

Checklist for Coverage Under Title VI

For additional information and a discussion on each of the parts listed below, please refer to the "Title VI Legal Manual."

Part 1: "Person"

_____ The alleged victim was harmed by a program receiving Federal financial assistance. If the answer is yes, proceed to Part 2.

Part 2: "In the United States"

_____ The alleged discriminatory conduct occurred within the contiguous United States. If the answer is yes, proceed to Part 3.

Part 3: "Federal Financial Assistance"

Section A:

What does the alleged discriminating entity receive?

_____ Federal monies by award, grant, or loan

_____ Training by a Federal agency

_____ Loan of Federal personnel

_____ Loan or use of Federal property or land at below market value

_____ The entity receives aid that is specifically identified in the agency's Title VI regulations.

If you checked any of the above, proceed to Part 4. If you did not select any of the options in Section A, continue with Part 3, Section B.

Section B:

The alleged discriminating entity:

- _____ Is subject to Federal regulation (e.g., banking regulations)
- _____ Receives a Federal license
- _____ Is party to a contract of insurance or guaranty
- _____ Is party to a direct procurement contract by the Federal government.

If you checked any of the examples in Part 3, Section B, this is not Federal financial assistance, and therefore the entity is not subject to Title VI.

If you did not select an option in either Section A or B, further legal research is necessary to determine whether the entity receives "Federal financial assistance."

Part 4: "Recipient"

Section A

- _____ The entity directly receives Federal financial assistance for distribution to beneficiaries (direct relationship with the Federal government)
- _____ The entity directly receives Federal financial assistance for distribution to a subrecipient (e.g., a State receives Federal aid for distribution to localities)
- _____ The entity is a subrecipient that receives Federal financial assistance from a direct recipient (e.g., a locality receives Federal aid from the State)
- _____ The entity indirectly receives Federal financial assistance from an intermediary, and is the intended recipient under the statutory program (e.g., a school receives tuition payments from students who directly receive Federal funds)
- _____ The entity is a successor to the original entity to which Federal property was donated, and the property continues to be used for its originally intended purpose(s).

If you checked any of the above, proceed to Part 5. If you did not select any of the options in Section A, continue with Part 4, Section B.

Section B

_____ The entity is the ultimate intended beneficiary of the Federal program, and the entity is not subject to any obligation or condition for receipt of such aid (e.g., social security payments).

If you checked the example in Part 4, Section B, the entity is not a recipient and, therefore, the entity is not subject to Title VI.

By affirmatively completing Parts 1 through 4, you have concluded that Title VI applies; the scope of that application is now the focus of the analysis.

Part 5: "Program or Activity"

(This Part identifies the scope of coverage, not whether the entity is subject to Title VI, i.e., is a recipient.)

If the recipient is part of a State or local government:

_____ Identify the department, agency or office within the State or local government that receives the funding at issue. For example, if the EMT section of the Fire Department receives Federal funds, the Fire Department is the "program or activity" subject to Title VI.

_____ If more than one office within the State/local government receives the funds, (i.e., the funds are channeled from one office to another), both the source office and subrecipient office are subject to Title VI. For example, if the Office of the Mayor directly receives Federal funds and the monies are distributed to the Department of Health, the Office of the Mayor and Department of Health are "programs or activities" subject to Title VI.

If the recipient is part of an educational institution:

_____ Identify the complete system or school at issue.

If the recipient is part of a public school system, elementary through high school, the appropriate county or State system is the "program or activity" subject to Title VI.

If the recipient is a public postsecondary institution, the entire college or the entire State university system is the "program or activity" subject to Title VI.

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If the recipient is a private postsecondary institution, the entire college or university is the "program or activity" subject to Title VI.

If the recipient is a private entity:

_____ If funds are provided to ensure the continued operation of a corporation as assistance to the entity "as a whole," all of the operations of the entire corporation are the "program or activity" subject to Title VI.

_____ If the recipient entity is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation, and any part of this entity is extended Federal financial assistance, then the "program or activity" encompasses all of the operations of the entire entity. For example, if one of five nursing homes in a chain receives Federal money, all five are subject to Title VI.

_____ Funds for a specific purpose and/or funds that support one of several functions of the recipient would not be considered assistance "as a whole," and thus only that aspect of the recipient's operations would be subject to Title VI.

_____ If Federal assistance is extended to a plant or any other comparable, geographically separate business facility of a corporation or other private entity, only the operations of the specific plant or facility are a "program or activity" subject to Title VI. For example, Federal aid from a State health agency to a single plant of General Motors for first aid training would subject that one plant, and the State agency, to Title VI.