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Title VI Compliance Program Annual Report FY 2021

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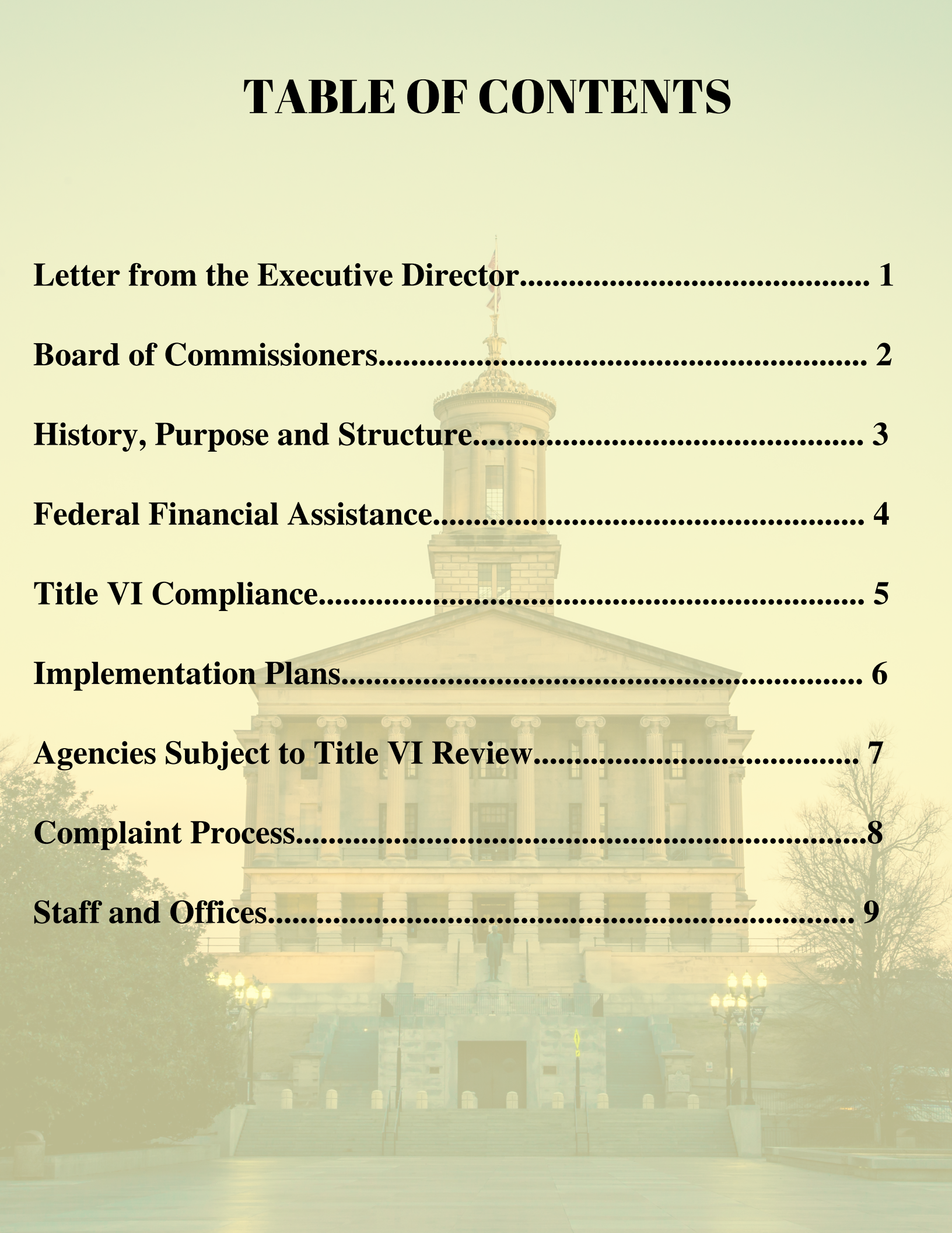


Bill Lee, Governor

Beverly L. Watts, Executive Director

Bi

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September 30, 2021

Governor Bill Lee
State Capitol, 1st Floor
600 Dr. Martin Luther. King, Jr. Blvd.
Nashville, TN 37243

Members of the General Assembly
Cordell Hull Building
425 5th Ave N
Nashville, TN 37243

To Governor Bill Lee, Members of the General Assembly and Citizens of Tennessee:

I am honored to share the fiscal year 2021 Title VI annual report on behalf of the Tennessee Human Rights Commission. This report details the Commission's education, outreach, and enforcement actions that are designed to safeguard Tennesseans from discrimination.

