



TENNESSEE HIGHER EDUCATION COMMISSION



Title VI Compliance Report and Implementation Plan FISCAL YEAR 2024-2025

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Period Covered by the Title VI Compliance Report and Implementation Plan

This implementation plan update for compliance with Title VI of the Civil Rights Act of 1964 covers the period of July 1, 2023, through June 30, 2024. The programs and activities outlined in the report are included within the scope of the implementation plan update. The plan update was developed by the Commission's Title VI Coordinator in cooperation with resource staff and representatives from each of the Commission's program areas. This plan has been approved by the Executive Director of the Commission.

Overview of the Tennessee Higher Education Commission

The Tennessee Higher Education Commission (“THEC” or “the Commission”) aims to build a stronger higher education landscape that provides opportunities for all individuals to pursue high-quality education and high-value credentials. The Commission pursues this goal by innovating for student access and success, creating a policy environment conducive to increased degree attainment, and protecting students and consumers.

The Commission was created in the fall of 1967 by the Tennessee General Assembly to achieve coordination and foster unity in higher education in this state. The Commission is composed of nine (9) voting members appointed from the general public, each serving six (6) year terms and representing the three (3) Grand Divisions of the state equally; three (3) ex-officio officers (Comptroller of the Treasury, State Treasurer, and Secretary of State) who are ex-officio voting members; one (1) voting student member who serves a one (1) year term; and the Executive Director of the State Board of Education, who serves as an ex-officio, non-voting member.

The Commission provides leadership in public policy development for higher education in Tennessee, from ensuring fair and equitable funding of the various public institutions to managing growth in a way that ensures the efficiency of state appropriations. A number of policies first implemented by the Commission have been emulated at a statewide level across the country.

The Executive Director of the Commission is the lead agency staff member, or “Department Head.” The Executive Director is appointed by the Commission. The agency is divided into seven (7) bureaus, each led by a bureau chief reporting directly to the Executive Director. The Internal Auditor and the Human Resources Director also report directly to the Executive Director, but the Internal Auditor may independently report to the Commission through the Internal Audit Committee. The designated Title VI Coordinator is currently the agency’s THEC Coordinator, who reports directly to the Associate General Counsel and the General Counsel, who leads the Office of the General Counsel. A complex organizational chart of the agencies, which incorporates the Tennessee Higher Education Commission and the Tennessee Student Assistance Corporation, is provided in *Appendix I*.

The Tennessee Higher Education Commission members and staff take seriously the responsibility of ensuring compliance with Title VI as well as other programs to prevent discrimination of any type. The Commission continuously strives to identify initiatives to help meet this responsibility.

Responsible Officials

The responsible State official charged with ensuring that the agency complies with Title VI is Dr. Steven Gentile, Executive Director.

The person designated as the Title VI Coordinator is Amber Walsh, THEC Coordinator.

The policy and procedures outlined in this implementation plan for compliance with Title VI of the Civil Rights Act of 1964 took effect on July 1, 2024, and will be in place through June 30, 2025.



Steven Gentile (Sep 25, 2024 08:44 CDT)

Dr. Steven Gentile
Executive Director



Amber Walsh
THEC Coordinator

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Definitions

Assurance – A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in compliance with civil rights laws and regulations.

Beneficiaries – Those persons to whom assistance, services, or benefits are ultimately provided. The beneficiaries assisted by the Commission include public and private postsecondary institution students and teachers.

Compliance – The fulfillment of the requirement of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin.

Complaint – A verbal or written allegation of discrimination which indicates that any federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups or persons because of race, color, or national origin.

Conciliatory Agreement – A voluntary agreement between a federal agency, the state, and a sub-recipient, which provides for corrective action by a recipient to eliminate discrimination in any program receiving federal assistance.

Contractor or Vendor – A person or entity that agrees to perform services at a specified price.

Civil Rights Compliance Reviews – Regular systematic inspections of agency programs conducted to determine regulatory compliance with civil rights laws and regulation. Compliance reviews determine compliance and noncompliance in the delivery of benefits and services in federally assisted programs. They identify problems such as denial of full benefits, barriers to participation, difference in treatment, lack of selection to advisory boards and planning committees, lack of information, and denial of the right to file a civil rights complaint. Compliance reviews may be conducted on-site or through desk audits.

Discrimination – To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.

Federal Assistance – Any funding, property, or aid provided for the purpose of assisting a beneficiary.

High-Need Local Education Agency (LEA):

- (A) 1. that serves not fewer than 10,000 children from families with incomes below the poverty line; or
- 2. for which not less than twenty percent (20%) of the children served by the agency are from families with incomes below the poverty line; and
- (B) 1. for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or
- 2. for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

Historically Black Colleges and Universities (HBCUs) – a college or university that was originally founded to educate students of African American descent.

Minority – A person or group of persons who differs from others in some characteristic(s) and is often subjected to differential treatment on the basis of race, color, or national origin.

Noncompliance – Failure or refusal to comply with Title VI of the Civil Rights Acts of 1964, other applicable civil rights laws, and implemented departmental regulations.

Primary Recipient – Any recipient authorized or required to extend federal financial assistance to another recipient for the purpose of carrying out a program.

Public Notification – Process of publicizing information on the availability of programs, services, and benefits to minorities as well as statements of nondiscrimination. This is attained through use of newspapers, newsletters, periodicals, radio and television, community organizations, and grassroots and special needs directories, brochures, and pamphlets.

Racially Hostile Environment – Harassing conduct (for example, physical, verbal, graphic, or written) that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient of federal funds.

Recipient – Any state (including political subdivisions or instrumentalities of a state), public or private agency, institution, organization, other entity, or individual, to whom federal financial assistance is extended, directly or through another recipient. This definition includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Request for Proposals – The document that solicits competitive grant proposals from higher education and non-profit institutions.

Non-Discrimination Policy

The Tennessee Higher Education Commission is committed to the principles outlined in Title VI of the Civil Rights Act of 1964, which states:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

The Tennessee Higher Education Commission prohibits discrimination in any manner related to institutions, non-profit organizations, or program participants receiving services or benefits under federal or state programs. This information is disseminated to employees through items posted in each break room and copy room and through Title VI training opportunities. Additionally, the information is included in all RFP documents issued by this office. Successful project directors must attend a project directors' meeting where Title VI compliance is reinforced.

The Tennessee Higher Education Commission reaffirms its policies and commitment to afford all individuals the same opportunity to participate in federally financially assisted programs in compliance with Title VI of the Civil Rights Act of 1964.

The Tennessee Higher Education Commission, its sub-recipients, and its vendors, shall make available any compliance report to be reviewed by the Tennessee Human Rights Commission upon request.

A copy of the policy can be found as Appendix XXII.

Organization of Civil Rights Office

The ultimate responsibility for enforcing and complying with the provisions of Title VI and this report is vested in the Executive Director of the Tennessee Higher Education Commission. The Executive Director oversees all policy and hiring for the agency.

The individual responsible for developing, reporting, and enforcing Title VI guidelines is Amber Walsh, THEC Coordinator. Mrs. Walsh reports directly to the Associate General Counsel and General Counsel and can be contacted at (615) 532-3500 or via e-mail at amber.walsh@tn.gov.

