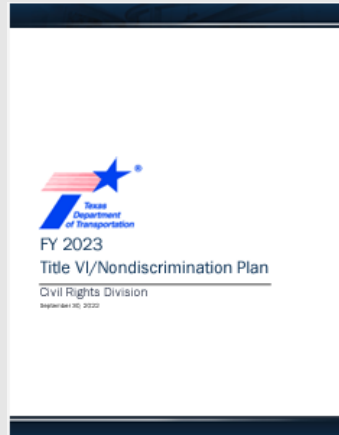
## SCAT Title VI, Survey Question #3 *Title VI/Nondiscrimination Assurances*

A subrecipient In accordance with 23 CFR 200.9(a)(1) and Title 49, CFR part 21 is required to sign a Title VI and related statutes nondiscrimination assurance to certify to FHWA and TxDOT that its program, services, and activities are being conducted in a nondiscriminatory manner.



## SCAT Title VI, Survey Question #4 *Title VI/Nondiscrimination Plan*

Every three years, a subrecipient is required to develop a Title VI/Nondiscrimination plan. The plan must include the implementation procedures, strategies, and activities to facilitate and assure nondiscrimination. The implementation plan sets forth the agency's goals and priorities over a three year period. The plan identifies the allocation of staff and resources to accomplish these goals.





## SCAT Title VI, Survey Question #5 *Title VI Coordinator*

Subrecipients are required to identify a Title VI Coordinator and publish/post the Coordinator's contact information where it is available to the public (including online). In addition, the Coordinator must have unimpeded access to the head of the agency, for the purposes of discussing nondiscrimination issues. There should be a description of the Title VI Coordinator's responsibilities and an organizational chart showing the Title VI coordinator's relationship to the head of the agency.



## SCAT Title VI, Survey Question #6 *Title VI Complaint Handling*

Subrecipients are responsible for processing Title VI external discrimination complaints received by the agency. All discrimination complaints received by the agency must be referred to TxDOT Civil Rights Division for further review and action.

*Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color or national origin may file a written complaint individually or through a representative. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA. Complaints related to the Federal-aid highway program may be filed with TxDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the USDOJ.*



## SCAT Title VI, Survey Question #7 *Solicitation for Bid/Request for Proposal*

Subrecipients are required to include the Title VI/Nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances in all solicitations for bid or Requests for Proposals that include Federal assistance.

*“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*



## SCAT Title VI, Survey Question #8

### *Accommodations for Limited English Proficient Persons*

Subrecipients must ensure meaningful access to the benefits, services, information, and other important portions of an agency's programs and activities for individuals who are Limited English Proficient (LEP).







## SCAT Title VI, Survey Question #9 *Public Participation Process*

Subrecipients must provide an opportunity for public involvement and access to the transportation decision making process to all segments of the population, including minority communities and populations who are not proficient in English.



## SCAT Title VI, Survey Question #10 *Data Collection and Analysis*

Subrecipients must develop procedures for the collection of statistical data (race, color, national origin) of participants and beneficiaries of an agency's programs (e.g., relocatees, impacted citizens and affected communities).



## SCAT Title VI, Survey Question #11 *Title VI Program Visibility*

Subrecipients are required to identify how it advises the public of nondiscrimination policies, procedures and other related information. Electronic or web-based posting of Title VI program information alone is insufficient. The agency must post in publicly accessible locations, such as main lobbies, town halls, community centers and other public facilities.





# Section 3: Technical Guidance on Title VI SCAT Survey



- Title VI Appendices
- Title VI Assurances
- Title VI Complaint Form
- Title VI Complaint Procedures
- Title VI Nondiscrimination Policy Statement

All templates are available on [txdot.gov](https://www.txdot.gov)

<https://www.txdot.gov/business/grants-and-funding/subrecipients-resources.html>



# Thank you

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