This fiscal year was challenging as we were impacted by many life changing events. The global pandemic caused hardships for the citizens of Tennessee. We received and reviewed agency Implementation Plans, provided Title VI training, and technical assistance.

I would like to thank our Board Chair and Board of Commissioners who provide leadership to meet the Commission's mission and vision. We look forward to continuing this important work and appreciate your continued support.

Sincerely,

Beverly L. Watts
Executive Director



BOARD OF COMMISSIONERS



ROBIN DERRYBERRY
CHAIR



BILL MARTIN
VICE CHAIR



SCOTT ARNWINE
SECRETARY



ANNAZETTE HOUSTON
IMMEDIATE PAST CHAIR



GARY D. BEHLER



ERIC CRAFTON



CHRISTOPHER CRIDER



MARK HAYES



JULIUS SLOSS

HISTORY

On August 9, 2002, Governor Don Sundquist issued Executive Order 34, which created the Title VI Compliance Commission. Executive Order 34 assigned the duties and responsibilities for Title VI monitoring to the 13 member commission. Governor Sundquist appointed 9 of the 13 members as required by the executive order. All of these appointments expired in October 2008 and remained unfilled.

On June 23, 2009, Governor Phil Bredesen signed legislation transferring the duties of the Title VI Compliance Commission to the Tennessee Human Rights Commission (THRC), effective July 1, 2009. This legislation granted THRC the authority to verify that all state government entities comply with the requirements of Title VI. The compliance program dedicated itself, first, to the establishment and development of guidelines for a comprehensive statewide policy to ensure compliance by the executive branch of state government. In the subsequent years, the compliance division has matured beyond establishing guidance and into active oversight.

PURPOSE

To verify compliance statewide through complaint referral and monitoring, investigations, on-site reviews, Implementation Plan development and review, and training specifically focused on discrimination on the basis of race, color and national origin under federally funded programs and activities.



STRUCTURE

Each state agency receiving federal financial assistance is responsible for conducting the necessary activities to remain compliant and avoid discrimination. Although this is a responsibility of the agency as a whole, each state agency selects a member of its staff to serve as Title VI coordinator. The designated Title VI coordinator serves as a liaison between the agency and the THRC and as a resource for the agency's Title VI related activities.

The compliance program is overseen by the Title VI Compliance Director. Additionally, the Title VI unit employs a Compliance Officer and an Administrator. THRC compliance division staff provide support for and coordination among the Title VI coordinators assigned to each state agency.

“No person shall, on the grounds 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 assistance.”

—Civil Rights Act of 1964

Federal Financial Assistance can be described as one of the following: grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel; the sale, lease or permission to use (on other than a casual or transient basis) federal property or any interest in such property without consideration or at a nominal consideration, or in recognition of the public interest to the served by such sale or lease to the recipient; and any federal agreement, arrangement, or other contract that has one of its purpose the provision of assistance. The Title VI Compliance Program services and activities not only aim to safeguard the rights of individuals but also work to prevent the loss of federal funding that could result from an agency's non-compliance with Title VI requirements.

Federal Funding in Tennessee for FY 20-21

**Total FFA reported
in TN
FY20-21
\$27,868,021,194.79**

Below are the top 10 Agencies with highest reported Financial Assistance (FFA) during FY 2020-2021

Department	FFA Amount Reported
Division of TennCare	\$18,349,348,395.00
Department of Human Services	\$2,083,413,847.00
Department of Education	\$1,050,686,306.92
Department of Correction	\$983,786,200.00
Department of Transportation	\$863,167,950.69
University of Tennessee	\$796,159,665.25
Department of Health	\$662,071,400.00
Military Department	\$516,390,307.59
Tennessee Housing Development Agency	\$335,966,743.00
Department of Children's Services	\$322,005,753.00

In FY 2020-2021 state departments/agencies reported receiving over \$27 billion dollars in Federal Financial Assistance in the past fiscal year, and federal funds can represent as much as 36.2% of the state budget any given year.