As the Title VI Coordinator, Mrs. Walsh is charged with developing the Commission's Title VI implementation plan and provides overall direction and leadership for the Commission's Title VI compliance activities, including professional development.

There were no Title VI complaints filed with the Commission in FY 2023-2024. If any complaints were filed, Mrs. Walsh would investigate and respond to such complaints and consult with appropriate staff.

Discriminatory Practices

There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, the Tennessee Higher Education Commission, and its sub-recipients and vendors, shall not, on the basis of race, color, or national origin, either directly or through contractual means:

- Deny any qualified applicant participation in a program funded with a federal grant;
- Provide an individual instruction or participation at a level of service or benefit in a manner different from others under the same program;
- Subject a participant to segregation in any manner related to the receipt of services or benefits under the program;
- Subject a project participant to separate treatment in any manner related to receiving services or benefits under the program;
- Restrict an individual in any way in the receipt of any advantage or privilege enjoyed by others under the program;
- Require different standards or conditions as prerequisites for accepting an individual into a program;
- Use 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;
- Permit discriminatory activity in a facility built in whole or in part with federal funds;
- Fail to provide service or information in a language other than English when a significant number of potential or actual beneficiaries have limited English speaking ability;
- Fail to advise the population eligible to be served or benefited by the program of the existence of the program;
- Locate a facility in any way which would limit or impede access to a federally funded service or benefit; or,
- Deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

Federal Programs or Activities

The Tennessee Higher Education Commission administers or has administered the following federal programs in Tennessee. A spreadsheet of all programs with amounts can be found in *Appendix II*.

GEAR UP Tennessee

In the fall of 2017, the United States Department of Education awarded a *Gaining Early Education Awareness and Readiness for Undergraduate Programs* (GEAR UP) grant to the Commission in the amount of \$24,500,000, a seven-year discretionary grant program, aiming to increase the number of low-income, first-generation students enrolling in college. GEAR UP TN direct-service schools for the 2017 project were selected through a competitive application process that began in January 2018. To be eligible, high schools were required to meet two (2) requirements: 1) have a college-going rate at or below the state average, based on the most recent three (3) years of data supplied by THEC; and 2) have at least fifty percent (50%) of students eligible for free or reduced-priced lunch. Following a proposal review and interview process, THEC selected direct-service middle and high schools located in 15 school counties: Anderson, Bradley, Campbell, Davidson, Fayette, Haywood, Henry, Jackson, Johnson, Lincoln, Meigs, Overton, Polk, Robertson, and Shelby. Grant contracts with the new sites were finalized in June 2018. Student services began in August 2018. During the reporting period, Tennessee's GEAR UP TN program provided college access and success services to 6,856 students attending GEAR UP TN schools.

As a part of both GEAR UP applications, Tennessee was required to provide a letter of assurance of nondiscrimination (*Appendix III*).

These funds are not for the procurement of land, loans, nor do they provide salaries for federal employees.

Veterans Education Division

The Veterans Education Division of the Commission is the Tennessee State Approving Agency (TN-SAA) funded by an allocation from the U.S. Department of Veterans Affairs (VA) to approve and monitor all approved educational and training institutions receiving federal veterans education benefits funds for the education and training of veterans based on federal guidelines. Pursuant to U.S.C. Title 38, the TN-SAA is responsible by Cooperative Agreement contract to the U.S. Department of Veterans Affairs.

Veterans Affairs regulations require that all participants (schools, business, etc.) acknowledge and adhere to the policies referred to under the Title VI enforcement form, which affirms that they will not discriminate based on race, color, or national origin (*Appendix IV*). A school will not be approved for veteran's education or training unless this

form has been signed. An institution currently approved for veteran's education or training that fails to comply with Title VI procedure will be withdrawn from the program. During the FY 2023-2024 there were 230 institutions and 139 apprenticeship on-the-job training programs approved to provide veteran's training in Tennessee.

Each institution approved for the training of veterans must always have an EEO statement and guidelines in place. Commission staff reviews these guidelines and makes sure they are in place.

The total budget for Veterans Education Division for FY 2023-2024 was federally funded in the amount of \$658,034.00 and an estimate of \$658,034.00 for FY 2025. It should be noted, however, that **while THEC's Veterans Education Division is federally funded, it does not determine student eligibility for or distribute any federal funds.** The U.S. Department of Veterans Affairs notifies veterans of their eligibility and pays benefits directly from the federal office. The federal funding received by THEC is used solely to fund the salaries and activities of the state employees in the Veterans Education Division in their regulatory duties as Tennessee's State Approving Agency (TN-SAA). Therefore, there are no sub-recipients or direct beneficiaries of these federal funds.

These funds are not for the procurement of land, loans, nor do they provide salaries for federal employees.

Data Collection and Analysis

Data Analysis for Federally-Funded Programs

All data regarding beneficiaries is reported to THEC directly by sub-recipients.

GEAR UP Tennessee

As part of our implementation of GEAR UP TN, grant staff use a secure, web-based data warehouse designed for GEAR UP projects to collect, store, and report service participation data. THEC staff and sub-recipient personnel are trained on common GEAR UP service definitions established through the Career and College Readiness Evaluation Consortium (CCREC) and enter service participation data into the database. This data includes student name, type of service provided, and duration of the service. Student-level demographic, academic, and outcomes data is then linked to service participation data through a unique identifier to allow project evaluators to assess the impact of specific services, and the optimal level of participation in services, on project objectives. These reporting functions enable staff to monitor service delivery and identify gaps in service participation.

GEAR UP TN served 3,634 students during the FY 2023-2024. Racial and ethnic composition of beneficiaries is broken down below by grant project:

2017 GEAR UP TN Project:

Race	Number of Students Served	%
American Indian or Alaska Native	19	0.3%
Asian	41	0.7%
Black or African American	1,041	17.5%
Native Hawaiian or Pacific Islander	8	<01%
Not Identified	1	0.0%
Two or More Races	175	2.9%
White	4,651	78.4%
Grand Count	5,936	100.0%

Ethnicity	Number of Students Served	%
Hispanic/Latino	711	12%
Non-Hispanic/Latino	5,219	87.9%

Not Identified	6	0.10%
Declined to State	0	0.0%
Grand Count	5,936	100.0%

Veterans Education Division

There are no sub-recipients or direct beneficiaries of federal funds under the Veterans Education Division. The federal funding received by THEC is used solely to fund the salaries and activities of the Veterans Education Division employees in their regulatory duties as Tennessee's State Approving Agency. Therefore, there are no sub-recipients or direct beneficiaries of these federal funds.

Commission Staff

All THEC employees are Executive Service staff. All employee demographic data is maintained and reported by THEC Human Resources staff.

