

**TENNESSEE HUMAN RIGHTS COMMISSION  
TITLE VI COMPLIANCE PROGRAM  
ANNUAL REPORT FY 2020**

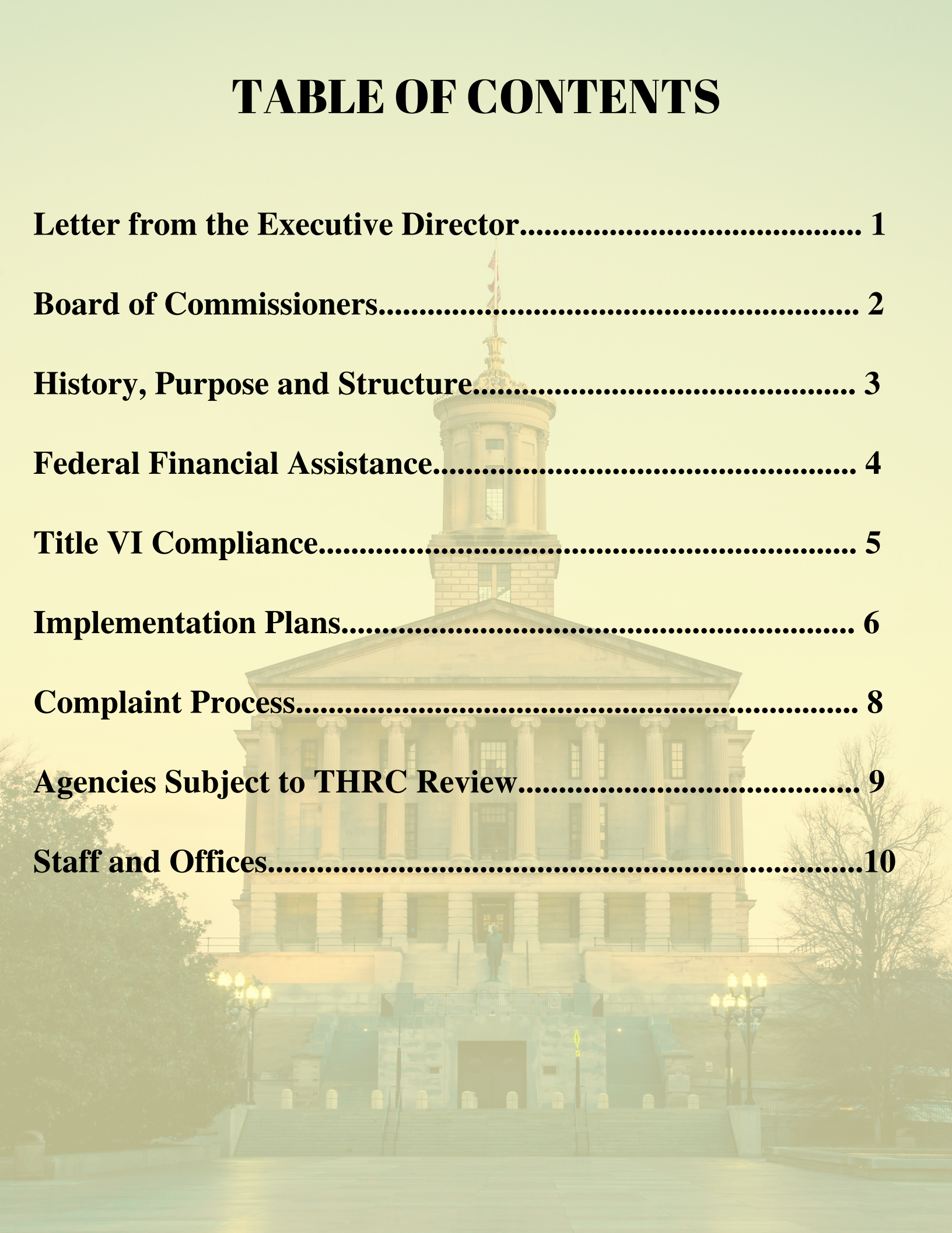




Beverly L. Watts, Executive Director  
Bill Lee, Governor



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September 30, 2020

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 FY 2020 Title VI annual report on behalf of the Tennessee Human Rights Commission. This report details the Commission's Title VI enforcement actions and initiatives.

