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# TENNESSEE HUMAN RIGHTS COMMISSION TITLE VI COMPLIANCE PROGRAM FY 2018 ANNUAL REPORT



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Left to right, top to bottom: "Demonstrators marching in the street holding signs during the March on Washington/MST" by Trikosko, Marion S. Washington D.C., 1963; "Marchers with signs at the March on Washington" by Trikosko, Marion S. Washington D.C., 1963; "Knox Vs. the Nazis, 8/14/10" by Wyoming\_Jackrabbit, licensed under CC BY-NC-SA 2.0/cropped; "Demonstrators with signs, one reading 'Let this death not be in vain,' in front of the White House, after the assassination of Martin Luther King, April, Washington D.C., 1968" by Trikosko, Marion S.; "Puerto Ricans demonstrate for civil rights at City Hall, New York City / World Telegram & Sun photo" by Al Ravenna. New York, 1967; "2017.02.04 No Muslim Ban 2, Washington, DC USA 00404" by Ted Eytan, licensed under CC BY-SA 2.0/cropped.



September 20, 2018

Governor Bill Haslam  
State of Tennessee  
1st Floor, State Capitol  
Nashville, TN 37245

Members of the General Assembly  
State of Tennessee  
Cordell Hull Building  
Nashville, TN 37243

I am pleased to provide the 2017-2018 Title VI Annual Report. This report details the compliance status of state agencies with the requirement of Section 4-21-203, Tennessee Code Annotated for the period July 1, 2017 through June 30, 2018.

Through education, technical assistance, and compliance reviews the Commission has provided state departments and agencies with the tools and information necessary to maintain compliance with Title VI of the Civil Rights Act of 1964.

We look forward to continuing this important work.

Sincerely,

**Beverly L. Watts**  
Executive Director



# BOARD OF COMMISSIONERS



**ANNAZETTE HOUSTON, CHAIR**



**RALPH WHITE**



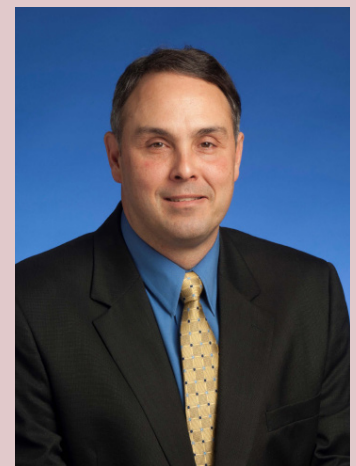
**JULIUS SLOSS**



**GARY D. BEHLER**



**CHRIS CRIDER**



**ERIC CRAFTON**



**ROBIN DERRYBERRY, VICE CHAIR**



**SCOTT ARNWINE**



**BILL MARTIN, SECRETARY**

# INTRODUCTION

*This report covers Title VI Compliance Program activities during the fiscal year (FY) July 1, 2017 - June 30, 2018, and compliance efforts and outcomes of each executive branch department and agency in the state of Tennessee. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin under any program or activity receiving federal financial assistance (FFA).*

*In practical terms, federal agencies that distribute funds are empowered to withdraw support if a recipient agency engages in discrimination. In fiscal year 2017-2018 the state of Tennessee received billions of dollars of FFA and federal funds can represent as much as forty percent (40%) of the state budget any given year.*

*Therefore, a comprehensive statewide compliance program prevents the risk of loss of federal funding due to discriminatory practices and is critical to maintaining high standards and ensuring continued compliance. More importantly, the Title VI Compliance Program is an expression of the state of Tennessee's commitment to justice for its citizens. It maintains the public's trust by ensuring that the state's many interactions with its citizens are free of discrimination based on race, color, or national origin.*

*This year, the program reviewed the Title VI Implementation Plans of forty-eight (48) state agencies. Three agency submissions were untimely, resulting in an overall compliance rate of ninety-four percent (94%). Staff completed a compliance review of one state agency, and responded to two hundred (200) requests for technical assistance.*