Of the seventy-five (75) individuals employed at THEC during FY 2023-2024:

- 20 African American (27%)
- 49 Caucasian (65%)
- 4 Asian/Pacific Islander (6%)
- 1 American Indian/Alaskan Native (1%)
- 1 Hispanic or Latino (1%)

As of June 30, 2024, there were four (4) vacant positions and sixty-eight (68) filled positions. The filled positions are broken down as follows:

- 17 African American (26%)
- 45 Caucasian (66%)
- 4 Asian/Pacific Islander (6%)
- 1 American Indian/Alaskan Native (1%)
- 1 Hispanic or Latino (1%)

This can be further broken down by EEO category (See *Appendix V*):

EEO 1: 41 positions (57%)

- 6 African American (16%)
- 30 Caucasian (74%)
- 2 Asian/Pacific Islander (5%)
- 2 Vacant (5%)

EEO 2: 30 positions (42%)

- 11 African American (37%)
- 14 Caucasian (47%)

- 1 Asian/Pacific Islander (4%)
- 1 American Indian/Alaskan Native (4%)
- 1 Hispanic or Latino (1%)
- 1 Vacant (4%).

EEO 7: 1 position (1%)

- 1 Caucasian (100%)

Limited English Proficiency (LEP)

Notwithstanding the limited likelihood that participants in federally funded programs administered by the Commission will be in need of LEP services, the Commission is committed to ensure that all eligible participants have complete access to the programs it administers. Therefore, the following procedures have been put in place should the need arise.

GEAR UP Tennessee

The GEAR UP TN program provides direct services to students through subgrants to LEAs. Services provided to students are tailored to students' individual needs. The Commission relies on direct service site personnel at the LEAs to identify any unfilled LEP needs among the students being served by GEAR UP TN, which shall immediately be reported to Commission staff. Should a GEAR UP TN student require specific services to address his or her LEP needs not already provided by established processes and procedures of the LEA, the Commission will work with the LEA to ensure such needs are met. Language assistance may be provided through an arrangement with the Tennessee Language Center (TLC), an agency of the University of Tennessee's Institute for Public Service.

Language assistance will be provided through an arrangement with TLC. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter. The Commission will conduct a regular review of the language access needs of our service population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

THEC Limited English Proficiency Procedures

1. Identifying LEP Persons and Their Language

The Commission will promptly identify the language and communication needs of the LEP person. If necessary, staff will use language identification cards (or "I speak cards") or posters to determine the language. In addition, when records are kept of past interactions with individuals or their family members, the language used to communicate with the LEP person will be included as part of the record.

2. Obtaining a Qualified Interpreter

TLC has agreed to provide qualified interpreter services. TLC is a state agency that provides interpretation services in over 200 languages, either in person or over a 24/7 telephonic language service (877-346-1674). Additionally, TLC can provide written translation for forms, websites and other business documents.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used

as interpreters unless specifically requested by that individual. Furthermore, the LEP person must first understand that an offer of an interpreter at no charge to the person has been made by the department or agency. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person. Children will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

3. Providing Written Translations

The Commission does not currently maintain any documents available in a language other than English. As indicated above, when translation of vital documents is needed, the Commission shall submit the documents to TLC for translation. Original documents being submitted for translation will be in final, approved form.

4. Monitoring Language Needs and Implementation

On an ongoing basis, the Commission will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the Commission will regularly assess the efficacy of these procedures, including but not limited to:

- mechanisms for securing interpreter services,
- equipment used for the delivery of language assistance,
- complaints filed by LEP persons, and
- feedback from the public and community organizations.

The assessment will be flexible and fact-dependent, balancing the following four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program;
- The frequency with which LEP individuals come in contact with the program;
- The nature and importance of the program to people's lives; and
- The resources available to the Commission and costs.

As stated in the LEP procedures above, the Commission does not currently maintain any documents available in a language other than English.

During FY 2023-2024 there were no requests, nor was there any observed need, to provide LEP services; therefore, there were no languages encountered other than English, and there is no log of LEP activities. A copy of a sample LEP reporting form is found in *Appendix*

XVII. However, it is important to note that the *Gear UP Tennessee* Senior Next Guides and Family Guides are translated and provided in Spanish.

THEC has an informational document to remind staff of translation services available to all staff and thresholds on when to utilize the translation services. This document is distributed by email annually in conjunction with the submission of the Title VI report. Additionally, this information is discussed and distributed during the onboarding process for all public-facing employees. A copy of the tool used by THEC staff to log any LEP activities is found in *Appendix XIX*.

Complaint Procedures

The Tennessee Higher Education Commission has adopted complaint procedures which employ standardized notices, complaint and consent forms, and template letters to be used to communicate the status of a complaint investigation (*Appendix VI*). In addition, the Commission utilizes standard forms developed by the Tennessee Human Rights Commission related to the investigation itself (e.g. *Investigation Commencement Form, Title VI Investigative Plan, and Case Summary Report*).

Timeline for Filing

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. The complainant may file a complaint with THEC, the Tennessee Human Rights Commission, or the federal granting agency that provides the funding.

Receipt of Complaints

To request a preliminary review by the Commission, which determines whether it will investigate an allegation of noncompliance with Title VI, the complainant must complete the *Discrimination Complaint Form* contained in *Appendix VI* (or provide the information requested on the *Complaint Form*). Additionally, he or she must complete the *Consent Form for Use of Personal Information*. The complainant must sign all forms.

Essential Elements of a Complaint

The complainant must provide the following information:

- Name, address, and telephone number of the person making the complaint;
- The location and name of the entity delivering the service;
- The nature of the incident that led the complainant to feel discrimination was a factor;
- Whether the discrimination was based on race, color, or national origin;
- Names, addresses, and phone numbers of people who may have witnessed the event or may have knowledge of the event; and,
- The date(s) of the alleged discriminatory acts.

Complaint Receipt and Reporting Process

The procedures listed below will be followed in processing Civil Rights complaints:

- Within ten (10) days of receiving the complaint, the Commission will send a letter to the complainant acknowledging receipt of the complaint. The Commission will advise the complainant that the Commission will conduct a preliminary review of the complaint and that he or she will be advised of the results of the preliminary review.

- Within ten (10) days of receiving the complaint, the Commission will notify the Tennessee Human Rights Commission of the complaint.
- The Commission's Title VI Coordinator will conduct a preliminary review of the complaint and will determine whether a potential violation of Title VI has occurred. The Title VI Coordinator will also determine whether the Commission has jurisdiction to investigate the complaint, and whether the Commission is the best entity to conduct the investigation. In the course of the investigation, the Title VI coordinator will work with the program administrator for the particular program involved in the complaint. If it is determined that the Commission is not the best entity to conduct the investigation, the Commission may refer the complaint to the U.S. Department of Education Office for Civil Rights, the Tennessee Department of Labor and Workforce Development or U.S. Department of Veterans Affairs, or any other appropriate entity.
- While the Commission does not have statutory responsibility for the operation of the governing boards, the Executive Director will refer any complaint involving an institution of the University of Tennessee System, TBR, or the six (6) LGIs to the respective governing boards for review and resolution. In either case, the complainant will be apprised of the action taken.
- Within thirty (30) days of the Commission's receipt of the complaint, the Commission will notify the complainant as to the results of the preliminary review of the complaint and whether the Commission will conduct an investigation.
- If the decision of the Commission is to conduct a complaint investigation, the Commission will send a letter of notice to the entity to be investigated.
- If the Commission accepts a complaint for investigation, the Commission will strive to complete the investigation within 180 days of the receipt of the complaint. The investigation will include interviews with persons who may have direct knowledge of the alleged discriminatory act(s), a review of pertinent documents and records, and any other legal investigative techniques deemed necessary to allow the Commission to reach a conclusion as to whether discrimination occurred.
- If appropriate, the Commission will coordinate with other agencies on interdepartmental matters.
- Once the investigation has concluded, the Commission will submit a summary of their findings to the Tennessee Human Rights Commission prior to sending the summary of findings to the complainant.
- If the investigation substantiates the allegations of the complainant or if other

instances of noncompliance with Title VI of the Civil Rights Act of 1964 are found, the Commission will send a draft copy of the investigative report to the entity that has been the subject of the investigation. The Commission will request the entity to submit a written response to any findings or recommendations in the draft report.

