



Dear Applicant:

The Urban Community Tree Planting Projects on Public Land Tennessee Agriculture Enhancement Program (TAEP), for which you are applying, ask that you must provide assurances of complying with the regulations under Title VI. Specifically, Title VI provides that:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits, or be subjected to discrimination under any program activity receiving Federal financial assistance." 42 U.S.C. §2000(d).

In order to comply with Title VI, the sub-recipient of federal funds must do the following:

1. Complete the enclosed Title VI Pre-Award Survey and return to the Division of Forestry. Final award will not be provided until completed survey is submitted.
2. Post in a public place a poster that states the grantee complies with title VI and list the person who would handle a complaint, (a sample poster is provided in this packet).
3. Have available to all employees Title VI Complaint Policies and Procedures and a Title VI Complaint Form. If your organization does not have complaint policies and procedures, the enclosed documents, *Title VI Complaint Procedures Policy* and *Title VI Complaint Form*, can be used as policy and procedure documents.
4. Complete Title VI Training. If your organization does not have a current Title VI training program, reviewing the enclosed document, *Title VI of the 1964 Civil Rights Act Subrecipient*, will suffice as appropriate training. Keep a record of employees trained.
5. A random sample of sub-recipients will be asked to participate in a Title VI Post Award Survey.

Please send completed documents to:

Tennessee Division of Forestry
Attn: Kelly Lang
P.O. Box 40627, Melrose Station
Nashville TN 37204

If you have any questions please email forestry.nashville@tn.gov or call 615.837.5421

Sincerely,

Kelly Lang
Grants Management Specialist, Forestry



Title VI Pre-Award Self-Survey

This survey must be completed annually by each facility or agency sub-recipient or contractor obtaining grant assistance from the Tennessee Department of Agriculture.

PLEASE ANSWER ALL QUESTIONS ON THIS SURVEY.

Date of Survey: _____

Name of Agency Facility: _____

Name of Title VI Coordinator: _____

- 1. Is your organization a minority owned or run by minority individuals? YES NO
 If yes, identify the race(s) of the owner or individual(s) running the organization.
**** A definition of each race is at the end of the survey.*
 Hispanic or Latino White Black or African American Asian American Indian or Alaska Native
 Native Hawaiian or Other Pacific Islander

- 2. **Non-discrimination Policies:** Does your institution have a written policy stating that services or opportunities will be provided to all persons without regard to race, color, or national origin? YES NO

- 3. Are permanent records kept of all Title IV complaints? YES NO

- 4. In the past twelve months, has your entity/institution received any complaints alleging a Title VI violation? YES NO
If yes, attach a description of the nature of the complaint and its disposition.

- 5. Is Title VI information disseminated to your employees or other beneficiaries of services? YES NO
 a. If yes, describe how beneficiaries are informed (posters displayed, brochures displayed, etc.)

- 6. Are posters containing Title VI information prominently displayed within your facility? YES NO
 a. If yes, do the posters contain contact information if someone has a Title VI or discrimination complaint? YES NO

- 7. Do you have written policies and procedures addressing Title VI? YES NO

- 8. How do you ensure that minorities are knowledgeable about your services? _____



- 9. a. When do you last conduct civil rights training for your staff? ___/___/___
- b. How often do you provide the training/refreshment training to your staff? _____

10. Please indicate, as of this date, the percentage of the racial composition of those that currently receive your program’s services. Enter zero if your program does not provide services.

** A definition of each race is at the end of this survey.*

_____ Hispanic or Latino _____ White _____ Black or African American

_____ Two or More Races _____ Asian _____ American Indian or Alaskan Native

_____ Native American or Other Pacific Islander

11. Please indicate, as of this date, the percentages of the racial composition of your program’s staff. Enter zero if your program does not provide services.

**** A definition of each race is at the end of this survey.*

_____ Hispanic or Latino _____ White _____ Black or African American

_____ Two or More Races _____ Asian _____ American Indian or Alaskan Native

_____ Native American or Other Pacific Islander

12. Please indicate, as of this date, the percentages of the racial composition of your program’s volunteers. Enter zero if your program does not provide services.

**** A definition of each race is at the end of this survey.*

_____ Hispanic or Latino _____ White _____ Black or African American

_____ Two or More Races _____ Asian _____ American Indian or Alaskan Native

_____ Native American or Other Pacific Islander

Declaration of Respondent:

I declare that I have completed the data in this Title VI Pre-Award Self-Survey and to the best of my knowledge and belief; it is true, correct and complete.

