TITLE VI AND CIVIL RIGHTS COMPLIANCE TRAINING

4/2/2026

Training Objectives

- To understand the meaning of the word “prejudice” and the legal definition of “discrimination” and covered groups.
- To know the major non-discrimination laws and covered groups that are protected by these particular laws, and the effects on these groups while delivering services.
- To know how to recognize a possible violation and know your obligations and responsibilities under State and Federal laws
- To understand the basic measures needed in order to achieve non-discrimination compliance.

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Prejudice

- “Prejudice” is an opinion or adverse judgment to anything without just grounds or before having sufficient knowledge. It is also an irrational attitude of hostility directed against an individual, a group, a race, or their supposed characteristics.
- Prejudice can be for or against an individual, group, or object. Any individual or group can hold prejudice(s) toward another individual, group, or object.

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Prejudice - Examples

- A person can be prejudiced in favor of (for) anyone with a “Southern accent” but be prejudiced (against) anyone with “another accent”.
- He was prejudiced to give her the service (i.e. program, job, education, housing etc.) solely on her looks (i.e. skin color, ethnicity, age, gender, illness, religion, etc.).

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Discrimination

- "Discrimination" is differential treatment that favors one individual, group, or objective over another. It is illegal treatment of a person or group (either intentional or unintentional) based on race, color, national origin, religion, age, sex, pregnancy, disability, citizenship, familial status, veteran status, or genetic information.
- Discrimination is often the result of actions based on prejudicial attitudes.
- In most cases, an institution or entity may treat individuals differently UNLESS the individual is in a protected group or class as defined under law.

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Discrimination - Examples

- It is discriminatory and illegal to deny provided services to an individual based on race, color, national origin or having limited English proficiency (LEP).
- It is discriminatory to provide a service differently (i.e. less favorably) than what is provided to others, at least in part, because of race, color or national origin.
- It is discriminatory and illegal to deny employment to someone based solely on the fact that the person uses a wheelchair.
- It is discriminatory, if an agency offers services to recipients ages 1-21 and you deny persons services because your belief is: “At age 21 recipients do not need the services.”

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TITLE VI (6)

Civil Rights Act of 1964

Title VI Legislative History & Purpose

- The landmark Civil Rights Act of 1964, signed by President Lyndon B. Johnson (36th U.S. President), was a product of the growing demand during the early 1960s for the Federal Government to launch a nationwide offensive against racial discrimination.
- In calling for its enactment, President John F. Kennedy, (35th U.S. President) identified “simple justice” as the justification for Title VI (6).

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JFK's "Simple Justice"

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds is as invidious; and it should not be necessary to resort to the courts to prevent each individual violation."

John F. Kennedy
35th President of the United States
1961-1963

What is Title VI – Programs and Services

"No person in the United States shall on the basis of **race, color or national origin,** be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Civil Rights Act of 1964

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Title VI (Programs and Services) Prohibited Practices

- Denial of any service recipient, any services, opportunities, or other benefits for which that individual is otherwise qualified;
- Provide any service recipient with any service, or other benefit, which is different or is provided in a different manner from that which is provided to others in a program;
- Subject any service recipient to segregated or separate treatment in any manner related to his receipt of service;

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Title VI (Programs and Services) Prohibited Practices, continued

- Restrict a service recipient in any way in the employment of services, facilities or any other advantage, privilege or other benefit provided to others under the program;
- Adopt methods of administration which would limit participation by any group of recipients or subject them to discrimination; and
- Address a service recipient in a manner that denotes inferiority because of race, color, or national origin.

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Title VI (Programs and Services) Limited English Proficiency (LEP)

- "Limited English Proficiency" – is defined as the inability to speak, read, write, or understand the English language at a level that permits a service recipient to interact effectively with staff in accessing public services and benefits.
- Executive Order 13166 (August 11, 2000) requires all agencies that receive federal funding to provide services that are accessible to persons with limited English proficiency.
- Not providing services that are accessible constitutes discrimination based on national origin.

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Four Elements of Effective Language Assistance

1. Develop and implement written policies and procedures for language access.
2. Assess language needs of your consumers and community.
3. Train staff regularly.
4. Monitor vigilantly.

