



Title VI ADR Strategy

Economic-Development-Oriented Complaint Resolution

Objective



The objective of this strategy is to reprofile the early-stage expenses associated with Title VI legal action and their underlying causes of action to be seed capital for an Alternative Dispute Resolution (ADR) model that would make the funds a one-off investment in a local revenue-generating economic development enterprise for completing stalled corrective actions, new development, and services delivery enhancements. (See ADR Strategy for Details)

A Special Purpose Vehicle or Special Purpose Government would administer solutions and avoidance of litigation for all stakeholders in the claim or complaint. Title VI claims can include parties that contributed to, or made worse, conditions and the adverse impact of the cause(s) of action. Possible defendants can include federal fund recipients and their downstream program/agency partners regardless of following documented guidelines, policies, or practices. **The documented plans, proposal, findings, etc. are often proof of the alleged Title VI violation of discrimination, disparate/adverse impact, exclusion, denials, and failure to act causing harm to protected classes.**

Regulatory



Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the ground 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. **This means that if they are found to be non-compliant and do not address the issue, they could lose federal funding.**

The Department of Justice (DOJ) and its client agencies are charged with responding to claims and complaints regarding violation of several acts that have a direct impact on people and their quality of life. There are several protected classes and more than 26 Offices of Civil Rights (OCR).

Administrative



Each agency is required to respond to Civil Rights complaints and conduct an investigation. The agency and the recipient are both notified of the complaint and the plaintiff will be advised as the case progresses.

Most cases will be assessed within 21 days and if further investigation is required or there is evidence of criminal discrimination or adverse impact the case will be referred to the DOJ Civil Rights Division. The DOJ will open its own case at the administrative, civil, or criminal level as appropriate. **Most non-criminal cases are settled without hearing or trials.**

Procedural



The Civil Rights Division's *Title VI Legal Manual* provides an overview of Title VI legal principles. The Civil Rights Division periodically issues policy guidance, directives, or other memoranda to federal agencies regarding statutes the Division enforces. **Recipients of federal funds are expected to refer any Title VI claims to general counsel or the appropriate agency's Office of Civil Rights.**

For example, if an EPA office and pre a recipient of federal funds such as Regional Planning Organization receive a Notice of Intent to Sue (pre-suit letter) alleging Tite VI violations, the entity must send the complaint to the EPA OCR pursuant DOJ guidance for Title VI complaints.

Components



All known and/or named parties will receive the notice and be invited to attend an information session regarding ADR and how it can specifically address the local case(s). Anyone and everyone are welcome to attend.

The ADR team will present the details of the claims and discuss the resolutions structures, Special Purpose Vehicles, (SPV) or Special Purpose Government (SPG) both of which are by design new entities to attract private equity investors for funding the project funds and revolving loan funds for the member and/or protected class.

Participation



All incumbent stakeholders and business relationships will be considered for project providers and partners if they chose to participate in the strategy. Any accrued fees for counsel, experts, advisers, etc. will also be considered for payment on an individual case basis and will be determined before forming the SPV or SPG.

This Alternative Dispute Resolution model is not designed for criminal investigation or cases. It is intended for pre-hearing, pre-trial, administrative, or civil actions only. The model will work for open or pending actions such as brownfield remediation and water system compliance.

Deliverables



- Elective and selective resolution of outstanding and new cases without litigation.
- Conversion of expenses into investment with private sector funding.
- Essential Services Indexing for Regional Planning and Development
- Sustainable quality-of-life solution for the impacted class.

Privacy



The Privacy Act, attorney-client privilege, and our privacy policy will protect participant from unintended or intentional repercussions, retaliation, or retribution. No personal, private, or confidential information will be shared without expressed written consent.

Engagement



Anyone may engage the program for considering Alternative Dispute Resolution. You do not have to be a member of the protected class or become a named plaintiff or claimant. There are agencies and entities that will anonymously file on your behalf.

