

Finance and Administration Cabinet STANDARD PROCEDURE		ISSUED BY: Executive Management; Office of Equal Employment Opportunity and Contract Compliance (EEO/CC)
PROCEDURE # 3.2	SUBJECT: Title VI of the Civil Rights Act	
EFFECTIVE DATE: 11/01/06		
CONTACT: Executive Director (EEO/CC)		LOCATION: Capital Annex, Room 393 PHONE: (502) 564-2874

STATEMENT OF AUTHORITY

1. The Finance and Administration Cabinet's Standard Procedures Manual establishes standard mandatory internal procedures cabinet-wide. These procedures are established in accordance with the Secretary's statutory authority under KRS 42.014 and KRS 12.270 to establish the internal organization and functions of the Cabinet as necessary to perform the duties effectively.
2. The Standard Procedures Manual may only be revised in accordance with the process outlined in Standard Procedure #1.1 entitled: "Finance Standard Procedures and Manual".

I. PURPOSE

The Finance and Administration Cabinet (Cabinet) recognizes its responsibility to abide by and enforce the provisions of [Title VI of the Civil Rights Act of 1964](#) (Title VI), [Executive Order 13166](#) (Improving Access to Services for Persons with Limited English Proficiency), and the [Kentucky Civil Rights Act](#). Title VI and its implementing regulations require state agencies that receive federal financial assistance to develop and implement plans to ensure no one receiving benefits under a federally funded program is discriminated against on the basis of race, color or national origin. This procedure establishes processes for providing training, reporting compliance and handling allegations of discrimination. (**Note:** federal financial assistance may include monetary grants, software grants, contracts, loans, etc.)

II. ASSURANCES

The Cabinet affords all individuals the opportunity to participate in and benefit from programs and services receiving federal financial assistance. Further, the Cabinet, its attached agencies and their sub-recipients, and all parties involved shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and KRS 344.015.

III. FILING REQUIREMENTS

Pursuant to the provisions of KRS Chapter 344, the Cabinet implemented a Title VI Implementation Plan (Plan). In conjunction with the Plan, the Cabinet shall, on or before July 1 of each year, update the Plan and submit a status report to the Auditor of Public Accounts and the Kentucky Commission on Human Rights. The status report includes, but is not limited to, the following information:

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1. A list of federal grants received by the Cabinet during the past fiscal year;
2. Identification of the Cabinet official responsible for overseeing Title VI compliance;
3. Training activities concerning Title VI compliance;
4. Minority representation within the Cabinet and on planning or advisory boards, including statistical data; and
5. A list of Title VI complaints, if any, filed against the Cabinet during the past fiscal year.

A copy of the Plan and annual status report(s) shall be maintained on file by the Office of Equal Employment Opportunity and Contract Compliance (EEO/CC) and may be inspected upon request.

IV. TRAINING

Training will be provided to Cabinet employees during New Employee Orientation. Employees will be advised of their continuing obligation and any new compliance requirements on a regular basis through internal memorandums, e-mail, posters, etc.

V. REPORTING ALLEGATIONS OF DISCRIMINATION

Program participants, including potential program participants, alleging discrimination based on race, color or national origin may bring a complaint to the attention of any of the following:

1. the Cabinet Title VI Coordinator;
2. the Agency Title VI Compliance Officer;
3. the U.S. Equal Employment Opportunity Commission;
4. any of the Kentucky Commission on Human Rights offices; or
5. the federal funding agency.

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The complaint may be filed orally or in writing within 180 days of the alleged discrimination. Except where a violation of Title VI is confirmed by the Title VI Coordinator, the agency Title VI Compliance Officer or by an external agency with the appropriate authority, the Title VI Coordinator or agency Title VI Compliance Officer will not initiate an investigation without a signed complaint or a signed statement. If the complainant submits a signed statement, the statement must include—at a minimum—the following information:

1. Name, address and telephone number of the complainant;
2. Location and name of entity delivering the service;
3. Nature of the incident that led the complainant to believe discrimination was a factor;
4. Names, addresses and telephone numbers of people who may have knowledge of the event(s); and
5. Date(s) on which the alleged discriminatory event(s) occurred.

Complaint Investigations

The Office of Equal Employment Opportunity and Contract Compliance (EEO/CC) or the attached agency shall promptly investigate all complaints. (Note: Attached agencies shall immediately notify EEO/CC upon receiving a complaint or upon receiving notice of an investigation from a federal funding agency.)

To the extent possible, the privacy of the complainant and the person accused of discrimination shall be kept confidential.

VI. RESPONSIBILITIES

- A. Secretary of Finance - The overall responsibility for complying with the provisions of Title VI is vested in the Secretary of Finance who is responsible for administration of all programs and activities under the direction and management of the Cabinet.
- B. Cabinet Title VI Coordinator - The responsibility for coordinating compliance with Title VI and the Cabinet's Implementation Plan are assigned to the Title VI Coordinator. Duties associated with this responsibility include, but are not limited to, the following:

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1. oversee implementation, compliance and monitoring;
 2. ensure reasonable steps are taken to provide meaningful and equitable access to information and services for Limited English Proficient applicants and beneficiaries;
 3. respond to complaints in the manner prescribed by the Implementation Plan;
 4. develop Title VI policy and procedure; and
 5. coordinate submission of annual updates.
- C. Agency Title VI Compliance Officers - Title VI Compliance Officers are responsible for coordinating compliance within agencies attached to the Cabinet for administrative purposes. Duties associated with this responsibility include, but are not limited to, the following:
1. develop, implement and monitor compliance with agency Title VI plan including Limited English Proficiency guidelines;
 2. collect pertinent data;
 3. handle complaints; and
 4. coordinate annual compliance reviews.

VII. GUIDANCE REGARDING ATTACHED AGENCIES

For specific information pertaining to administratively attached agencies contact the agency [Title VI Compliance Officer](#).

VIII. DISCIPLINE FOR VIOLATIONS

Any Cabinet employee determined to have refused to abide by or to have violated the Title VI procedures shall be subject to disciplinary action, including, but not limited to reprimand, fine, demotion, suspension and dismissal.

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IX. FORMS

Any individual or entity choosing to file a complaint with the Cabinet alleging a violation of Title VI shall use the Complaint under the Civil Rights Act of 1964 form.

[SP7.300021](#): Complaint Form – Finance & Administration Cabinet Agencies

[SP7.300022](#): Withdrawal of Complaint Form – Finance & Administration Cabinet Agencies

[SP7.300023](#): Complaint Form – KHEAA & KHESLC

[SP7.300024](#): Withdrawal of Complaint Form – KHEAA & KHESLC

[SP7.300025](#): Complaint Form – KHEAA

[SP7.300026](#): Withdrawal of Complaint Form - KHEAA