



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 103.10

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Effective Date: September 1, 2019

Distribution: A

Supersedes: 103.10 (7/1/16)

Approved by: Tony Parker

Subject: TITLE VI – CIVIL RIGHTS ACT OF 1964

- I. AUTHORITY: TCA 4-3-603; TCA 4-3-606; TCA 4-21-901; TCA 4-21-904; TCA 4-21-905; and Title VI of the Civil Rights Act of 1964, 42 USC 2000d et seq.
- II. PURPOSE: To establish the policy and procedures of the Tennessee Department of Correction (TDOC) concerning compliance with Title VI of the Civil Rights Act of 1964.
- III. APPLICATION: All Tennessee Department of Correction (TDOC) employees, visitors, offenders under TDOC custody or community supervision, including privately managed facilities, employees of Tennessee Rehabilitative Initiative in Correction (TRICOR), and all providers and recipients of departmental services including contract service providers.
- IV. DEFINITIONS:
 - A. Central Office Title VI Coordinator: The TDOC employee appointed to adjudicate Title VI allegations and monitor compliance for the Department.
 - B. Limited English Proficiency (LEP): Persons who do not speak English as their primary language or who have a limited ability to read, speak, write, or understand English.
 - C. Programs and Activities: Any programmatic activity or assignment that is funded with federal or state monies and conducted or sanctioned by the TDOC. These activities or assignments include, but are not limited to the following:
 1. Education
 2. Substance use treatment and testing
 3. Mental health programming
 4. Segregation, visitation, or cell/bed assignment
 5. Referrals to the Special Alternative Incarceration Unit (SAIU)
 6. Job/program assignments and pay levels
 7. PREA screening, orientation, and education
 - D. Title VI of the Civil Rights Act of 1964: Federal statute which states 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.”

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- E. Title VI Site Coordinator: The Associate Warden of Treatment (AWT) at TDOC prisons, Deputy Superintendent at TDOC transition centers, the Community Supervision designee at each district office, the Assistant Warden at privately managed facilities, and the Superintendent/designee at the Tennessee Correction Academy.

- V. POLICY: The TDOC will not discriminate on the basis of race, color, or national origin as outlined in Title VI of the Civil Rights Act of 1964.

- VI. PROCEDURES:
 - A. The TDOC shall provide for prompt and equitable resolution of complaints alleging any action prohibited by Title VI of the Civil Rights Act of 1964. The Commissioner shall appoint an employee as the Central Office Title VI Coordinator to monitor compliance for the Department.

 - B. The AWT or the Deputy Superintendent at TDOC facilities, the Assistant Warden at privately managed facilities, the Community Supervision designee at each district office, and the Director of Community Corrections shall serve as the Title VI Site Coordinator. These individuals shall review and ensure that an appropriate response to any allegation of violation under Title VI is provided. An alternate Title VI Coordinator shall be appointed at each location by the Warden/Superintendent/District Director.

 - C. A person alleging discrimination based on race, color, or national origin in the delivery of any service or program covered by Title VI of the Civil Rights Act of 1964 may file a complaint with the TDOC. All such complaints must be filed within 180 days of the occurrence of the alleged discriminatory act.
 - 1. Incarcerated offenders shall utilize the TDOC grievance procedure, (See Policy #501.01), to initiate a complaint alleging discrimination under Title VI. All Title VI allegations shall be entered on the offender management system (OMS) by the institutional grievance chairperson and flagged as a Title VI allegation. Community supervised offenders shall utilize the Community Supervision offender grievance procedures. (See Policy #705.07) All Title VI complaints shall be forwarded to the Central Office Title VI Coordinator for review before the complaint is considered resolved.

 - 2. All Title VI complaints filed at TDOC and privately managed facilities shall be forwarded to the Central Office Title VI Coordinator for review to determine whether complaints were accurately considered non-jurisdictional.

 - 3. A copy of all Title VI complaints and local responses, including those filed by offenders under TDOC custody/supervision and privately managed facilities, shall be forwarded to Central Office and assigned a tracking number by the Central Office Title VI Coordinator. Direct mail from incarcerated offenders or community supervised offenders will not be accepted by the Central Office Title VI Coordinator. The appropriate grievance procedure shall be followed as set forth in Policies #501.01 and #705.07.

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4. All other complainants (staff, visitors, etc.) shall submit details of alleged violations via letter or direct communication to the respective Title VI Site Coordinator. Upon completion of the investigation, the Title VI Site Coordinator will forward the complaint to the Central Office Title VI Coordinator for review.
 5. Detailed written complaints are preferred for the sake of clarity. If a grievant refuses to place a complaint in writing, the person to whom the verbal complaint is made shall prepare a written complaint on the grievant's behalf.
 6. Title VI complaints may also be filed with the Tennessee Human Rights Commission and the U.S. Department of Justice.
- D. The TDOC shall monitor compliance with Title VI of the Civil Rights Act of 1964 through the following:
1. The annual inspection process
 2. The collection and review of data concerning compliance as outlined in the TDOC Title VI plan, at the direction of the Commissioner.
 3. The completion of Title VI Limited English Proficiency (LEP) Services, CR-3546, (See Policy #103.10.1) that will be submitted on a quarterly basis by institutional TDOC staff to the TDOC Central Office Title VI Coordinator.
- E. The TDOC, through the Central Office Title VI Coordinator shall maintain a Title VI implementation plan and submit annual compliance reports and plan updates to the Tennessee Human Rights Commission Title VI Compliance Program by October 1 of each year. A copy of the updated plan shall also be provided to each institution for use by the Title VI Site Coordinator and other staff, as necessary.
- F. The right of a person to a prompt and equitable resolution of a complaint filed relating to Title VI shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint(s) with the responsible federal department or agency. Use of the TDOC grievance procedure is not a prerequisite to the pursuit of other remedies, but is highly encouraged.
- G. New employees shall receive training regarding the requirements of Title VI during orientation. Current employees shall receive training during their annual in-service. Additionally, subrecipients must provide Title VI training to their staff. This training may be administered by the use of lesson plans and/or outlines; training will be reviewed and approved by TDOC annually.
- H. Offenders under TDOC custody/supervision shall be provided information relative to Title VI during their orientation. (See Policy #404.05) Information shall also be included in the inmate rulebook and visitor handbooks. Notices regarding Title VI requirements and complaint procedures shall be posted in offender living areas and in visitation areas.
- I. A *Title VI Site Coordinator's Manual* shall be maintained and updated which includes the following sections:

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1. Title VI of the Civil Rights Act of 1964
2. Effective Plan on Language Assistance for Limited English Persons
3. Title VI Investigation Procedures
4. Title VI Tracking Log
5. Compliance and Review Data
6. Updated Material

J. All institutions and community supervision offices shall ensure that Limited English Proficiency (LEP) offenders have access to programs and activities as required in Title VI of the Civil Rights Act of 1964 (See Policy #103.10.1).

VII. ACA STANDARDS: 4-4277, 4-4284, 4-4288, 4-4429, and 4-APPAFS-2B-01.

VIII. EXPIRATION DATE: September 1, 2022.