- If the entity that is the subject of the complaint submits a written response which states that action will be taken to resolve the complaint, the Commission will issue a final investigative report that will include the response of the entity. The Commission investigator will schedule a follow-up review for an appropriate time period to determine whether the complaint has been resolved.
- If the entity does not agree to resolve a substantiated complaint, the Commission will issue a final report with an opinion statement that the entity has not committed to resolving the complaint. The Commission's Title VI coordinator, in consultation with the Executive Director of the Commission, will make a determination as to what further action the Commission will take to resolve the complaint.
- If the alleged discriminatory act(s) directly affected the complainant, a letter, containing a description of the allegations investigated, the scope of the investigation, the facts learned, and a closing statement summarizing the basis on which the determination was made, will be sent to the complainant. The complainant will be advised of his or her right to file a complaint with other applicable governmental entities, including the Tennessee Human Rights Commission, if dissatisfied with the resolution of the complaint by the Commission.
- If the Tennessee Human Rights Commission refers a complaint to THEC for investigation and resolution, THEC shall:
 1. Report the commencement of an investigation to the Tennessee Human Rights Commission within ten (10) days; and,
 2. Submit a summary of its investigation to the Tennessee Human Rights Commission prior to notifying the complainant.

Intimidation or Retaliatory Acts Prohibited

- Neither THEC nor any sub-recipient or other related entity or person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of Title VI of the Civil Rights Act of 1964, T.C.A. § 4-21-904 or this regulation, or because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this regulation.
- The identity of a complainant shall be kept confidential except to the extent

necessary to carry out the purpose of this regulation, including the conduct of any investigation arising thereunder.

There were no Title VI complaints filed with THEC, and therefore no substantiated complaints, in FY 2023-2024. No lawsuits or other forms of litigation were filed against THEC during FY 2023-2024 on the basis of race, color, or national origin.

Title VI Training Plan

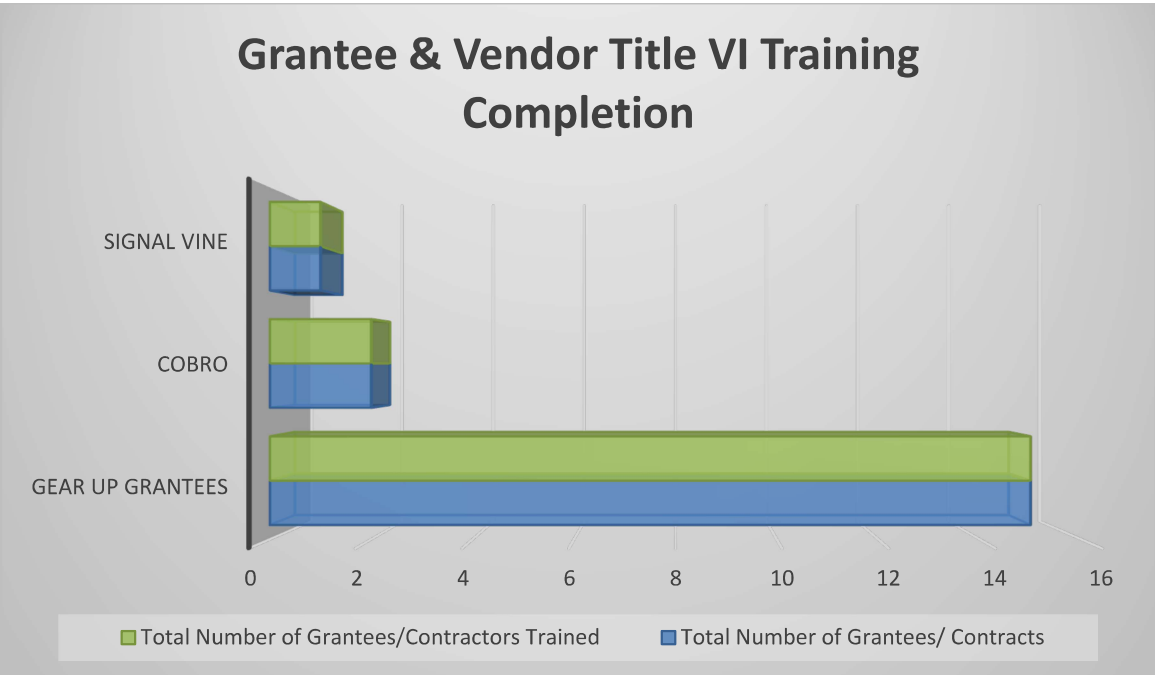
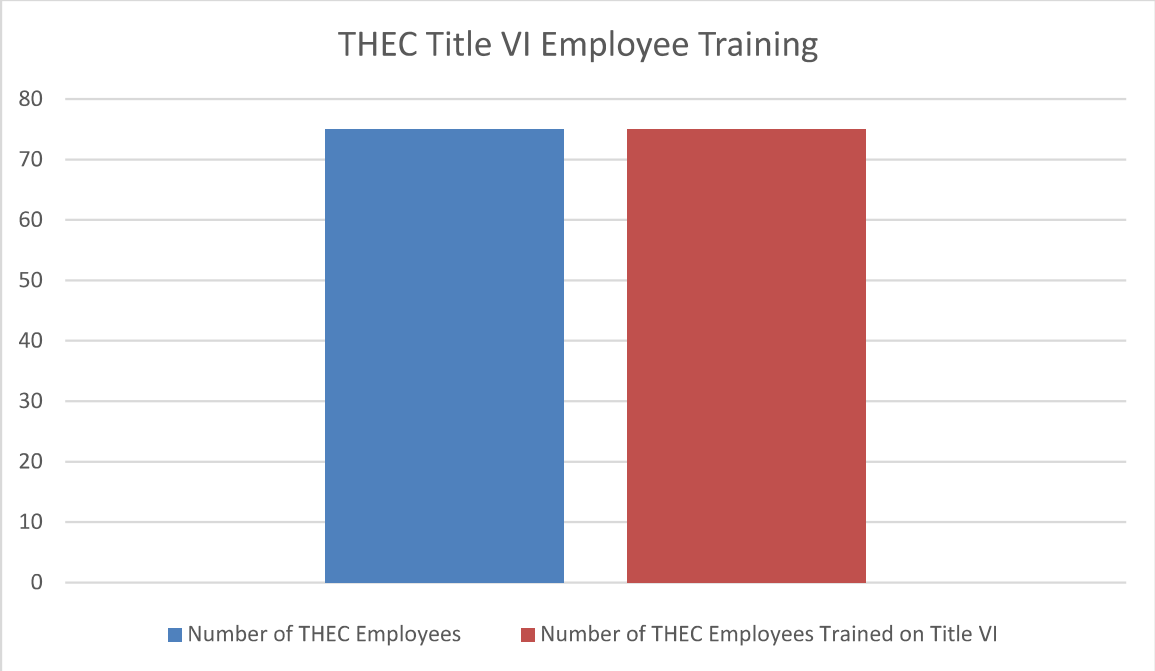
Mrs. Walsh is designated the Title VI Coordinator and will ensure the execution of all the duties and responsibilities of the position, including participation in meetings of the Tennessee Title VI Compliance Commission and Governor's Office of Diversity Business Opportunities.