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Types of Language Assistance Services

- Oral interpreter services
- Bilingual staff
- Telephone interpreter-lines
- Written language services
- Community volunteers

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SECTION 504, REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973

- Section 504 prohibits organizations and employers, who receive federal financial assistance, from excluding or denying qualified individuals with disabilities an equal opportunity to receive program benefits and services.
- It defines the rights of individuals with disabilities to participate in, and have access to program benefits, and services.

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Section 504 of the Rehabilitation Act of 1973, continued 2

"Qualified Individual With Disabilities" are persons who have:

1. a physical or mental impairment that substantially limits major life activities
2. AND one or both of the following:
   - With reasonable accommodations, can perform the essential functions of the job for which they have applied or have been hired to perform; OR
   - In terms of accessing and receiving public services and benefits are persons who meet the normal and essential eligibility requirements.

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Section 504 of the Rehabilitation Act of 1973, continued 3

Physical & Mental Disabilities - Include but are not limited to:

- visual, speech, and hearing impairments,
- Intellectual disability,
- mental or emotional illness,
- cerebral palsy,
- epilepsy,
- muscular dystrophy,
- multiple sclerosis,
- orthopedic conditions,
- cancer, heart disease, or diabetes,
- contagious and non-contagious diseases such as tuberculosis and HIV diseases (symptomatic or not)

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Section 504 of the Rehabilitation Act of 1973, continued 4

- “Reasonable Accommodations” – requires an employer or government agency to take reasonable steps to accommodate a person with a disability, unless it would cause undue hardship.
- In relationship to accessing public services and benefits, covered entities must take reasonable steps to make sure a person with a disability can access programs, services, benefits, or has opportunities to participate. This includes the opportunity to participate regardless of physical barriers.

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AGE DISCRIMINATION ACT OF 1975

Age Discrimination Act of 1975
(for Programs and Services)

- Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
- The Age Discrimination Act applies to persons of all ages.
- It does not cover employment discrimination. Employment is covered under the separate Age Discrimination in Employment Act of 1967.

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Age Discrimination Act of 1975
(for Programs and Services), continued

- The Age Discrimination Act does allow for certain exceptions that permit, under limited circumstances, use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age.

Example: Federal and local government can enact statutes which provide benefits or target groups in age-related terms such as the TennCare TENNderCare (federal EPSDT) Program.

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TITLE IX (9), EDUCATION AMENDMENTS OF 1972

Title IX (9) of the Education Amendments of 1972

- Applies to education programs and activities
- Prohibits discrimination based on an individual's gender

Section 1681 of Title IX (9) of the Education Amendments of 1972 states:

> "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance…"

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Title VI in Tennessee State Law

- On May 31, 1993, the State of Tennessee became the first state to pass legislation enforcing Title VI (6) compliance in all of its departments, programs, and agencies.
- TN Code § 4-21-904

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Executive Order 13166

- Limited English Proficiency (LEP) – EO 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.

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COMPLIANCE ACTIVITIES

Keys to Effective Civil Rights Compliance

- Ensure that service recipients receive:
  - Equal Treatment
  - Equal Access
  - Equal Rights
  - Equal Opportunities
- Without regard to their:
  - Race
  - Color
  - National Origine (Including English proficiency)
  - Age
  - Gender
  - Disability

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How Civil Rights Compliance is Enforced

- Complaints
- Compliance Reviews
- Agency Activities
  - Education
  - Training
  - Technical Assistance

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Title VI Complaints

Should a person feel that they have been discriminated against from an Agency providing services, they can file a discrimination complaint:

- Your Agency's Title VI Officer
- TDMHSAS Office of Consumer Affairs Helpline: 800-560-5767
- TN Dept. of Human Resources Office of Strategic Support – Legal Compliance Division: (615)741-4841
- U.S. Department of Health and Human Services (DHHS) Office of Civil Rights: 80-368-1019

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Develop a System for Receiving & Tracking Title VI Complaints