Signature: _____ Date: _____

Position of Individual Completing Survey: _____

If you have any questions, please contact:

Kelly Lang 615.837.5421

Please return this survey to the following e-mail address with your application.



***Definitions of Race & Ethnicity Categories

Race and ethnic designations are used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. Definitions of the race and ethnicity categories are as follows:

- Hispanic or Latino- A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin regardless of race.
- White- A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Black or African American- A person having origins in any of the black racial groups of Africa.
- Native Hawaiian or Other Pacific Islander- A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- Asian-A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- American Indian or Alaska Native- A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- Two or More Races-All persons who identify with more than one of the above five races.

Equal Opportunity is the Law

Title VI of the Civil Rights Act of 1964 prohibits federally assisted programs from discriminating based on race, color or national origin.

The (**Name of your business**) also requires that its services and programs be offered to all eligible persons regardless of race, color or national origin.

Should you feel you have been discriminated against, contact:

Name, Title VI Coordinator

Name of Business

Street Address

City, State, Zip

Phone:

Email:

Title VI Complaint Procedures Policy

Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination. At the complainant's discretion, the complaint can be filed with the Tennessee Department of Agriculture and/or the Tennessee Human Rights Commission. These procedures comply with TCA-4.21-905.

Receipt of Complaints

All complaints, written or verbal, will be accepted. In the event a complainant sets forth the allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made will reduce the elements of the complaint to writing. It will not be necessary to know the identity of the complainant as long as the information is sufficient to determine the identity of the entity and indicates the possibility of a violation.

Essential Elements of a Complaint

The following information is to be obtained from the complainant:

- 1) Name, address and telephone number of complainant.
- 2) The location and name of the entity delivering the service.
- 3) The nature of the incident that led the complainant to feel discrimination was a factor.
- 4) The basis of the complaint, i.e., race, color, or national origin.
- 5) Names, addresses, and phone numbers of people who may have knowledge of the event.
- 6) The date or dates on which the alleged discriminatory event or events occurred.

Questions regarding this policy may be directed to the Title VI Coordinator provided below.

Name, Title VI Coordinator

Name of Business

Street Address

City, State, Zip

Phone:

Email:

TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground 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 financial assistance.” If you feel you have been discriminated, please provide the following information in order to assist us in processing your complaint:

COMPLAINANT CONTACT INFORMATION <i>Please provide your name and contact information</i>								
Name:								
Address:					County:			
City:				State:			Zip:	
Day Phone:				Cell Phone:				
Email Address:								
<i>Please provide the name and contact information of the person that you believe discriminated against you.</i>								
Name:								
Address:								
City:				State:			Zip:	
<i>Please indicate why you believe the discrimination occurred.</i>								
<input type="checkbox"/> Race			<input type="checkbox"/> National Origin			<input type="checkbox"/> Color:		
<i>Please provide the dates of the alleged discrimination:</i>								
Beginning Date:		Ending Date:		On Going:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<i>Please provide where the alleged discrimination took place.</i>								
Address:								
City:				State:			Zip:	
<i>In your own words, please describe the circumstances as you saw them: - Use additional paper if needed</i>								

*Please list any individuals that may have information that supports or clarifies your complaint.
Include as much contact information as possible. Use additional paper if needed.*

#1

Name:

Address:

City:		State		Zip	
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Phone:

#2

Name:

Address:

City:		State:		Zip	
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Phone:

What type of corrective action would you like to see taken?

*Please attach any documents you have which support the allegation. Please sign and date this form and send to the
Title VI Coordinator at:*

Name, Title VI Coordinator
Name of Business
Street Address
City, State, Zip
Phone, Email

Complainant Signature:	Date:
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Print Name:



Title VI of the 1964 Civil Rights Act Subrecipient

Theresa Denton - Title VI Coordinator

Purpose of this Training

- To ensure all TDA management, staff, subrecipients, contractors, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.
- Title VI regulations require agencies to provide civil rights training for staff and assign sufficient personnel to ensure effective enforcement. Periodic training should be designed to develop awareness and sensitivity in carrying out federally funded programs.

What is Title VI

- *“No person in the U.S. shall, on the ground 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 Financial Assistance.”*

Title VI Compliance-The Basics

Purpose: To verify that all federal fund recipient state agency entities comply with Title VI of the Civil Rights Act of 1964.

