

NGMA Webinar, February 22, 2023 - Webinar Session Question and Answers

An Overview of What It Means to Be Title VI Ready and How an Equity Strategy Will Help You Best Compete for Federal Funding

QUESTION	ANSWER	ADDITIONAL READING
<p>Could a well-developed Title VI policy adequately cover requirements for a whistleblower policy? Or should those be separate policies?</p>	<p>It is recommended that your organization have strong internal controls in place, including grants management policies and procedures to encourage and facilitate the reporting of fraud, waste or abuse (whistleblowing). The whistleblower policy should also be a stand-alone policy and can be referenced in other agency policies.</p> <p>Your grants management policies and procedures should also reference a separate Title VI program / plan that reflects specific federal funding agency(ies) guidance and requirements and how your organization implements the Title VI requirements.</p>	<p>Whistleblowing (gfoa.org)</p>
<p>We have an Affirmative Action plan for Veterans, Women and Minorities. Should we relabel it title VI? Or do we need both? Most of our funding is grants or cooperative agreements from NASA and NSF and we want our policy to cover those agencies and possible others.</p>	<p>For clarity, it is recommended to have separate plans/procedures. Look to your funding award agreements and you will find, for federal funders, the civil rights requirements for both Equal Employment Opportunity, EEO (Title VII), and Title VI.</p> <p>For instance, NASA's website (see links in additional reading), states that "Pursuant to NASA's Title VI regulations, the Agency conducts a program of onsite and desk-audit Title VI compliance reviews of grant recipients." The website also includes guidance on EEO.</p>	<p>https://www.nasa.gov/offices/odeo/EEO-laws-regulations</p> <p>External Civil Rights Compliance NASA</p>
<p>How does Title VI affect Tribal entities? Our organization is not covered by Title VII.</p>	<p>It depends on the federal funder. Carefully review your funding agency(ies) guidance specific to your funded program(s). Review the grant agreements for any existing or anticipated funding. When in doubt, consult with your funding agency or, if applicable, pass through entity.</p> <p>The recent USDOT Raise NOFO provided grant agreements categorized by the Operating Administration (FHWA, FTA, FRA, MARAD). This type of information is invaluable as you work to build your funding program and your oversight and compliance requirements.</p>	<p>FTA Civil Rights/ADA Programs and Requirements for Indian Tribes Fact Sheet</p> <p>RAISE Grant Agreements US Department of Transportation</p>

<p>We serve traditionally underserved communities and receive federal funding accordingly. When an event is advertised/focuses on one race/color, may we include those expenses and or travel to/from in our federal grant, or does limiting attendance to a particular race prohibit federal grant funding? Like a Black Executive Director convening.</p>	<p>For allowable charges to any grant, review your contractual agreements, including the awarded scope of work and budget, with the federal funder and/or your pass-through entity. You will want to know what was agreed upon in the award.</p> <p>The nature of public engagement, which extends to stakeholders such as a Black Executive Director meeting, is to reach out to a diverse audience, ensuring your reach includes historically underserved communities.</p> <p>Sometimes this work will include meetings with community-based organizations and other stakeholders. It is not recommended to be exclusionary in your invitations, or to prohibit persons as this could result in an EEO or Title VI non-discrimination concern and or complaint. You may have a target audience, but you can't place restrictions that are exclusionary of any persons.</p> <p>For allowability questions, reference 2CFR200 and consult with your funder or pass through entity to ensure specific costs are allowable.</p>	<p>eCFR :: 2 CFR Part 200 -- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards</p>
<p>Does Title VI compliance requirement apply to overseas/international US funding awards? What I had in mind was say, the PEPFAR awards addressing the HIV pandemic which are non-construction cooperative agreement. HHS agreements.</p>	<p>Look to your cooperative agreement provisions to verify what is required. Should you have questions, reach out to your funder directly.</p>	<p>4.1.2 Civil Rights Protections (nih.gov)</p> <p>Civil Rights Requirements Title VI of the Civil Rights Act HHS.gov</p> <p>CDC On the Frontlines</p> <p>The FDA's Office of Global Policy and Strategy (OGPS) serves as the agency lead for PEPFAR issues.</p> <p>FDA Directory HHS Employee Directory</p>
<p>Can you give a few more examples of how a robust Title VI program can help answer equity questions on competitive federal agency transportation grant applications?</p>	<p>Having a compliant Title VI plan helps to ensure your organization meets its federal requirements. Notices of Funding Opportunity are, in most instances, requiring organizations to demonstrate, to the extent possible, that a requested project targets at least 40 percent of resources and benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened communities.</p> <p>The Federal Transit Administration requirements for Title VI (see circular link) requires:</p> <ul style="list-style-type: none"> • Collecting and reporting demographic data, monitoring transit service to ensure an equitable access for all in your community, evaluating service and fare changes and conducting equity analyses for facility sitings. • Conducting public engagement to ensure equitable access to information. A public participation plan is required as is a language assistance plan. Through the public participation process, work with community-based organizations and community stakeholders occurs and this helps to build your organization's network and relationships with these entities. 	<p>U.S. DOT Equity Action Plan - January 2022 (performance.gov)</p> <p>FTA Circular 4702.1B: Title 6 Requirements and Guidelines for Federal Transit Administration Recipients (dot.gov)</p> <p>Title VI Training FTA (dot.gov)</p> <p>Title VI of The Civil Rights Act of 1964 and Additional Nondiscrimination Requirements Federal Highway Administration (dot.gov)</p> <p>Justice40 Initiative Environmental Justice The White House</p>

	<p>Each aspect of a Title VI plan will help provide the data and analysis you will need to make equity assertions in your grant applications. The work also builds a foundation between your organization and the community it serves.</p> <p>For specific USDOT Operating Agencies, review the appropriate guidance for each to ensure compliance and requirements.</p>	
<p>We are a small non-profit providing rental assistance, supportive housing, case management, etc. We have a mixture of direct federal awards and flow-through but much of the funding won't support the equity work we need to do. Do you have any advice for funding our equity and inclusion program?</p>	<p>As a direct recipient of federal funding, look to your funding award agreements and you will see the list of certifications and assurances which will include civil rights requirements.</p> <p>In addition, as a subrecipient of an organization(s) that is passing through federal funds, review your contracts / agreements for your requirements. You can ask the organization(s) that are awarding the flow through funds for guidance and you can request their Title VI plans, policies and procedures etc.</p> <p>Ensure you have a solid foundation in your federal requirements and utilize that to build upon your organization's equity work.</p>	

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