*The Tennessee Human Rights Commission (THRC) will continue to build upon these successes and develop new strategies for preventing discrimination in cooperation with every state agency.*

# HISTORY, PURPOSE, AND STRUCTURE

*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 thirteen (13) member commission. Governor Sundquist appointed nine (9) of the thirteen (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 THRC, effective July 1, 2009. This legislation grants 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.*

*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 liaison between the agency and THRC and as a resource for the agency's Title VI related activities.*

*The compliance program is overseen by the Title VI director. Additionally, the Title VI unit employs a compliance officer and an administrative assistant. THRC compliance division staff provide support for and coordination among the Title VI coordinators assigned to each state agency.*

# HISTORY, STRUCTURE, AND PURPOSE

## 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 of 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 reviews for state agency compliance - these focused assessments highlight and remedy shortcomings in practices and procedures
- Administers annual report cards to commissioners and agency heads in an effort to inform top-down, keeping all apprised of institutional successes and areas of concern

## RESPONSIBILITIES OF STATE AGENCY COORDINATORS

- Ensure that recipients of agency funds are compliant with Title VI (via the collection of assurances prior to funding, training, periodic subrecipient reviews, etc.)
- Collect and maintain racial and ethnic data demonstrating the extent to which members of minority groups are beneficiaries of the department's federally assisted programs and/or services
- Attend yearly training sessions presented by the THRC Title VI director
- Produce their agency's annual Title IV Implementation Plan
- Inform the public of Title VI-related policies and procedures
- Investigate and resolve discriminatory complaints made by beneficiaries
- Continually evaluate agency policies and procedures for improvement of minority access



# LIMITED ENGLISH PROFICIENCY

On August 11, 2000, President Bill Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The executive order requires federal agencies to maintain procedures that ensure their services reach beneficiaries who have a limited command of the English language. The requirement is extended in turn to all recipients of federal financial assistance, including Tennessee state agencies.

Tennessee state agencies must have procedures in place for ensuring meaningful access to limited English proficiency (LEP) individuals. Most commonly this involves the use of professional interpreter services, but can also include the use of bilingual staff.

Agencies must continually evaluate the need for printing publicly distributed documents in languages other than English. At minimum, THRC recommends that each agency's most distributed materials be made available in Spanish.

# DISCRIMINATORY PRACTICES

Departments that receive FFA must provide the public with fair and equal access to all of their programs and activities in a nondiscriminatory manner. A department that is a recipient of federal funds may not, directly or through contractual or other arrangements, on the basis of race, color or national origin:

- Deny an individual any disposition, service, financial aid, or benefit provided under the program
- Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program
- Subject an individual to segregation or separate treatment in any matter related to the receipt of any disposition, service, financial aid, or benefit under the program
- Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program
- Treat an individual differently from others in determining whether such person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program
- Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford such person an opportunity to do so which is different from that afforded others under the program
- Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program

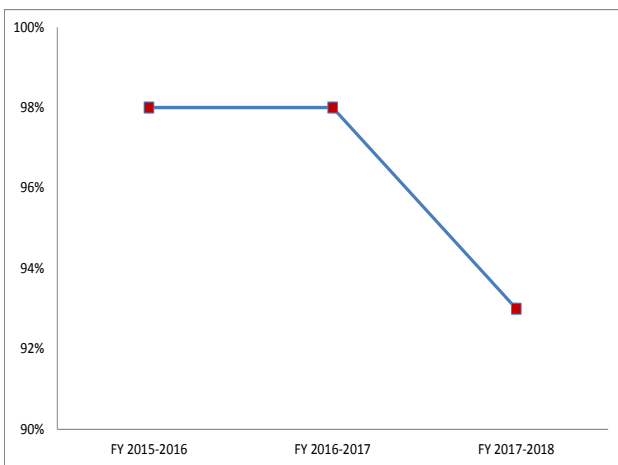
# IMPLEMENTATION PLANS

A major component of the Title VI Compliance Program involves the review of Title VI Implementation Plans. In FY 2017-2018, THRC received and reviewed forty-eight (48) implementation plans from departments statewide. One (1) agency was not required to submit a plan as it did not receive FFA for the reporting period. This was the first year six (6) state universities reported directly to THRC due to the FOCUS Act.

