

**Agenda Item:** IV.

**DATE:** July 26, 2007

**SUBJECT:** Title VI Implementation Plan Update and Compliance Report

**ACTION RECOMMENDED:** Information

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**BACKGROUND INFORMATION:** Since June 30, 1994, each state agency that receives federal funds is required to file with the Comptroller of the Treasury a Title VI implementation plan. The purpose of the plan is show how the state agency, and the entities to which its federal funds flow, is assuring compliance of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of a persons race, color or national origin.

A copy of the Commission's Title IV Plan Update and Compliance report is attached. Staff will provide an overview of the report and its key provisions.

*“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.”* President John F. Kennedy, in his message calling for the enactment of Title VI in 1963.

## **OVERVIEW OF THE TENNESSEE HIGHER EDUCATION COMMISSION’S TITLE VI ENFORCEMENT PROGRAM**

### **OVERVIEW OF THE TENNESSEE HIGHER EDUCATION COMMISSION**

The Tennessee Higher Education Commission was created in 1967 for the purpose of achieving cooperation and unity in higher education. The coordination function grew out of a nationwide trend by governors and legislators to promote planned growth, equitable funding, and accountability among the state’s colleges and universities.

Since that time the Commission has created funding formulae, funding initiatives based on performance, legislative benchmarks, master plans, and criteria for new academic programs. The Commission believes strongly in working in a collaborative effort with the two public governing boards, and the independent sector to communicate clearly and frequently with various and diverse constituency groups. The Commission currently . . .

- recommends a budget for a statewide system that is a billion dollar enterprise;
- is engaged in master planning with a central focus on increasing educational attainment, sharpening institutional missions, and expanding the use of technology; and
- answers questions regarding accountability measures on a daily basis.

The Commission is committed to the principles of equity, excellence, accessibility, and accountability and strives to coordinate all of Tennessee higher education according to those principles. For a more detailed listing of the Commission’s duties and responsibilities is included as an appendix to this report (*Appendix I*).

The Commission is composed of thirteen voting members and two non-voting members (*Appendix II*). Specifically, there are nine voting lay members appointed by the Governor for six-year terms, each representing a congressional district of the state. The other voting members include the three constitutional officers, (Comptroller of the Treasury, Secretary of State, and State Treasurer) and one of the two student members. The two student members, one from each of the two systems, Tennessee Board of Regents and the University of Tennessee, are appointed by the Governor and serve staggered two-year terms. The student serving in the second year of his/her term is vested with voting authority. Finally, the Executive Director of the State Board of Education serves as a non-voting, ex-officio member.

The Tennessee Higher Education Commission members and staff take the responsibility of ensuring compliance with Title VI as well as other programs to prevent discrimination of any type. The Commission has implemented several new initiatives over the last year and will implement additional ones in the coming year to meet this responsibility.

The Commission staff is charged with the day to day operation of the responsibilities. The staff is made up of a diverse racial mix. Specifically, of the 51 employees, 20 are African-American, 28 are white and there are three who would be classified as “other”. This can be further broken down by EEO category:

- EEO 1: Five African-Americans; 16 Caucasians; One Other.
- EEO 2: Eleven African-Americans; 10 Caucasians; Two Other.
- EEO 6: Four African-Americans; Two Caucasian.

*(Appendix II)*

The Commission addresses Title VI compliance as an agenda item on each of its Summer meetings. To supplement that activity, the Commission this past year developed and implemented a new policy to specifically affirm its commitment in this area.

### ***Period Covered by the Title VI Implementation Plan Update and Compliance Report***

This implementation plan update for compliance with Title VI of the Civil Rights Act of 1964, covers the period July 1, 2006 - June 30, 2007. 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 persons and representatives from each of the Commission’s program areas. This plan has been approved by the Executive Director of the Commission.

