

# ADDENDUM II

## LEGAL REQUIREMENTS

### 1. Civil Rights and Non-Discrimination

Organizations and public agencies receiving funding from South Carolina Humanities must comply with Federal laws governing Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1991, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, the Americans with Disabilities Act (ADA) of 1990, and any other applicable Federal, state, and local laws. Under these laws, no person shall be excluded on the grounds of race, color, handicap, age, sex, or national origin from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program funded by South Carolina Humanities.

**Title VI of the Civil Rights Act of 1964**, as amended, provides that no person in the United States shall, *on the grounds of race, color, or national origin*, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 2000d *et seq.*) Title VI also extends protection to persons with limited English proficiency. Please note that the National Endowment for the Humanities has issued policy guidance for recipients on "Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency."

**Title IX of the Education Amendments of 1972** provides that no person in the United States shall, *on the basis of sex*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance. (20 U.S.C. 1681 *et seq.*)

**Section 504 of the Rehabilitation Act of 1973**, as amended, provides that no otherwise qualified individual with a disability in the United States, shall, *solely by reason of his/her disability*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (29 U.S.C.794)

**The Age Discrimination Act of 1975** provides that no person in the United States shall, *on the basis of age*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 6101 *et seq.*)

**The Americans with Disabilities Act of 1990 (ADA)** prohibits discrimination *on the basis of disability* in employment (Title I), state and local government services (Title II), places of public accommodation and commercial facilities (Title III). (42 U.S.C.12101-12213)

### 2. Labor Standards Assurances – Employment of Professional Performers

Award recipients that employ professional performers and related or supporting professional personnel under an award (including but not limited to scriptwriters, actors, extras, musicians, stage hands, scenery designers, technicians, electricians, and cinematographers) are subject to the labor standards set forth in 29 CFR Part 505, "Labor Standards on Projects or Productions Assisted by Awards from the National Endowments for the Arts and Humanities." Award recipients are required to provide assurance that:

- 1) these employees will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined in accordance with 29 CFR 505.3 to be the prevailing minimum compensation for persons employed to perform similar activities (for example, union or guild rates), and
- 2) no part of any project or production which is financed in whole or in part under a National Endowment for the Humanities award will be performed or engaged in under working conditions that are unsanitary, hazardous, or dangerous to the health and safety of the employee engaged in such project or production.

These regulations apply to faculty and staff employed by educational institutions only if such employees are hired primarily to engage in or to assist in performance activities. Regular faculty or staff hired primarily to teach are excluded even though their teaching activities may include performing or assisting in a performance.

Additional information is available by contacting the U.S. Department of Labor, Wage and Hour Division, Division of Contract Standards and Operations, 200 Constitution Avenue, NW, Washington DC 20210, or from the "[Davis-Bacon and Related Acts Home Page](#)".

**3. Code of Ethics for Projects Related to Native Americans**

Award recipients have the responsibility of ensuring that researchers and scholars working on National Endowment for the Humanities-sponsored projects related to Native Americans, Aleut, Eskimo, or Native Hawaiian peoples will adhere to certain provisions protecting the rights of native communities and peoples as detailed in the [Code of Ethics for Projects Related to Native Americans](#).

**4. Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001 *et seq.*, and 43 CFR Part 10)**

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) provides protection of Native American graves and items, that is, human remains, funerary objects, and sacred objects. NAGPRA applies to any organization which controls or possesses Native American human remains and associated funerary objects and which receives Federal funding, even for a purpose unrelated to the Act. More information may be found on the [National Park Service website](#).

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