This year the Commission as everyone across Tennessee and the country has been presented by many challenges. Our state was impacted by devastating tornadoes in Nashville, Crossville and Chattanooga that claimed many lives. Then we were impacted by the global coronavirus pandemic that has put a pause on everyday life as we know it which continues to provide other challenges in the human rights arena. We then saw a global response concerning racial inequalities and systemic racism that is putting our nation in a necessary unrest. We will continue to address ongoing human rights issues, stay strong and identify solutions to the challenges faced in 2020.

I would like to thank our Board Chair and members of our Board of Commissioners who continue to provide leadership our mutual quest to meet the Commission's mission and goals.

We look forward to the important work ahead 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

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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

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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

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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 19-20

**Total FFA reported  
in TN  
FY19-20  
\$24,332,350,845.92**

Below are the top 10 Agencies with highest reported Financial Assistance (FFA) during FY 2019-2020

Department	FFA amount reported
Division of TennCare	\$16,004,179,347.00
Department of Human Services	\$1,871,505,033.00
TN Department of Education	\$1,108,887,162.00
TN Department of Correction	\$974,048,600.00
University of TN	\$789,489,262.49
TN Department of Transportation	\$762,877,373.00
TN Housing Development Agency	\$347,654,503.00
TN Department of Health	\$282,562,420.00
TN Department of Safety and Homeland Security	\$241,306,600.00
TN Board of Regents	\$227,310,923.23

**In FY 2019-2020 state departments/agencies reported receiving over \$24 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 977 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 held on July 31, 2019, there were a total of 60 coordinators in attendance. Information presented during this session included an overview of the fundamentals of Title VI compliance for new coordinators, an explanation of the Implementation Plan guidelines for FY 2018-2019 and regulatory authority training instruction. Executive Director, Beverly Watts gave a day-long presentation on the overall Title VI compliance program to state agencies, there was also a session on the Title VI Compliance Review process. A briefing was held prior to the training in which the executive director delivered a presentation to agency heads, discussing the Title VI compliance status across Tennessee state agencies.



Picture: Director Watts presenting on LEP during Title VI Annual Training.



Picture: Title VI Coordinators attending Title VI Annual Training.

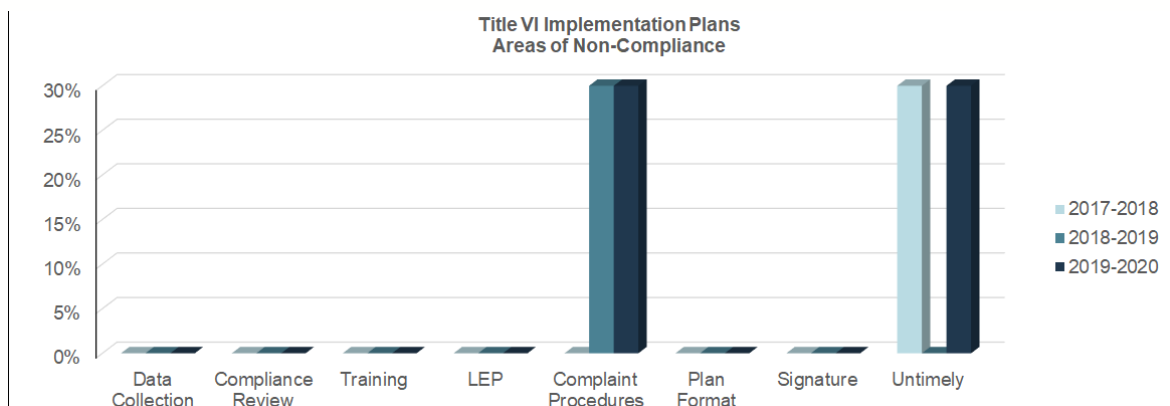
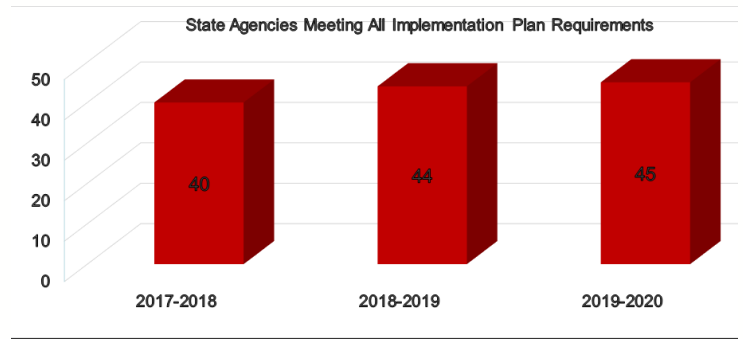
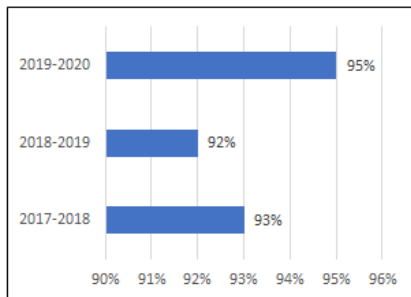