TITLE VI COMPLIANCE DIVISION ACTIVITIES

- Serves as a clearinghouse for Title VI complaints, ensuring that any claim of non-compliance by a state agency is thoroughly investigated and resolved
- Conducts annual training for all Title VI coordinators, ensuring competence in Title VI issues across the state
- Provides policy guidance and technical assistance for recipient agencies regarding Title VI compliance
- Directly investigates potentially discriminatory actions by public programs
- Reviews the compliance efforts of individual state agencies via Title VI Implementation Plan analysis, and issues guidance on potentially discriminatory practices/policies
- Conducts on-site compliance reviews of state agencies. These focused reviews highlight, and remedy shortcomings found in those agencies practices and procedures
- Administers annual report cards to Commissioners and Agency heads keeping them apprised of successes and areas of potential concern

Technical Assistance

The Title VI staff responded to 1,071 requests for technical assistance from state departments and agencies on Title VI compliance. Topics of concern included compliance reporting, Limited English Proficiency, complaint investigations, training requirements both for agency staff and subrecipients, implementation plans, and subrecipient monitoring. Typically, these requests were resolved within twenty-four hours.

Training

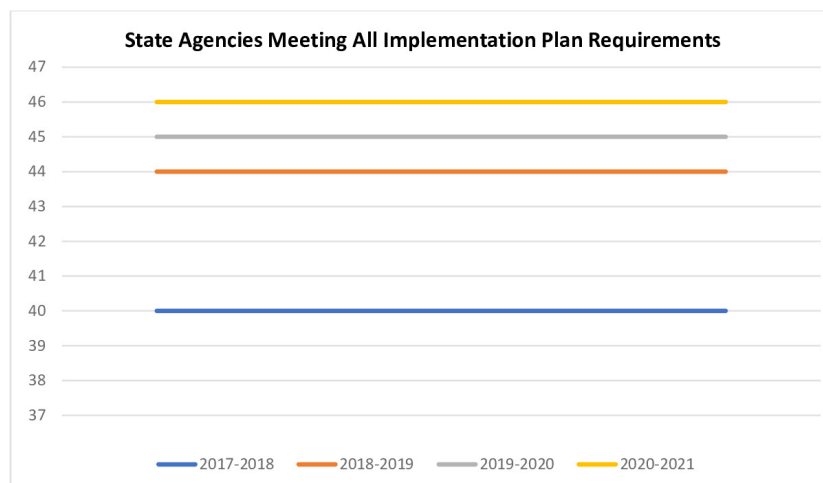
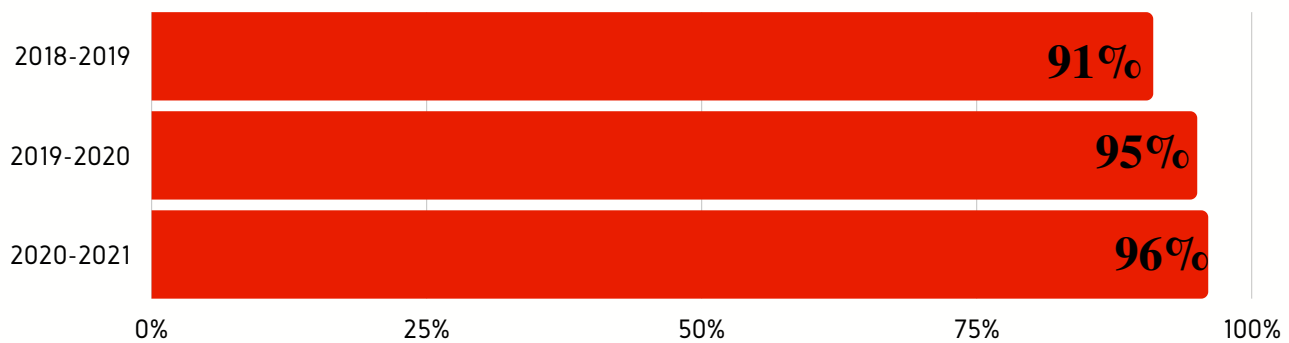
The annual Title VI training for state Title VI coordinators was conducted virtually via WebEx on August 19 - 20, 2020. Tanya Webster and Monica Fisher gave two day-long presentations. There were a total 80 attendees for the August 19, 2020 and 70 attendees for the August 20, 2020 training. Information presented during this session included an overview of the fundamentals of Title VI compliance for new coordinators, LEP, Complaint Processing, and Sub-recipient monitoring, and an explanation of the Implementation Plan guidelines for FY 2019-2020.