Rachel Hitt, Associate General Counsel, and Amber Walsh, THEC Coordinator for the Commission, attended the virtual Title VI compliance meeting hosted by the Tennessee Human Rights Commission on August 9-10, 2023.

Title VI training for the Commission staff was accomplished this year through an on-line video recorded by THEC and distributed by email. The video provided an overview of Title VI to include its history, key elements, and principles regarding application of the law to the work of the Commission. The training incorporates a history of civil rights in the United States, LEP requirements and policy, and outlines the purpose and applicability of Title VI. The training includes a post-test in Formstack which the staff responds to questions related to the on-line tutorial (*Appendix VII*).

Commission staff members were advised that access to the mandatory video training was available in May 2023. Through Formstack, it was verified that 66 THEC staff members completed the training for a one hundred percent (100%) completion rate for full-time Commission staff. An employee roster showing completion of the training can be found in *Appendix VIII*. For FY 2024-2025, THEC, in conversation with Strategic Technology Solutions (STS), has decided to wait on developing online Edison training for employees due to the complexity and the potential that the Human Rights Commission may be in development of a similar training; thus the current training module will be offered during the spring and summer of 2025.

In addition to the training completed by THEC staff, the Title VI training is given to all new and existing sub-recipients and vendors annually using a combination of an instructional video and online assessment mirroring the training delivered to THEC staff. Beginning in the spring of 2024, all GEAR UP Tennessee sub-recipients and all vendors, were given this training for a one hundred percent (100%) completion rate. For FY 2024-2025, training will likely be offered in the same manner during the spring and summer of 2024. However, THEC is exploring options to develop an updated and more comprehensive training module for use with agency staff as well as its sub-recipient and vendor populations. Currently, THEC uses a video link with Title VI training and Title VI training acknowledgment form as an attachment to all contracts (*Appendix XII*).



Sub-Recipient Monitoring

Description of Policy and Procedures Related to Compliance

Sub-recipients and vendors are evaluated and monitored for Title VI compliance by THEC throughout the pre-award process and contract period.

Pre-Award Procedures

Title VI-related data of grant applicants in the areas of board, programs, services, and projected populations to be served are a necessary component of a grant proposal seeking federal funds from THEC, including a description of how underserved populations will participate in their programs. As most grant recipients are governmental entities, educational institutions, or both, they are cognizant of their responsibilities in regard to Title VI and nondiscrimination; therefore, their policies, procedures, and reported data are made public.

The Commission's staff is always culturally and ethnically sensitive to the needs of the state and its constituents when selecting suppliers. THEC program staff members communicate with colleagues, stakeholders, and constituents, attend conferences, training workshops and programmatic events, and check references to assist in soliciting bids and selecting potential vendors. THEC program officers and Title VI staff use all this information to evaluate the ability of a potential sub-recipient or vendor to comply with Title VI.

For entities that enter into grant contracts with the Commission, the grant contract document includes the following provision prohibiting discrimination (Paragraph D.10. of *Appendix IX*):

Nondiscrimination. The Grantee agrees that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, **race, color**, religion, sex, **national origin**, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination. (Emphasis added.)

For entities that enter into fee-for-service contracts with the Commission, the contract document includes the following provision prohibiting discrimination (Paragraph D.9. of *Appendix X*):

Nondiscrimination. The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits

of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of handicap or disability, age, **race**, creed, **color**, religion, sex, **national origin**, or any other classification protected by federal or state law. The Contractor shall, upon request, show proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination. (Emphasis added.)

A pro forma contract template including this language is a part of any Request for Proposal issued by THEC; whether for a grant competition or an agency term contract. Signing of a contract with the above language is a precondition to receiving funds. If the entity does not sign, funds will not be released.

Fee-for-Service contracts awarded through a competitive procurement solicitation must sign a statement of assurances including a provision the vendor will comply with Title VI of the federal Civil Rights Act of 1964 (Item 5(b) of *Appendix XI*).

THEC has developed Title VI training for vendors, discussed in detail in the Title VI Training Plan section above and the Sub-Recipient Title VI Training section below, and incorporates notice of this training and a training requirement acknowledgement in federally-funded contracts. The contract terms read as follows:

Title VI Compliance. As this Contract is federally funded, Grantee must be able to demonstrate Title VI compliance by fulfilling the requirements outlined in Attachment X.

The attachment notifies sub-recipients and suppliers where the provided Title VI training can be found and outlines training requirements (*Appendix XII*).

GEAR UP Tennessee

Prior to money being awarded to LEA's, the Commission performs a risk assessment which includes information on the experience level of the staff and management, financial management and accounting, and past performance audits. The Commission also uses a risk assessment tool and a checklist for monitoring the sub-recipients. Lastly, the Commission uses a procedure for monitoring the sub-recipient based on the sub-recipient's risk level. A copy of these tools is attached as *Appendix XXIII* and *Appendix XXIV*.

Veterans Education Division

There are no pre-award assessments completed for the Veterans Education Division as there are no sub-recipients.

Post-Award Procedures

Once grantees or vendors are selected by the evaluation team and amounts are approved, grant or contract awards are announced in email letters and a project directors' workshop is scheduled where Title VI training is conducted. Project directors communicate with THEC's Legal Division to finalize program specific language, then sign and return the contract which includes the standard Title VI compliance language.

Throughout the year, the applicable THEC program staff and Title VI Coordinator are responsible for assessing grantee and vendor compliance with Title VI. Also, during the year, the THEC Legal Division is responsible for sub-recipient monitoring and implementation of the agency plan pursuant to Department of General Services Policy 2013-007. Program staff members provide ongoing compliance monitoring through a combination of site visits, desk audits, phone conversations, and e-mails. Title VI compliance is a portion of this monitoring procedure.

