



Tennessee Human Rights Commission Title VI Compliance Program



Guidelines for FY 2019-2020 Implementation Plan

The Title VI Compliance Program was established as a result of State of Tennessee Public Acts, 2009 Public Chapter No. 437, later codified as Tenn. Code Ann. §4-21-203. Effective July 1, 2009, the Tennessee Human Rights Commission (THRC) was charged with the responsibility of verifying that all state governmental entities which are recipients of Federal Financial Assistance (FFA) comply with the requirements of Title VI of the Civil Rights Act of 1964.

The THRC Title VI Compliance Program has developed guidelines to establish a uniform standard for annual reporting by all agencies subject to Title VI. The THRC Title VI Program will analyze and review all implementations plans due by October 1 of each year to ensure that the required elements are addressed, and that certain information is disclosed and available to the public.

The THRC Title VI Implementation Plan Guidelines are intended to assist state departments and agencies in developing plans that will meet the minimum requirements of state rules and regulations. **Based on feedback these guidelines will continue to be reviewed and updated annually as needed.**

Plan Format

The document should report on Title VI compliance for the prior fiscal year (FY 2019-2020) and include plans for continuing compliance in the coming fiscal year. Plans can be submitted in two versions, either manually or electronically.

All Attachments and/or Appendices must be labeled for ease of identification. Other sections relevant to agency functions that are not mentioned in this guidance should be included in this guidance.

Manual Hard Copy Requirements

- 1) Document title should be "Agency Name and FY 2019-2020 Title VI Compliance Report and Implementation Plan"
- 2) Place in a 3-ring binder with the agency name and "FY 2019-2020" clearly labeled on the cover and spine
- 3) Pages must be numbered
- 4) Long lists or tables may be included as appendices *as long as totals are in the main body*
- 5) Sections and appendices must be separated by tabbed dividers
- 6) Include copies of any forms, signs or brochures in appendix

- 7) Include all sections - if any section does not apply to your agency, state "N/A" and include an explanation

Manual Electronic Copy Requirements

- 1) Document must be an original PDF (converted from the original word processor, not a scanned copy)
- 2) Manual Electronic Copy of Plan should mirror the Manual hard copy
- 3) Spreadsheets must be in Excel and individually accessible apart from the PDF file
- 4) USB drives and CDs are acceptable formats, emailed Plans are not acceptable

Electronic Submission Requirements

See attached addendum for Electronic submission requirements

Description of Required Content by Section

I. Required Sections

- 1) Table of Contents
- 2) Overview
- 3) Responsible Officials
- 4) Definitions
- 5) Non-discrimination Policy
- 6) Organization of the Civil Rights Office
- 7) Discriminatory Practices
- 8) Federal Programs or Activities
- 9) Data Collection and Analysis
- 10) Limited English Proficiency (LEP)
- 11) Complaint Procedures
- 12) Title VI Training Plan
- 13) Sub-recipient monitoring
- 14) Public Notice and Outreach
- 15) Compliance Reporting
- 16) Evaluation Procedures

II. Overview

Provide a clear description of the department's mission and structure, operations, and statutory based programs, include an explanation of each (including programs that do not receive FFA). Include an organizational chart of the entire department or agency.

III. Responsible Officials

Provide the name, title, addresses and signature of the Department Head, the Title VI Coordinator and any other person involved in developing the annual implementation plan.

IV. Definitions

Provide definitions of all common terms stated in the plan to ensure agency staff, recipients and beneficiaries have a consistent applicable definition.

V. Non-discrimination Policy

Please provide the following:

- A. Complete copy of your agency's non-discrimination policy.
 - 1. This is not the equal employment policy but if both matters are covered in one policy it is acceptable to include them both.
 - 2. If your policy reflects the authority of other statutes, that may also be included.
 - 3. Distributed to staff regarding Title VI
- B. A statement that the department or agency, its subrecipients or contractors shall make available any compliance report to be reviewed by THRC upon request.

VI. Civil Rights Office

Provide a description of how the Department's Civil Rights Office or Title VI program is organized with respect to its enforcement activities.

- A. If you have a unit, please provide. If there is not a unit who does the person report to regarding Title VI issues.
- B. Describe the organization and staffing of the department's Civil Rights/Title VI Unit. Organizational charts may be utilized.
- C. Outline the duties and responsibilities of the Title VI Director/Coordinator.

VII. Discriminatory Practices

Specify prohibited discrimination practices under Title VI and, where applicable, provide examples of prohibited discrimination practices in relation to department activities and business line.

VIII. Federal Programs or Activities

Describe *each* program and activity operating with Federal Financial Assistance (FFA) including the original source, purpose and dollar amount of the assistance with respect to the most recent state fiscal year (SFY) as well as any projections for federal funds to be received during the upcoming SFY.