The review analyzed multiple areas of compliance, including LEP policies and procedures, data collection, the monitoring of subrecipients, and whether departments adequately train staff on Title VI. After the initial review, implementation plans were returned to the departments with feedback and requests for revision. Upon completion of the review process, THRC issued a Notice of Final Findings to each of the departments.

This fiscal year, forty-five (45) of the forty-eight (48) implementation plans were received and finalized before the deadline. The University of Memphis, Commission on Aging and Disability, and Department of Transportation all submitted implementation plans post-deadline. The implementation plans were reviewed and revised to be in compliance by April 6, 2018.

## IP COMPLIANCE OVER TIME



## IMPLEMENTATION PLANS MUST INCLUDE:

- A description of the agency's federally-funded programs or activities
- The agency's policy for accommodating LEP beneficiaries, as well as a review of LEP-related activities in the prior fiscal year
- A summary of the agency's complaint procedures and a description of any complaints received and their disposition
- A description of the means by which the agency reviews its subrecipients for Title VI compliance, including the consequences for noncompliance and an explanation of any such findings during the past fiscal year
- A copy of the agency's Title VI training plan
- A description of the ways the agency meets its obligations in regard to public notice and outreach
- A summary of the evaluation procedures the agency has put in place to ensure its current and continued compliance with Title VI

# COMPLAINT PROCESS

Any person alleging discrimination on the basis of race, color or national origin under any program or activity receiving FFA must file a complaint within one hundred eighty (180) days of the last act of discriminatory conduct. Complaints may either be filed with THRC, the state agency, or a sub-recipient of the state agency. A person may file a complaint directly with the federal agency that provides funding to the state agency.

During FY 2017-2018, a total of one thousand two hundred fifty one\* (1251) complaints were lodged against all state agencies. Twenty-seven (27) complaint investigations remain open pending the completion of investigation.

## INQUIRIES

All written inquiries alleging violations of Title VI by a state agency are reviewed by the compliance division staff. 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.

**TITLE VI\* COMPLAINTS ONLY**  
(COMPLETE THIS BOX ONLY IF YOU ARE SUBMITTING A TITLE VI COMPLAINT)  
*\*For discrimination in programs and activities receiving federal financial assistance.*