1. Define what constitutes a complaint
2. Legal Basis
3. Consider:
    - Timeline for accepting a complaint
    - Investigation and resolution timeframe
    - Who investigates the complaint
    - Who resolves the complaint

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Develop a System for Receiving & Tracking Title VI Complaints, Continued

4. Also consider including:
   - Reasons for dismissal of a complaint
   - How to respond to the complainant and respondent (by producing the report, by writing a letter of findings)?
   - What type of system for tracking complaints
   - Publishing and ensuring accessibility of complaints (e.g., written, TDY)
   - Types of language assistance measures
   - When to send complaints to TDMHSAS

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Develop Procedures for the Investigation of and Resolution of Title VI Complaints

If any complaints are filed because the complainant believes he or she was denied benefits of or excluded from participation in a project or activity that receives federal funding on the grounds of race, color, or national origin, there should be a process in place to enable the sub-recipient to identify and classify this type of complaint as a Title VI complaint.

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Complaints of Fraud, Waste, or Abuse

- Citizens and agencies are encouraged to report (non-civil rights) fraud, waste and abuse in State and Local government.
- To report (non-civil rights) illegal, improper, or wasteful activities, please contact the State Comptroller at 1-800-232-5454 or visit www.comptroller.tn.gov/hotline

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Retaliation

It is illegal to fire, demote, harass, prevent services or otherwise "retaliate" against people, because they filed a charge of discrimination, because they complained about discrimination, or because they participated in a discrimination proceeding (such as an investigation or lawsuit).

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Compliance Reviews

- TDMHSAS is monitored by the Tennessee Department of Human Resources Office of Strategic Support – Legal Compliance Division which is monitored by U.S. Department of Health and Human Services, Office of Civil Rights.
- TDMHSAS monitors its agency/providers starting with the annual Title VI self-survey, followed by a scheduled on-site monitoring visit.

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Quality Assurance

- TDMHSAS annually provides Title VI training to its Agency-Provider Title VI Coordinators
- Agency-Provider Title VI Coordinators provide training and oversight to its agency for civil rights compliance.

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Agency Title VI Coordinator Duties

- Ensure that all new employees and volunteers receive Title VI training during new employee orientation.
- Conduct or coordinate an annual Civil Rights In-Service training for all employees and volunteers.
- Ensure that procedures are in place for informing all service recipients of their rights under Title VI and how to file a discrimination complaint.
- Ensure that Title VI posters and brochures (in English and other languages) are displayed and distributed throughout the agency.
- As a part of quality assurance, conduct internal monitoring activities to ensure staff and volunteer compliance with Title VI.
- Coordinate, facilitate, and monitor the Agency Title VI complaint process.
- Submit the TDMHSAS Title VI annual self-survey and other required documents in a timely manner as requested by TDMHSAS, and
- All other duties as necessary to ensure agency compliance with Title VI regulations.

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Things to Know

Protected Classes (characteristic of a person which cannot be targeted for discrimination) under Federal law:

- Race – Civil Rights Act of 1964
- Color – Civil Rights Act of 1964
- Religion – Civil Rights Act of 1964
- National Origin – Civil Rights Act of 1964
- Age (40 and over) – Age Discrimination in Employment Act of 1967
- Sex – Equal Pay Act of 1963 and Civil Rights Act of 1964

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Things to Know, Continued

- Individual States can, and do, create other protected classes that are protected under that state's law.
- For Q&A regarding protected classes, contact:
  - Tennessee Department of Human Resources Office of Strategic Support – Legal Compliance Division
  - Compliance Officer (615) 313-5711

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Things to Know: Effective Communication is Essential for Meaningful Access

- Persons who are limited English Proficient (LEP) Title VI (6) and ADA, refer to - https://www.lep.gov
- Persons who are Deaf or Hard of Hearing ADA, refer to -
  National Association of the Deaf http://www.nad.org/
  Registry of interpreters for the Deaf http://www.rid.org/
- Persons who are Blind or have Low Vision ADA, refer to -
  National Federation of the Blind https://nfb.org/
- Persons who have Service Animals ADA, refer to -
  https://www.ada.gov/service_animals_2010.htm

* Health Care providers have a duty to provide appropriate auxiliary aids and services when necessary to ensure that communication with people is effective for all.