GEAR UP Tennessee

The Commission implements a multipronged sub-recipient management system that includes monthly desk audits of fifteen (15) GEAR UP sub-recipients or 100% sub-recipient monitoring and near-monthly site visits. A data management company is employed to maintain accurate, federally compliant reporting of program participation. Annually, Commission staff work with GEAR UP TN sub-recipients to develop an annual work plan and budget. On the 15th of each month, collaboratives submit two (2) reports: a Monthly Activity Plan (MAP) outlining planned services for the upcoming month and a Completed Activity Report (CAR) detailing services that were completed the prior month, a copy of which is included as *Appendix XXVI*. The MAP outlines the planned services, the related GU focus area, which GU performance measure(s) each service addresses, and the budget associated with the service. The CAR allows staff to reconcile completed activities with the GEAR UP TN data system, ensuring student participant data is fully and accurately reported before approving subgrant reimbursement requests. Each month, fiscal review staff review expenditures and associated support documentation to ensure all expenditures are accounted for and allocable to the project. Commission staff visit each GEAR UP TN site each month to provide technical assistance to ensure that the project is being implemented as proposed and following agency, state, and federal guidelines. Any potential issues of non-compliance are addressed immediately by consulting the THEC Legal Division for advice and by formal communication with the contracting entity regarding the procedures for non-compliance as stated below. Upon program completion, a final evaluation is made of the reported data, noting any issues that should affect future funding.

For FY 2023-2024, the following post-award procedures for compliance reviews of funded grant projects under the GEAR UP TN program were conducted:

- Site visits to all grant programs;
- Desk audits of participant data;
- On-site program staff participation at various GEAR UP events;
- Various phone calls and emails with status updates and discussion of any issues, including any potential discrimination complaints; and,
- Technical assistance with any Title VI complaints or issues.

Project Directors will submit in the final report on any Title VI complaint received during the funded grant period. In addition, the grant Project Director will submit in the final report an explanation of the results of the proposed minority recruitment plan. Unsatisfactory compliance review findings, failure to submit final reports, and pending discriminatory complaints can result in the withholding of the projects' final disbursement of grant funds.

Two (2) examples of how discrimination might occur:

- Failure to notify all eligible institutions of the availability of funds; and,
- Applicants receiving awards notify only certain teachers or schools in the targeted geographical areas of the fact that professional development activities will be conducted, knowing or having reason to believe that no minorities are among that group.

Commission staff complete an annual fiscal audit on the GEAR UP TN sub-recipients; A copy of which is attached as *Appendix XXVI*.

Commission staff complete an annual data assessment on the GEAR UP TN sub-recipients; A copy of which is attached as *Appendix XVIII*.

GEAR UP TN sub-recipients must complete an annual Title VI Compliance Review Report. After submission, they will receive either a Compliance Letter (*Appendix XX*) or a Noncompliance Letter (*Appendix XXI*) based on whether the report was submitted on time.

Veterans Education

While THEC's Veterans Education Division is federally funded, it does not determine student eligibility for or distribute any federal funds. The U.S. Department of Veterans Affairs notifies veterans of their eligibility and pays benefits directly from the federal office. The federal funding received by THEC is used solely to fund the salaries and activities of the Veterans Education Division employees in their regulatory duties as Tennessee's State Approving Agency. Therefore, **there are no sub-recipients or direct beneficiaries of the federal funds THEC receives for the Veterans Education Division.**

Risk Based Surveys, Supervisory visits, as well as Inspection and Technical Assistance visits, were conducted by the THEC's Veterans Education Division as the State Approving Agency

(SAA) during FY 2023-2024 at institutions participating in the Veterans Education program as required by the Cooperative Agreement contract with the VA and 38 U.S.C. §3673. These visits include records audits, interviewing students, and facilities monitoring related to a school's eligibility to provide education to a student using VA funds. **Title VI compliance reviews of approved schools are completed by the U.S. Department of Veterans Affairs, not THEC.** The Senior Director of Veterans Education for the Tennessee Higher Education Commission is responsible for investigating complaints of discrimination filed by veterans and acts as a liaison between the institution and the U.S. Department of Veterans Affairs. The U.S. Department of Veterans Affairs has an online complaint system. Veteran complaints through this system are adjudicated in Washington, D.C. and forwarded to the appropriate State Approving Agency as necessary. As the TN-SAA, THEC would only have the authority to withdraw a school's program if they are not meeting federal statutes and regulations.

Sub-Recipient Title VI Training

The project director for each contracting entity is provided Title VI training resources for delivery to all employees incorporating a history of civil rights in the United States, LEP requirements and policy, and the purpose and applicability of Title VI to their program. This training is designed to educate new grant and contract recipients regarding federal and state guidelines, including the proper procedures for reporting Title VI complaints. Potential sub-recipients/suppliers are informed that they are required to make available any Title VI compliance report to be reviewed by the Tennessee Human Rights Commission upon request. All sub-recipients and vendors are required to provide documentation of staff training and dates offered to its staff and submit such documentation to THEC staff upon request. As referenced in Section XII above, a combination of an instructional video and online assessment mirroring the training delivered to THEC staff is provided to all sub-recipients and vendors for their use.

Procedures for Noncompliance

The Commission has adopted the following policies and procedures which will be followed through complaint investigations or compliance reviews, when it is determined that a Title VI violation has occurred. Efforts will be made to the fullest extent practicable to obtain voluntary compliance before a case is referred to the U.S. Department of Education Office for Civil Rights for possible refusal, suspension, or termination of federal financial assistance.

Procedures for Achieving Voluntary Compliance

- In cases where a complaint investigation or compliance review results in a finding of noncompliance, the Commission will notify the sub-recipient of federal/state funds of the apparent noncompliance.
- The notice will clearly identify the conditions of noncompliance and offer a reasonable time to willingly comply.

- The Commission will record the date the recipient received notice and will note and record the last day afforded the recipient for voluntary compliance before initiating an administrative process to terminate assistance.
- A sub-recipient of federal funds may request a meeting for the purpose of discussing the problem areas or requirement for compliance. The principal investigator will be involved in the discussion process.
- The Executive Director of the Commission, or designee, will approve the recipient's voluntary compliance plans, methods, procedures, and proposed actions if such approval will result in compliance with the Act. The plan will be put in writing. Failure of voluntary efforts will result in the implementation of an administrative process, which could result in termination or suspension of assistance.

Termination or Suspension of Assistance

If the Commission cannot obtain compliance through voluntary means, the Commission will notify the U.S. Department of Education Office for Civil Rights (USDOE/OCR) and will request the assistance of the USDOE/OCR to obtain compliance, which may involve termination or suspension of assistance.

If termination of assistance is considered due to noncompliance with Title VI, the alleged problems are delineated to the award recipient. Opportunity is provided for informal resolution. If these efforts fail, formal sanctions up to and including termination can be pursued.

Further, no other corrective action was taken by another state or federal agency during FY 2023-2024.

Identify Sub-recipients

GEAR UP Tennessee

The United States Department of Education awarded a Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) grant to THEC to increase the number of low-income, first-generation students enrolling and succeeding in college.

A list of the Commission's sub-recipients, vendors and/or contractors is found in *Appendix XIII*.

The Commission had a total of 15 sub-recipient grant contracts active in FY 2023-2024, supported in whole or in part by federal funds, totaling \$13,932,799.19.

Contractor Information

The Commission had a total of three (3) vendor contracts in FY 2023-2024, supported in whole or in part by federal funds, totaling \$876,434.00. Of the three (3) federally funded contracts, eighty-nine percent (89%) of the contracts are registered as minority/women business enterprises, with eighty-one percent (81%) of the total federal dollar amount.

