



## TOWN OF KILL DEVIL HILLS

*Land Where Flight Began*

**A RESOLUTION ADOPTING A TITLE VI POLICY FOR  
THE TOWN OF KILL DEVIL HILLS  
TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES  
AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**WHEREAS:**

- Title VI of the 1964 Civil Rights Act of 1964 prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and
- Since the adoption of Title VI, additional federal regulations and court decisions have refined the definition of “federal financial assistance” and what entities are affected and controlled by Title VI; and
- The Town of Kill Devil Hills is a municipal corporation which has been determined to be subject to Title VI of the Civil Rights Act of 1964; and
- The Town of Kill Devil Hills currently has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and
- Interpretation and application of said federal law are not intuitive or readily understood, requiring an understanding of what “federal financial assistance” might be in any particular situation and what persons or entities must comply with Title VI; and
- Adoption of a policy and procedure for reporting violations will provide guidelines for the Town, Town personnel, and private persons and companies doing business with the Town and receiving federal financial assistance;

**NOW, THEREFORE, BE IT RESOLVED** by the Kill Devil Hills Board of Commissioners that the attached “Title VI Policy” is hereby adopted as the official policy of the Town of Kill Devil Hills for applying, reporting, and enforcing Title VI of the Civil Rights Act of 1964.

**IT IS FURTHER RESOLVED** that the Town Manager is authorized to approve and renew this policy yearly, as amended, and in conjunction with the adoption of the annual Town budget.

Adopted this 29th day of June, 2020.

SEAL

\_\_\_\_\_  
Benjamin A. Sproul, Mayor

ATTEST:

\_\_\_\_\_  
James Michael O’Dell  
Deputy Town Clerk



## TOWN OF KILL DEVIL HILLS

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**Town of Kill Devil Hills  
Title VI Nondiscrimination Policy Statement  
June 29, 2020**

It is the policy of the Town of Kill Devil Hills to ensure that no person shall, on the ground of race, color, national origin, limited English proficiency, income-level, sex, sexual orientation, gender identity, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Town of Kill Devil Hills program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the Town of Kill Devil Hills to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities;
- Acts of intimidation or retaliation, including threatening, coercing, or discrimination against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.

Adopted this 29<sup>th</sup> day of June 2020

SEAL

\_\_\_\_\_  
Benjamin A. Sproul, Mayor

ATTEST:

\_\_\_\_\_  
James Michael O'Dell  
Deputy Town Clerk

## Civil Rights Requirements- A. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. ("Title VI")

Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. Programs that receive Federal funds cannot distinguish among individuals on the basis of race, color or national origin, either directly or indirectly, in the types, quantity, quality or timeliness of program services, aids or benefits that they provide or the manner in which they provide them. This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin. Policies and practices that have such an effect must be eliminated unless a recipient can show that they were necessary to achieve a legitimate nondiscriminatory objective. Even if there is such a reason the practice cannot continue if there are alternatives that would achieve the same objectives but that would exclude fewer minorities. Persons with limited English proficiency must be afforded a meaningful opportunity to participate in programs that receive Federal funds. Policies and practices may not deny or have the effect of denying persons with limited English proficiency equal access to Federally-funded programs for which such persons qualify.

Set forth below are examples of conduct that may violate Title VI:

- A welfare benefit provider restricts training and/or work assignments based on its clients' race or national origin by assigning minority clients to jobs that pay less or have fewer opportunities for permanent employment than work assignments given to nonminority clients.
- A predominantly minority community is provided lower benefits, fewer services, or is subject to harsher rules than a predominantly nonminority community.
- A local welfare office makes assumptions regarding a person's citizenship, immigration status and eligibility for benefits, based on the person's surname, accent or ability to speak English, and asks only those persons who look or sound foreign about their citizenship and immigration status.
- In determining eligibility of Asian applicants for TANF benefits, a local agency requires substantially more and different documentary proof of citizenship and immigration status than it does in determining the eligibility of non-Asians.
- A local welfare office located in a neighborhood with a number of immigrant groups provides no language assistance to TANF applicants or participants

who are limited English proficient (LEP), but advises them to bring friends or relatives, as interpreters, to their appointments.

- A training program charges an LEP class member for interpreter services that are needed for the class member to benefit from the training program.
- A local welfare office which regularly serves LEP persons only makes interpreters available for persons applying for benefits three hours a week.