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Things to Know: Effective Communication is Essential for Meaningful Access, continued

Auxiliary Aids:

- Medically qualified American sign language (ASL) interpreters.
- Video remote interpreting (VRI).
- Large print material
- Captioning (open-closed and real-time).

Qualified Interpreter:

- Must be provided free of charge and in a timely manner in order to ensure effective communication when discussing important information with client and/or their companion.
- Providers may not require individuals to provide their own interpreters.
- Providers may not rely on minor children or except in an emergency involving an immediate threat to the safety or welfare of the individual or the public where there is no interpreter available.
- Providers may use bilingual or multilingual staff to interpret.
- Providers “may not” use low quality video remote interpreting services.

Section 1557 of the Affordable Care Act 2016

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Things to Know: Limited English Proficiency (LEP)

- Have documented Policy and Procedures that address a Limited English Proficiency (LEP) Plan– "A person who does not speak English as their primary language, and has a limited ability to read, speak, write or understand English."
- Persons who speak English may also be LEP (4th grade education)
- Persons that speak a language may not be able to read that language (and vice versa).
- Do not rely on a minor child to interpret or facilitate communications, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public welfare where there is no interpreter available.
- Discourage using a family member or a dual speaking employee. Use a Certified Qualified (Program) Interpreter.
- Avaza Language Services http://avaza.co/ 800-482-8292
- Conduct an annual assessment of the regional population by using the LEP "Four Factor Analysis:"
  1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or Grantee;
  2. The frequency with which LEP individuals come in contact with the program;
  3. The nature and importance of the program, activity or service provided by the program to people's lives; and
  4. The resources available to the Grantee and costs.

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Things to Know: Common Strategies for Implementing LEP Plans

1. Publish documents in languages other than English
2. Multi-Language Phone Lines
3. Multilingual staff in information booths
4. Language identification using “I Speak”
5. Cards
6. Advertising in Minority Media

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Things to Know: A Model LEP Plan Includes

1. Notice to the Public
2. Translated Vital Documents
3. Staff Training
4. Monitoring Plan
5. Four Factor Analysis
6. Access to the Services of a Language Assistance Provider

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Examples of Program Non-Compliance with Title VI

- Denying an individual any service, financial aid, other benefit provided under the program.
- Providing a service or benefit to an individual which is inferior (either in quantity or quality) to that provided to others in the program.
- Providing an individual with a service or benefit in a manner different from others under the program.
- Subjecting an individual to segregation in any manner related to the receipt of services or benefits under the program.
- Subjecting an individual to separate treatment in any manner related to receiving services or benefits, under the program.

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Examples of Program Non-Compliance with Title VI, continued 2

- Restricting an individual in any way in the receipt of any advantage or privilege enjoyed by others under the program.
- Requiring different standards or conditions as prerequisites for accepting an individual into a program.
- Denying a person the opportunity to participate as a member of planning or advisory body which is an integral part of the program.
- Utilizing criteria or methods of administration which (a) have the effect of subjecting individuals to discrimination or (b) operate to defeat or substantially impair the accomplishment of the objectives of the program.
- Permitting discriminatory activity in a facility build in whole or part with Federal funds.

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Examples of Program Non-Compliance with Title VI, continued 3

- Failing to provide services or information in a language other than English when significant numbers of potential or actual beneficiaries are of limited English-speaking ability.
- Failing to advise the population eligible to be served or benefited by the program of the existence of the program.
- Subjecting an individual to discriminatory employment practices under a Federally funded program whose objective is to provide employment.
- Locating a facility in any way which would limit or impede access to a federally funded service or benefit.

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Non-Compliance Statement for Agency Providers

Failure or refusal to comply with Title VI(6) of the Civil Rights Act of 1964, T.C.A. 4-21-904, and TDMHSAS Title VI guidelines, will result with the Grant Contract and/or Authorization to Vendor Agreement resulting in an administrative corrective action that may lead to sanctions of withholding of payments to the recipient under the contract until the recipient complies, and/or cancellation, termination or suspension of the Grant Contract and/or Authorization to Vendor Agreement, in whole or in part.