- A. Include a spreadsheet of all programs with FFA amounts, as an appendix, total FFA must appear in the main body of the plan. Spreadsheet should include each program and/or activity, the federal dollar amount received; the agency providing the FFA and a description of how the federal funds are used.
- B. Include each federal grant, loan or subsidy not included above, which may not be considered a program or activity and the federal dollar amount received for each. Include a description for how the grant, loan or subsidy is used by the department. **This data is required for all activities.**
- C. Include any equipment, training resources, land, loans, or detail of federal personnel

IX. Data Collection and Analysis

Provide a description of how the agency collects its data:

- A. Data on the racial and ethnic composition of the beneficiaries of the agency's services. Include U.S. Census information in Tennessee and compare with the eligible population and the population actually being served by the department's programs and activities, if applicable. How many people are being served? If the department does not collect racial and ethnic data, please provide explanation. This data is required and must be kept.
- B. Breakdown of the composition of the agency's staff by race, color, and/or national origin
 - 1. Provide total numbers as well as percentages
 - 2. Differentiate between executive service and preferred service staff

Note: detailed data may be presented in an appendix, but totals must appear in the main body of the plan.

X. Limited English Proficiency (LEP)

Please include the following:

- A. A copy of the agency's LEP policy and procedure and/or Language Assistance Plan
- B. Identify any steps and goals toward breaking down barriers to LEP challenges, if applicable
- C. A list of any translator and interpreter services (bilingual staff and/or contractors) utilized by the department, if you did not use translator explain why
- D. List of all documents available in Languages other than English
- E. Data on which languages were encountered, including a *log* of LEP activities; LEP Log of activities should include a breakdown of the various languages encountered by the department or agency as a result of in person, written and telephonic encounters from the public.

Note: detailed data may be presented in an appendix, but language totals must appear in the main body of the plan.

XI. Complaint Procedures

Please provide the following:

- A. The agency's policy and procedures with regard to filing Title VI complaints.
- B. The total number of complaints, including:
 - 1. The nature of each complaint and the disposition of each
 - 2. Any complaints that were dismissed or withdrawn for any reason
 - 3. Any complaints that were referred to another state or federal agency
- C. A full description of any substantiated complaint(s), including what corrective actions were taken.
- D. Include a copy of the agency's complaint log.
- E. Include a copy of the complaint form utilized by the department or agency.
- F. Describe agency procedures related to investigations, report of findings, hearings and appeals, if applicable.
- G. Any federal complaints
- H. List any lawsuits or litigation filed against the agency during FY 2019-2020 on the basis of race, color, or national origin

XII. Title VI Training

Please include the following:

- A. A description of the agency's Title VI training program. You may satisfy this requirement by including the agenda or printed PowerPoint slides from the training, as long as they adequately identify the topics covered. If a quiz is part of the training, include a sample.
- B. Data: (please provide a chart)
 - 1. Percentage and actual number of the total agency staff trained
 - 2. Percentage and actual number of subrecipients and/or contractors trained
 - 3. List of dates that training was offered
- C. List proposed dates for any future training programs that will be offered to staff, subrecipients and/or contractors

Note: all these documents including training roster should be kept as you will need them for future record requirements

XIII. Subrecipient Monitoring

Provide a description of the Agency's policy and procedures related to monitoring the compliance of subrecipients.

A. Pre-award Procedures

Briefly discuss the procedures utilized by the department or agency to assess subrecipient and/or contractor compliance prior to awarding funding.

1. Attach a copy of any pre-assessment or self-survey provided by the department or agency to subrecipients and/or contractors. Include the number of pre-assessments or surveys reviewed by the department during the most recent fiscal year, if applicable. Show whether they are a new subrecipient or not.
2. List each subrecipient; contractor and/or vendor that has signed "statement of assurance" provided by the department or agency for the most recent SFY.
3. Field or on-site compliance reviews: State the number of field reviews of subrecipients and/or contractors conducted during the most recent SFY. If not applicable, then explain why the department does not conduct field or on-site reviews.
4. Title VI Requirement: Describe any standards requiring a subrecipient and/or contractor of the department to provide training to its staff, to include the extent and content of training prior to the receipt of federal funding.
5. Identify any other pre-award procedures not mentioned above that are utilized by the department or agency.

B. Post-award Procedures

Briefly discuss the procedures utilized by the department or agency to assess subrecipient and/or contractor compliance after awarding funding (compliance reviews, desk audits, etc.).

1. Provide a listing of any reviews conducted during the most recent SFY, if applicable.
2. Attach a copy any annual compliance reviews, assessments or self-surveys, etc. Include the # of reviews or surveys reviewed during the most recent SFY, if applicable.
3. Field or on-site reviews: State the number of field compliance reviews of subrecipients and/or contractors conducted during the most recent SFY. If not applicable, then explain why the department does not conduct field or on-site reviews.
4. Identify any other procedures not mentioned above that are utilized by the department or agency.