**BASIS OF DISCRIMINATION:**  
*Please specify the categories which you marked.*

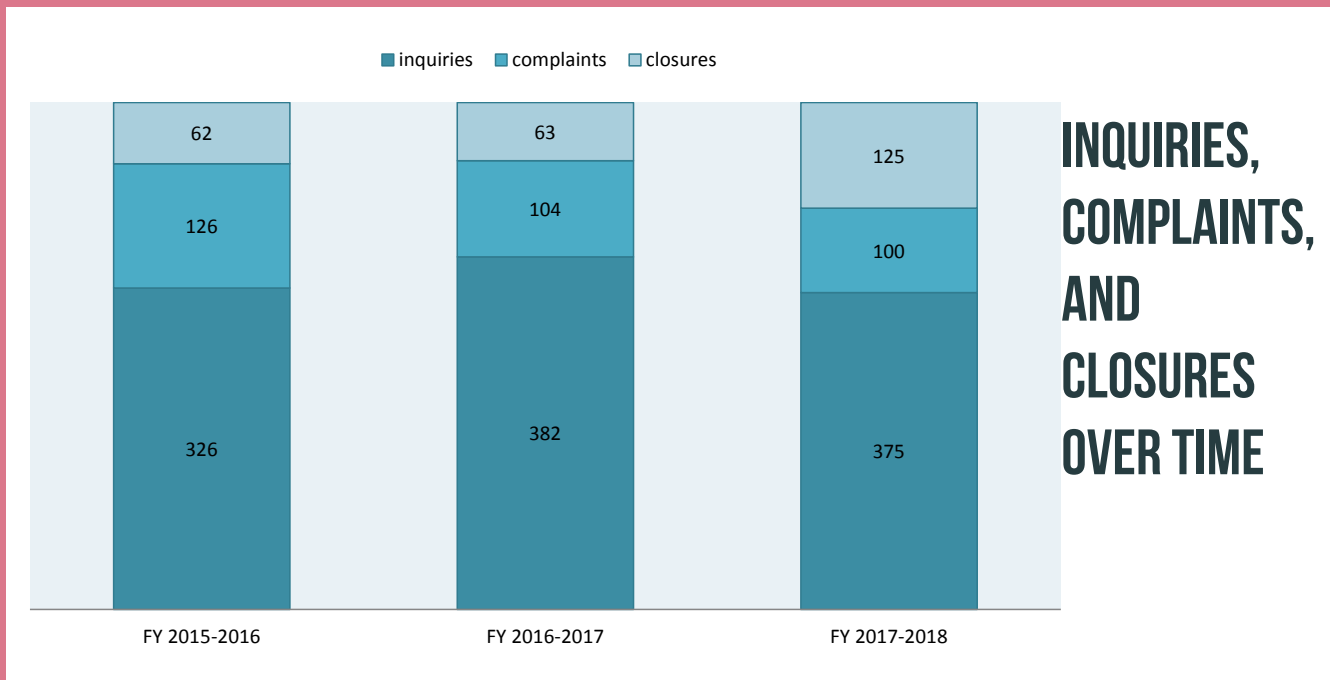
RACE: \_\_\_\_\_  COLOR: \_\_\_\_\_  
 NATIONAL ORIGIN: \_\_\_\_\_  
 RETALIATION: \_\_\_\_\_

**Check below if you were retaliated against because of any of the following:**

FILED A COMPLAINT OF DISCRIMINATION  
 GAVE TESTIMONY OR OTHERWISE PARTICIPATED IN A DISCRIMINATION INVESTIGATION  
 OPPOSED OR OBJECTED TO DISCRIMINATION  
 OTHER: \_\_\_\_\_

\*This number includes data reported to THRC in 2016-2017 Title VI Implementation Plans as well as 2017-2018 complaint data reported directly to THRC.

# COMPLAINT PROCESS



## INQUIRIES, COMPLAINTS, AND CLOSURES OVER TIME

### COMPLAINTS: SUBMITTED DIRECTLY TO THRC

During the period covering July 1, 2017 - June 30, 2018, the Title VI Compliance Division received three hundred seventy five (375) inquiries. Of these, two hundred seventy five (275) inquiries were not jurisdictional to Title VI and one hundred (100) were accepted as complaints. 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. The Title VI Compliance Division focused its efforts on closing aged complaints resulting in a higher number of closed cases for this fiscal year.