At this time, Commission staff does not have information on the number or percentage of contractors who identify as a minority based on race, color, or national origin. Commission staff currently encourage each potential new contractor to register with the Governor's Office of Diversity Business Enterprise (GODBE). However, Commission staff requests that each potential new contractor identify whether they are a minority business based on race, color, or national origin and continue the encouragement of registering with GODBE.

Federal Financial Assistance Applications

The Commission does not currently have any pending Federal Financial Assistance applications with any federal or state department or agency.

Federal Program Monitoring Requirements

GEAR UP Tennessee

The United States Department of Education requires GEAR UP grantees to submit an Annual Performance Report (APR) by April 15th of each year. The report requires grantees to respond to programmatic and implementation-related questions and provide an overview of progress spending the federal award and meeting the grant match requirement. Additionally, the APR requires grantees to provide data regarding the number of students served, the demographics of students served, the number of students who received GEAR UP TN services broken down by service type, the number of hours each service types was provided, and the projects progress meeting project objectives as outlined in the original grant proposal.

Veterans Education Division

The Commission reports to the Department of Veterans Affairs quarterly via a Quarterly Compilation Report. This report includes the number of academic degree/diploma/certification programs the Commission approved and other associated assistance the Commission gave to institutions during the quarter. Assistance could be technical assistance to school officials, answering student veteran inquiring on any number of subjects relating to their Veteran Affairs education benefits, any schools that the Commission suspended or withdrew for non-compliance with Title 38 requirements, any professional development the Commission complete or conferences attended and how

many institutions the Commission audited during the quarter. When schools are audited, either degree or non-degree, a very extensive and detailed audit report is sent to the Department of Veterans Affairs with the results of the audit, be there findings or no findings. Any visits to institutions completed outside of audit visits are detailed on a separate visit report which is also submitted quarterly or as requested in conjunction with the audit report.

The Commission also submits expense vouchers to the Department of Veterans Affairs quarterly for salary and travel reimbursement for Veterans Education Division employees. The Department of Veterans Affairs reviews the report and then reimburses the state for the cost.

Lastly, the Veterans Education Division employees meet with the Department of Veterans Affairs Education Liaison Representative (ELR), who is assigned to the State of Tennessee, virtually at minimum once per month. All the official "work product" completed by the Veterans Education Division employees is submitted to the ELR annually.

Public Notice and Outreach

Because the Commission does not provide FFA directly to recipients, it disseminates information to the public about its nondiscrimination policy, available programs and services, complaint procedures, and minority participation on boards and advisory bodies primarily through the media and its website. THEC also monitors all sub-recipients and vendors concerning the dissemination of information on these topics.

Specifically, the Commission uses the following measures with respect to the Improving Teacher Quality Grant Program and the GEAR UP Program. There are no sub-recipients or vendors of the federal funds supplied to THEC for the Veterans Education Division.

- *Nondiscrimination policy:* Throughout the 2023-2024 project period, monitoring was conducted by THEC staff to ensure compliance with all aspects of the contractual terms. Per Section D.10. of all contracts, grantees were required to furnish to applicants and employees notices of non-discrimination.
- *Programs and services:* Information regarding programs and services was disseminated primarily in the form of communications with prospective workshop participants.
- *Complaint procedures:* The public is informed via Request for Proposals and any other program communications that Title VI requires federally assisted programs to be free of discrimination. These documents also provide contact information for the THEC Title VI Coordinator in the event that a citizen claims to have been subjected to discrimination. In addition, grantees are contractually required, under Section D.10., to annotate on all public notices that the grant was funded under an agreement with the Tennessee Higher Education Commission.
- *Minority participation on planning boards and advisory committees:* THEC maintains records of minority participation on the, the Diversity in Teaching Grant Advisory Committee, the Historically Black Colleges and Universities (HBCU) Advisory Board, all of which are available for public review. (*See below.*)

The Tennessee Higher Education Commission holds public meetings at various times and locations throughout the year. The work of the Commission, its staff, and committees is public record. All meetings are open to the public and publicized in accordance with the Tennessee Open Meetings Act. These public hearings concern such issues as funding of higher education, capital outlay and maintenance, and academic planning.

Posters and flyers are displayed in high traffic areas of the Commission offices which articulate the Commission's commitment to compliance of Title VI and contact information for filing a complaint (*Appendix XIV*).

As a general rule, staff vacancies are filled after the positions are advertised in publications

that will ensure a representative pool of applicants.

As previously noted, the Commission provides its Title VI Implementation Plan upon request to any agency, department or individual that may request it. Additionally, the plan is found on the Commission's website: <https://www.tn.gov/content/tn/thec/about-the-tsac/agency-information/title-vi-compliance.html>.

Boards and Advisory Bodies

The goals and duties, impact of decisions, and details regarding the appointment of members of the Tennessee Higher Education Commission are discussed in detail in the Section 2 Overview on page three (3) of this report. This information, as well as the details about THEC advisory boards and information about Commission and board vacancies, is also available on the agency website, which is updated regularly as changes occur.

The Commission consists of ten (10) appointed voting members. Nine (9) of these are chosen from the general public to serve six (6) year terms. The Governor appoints six (6) voting members, the Speaker of the State Senate appoints one (1) voting member, the Speaker of the House of Representatives appoints one (1) voting member, and the Speakers jointly appoint one (1) voting member. As the Governor and Speakers appoint these nine (9) voting members, they are required to appoint them so that the three (3) grand divisions of the state are represented equally.

The Governor also appoints one (1) voting student member each year, from a list of three (3) nominees selected and submitted by the Commission no later than April 15. The student member must be a resident of the state and enrolled in good standing at a public institution of higher education in the state. The student member serves for a term of one (1) year, commencing on July 1 and concluding on June 30. The Chancellor of the Board of Regents and the President of the University of Tennessee system may each submit no more than two (2) qualified candidates, and the presidents of the state universities may each submit one (1) qualified candidate, to the Commission for consideration each year.

The Comptroller of the Treasury, Secretary of the State, and the State Treasurer serve as ex officio, voting members of the Commission. The Executive Director of the State Board of Education serves as an ex officio, nonvoting member of the Commission.

T.C.A. § 49-7-204(a)(6), states that the *"appointing authorities shall strive to appoint members to the commission in a manner that is representative of the diversity of the citizens of the state."* Two (2) of the thirteen (13) Commission members are African American (15%): Vernon Stafford and Will Perry. Eleven (11) of the thirteen (13) Commission members are white/non-Hispanic (85%). (*Appendix XV*).

Below is an analysis of minority participation on advisory bodies for which the Commission has the authority and/or responsibility for appointing or recommending members. One of

the Commission's goals and objectives is to ensure that minorities are adequately represented on advisory bodies.