A major component of Title VI Compliance involves implementation plan reviews. In FY 2019-2020, the Commission received and reviewed forty-eight implementation plans from departments statewide. One agency was not required to submit a plan as it did not receive FFA for the reporting period.

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, 47 of the 48 department's implementation plans were received before the October 1, 2019 deadline. The Department of Transportation submitted its implementation plan two days later and was untimely. The Department of Education and Division of TennCare received a finding of not being consistent with compliance procedures. All other departments and agencies were found to be in compliance during fiscal year 2019-2020.

### Implementation Plan Compliance Over Time



**Agencies In Compliance**

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

**Agencies Not In Compliance**

- Department of Education** - Not Consistent with Compliance Procedures
- Department of Transportation** - Timely
- Division of TennCare** - Not Consistent with Compliance Procedures



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 2019-2020, a total of 92 complaints were lodged against state agencies. There are 27 complaint investigations that remain open pending the completion of investigation.

### 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 20192020, the Title VI compliance staff received 339 inquiries. Of these, 309 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.

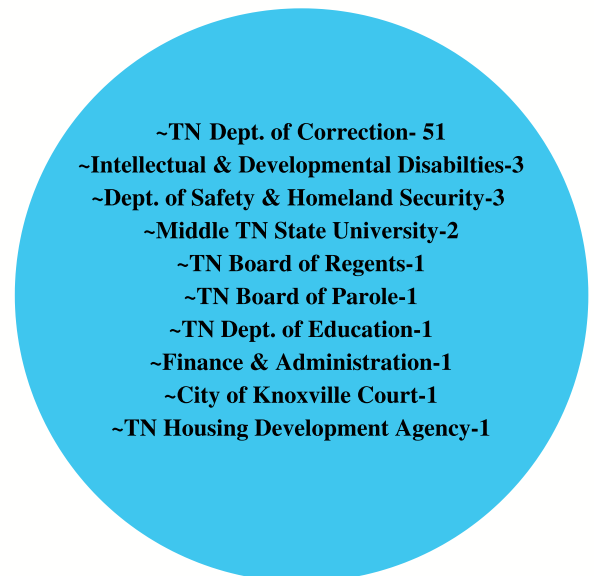
## TITLE VI BY THE NUMBERS



**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**

# TITLE VI COMPLIANCE

## AGENCIES SUBJECT TO THRC REVIEW BASED ON FEDERAL FINANCIAL ASSISTANCE

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



# STAFF

**Tanya Webster**

Title VI Compliance Director

**Monica Fisher**

Title VI Compliance Officer

**Jennell Riddle**

Title VI Compliance  
Review Coordinator

**Beverly Watts**

Executive Director

**\*Gabrielle Lyons**

**\*Jesse Madsen**

\*indicates former staff members who served THRC during fiscal year 2019-2020

# 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](http://www.tn.gov/HumanRights)



[www.facebook.com/TNHumanRights](http://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.

"Leadership is found in the action to defeat that which would defeat you. You are made by the struggles you use."

- C.T. Vivian





## **Tennessee Human Rights Commission**

William R. Snodgrass Tennessee Tower

312 Rosa L. Parks Avenue | 23rd Floor

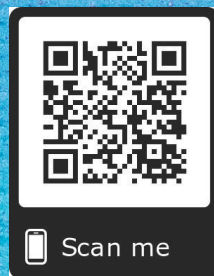
Nashville, TN 37243

Phone: 800-251-3589

Spanish Line: 615-253-7967

Email: [ask.thrc@tn.gov](mailto:ask.thrc@tn.gov)

[www.tn.gov/humanrights](http://www.tn.gov/humanrights)



### ***THRC Mission***

***Safeguarding Individuals from Discrimination Through Education and Enforcement***