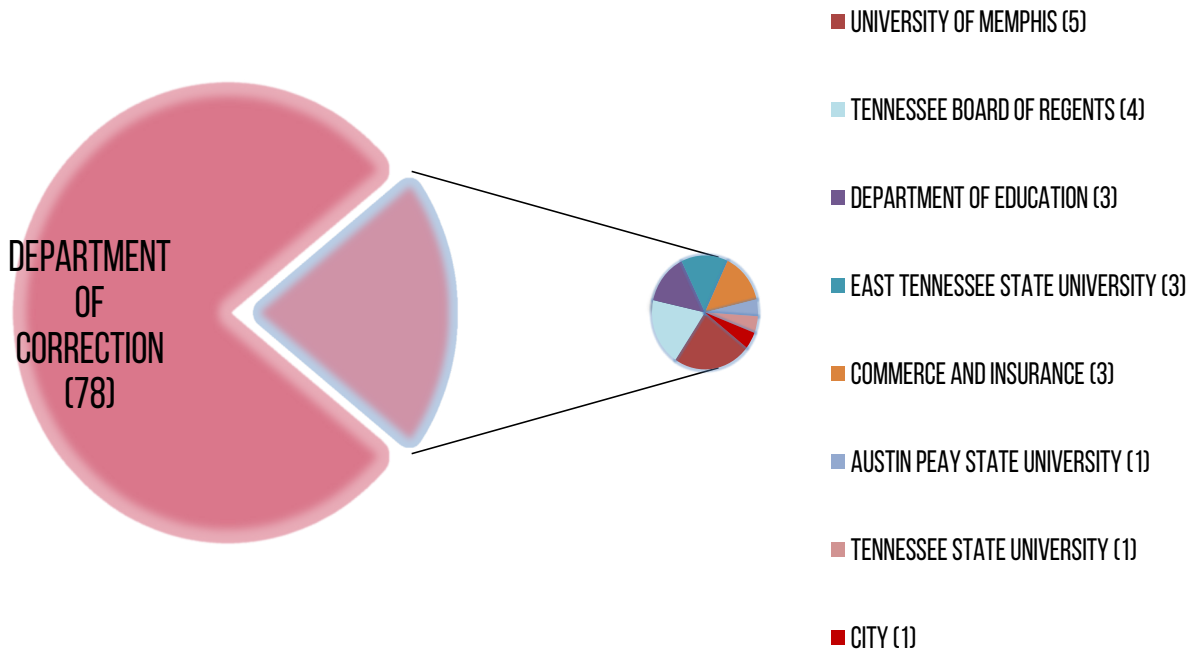
There were one hundred twenty five (125) total closures for the fiscal year. Complaints ranged from allegations of discriminatory practices by state employees to the denial of services under specific, federally funded programs and activities.

Complaints are typically assigned to the executive branch agency that administers the program or activity referenced in the complaint, but in certain cases where the allegations are unusually complex or when more than one state agency has oversight authority over the respondent, THRC may choose to directly investigate.

When investigations are assigned to departments, the investigating departments are required to keep THRC apprised of the progress of the investigation, provide status reports and copy THRC on correspondence to complainants related to complaint closure. THRC will not consider a complaint that is assigned to another department as closed until it receives written notification from the department that the complaint has been resolved.

# COMPLAINT PROCESS, CONT.

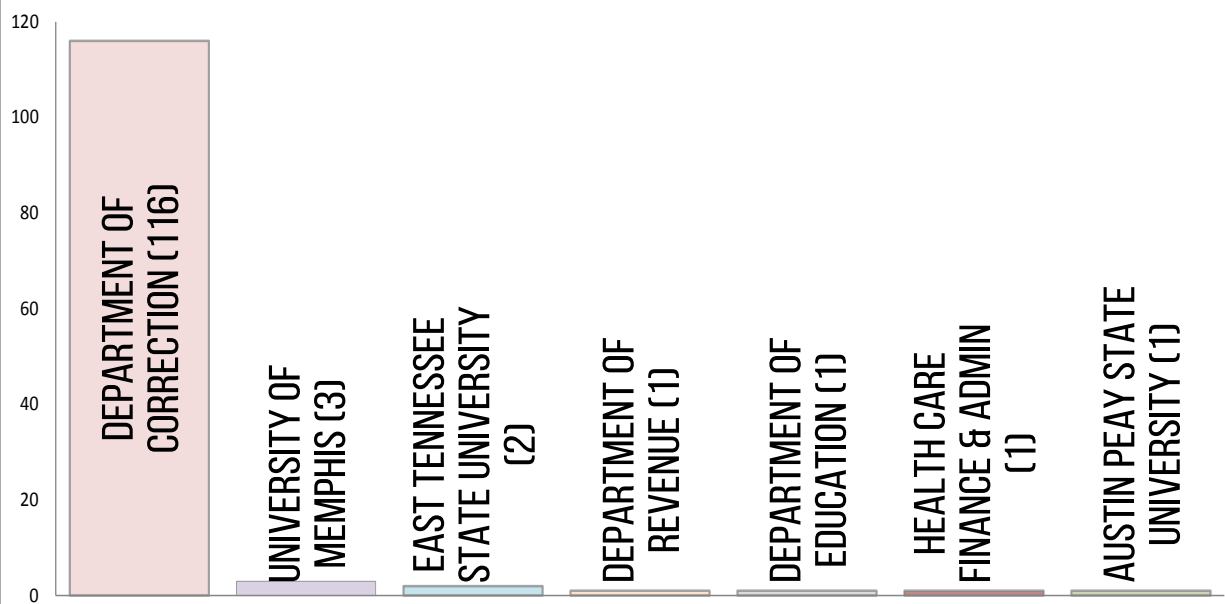
As in all previous fiscal years, the greatest number of Title VI complaints has been directed against the Tennessee Department of Correction by individuals currently imprisoned in a correctional institution.