- TCA §4-21-203 requires the Tennessee Human Rights Commission to review Title VI monitoring and enforcement procedures, and
- Periodically audit, review, evaluate and report on Title VI compliance efforts and outcomes for each executive branch department and agency.
- Recipients are required to audit, review, evaluate and report on Title VI compliance efforts and outcomes of all its subrecipients and beneficiaries of federal funds.

Title VI Compliance-The Basics

- *Who* is required to comply with Title VI?
- *What* does compliance entail?
- *When* do programs or activities have to be compliant with Title VI?

Title VI Compliance-The Basics

Definitions

- Federal Financial Assistance (FFA) – Award or grant money; loans below fair market value or subsidies; any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance; others.
- Recipient – Primary recipients include state entities required or authorized to extend FFA to another recipient or subrecipient for the purpose of carrying out a program.

Title VI Compliance-The Basics

Definitions

- Subrecipient – any entity or individual that receives FFA from a primary recipient to carry out a program. Sometimes assistance is distributed to an ultimate beneficiary.
- Contractor – any entity or individual who provides any function or service that requires the performance or delivery of assistance to beneficiaries under the terms of a contract with a state entity.

Title VI Compliance-The Basics

Examples of Federal Financial Assistance

- Medicare, Medicaid Payments
- Federal Grants or Sub-grants
- Federal Contracts at amounts below market value
- Use or rent of Federal Land
- Federal Training
- Loan of Federal Personnel

Title VI Compliance-The Basics

Discriminatory Practices under Title VI

- Denying an individual any program services, financial aid, or benefits;
- Providing a different service, aid, or benefit, or providing them in a manner different than they are provided to others; or
- Segregating or treating individuals separately in any matter related to receiving any program service, aid, or benefit.

Title VI Compliance-The Basics

Disparate Treatment vs. Disparate Impact

- Disparate treatment means discrimination against an individual.
- Disparate impact means discrimination that occurs as a result of a neutral policy which appears harmless on the surface, but negatively affects a group of people.

Title VI Compliance-The Basics

Retaliation

- Retaliation occurs when a recipient or another person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because a person made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under Title VI.

THRC Rule 1500-01-03-.06(3)(c) & 28 CFR 42.107

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Responsibility and Plan of Action

Develop a Public Participation Plan

Engage the Public with the opportunity to make them aware of projects or services and to provide input in the decision-making process through:

- Public Meetings/Hearings in centralized locations;
- Advertisement with Local Media Resources and Minority Newspapers;
- Direct Mailings;
- Public Service Announcements;
- Website, and
- Radio and Television.

Responsibility and Plan of Action

Ensure your Contractors and Sub-Contractors follow the same guidelines

- Subrecipients must ensure that all contractors and sub-contractors awarded TDA funded contracts adhere to Title VI and all other applicable civil rights laws and regulations.

Minority Representation on Planning Boards & Commissions

- The inclusion of minorities on planning boards and commissions is critical in establishing an equal access planning system. Subrecipients cannot “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

Responsibility and Plan of Action

Have a Written Title VI Complaint Process and Complaint Log

To include:

- How to file a complaint;
- The complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant;
- The complaint should be in writing and signed;
- Determining the jurisdiction, acceptability, and the need for additional information upon receipt to investigate the merit;
- Complaints filed against the subrecipient should be forwarded to TDA Title VI funding entity for investigation;
- Take final action within 60 days
- Provide appeal instructions

Responsibility and Plan of Action

Have a Limited English Proficiency (LEP) Plan

How do you assist customers that do not speak English?

- **Who are LEP Persons?**

Persons who do not speak English as their primary language, and who have **a limited ability** to read, speak, write or understand English

Limited English Proficiency (LEP)

Take reasonable steps to ensure meaningful access to programs and activities of LEP persons

Conduct an assessment of the population by using the:

Four Factor Analysis:

1. Number or proportion of LEP persons;
2. Frequency of contact with the program or activity;
3. Nature and importance of the program;
4. Resources available.

Limited English Proficiency (LEP)

- Executive Order 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

Summary

- Keys to Title VI Compliance
 - Ensure that service recipients receive:
 - Equal treatment
 - Equal access
 - Equal rights
 - Equal opportunities
- without regard to their race, color, national origin

Questions

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