Advisory Body	Total	# African American	% African American	# White/Non-Hispanic	% White/Non-Hispanic	# Vacant	% Vacant	# Hispanic	% Hispanic
HBCU Advisory Board	8	7	78%	1	11%	0	0%	0	0%
Total	8	7	78%	1	11%	0	0%	0	0%

Documentation of Minority Input

Tenn. Code Ann. § 49-7-217 creates the Initiative on Historically Black Colleges and Universities (HBCUs) as an organizational unit of THEC to focus on Tennessee's seven (7) HBCUs, with a goal of increasing the capacity of HBCUs to provide the highest quality education to a greater number of students, and to take advantage of these institutions' capabilities in serving the state's needs through five core tasks:

1. Strengthening the capacity of HBCUs to participate in state programs;
2. Fostering enduring private-sector initiatives and public-private partnerships while promoting specific areas and centers of academic research and programmatic excellence throughout all HBCUs;
3. Improving the availability, dissemination, and quality of information concerning HBCUs to inform public policy and practice;
4. Sharing administrative and programmatic practices within the consortium for the benefit of all; and,
5. Exploring new ways of improving the relationship between the state and HBCUs.

In response, THEC created a new position within the agency, the Director of HBCU Success, to work with state departments, agencies, offices, the private sector, educational associations, philanthropic organizations, and other partners to advocate for and pursue equity in state policies on behalf of Tennessee's HCBUs, thereby exposing state leaders to the positive economic, educational, and workforce impacts of these institutions, and

building a community of informed, devoted supporters across sectors and industries. The Director of HBCU Success also works to close persistent equity gaps across various demographics, including (but not limited to) socioeconomic, geographic, and racial disparities in educational attainment.

The Commission has used a woman-owned business enterprise (WBE) firm for coordination of many of its marketing activities. As a part of the firm's market research responsibilities, it solicits input from populations representing a cross-section of Tennesseans. Those populations necessarily include minority representation.

During FY 2023-2024, the Commission's outreach work around college access programs included efforts to be diverse and inclusive. The Commission holds a contract with a minority-owned marketing firm to facilitate outreach regarding its programs and college-going messages. In conducting market research focused on creating effective college access and success messages for all Tennesseans, the Commission made a concerted effort to be inclusive of minority voices. This research will, in turn, shape future outreach initiatives. In the development of an upcoming public outreach campaign, a diverse set of college students will be featured in an effort to make the communications process inclusive to a wide set of constituents.

As mentioned above, the Request for Proposals (RFP) is the method of informing potential grant recipients of available federal and state funding. RFPs are disseminated to public and private higher education institutions as well as non-profit organizations, if applicable. The Commission makes special efforts to provide notice to African Americans and other racial and ethnic minorities of all program activities. This information is also provided to institutions whose primary focus is to reach racial and ethnic minorities.

Compliance Reporting

Federal or state departments/agencies (other than THRC) to which THEC furnishes or shares Title VI compliance reports: N/A

Currently, the Commission submits its Title VI report only to the Tennessee Human Rights Commission (THRC). Compliance reports will be maintained by the Commission and forwarded to the other state and federal agencies as may be requested or directed.

Federal reporting requirements for which THEC is responsible: N/A

Title VI related audits or reviews THEC received from a federal or state monitoring agency, including all findings and any corrective action measures to which the agency must comply: N/A

The Commission has not received any Title VI or discrimination-related audits or findings from federal or state monitoring agencies.

The Commission will maintain the following records:

- Administrative records such as copies of assurances, public notification plans, press releases, and training materials;
- Data collection and participation records, documentation of analytical review procedures, and results of follow-up;
- Monitoring records, including working papers, reports, and corrective action plans; and,
- All Title VI correspondence and reports received from and submitted to the federal government.

There were no Title VI-related complaints or lawsuits filed against THEC during FY 2023-2024.

Evaluation Procedures

Evaluation of Program Access

THEC Title VI staff continually monitors and evaluates the performance of and access to the agency's programs by reviewing the activity of program directors and outreach staff during biweekly leadership discussions, contractually required status reports and end-of-program reconciliation reports from grantees, and statistical data from the THEC Bureau of Research and Planning. All THEC employees have access to this information, but THEC Bureau Chiefs, Title VI staff, the Director of Human Resources, and agency legal counsel are particularly focused on the evaluation of this information. The substance of feedback from stakeholders, lawmakers, and constituents are also discussed and addressed when received.

Comparison of Quality of Services

Statistical data regarding beneficiaries or program participants, in most cases high school and post-secondary students, is compared to demographic data of the population of potential or intended recipients or beneficiaries. Changes in outcomes for the educational metric or problem targeted by a particular program, for example, college going rates, semester-to-semester retention, and credential completion, are tracked and reported regularly to agency leadership and the appointed Commission members to ensure equitable access to, and promote the equitable effect of, THEC programs, regardless of funding source.

Compliance Deficiencies

THEC's primary goal in Title VI enforcement is to ensure that information on all THEC programs is disseminated to all Tennesseans regardless of race, color, or national origin. THEC's secondary goal is the appropriate recipient representation regardless of race, color, or national origin.

THEC's Title VI Coordinator is responsible for recommending policy changes in Title VI enforcement to the Executive Director. For the purpose of monitoring compliance activities, THEC's Program Administrators, Title VI Coordinator, and the Executive Director will meet at least once a year to review the prior year's activities. This yearly meeting will focus primarily on complaints filed during the year. Any significant problems of general compliance will also be addressed. If Title VI deficiencies are noted, prompt corrective action will be taken.

Further mechanisms to ensure compliance will also be considered. Notices to inform THEC employees, clients, and prospective clients of their obligations and rights under Title VI and of the availability of services will be posted at the agency and shown on documents that clients receive. THEC's Title VI Coordinator is responsible for displaying the Title VI information in the agency. THEC employees shall receive information regarding the

obligations and rights involved in the Title VI program. The information will apprise staff of their responsibility to render a high quality of service to all clients regardless of their race, color or national origin. THEC will review its publications, literature, website, and other media to address Limited English Proficiency as it relates to discrimination and implement procedures to address deficiencies.

THEC will require a statement of compliance with Title VI of the Civil Rights Act of 1964 from every contracting agency before entering into a contract or other agreement which involves the purpose of services or other benefits on behalf of persons served by the programs of THEC. Any state or contracting agency believed by THEC to be in violation of the provisions of Title VI shall be given a written notice. Failure to eliminate further discrimination within thirty (30) days of receipt of the notice will be considered as a violation of the terms of the contract and a basis for contract suspension, termination, or rejection. The enforcement procedure by THEC for termination of the contracting agency from participation as a recipient of federal financial assistance will be in accordance with the enforcement procedure contained in 45 C.F.R. 80.9, 80.10 and 80.11.

The Title VI Coordinator monitors and recommends to the Executive Director appropriate changes in applicant selection criteria that may be discriminatory to racial groups. As appropriate, the Executive Director will forward recommendations to the Commission members.

The Title VI Coordinator will investigate all complaints in a timely manner and submit recommendations to the Executive Director. The Executive Director will be responsible for appropriate resolution of all complaints.

THEC's Title VI Coordinator shall set a date in October for its annual meeting with the Program Administrators and the Executive Director to discuss implementation goals and deficiencies.

THEC's Title VI Coordinator shall attend training offered by the THRC. THEC's Title VI Coordinator shall contact the THRC in October to discuss training objectives.

THEC's Title VI Coordinator shall immediately review Statements of Assurance and Statements of Compliance deficiencies observed in this report and will ensure that any deficiencies are corrected.