## DISTRIBUTION OF COMPLAINTS RECEIVED BY THRC

THRC closed one hundred twenty five (125) cases received during the fiscal year.

## COMPLAINT CLOSURES BY DEPARTMENT



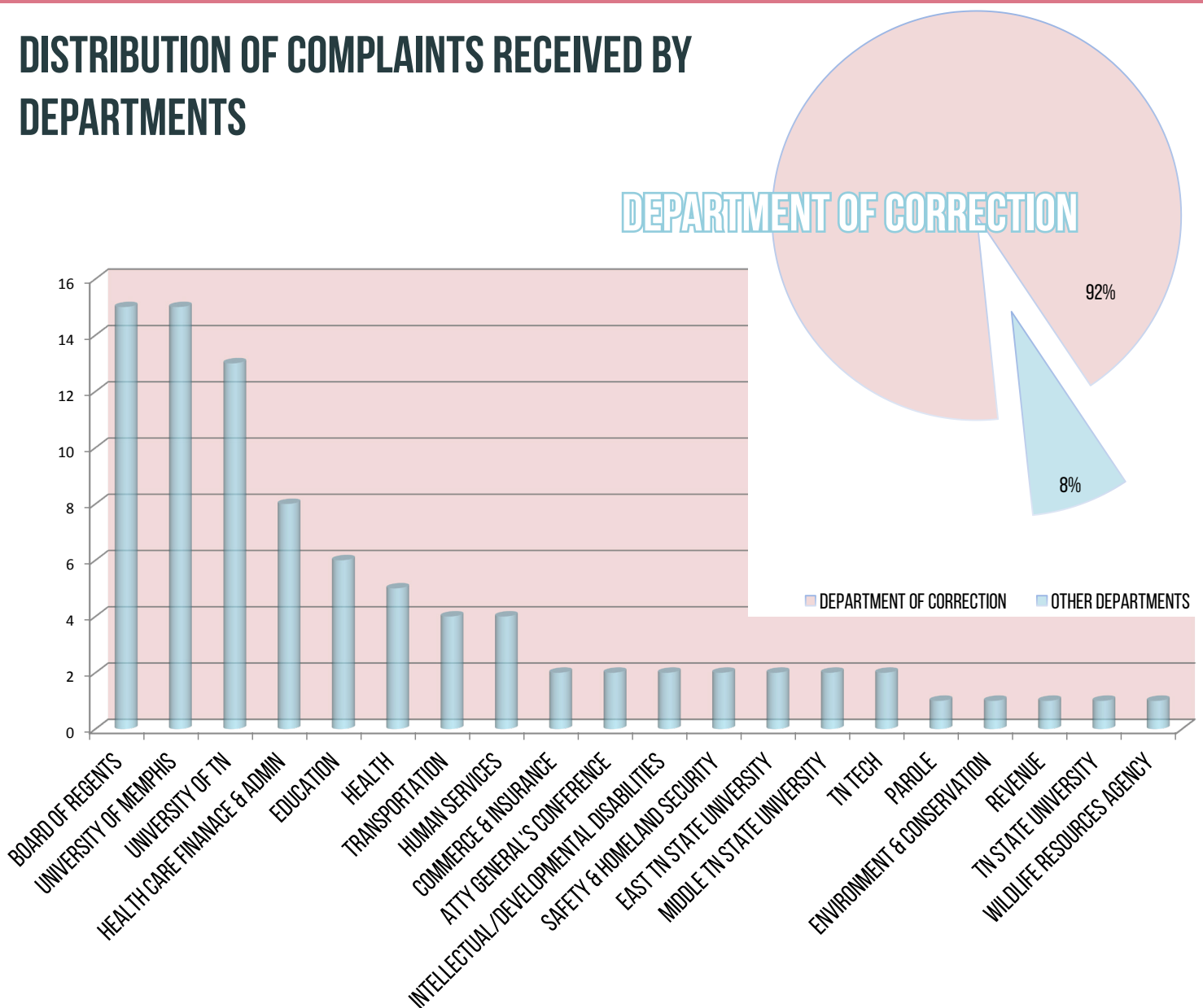
# COMPLAINT PROCESS

## COMPLAINTS: SUBMITTED TO OTHER DEPARTMENTS

All state agencies are required to report any Title VI complaints received to the Tennessee Human Rights Commission. Agencies are required to investigate and resolve each complaint received. The Compliance Program may review those investigations at any time, but will always do so when conducting a compliance review.

According to the data provided in agency IPs, individuals filed complaints with twenty-one (21) of the forty-eight (48) state departments receiving federal funds. The chart below summarizes the complaints received directly by the departments during this reporting period. Zero (0) state agencies have reported a Title VI investigation resulting in a finding of non-compliance in the past fiscal year.

## DISTRIBUTION OF COMPLAINTS RECEIVED BY DEPARTMENTS



# COMPLIANCE REVIEWS

One of the responsibilities of the Tennessee Human Rights Commission is to verify that all state government entities comply with Title VI of the Civil Rights Act of 1964. According to the Tennessee Human Rights Act (Tenn. Code Ann. §4-21-203), THRC is authorized to periodically and systematically, review, evaluate and report on Title VI compliance efforts and outcomes for each state department and agency.