A major component of Title VI Compliance involves implementation plan reviews. In FY 2020-2021, the Commission received and reviewed forty-eight implementation plans from departments statewide. One agency was not required to submit a plan as it did not receive FFA for the reporting period.

The reviews analyzed multiple areas of compliance, including Limited English Proficiency (LEP) policies and procedures, data collection, the monitoring of subrecipients, and whether departments train staff on Title VI. Implementation plans were forwarded back to departments for revision after an initial review and comment phase. Upon completion of the implementation plan review process, the Commission issued a Notice of Final Findings to the departments.

This fiscal year, 48 of the 48 department's implementation plans were received before the October 1, 2020 deadline. The Department of Education received a finding of noncompliance with respect to Title VI. Middle Tennessee State University did not conduct Title VI training and have been warned that this is an annual requirement. All other departments and agencies were found to be in compliance during fiscal year 2020-2021.

Implementation Plan Compliance Over Time



AGENCIES SUBJECT TO TITLE VI REVIEW

Agencies In Compliance

- Administrative Office of the Courts
- Alcoholic Beverage Commission
- Arts Commission
- Austin Peay State University
- Board of Parole
- Commission on Aging & Disability
- Commission on Children & Youth
- Council on Developmental Disabilities
- Department of Agriculture
- Department of Children’s Services
- Department of Commerce & Insurance
- Department of Correction
- Dept. of Economic & Community Development
- Department of Environment & Conservation
- Department of Finance & Administration
- Department of General Services
- Department of Health
- Department of Human Resources
- Department of Human Services
- Dept. of Intellectual & Developmental Disabilities
- Dept. of Labor & Workforce Development
- Dept. of Mental Health & Substance Abuse Services
- Department of Military
- Department of Revenue
- Dept. of Safety & Homeland Security
- Department of State
- Department of Transportation
- Department of Treasury
- Department of Veteran’s Services
- District Public Defenders Conference
- District Attorney General’s Conference
- Division of TennCare
- East TN State University
- Tennessee Board of Regents
- Tennessee Bureau of Investigation
- Tennessee Community Services Agency
- Tennessee Higher Education Commission
- Tennessee Housing Development Agency
- Tennessee Human Rights Commission
- Tennessee Public Utility Commission
- Tennessee State Museum
- Tennessee State University
- Tennessee State Veteran’s Homes Board
- Tennessee Tech University
- Tennessee Wildlife Resources Agency
- University of Memphis
- University of Tennessee

Agencies Not In Compliance

- Department of Education** - Not Consistent with Compliance Procedures
- Middle Tennessee State University** - Title VI Training (not conducted)

Any person alleging discrimination on the basis of race, color or national origin under any program or activity that receives FFA must file a complaint within 180 days of the last act of discriminatory conduct. Complaints may be filed with the THRC, the state agency, or the sub-recipient of the state agency. A person may file a complaint directly with the federal agency that provided funding to the state agency. During FY 2020-2021, a total of 281 complaints were lodged against state agencies.

Inquiries

All written inquiries alleging violations of Title VI by a state agency are reviewed. Each inquiry is examined to determine whether the allegations meet the jurisdictional requirements to be classified as a complaint. To be considered a complaint, the inquiry must allege discrimination on the basis of race, color, or national origin by a state agency or its subrecipient. The allegations must also involve some event occurring within the last one hundred eighty (180) days. Inquiries that meet the requirements are assigned for investigation. Allegations that do not constitute a Title VI claim but do make a formal complaint against a state agency, are referred to the appropriate state agency for a response. Inquiries falling outside of either category are closed.

