Nondiscrimination Policy and Complaint Procedures	Policy #36

Document Control		
	Version #	6.0
	Approved Date	March 30, 2026
	Last Reviewed	December 12, 2025
	Approved By	Commissioner Jim Bryson
	Signature	

A. Purpose

Compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; Section 504 of the Rehabilitation Act of 1973, as amended, Title II of the Americans with Disabilities Act of 1990, as amended, and the Department of Finance & Administration's federal grant requirements.

B. Scope

This policy applies to Finance & Administration employees, Finance & Administration service recipients, and Finance & Administration grant recipients.

C. Policy

1. It is the policy of the Tennessee Department of Finance and Administration (F&A) not to discriminate and to ensure that its sub-recipients of United States Department of Justice (DOJ) or other federal funds do not discriminate in employment or services based on race, color, national origin, disability, sex, age, religion, or sex.

2. F&A and all sub-recipients of federal funds through F&A, including DOJ funds, shall comply with the following statutes:

   a. Title VI of the Civil Rights Act (Title VI) of 1964, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);

   b. Title IX of the Education Amendments (Title IX) of 1972, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);

   c. Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. pt. 35 (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);

d. Section 504 of the Rehabilitation Act (Section 504) of 1973, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);

e. Age Discrimination Act (Age Act) of 1975, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);

f. Executive Order 13,279 as amended by Executive Orders 13,559 and 13,831, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits); and U.S. Department of Homeland Security regulation 6 C.F.R. Part 19 which prohibits discrimination based on religion in social service programs.

3. Additionally, F&A shall comply with the following statutes and sub-recipients of federal funds including DOJ funds shall comply with one or more of the following statutes, depending upon the nature of the federal grant received by the sub-recipient:

a. Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEOP);

b. Juvenile Justice and Delinquency Prevention Act UJDPA) of 1974, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, .403 & pt.42, subpt. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion);

c. Victims of Crime Act (VOCA) of 1984, as amended, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and

d. Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. § 12291(b)(13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe Streets Act for enforcement) ; and

e. National and Community Service Act of 1990, as amended, 42 U.S.C. § 12635, and the AmeriCorps implementing regulations, 45 C.F.R. §§ 2540.210 & 2450.215 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, political affiliation, and disability)

4. F&A and sub-recipients of federal funds through F&A shall not retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

5. Limited English Proficiency and Disability Aids and Services

   a. F&A and all sub-recipients of federal funds through F&A make available free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), to communicate effectively with persons with disabilities.

   b. F&A and all sub-recipients of federal funds through F&A make available free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.

   c. F&A provides reasonable aids necessary to provide persons with disabilities physical access to its programs and activities.

   d. If any person is refused language services or communication aids and services necessary to participate in programs or activities of F&A or subrecipients of federal funds through F&A, they may file a complaint as provided in Section D of this Policy.

D. Procedures

1. Procedure for Filing a Discrimination Complaint.

   a. A complaint alleging discrimination in employment or delivery of services against F&A, a program administered by F&A, or a subrecipient of federal funding through F&A may be filed with the Tennessee Office of Attorney General and Reporter, Tennessee Department of Human Resources, the United States Department of Justice, the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties, or with the F&A Civil Rights Coordinator within 180 days of the date of the alleged discrimination, or with the AmeriCorps Civil Rights and Employment Branch within 45 days of the date of the alleged discrimination, at the following addresses:

   TN Office of Attorney General &
   Reporter Civil Rights Enforcement Division
   P.O. Box 20207
   Nashville, TN 37202
   https://www.tn.gov/content/tn/attorneygeneral/cred.html

   TN Department of Finance and Administration
   Civil Rights Coordinator
   312 Rosa L. Parks Avenue, 19th Floor
   WRS Tennessee Tower
   Nashville, TN 37243-1102
   FA.CivilRights@tn.gov

TN Department of Human Resources
https://www.tn.gov/hr/title-vi.html

Office of Justice Programs/Office of Civil Rights
999 N. Capitol Street NE, Washington, DC 20531
AskOCR@usdoj.gov
www.ojp.usdoj.gov/ocr

U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):
E-mail: CRCLCompliance@hq.dhs.gov Fax: 202-401-4708
U.S. Mail: U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties, Compliance Branch
Mail Stop #0190,
2707 Martin Luther King, Jr. Ave., SE
Washington, D.C. 20528

AmeriCorps Civil Rights and Employment Branch
E-mail: eo@americorps.gov Phone: 202-606-3461
U.S. Mail: AmeriCorps
Attn: Civil Rights and Employment Branch
250 E Street, SW
Washington, DC 20525

b. If any person needs language or communication services provided in Section C above to access this Policy or a Civil Rights Complaint Form, please contact the F&A Civil Rights Coordinator at FA.CivilRights@tn.gov.

c. All administrative Complaints must be filed in writing and include your name, address, and telephone number. The deadline for filing complaints is 45 days from the date of the alleged discrimination for complaints to the AmeriCorps Civil Rights and Employment Branch and 180 days from the date of the alleged discrimination for all other complaints. If you are filing on behalf of another person, include your name, address, telephone number and your relation to that person (for example, friend, attorney, or parent). Your Complaint must be submitted on the F&A Civil Rights Complaint Form found at the end of this Policy or in a similar writing which contains all information requested on the F&A Civil Rights Complaint Form.