To fulfill this responsibility, THRC conducts compliance reviews involving extensive documentation analysis as well as in-depth interviews with agency staff. These reviews also serve as a mechanism for THRC to provide technical assistance and make recommendations regarding corrective action. Since the inception of the program, the division has completed eighteen (18) compliance reviews, including one (1) in FY 2017-2018.

The review consists of an examination of a variety of the agency's activities, including:

## COMPLAINT INVESTIGATIONS

Review staff will confirm that any alleged violations of Title VI have been thoroughly investigated.

## SUBRECIPIENT MONITORING

Agencies are required to obtain assurances from all subrecipients that they will comply with Title VI as well as conduct periodic reviews.

## RECORD KEEPING

All agencies are required to maintain records of any Title VI related activity, their sources of federal funding, and demographic data on all program beneficiaries and members of any boards or commissions.

## TRAINING

Review staff will confirm that all agency employees have been trained annually on Title VI and that those employees retain a basic understanding of the agency's anti-discrimination policies. Agencies are also required to ensure that any sub-recipients receive Title VI training every year.

## LEP POLICY

Every state agency must have working procedures in place for providing meaningful access to persons with limited English proficiency. All state employees are expected to know the procedures.

## PUBLIC INFORMATION

Review staff will confirm that agency publications or applications include appropriate anti-discrimination language and inform beneficiaries of how to report potential discrimination. Agencies are further required to ensure that outreach efforts reach all racial populations.