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Things to Know: Agency/Provider Compliance Steps

- Appoint an Agency Title VI(6) Coordinator who coordinates agency Title VI functions.
- Provide and maintain documentation of Title VI (6) Employee/Volunteer Training for all employees/volunteers upon employment/volunteering, and then, annually thereafter.
- Develop and maintain Title VI (6) Policy and Procedures that address Title VI implementation issues, including a complaint process, and LEP.
- Display posters and brochures in both English and Spanish. These can be obtained at: https://www.tn.gov/behavioral-health/for-providers/additional-resources/title-vi.html

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Things to Know: Agency/Provider Compliance Steps, continued

- Inform Service Recipients about Title VI (6) and how to file a discrimination complaint (i.e. intake form) and disseminate Title VI (6) information to the public (i.e. website, poster, bills, etc.).
- Have a written Title VI Complaint Process and Complaint Log (an example is on https://www.tn.gov/behavioral-health/for-providers/additional-resources/title-vi.html), that:
  - Addresses how to file a complaint (https://www.justice.gov/crt/filing-complaint or Title VI Hotline 1-888-848-5306);
  - States that the complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant;
  - States that the complaint should be in writing and signed by both the complainant and the Agency Title VI (6) Coordinator.

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Provider Requirements after Receiving a Title VI Complaint

- Log the complaint upon notification; then
- Notify TDMHSAS via e-mail to Gwen Hamer (Mental Health) at Gwen.Hamer@tn.gov or Donathan Knowles (Substance Abuse) at Donathan.Knowles@tn.gov that a Title VI complaint has been made; then
- Determine the jurisdiction, acceptability, and the need for additional information upon receipt in order to investigate the merit of the complaint; then
- Investigate the complaint
- Identify final action within 45 days of the initial complaint

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Provider Requirements after Receiving a Title VI Complaint, continued

- Provide the complainant with written results of the investigative findings with appeal instructions. (That they are advised of their right to have their complaint reviewed by one of the following agencies; if they are not satisfied with the agency decision, they can contact the TDMHSAS Title VI (6) Compliance Officer, or the Tennessee Department of Human Resources Office of Strategic Support – Legal Compliance Division, or the U.S. Department of Health and Human Services (DHHS), Office of Civil Rights, Region IV (4) Office.)

- Then, log the outcome of the complaint and notify TDMHSAS Office of Civil Rights via email of the outcome.

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Things to Know: Contact Information

Tennessee Department of Mental Health and Substance Abuse Services
500 Deaderick Street, 6th Floor Andrew Jackson Building
Nashville, TN 37243

Tennessee Department of Human Resources
Office of Strategic Support – Legal Compliance Division
312 Rosa L. Parks Avenue, 17th Floor
Nashville, Tennessee 37243

U.S. Department of Health and Human Services – Office for Civil Rights, Southeast Region
Sam Nunn Atlanta Federal Center, Suite 16T70
61 Forsyth Street, S.W., Atlanta, GA 30303-8909
Customer Response Center: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697

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Title VI Disclaimer for Brochures, Website, Training, etc.

"(Agency/Program)" is funded by a grant from the State of Tennessee, Department of Mental Health and Substance Abuse Services (TDMHSAS). Whereby, no person in the United States or in Tennessee, shall on the basis of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal and/or Tennessee State funding assistance (Civil Rights Act of 1964; T.C.A. 4-21-904).

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Things to Know for Agency Providers

1. Annual Title VI Self-Survey
2. Timely Submit to TDMHSAS a completed and signed TDMHSAS Title VI Self-Survey when requested by TDMHSAS – which is due annually (Between July 1 and July 30).
3. A link for the self-survey will be posted during training and sent out via email.

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Online Assessment and Certificate of Completion

- Complete the online assessment at this link: https://stateoftennessee.formstack.com/forms/tdmhsas_title_vi_training_quiz
- After successful completion of the assessment, download and retain the certificate for Title VI Coordinators

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THANK YOU