2. F & A Procedures for Processing Discrimination/Civil Rights Complaints.

a. Upon receipt of the complaint, the F&A Civil Rights Coordinator will:
   i. notify the complaining party that the complaint was received and of the opportunity to file with the applicable Office for Civil Rights;
   ii. evaluate jurisdiction and the need for additional information; and
   iii. determine the applicable jurisdiction for the Complaint. If the complaint is filed by an internal party or is a complaint regarding employment discrimination over which F&A does not have jurisdiction, the Civil Rights Coordinator will forward the complaint to the appropriate agency having jurisdiction for investigation.

b. If the complaint arises under Title VI or Title IX, the F&A Civil Rights Coordinator shall report the complaint to the TN Office of Attorney General & Reporter Civil Rights Enforcement Division and the TN Department of Human Resources, as required, and follow all requirements of those offices. If the Complaint is within the jurisdiction of F&A, the F&A Civil Rights Investigator shall initiate the investigation of the merit of the complaint, and conduct the investigation in compliance with F&A's investigation process as is set out below:

   i. F&A Civil Rights Investigator, or designee, shall initiate the investigation within thirty (30) days of receipt.
   ii. F&A Civil Rights Investigator, or designee, shall conduct a thorough investigation of all complaints.
   iii. The F&A Civil Rights Investigator shall conclude its investigation within ninety (90) days and, if requested, will share the results with the TN Office of Attorney General & Reporter Civil Rights Enforcement Division or the TN Department of Human Resources
   iv. As soon thereafter as is reasonably practical, the F&A Civil Rights Coordinator shall notify the parties of the final decision in writing. If the investigation indicates that a violation did not occur, the F&A Civil Rights Coordinator will notify the parties of the final decision in writing.
   v. The F&A Civil Rights Coordinator shall retain all documentation of the investigation for a period of five years.
   vi. If the Complainant is not satisfied with the decision of the F&A Civil Rights Investigator, the complainant may file with the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, or other appropriate Federal agency or court with jurisdiction over the claim asserted if the time for filing with said court or agency has not expired.
   vii. Filing a complaint with the F&A Civil Rights Coordinator cannot be relied upon to extend the time for filing civil rights complaints with other applicable state or federal courts or agencies

E. Related Policies and References

Supersedes: F&A Policy 36, October 30, 2024

TN Department of Finance & Administration

Department of Finance and Administration Civil Rights Complaint Form: Complete All Three Pages and Sign

Your name, address, and telephone number(s):
Phone:

Name, address, and telephone number(s) of person(s) who discriminated against you:
Phone:

Name, address and telephone number(s) of agency or organization involved in your complaint:

Phone:

Phone:

Are there other persons or organizations involved in this discrimination case? ☐ Yes ☐ No

If YES, please give the names, addresses, and telephone numbers below:

Name	Address	Telephone

Which of the following describes the nature of the discrimination involved?

☐ Race/Color ☐ National Origin ☐ Religion
☐ Disability ☐ Age ☐ Sex

Does your charge of discrimination involve?

a. Your job or seeking employment?	**OR**	b. You using facilities or someone providing services/protection to you (or others)?
☐ Hiring ☐ Work Assignment ☐ Promotion ☐ Demotion ☐ Discipline ☐ Layoff/Recall ☐ Retaliation ☐ Termination ☐ Other (Specify)		If yes, how? ☐ Harassment ☐ Language/Communication Services ☐ Applying rules/laws differently ☐ Access to buildings/programs ☐ Retaliation ☐ Different standards, opportunities or programs ☐ Segregation ☐ Other (Specify)

Which month(s), day(s), and year(s) did the most recent discrimination against you take place?

Beginning: Month _____ Day _____ Year _____
Ending: Month _____ Day _____ Year _____

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Explain in detail what happened and how you were discriminated against. State who was involved and show how other persons were treated differently from you. (Also, attach any written materials or documentation pertaining to your case.)

Has the opposite sex or have persons of other races, national origin, religions, or disabilities been treated differently from you in this particular matter? If yes, please explain and identify:

Why do you believe this occurred?

What other information do you think might be helpful to our investigation?

If this complaint is resolved to your satisfaction, what remedy do you seek?

Please list below any persons (witnesses, fellow employees, supervisors, or others) **whom we might contact for additional information to support or clarify your complaint:**

Name	Address	Telephone

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Have you filed a case or complaint with any of the following? (Check the appropriate items.)

☐ Civil Rights Division, U.S. Dept. Of Justice	☐ TN Human Rights Commission
☐ U.S. Equal Employment Opportunity Commission	☐ State Law Enforcement Agency
☐ Other Federal Agency	☐ Attorney (Note the name and address above)
☐ Federal or State Court	☐ Other (specify)

For any item checked above, please provide the following information:

Name of Agency: _____ Date Filed: _____

Case or Docket Number: _____ Date of Trial or Hearing: _____

Name of Investigator: _____ Status of Case: _____

Location of Agency or Court: _____

Additional comments: (Continue any comments or questions on additional sheets if necessary)

I have reviewed the F & A Civil Rights Complaint Procedure and understand my complaint may be forwarded to another state or federal agency for review and response.

DATE _____ SIGNED: _____

Deliver, Mail, or Email to:

Civil Rights Complaints
F&A Civil Rights Coordinator
19th Floor, Wm. R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue North
Nashville, TN 37243-1102
FA.CivilRights@tn.gov