## FY 2017-2018 COMPLIANCE REVIEWS

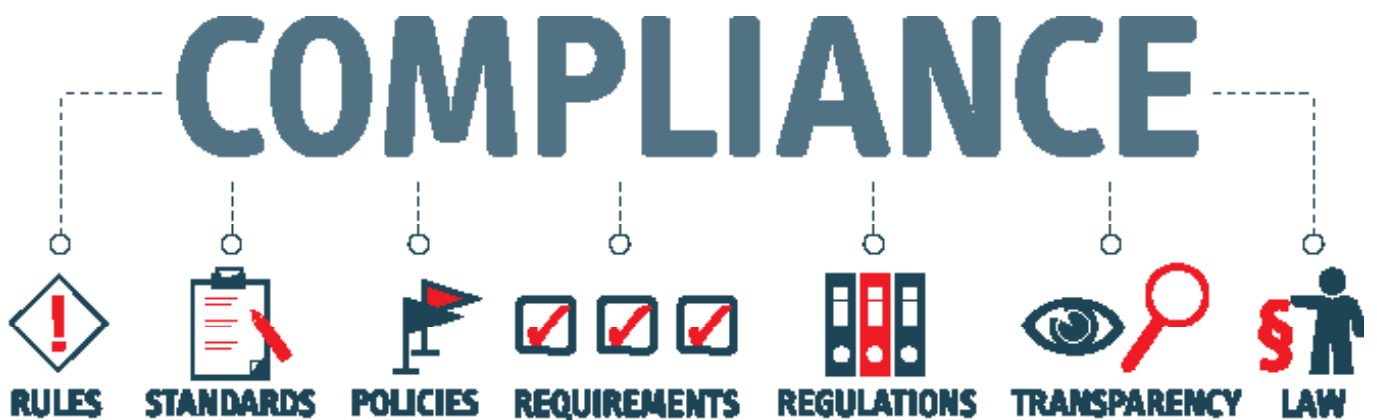
The Tennessee Human Rights Commission reviewed one (1) state agency during FY 2017-2018.

AGENCY	COMPLETED	FINDINGS
TN BOARD OF REGENTS	JUNE 2018	SEVEN (7)

## FY 2017-2018 TENNESSEE BOARD OF REGENTS COMPLIANCE REVIEW

The Tennessee Board of Regents (TBR) was reviewed from April 2017 - June 2018. Seven (7) findings were identified. TBR received one (1) or more findings in the following categories: LEP; complaint procedures; training; subrecipient monitoring; and public notice and outreach. A corrective action plan was issued by the Tennessee Human Rights Commission, required steps were outlined in order for TBR to correct all compliance deficiencies. The Title VI Compliance Division determined that TBR is now in compliance.

More detailed findings and outcomes from the review will be made available upon request.





# TRAINING AND TECHNICAL ASSISTANCE

*The Title VI staff provides technical assistance to state departments and agencies, including issuing implementation plan guidance and conducting Title VI training for all state agency coordinators.*

*The annual training for state Title VI coordinators was held on August 2, 2017, in Nashville. Information presented during this session included an overview of the fundamentals of Title VI compliance for new coordinators, investigative training instruction, and an explanation of the implementation plan guidelines for FY 2017-2018. A briefing was held prior to the training in which the executive director delivered a condensed presentation to agency heads, discussing overall Title VI compliance status across state agencies.*

*The Title VI compliance director presented information about the Title VI compliance review to TBR equity officers on March 28th, 2018. The executive director also took part in the presentation and responded to questions from attendees.*

*Title VI staff responded to two hundred twenty (220) requests for technical assistance from state departments and agencies on Title VI compliance. Topics of concern included complaint investigation, implementation plans, limited English proficiency,*



# AGENCIES SUBJECT TO THRC OVERSIGHT

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 EDUCATION  
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  
EAST TN STATE UNIVERSITY  
HEALTH CARE FINANCE & ADMINISTRATION  
MIDDLE TENNESSEE 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

# TITLE VI PROGRAM STAFF

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*Jesse Madsen*

*Jennell Riddle*

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### Chattanooga Office

*100 E M L King Boulevard  
Suite 503  
Chattanooga, TN 37402*

### Memphis Office

*One Commerce Square  
2nd Floor, Suite 200  
40 South Main Street  
Memphis, TN 38103*

### Knoxville Office

*7175 Strawberry Plains Pike  
Suite 201  
Knoxville, TN 37914*

*For more information, including how to file a complaint, visit our website:  
[www.tn.gov/humanrights](http://www.tn.gov/humanrights)*

### Connect with THRC



*/tnhumanrights*



*/tennesseehumanrights*



*/tnhumanrights*