During FY 2020-2021, the Title VI compliance staff received 328 inquiries. Of these, 214 were determined to be non-jurisdictional to Title VI. In some instances, allegations were jurisdictional to THRC, but were not valid under Title VI. In those instances, the investigation was assigned to the appropriate division of THRC (i.e. housing or employment). Inquiries that are not covered under Title VI and are not otherwise jurisdictional to THRC are forwarded to the relevant department for review and action where appropriate.

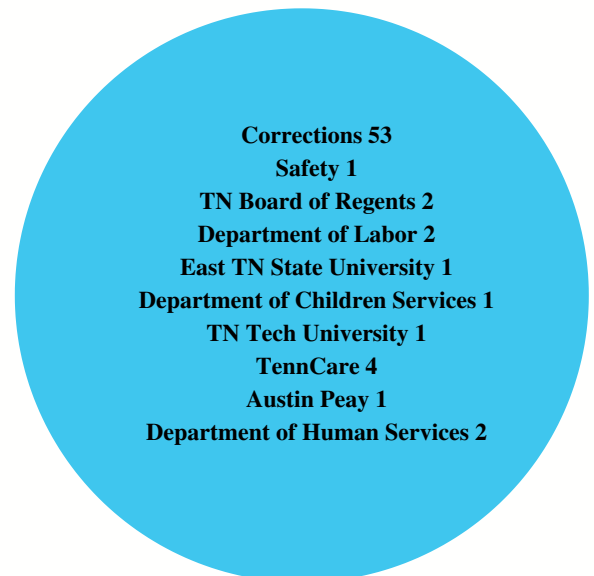
TITLE VI BY THE NUMBERS



This fiscal year, the greatest number of Title VI complaints have been directed against the Tennessee Department of Correction by individuals currently imprisoned in a correctional institution.



Distribution of Complaints Received by THRC



Complaint Closures by Department

STAFF

Tanya Webster
Title VI Compliance Director

*Monica Fisher *Jennell Riddle

*indicates former staff members who served THRC during fiscal year 2020-2021

Beverly Watts
Executive Director

THRC OFFICES

Central Office - Nashville

William R. Snodgrass Tennessee Tower | 23rd Floor
312 Rosa L. Parks Avenue | Nashville, TN 37243
Main Line: 615-741-5825 or 800-251-3589 | Spanish line: 866-856-1252

Chattanooga Office

Krystal Building
100 W. Martin Luther King Blvd #503
Chattanooga, TN 37402

Knoxville Office

7175 Strawberry Plains Pike #201
Knoxville, TN 37914

Memphis Office

One Commerce Square
40 South Main St #200
Memphis, TN 38103

For more information about THRC or to file a complaint, visit our website at
www.tn.gov/HumanRights



www.facebook.com/TNHumanRights



[@TNHumanRights](https://twitter.com/TNHumanRights)



[Tennessee Human Rights](https://www.youtube.com/TennesseeHumanRights)

In memory and in honor of those who have worked diligently across our state to promote human rights, civil rights, and a better future for all of us.

Their legacy reflects our founding principles of fair and equal treatment for all citizens regardless of race, color or national origin.

"I believe very strongly that all forms of bigotry and discrimination are equally wrong and should be opposed by right-thinking Americans everywhere. Freedom from discrimination is surely a fundamental human right in any great democracy."

-Coretta Scott King



Tennessee Human Rights Commission

William R. Snodgrass Tennessee Tower

312 Rosa L. Parks Avenue | 23rd Floor

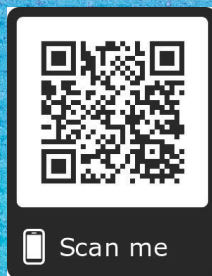
Nashville, TN 37243

Phone: 800-251-3589

Spanish Line: 615-253-7967

Email: ask.thrc@tn.gov

www.tn.gov/humanrights



THRC Mission

Safeguarding Individuals from Discrimination Through Education and Enforcement