C. Subrecipient Title VI Training

Describe any standards requiring that a subrecipient and/or contractor of the department provide documentation of staff training and dates offered to its staff, to include the extent and content of the training.

D. Procedures for Noncompliance

1. Describe policy, procedures or steps taken to seek voluntary compliance when a subrecipient or contractor is determined to be in noncompliance.

2. Include actions to be taken by your department or agency upon a finding of noncompliance of a subrecipient or contractor. Actions should include reporting, resolution, enforcement of corrective actions, monitoring of any agreed up on programs, and sanctions.
3. If there were agency subrecipients or contractors that were found to be in noncompliance with Title VI by another state or federal agency, include the agency name, finding(s) and corrective action measures.

E. Identify Subrecipients, contractors, and/or vendors

1. A description of each program distributing financial assistance to subrecipients
2. List each subrecipient, contractor and/or vendor of the department or agency. If the department or agency did not have any subrecipients, contractors or vendors for the most recent SFY, then it should state this fact. The following information should be included for each subrecipient, contractor, or vendor:

- a. Subrecipient/Vendor name
- b. Begin/end date of contract
- c. Dollar amount of contract
- d. Location
- e. Whether the contract is paid federal, state, or a hybrid of funding.
- f. MWBE designation of the vendor
- g. Description of services provided
- h. Whether the contract was a subrecipient, contractor (e.g., contract employee) or vendor
- i. Whether the contract was competitive or non-competitive

F. List each subrecipient, contractor and/or vendor that has signed "statement of assurance" provided by the department or agency for the most recent SFY.

G. List the total number of all contractors. Provide the total number and percentage of minority contractors and the dollar amount and percentage awarded to minority contractors by race, color and/or national origin for all federally funded programs and activities, to include procurement of materials and equipment.

H. List any new subrecipients, contractors, and/or vendors.

I. Include excerpts of the contractual provisions prohibiting discrimination, which is agreed to by subrecipients, contractors and/or vendors of the department or agency.

J. Identify any Federal Financial Assistance applications pending with other federal and/or state departments and/or agencies.

K. Please include any annual Federal Program monitoring your agency is responsible for.

XIV. Public Notice and Outreach

- A. Provide a description of the agency's methods and procedures for the dissemination of information about the following to the public:
1. Nondiscrimination policy
 2. Programs and services
 3. Complaint procedures
 4. Minority participation on planning boards and advisory boards

Does the agency utilize minority media? In what instances does the department disseminate information using minority media? Identify what percentage of information disseminated by agency involved minority media.

Does agency interact with minority organizations and communities? Please explain how the department interacts with minority organizations and communities. If there is no interaction with minority organizations and communities, discuss any strategy or policy that the department or agency plans to adopt for the purpose of ensuring minority participation.

B. Boards and Advisory Bodies

1. List of all internal and external advisory boards or bodies for the department or agency
 - a. Include the goals and duties of the board
 - b. Include the impact of board decisions on the public and agency
 - c. Identify how board members are selected or appointed, and by whom
 - d. For boards where members are appointed, indicate whether the appointment is by virtue office or if members of the public may be appointed
 - e. Describe how information about board vacancies is disseminated to the public. Indicate if a list of board and/or advisory bodies is published, and if so, where
 - f. The total number of persons on any planning or advisory board
 - g. Ethnic/racial (e.g., African- American, Native American, Asian, Hispanic, etc.) composition of each board/advisory body
 - h. Percentage of minority representation
2. If there is no minority representation on a planning/advisory board, discuss any strategy or policy that the department or agency plans to adopt for the purpose of ensuring minority participation

C. Documentation of minority input

1. A description of where and/or when minority input is solicited by the agency, and how this input is documented. If there is no documentation of minority input, discuss any plans to correct this issue

2. A list of the methods used by the department or agency to inform the public about the process for obtaining grants or bidding on contracts of which the agency has oversight

This section should also describe any methods utilized by subrecipients distinct from those of the agency.

XV. Compliance reporting

Please provide the following:

- A. A list of any federal or state departments/agencies (other than THRC) to which the department or agency furnishes or shares Title VI compliance reports
- B. List of any and all federal reporting requirements for which the state department or agency is responsible. Cite the applicable Code of Federal Regulations (CFR) citation and/or federal departmental circular that governs each program, activity or federal funds
- C. List any Title VI related audits or reviews the agency received from a federal or state monitoring agency, including the THRC. Include all findings and any corrective action measures to which the agency must comply.

XVI. Evaluation procedures

Provide a plan or description of how the agency:

- A. Evaluates access to its programs and activities by beneficiaries, including minorities. Include any metrics, controls or program evaluations, if applicable
- B. Compares the quality of services after the data in section 9 is collected
- C. Will address any Title VI Compliance deficiencies and/or ways to enhance overall compliance
- D. Provide a timeline for meeting the above plans