### **PROGRAM COVERAGE**

The Higher Education Commission administers three federal programs in Tennessee, which are described below:

The **Improving Teacher Quality Grant Program** (formerly known as the Dwight D. Eisenhower Professional Development Program) is a federally funded program that provides grants to the state’s public and private higher education institutions and non-profit organizations for the purpose of providing research-based professional development for K-12 teachers, paraprofessionals and principals. Institutions use grant funds to assemble project teams who work across disciplines and have access to the most recent research in relevant content areas, curriculum reform and pedagogical strategies. The program has been expanded from the original purpose of aiding Mathematics and Science to complement requirements under *No Child Left Behind Act of 2001*, so that eligible subject areas include Mathematics, Science, English/Language Arts, Social Studies, Foreign Languages (including English as a Second Language) and related Arts. Additionally, beginning with the FY 2005-2006 awards projects

will be required to partner with a “high-need” LEA, as that term is defined under *No Child Left Behind Act of 2001*.

There were 19 projects funded for 2005-2006 totaling \$1,325,866.11

#### Request for Proposals

Annually, the Commission issues a Request for Proposals (RFP) to public and private higher education institutions and not-for-profit entities that have a background related to teacher professional development, inviting them to compete for these federal funds. The 2006-2007 RFP was mailed to the presidents and chancellors, deans of Arts and Sciences and deans of Education, previously funded project directors, and others who requested a copy.

Additionally, faculty and administrators at historically Black colleges and universities were contacted about the program and encouraged to submit proposals.

The RFP includes a requirement that each successful project must include a plan to recruit minorities for the project. Additionally, the RFP includes a statement of assurance of compliance with Title VI requirements (*Appendix III*) that must be signed by all grantees prior to any funds being distributed.

The **Veterans Education Division** of the Commission is the State Approving Agency (SAA) funded by the U.S. Department of Veterans Affairs to approve and monitor all educational institutions receiving federal funds for education of veterans based on federal guidelines. The SAA is under Title 38 U.S.C. as a separate agency responsible by contract to the U.S. Department of Veterans Affairs.

Veterans Affairs regulations require that all participants (schools, business, etc.) sign an acknowledgement of and agree to 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 III*). A school will not be approved for veterans training unless this form has been signed. An institution currently approved for veterans training that fails to comply with Title VI procedure will be dropped from the veterans program. During the 2006-2007 fiscal year, 232 institutions and 28 apprenticeship on-the-job training programs were approved to provide veterans training in Tennessee.

Each institution approved for the training of veterans must have an EEO statement and guidelines in place at all times. Commission staff reviews these guidelines and makes sure they are in place. Staff also reviews and investigates claims of discrimination made by students.

The total budget for Veterans Affairs for the 2006-2007 fiscal year was \$257,300. It should be noted, however, that the Commission is not involved in the distribution of G.I. Bill funds. The U.S. Department of Veterans Affairs notifies veterans of their eligibility and students make application to and receive benefits directly from the federal office.

The **Workforce Investment Division** of the Commission implements a portion of the Workforce Investment Act of 1998 (WIA), which is a federal program that provides training that will assist

the unemployed and underemployed to enter or re-enter the workforce in higher wage jobs. This office is charged with the requirement to implement and maintain the Eligible Provider's List for the State of Tennessee. This involves monitoring and keeping files on an excess of 2,600 programs offered by approximately 150 providers on the State's Eligible Providers List.

The Commission also produces an annual report as an extension of the agency's responsibility to evaluate all WIA providers to determine their eligibility to be included on the above-mentioned list of training providers. The report provides a performance assessment of completion and job placement rates for all WIA certified training providers in the state of Tennessee. The report includes a statewide analysis of the federally mandated performance data and summarizes the performance data for each Local Workforce Investment Area as well as for each certified training provider.

No federal or state funds flow through the Commission to state training providers, WIA participants, or the state's Department of Labor.

**GEAR UP Tennessee** is a program of the Tennessee Higher Education Commission funded through a grant from the U. S. Department of Education. The goal of GEAR UP TN is to increase high school graduation and college-going rates for low-income and underserved students. From July 1, 2006, through August 30, 2011, GEAR UP TN will serve an estimated 6,000 students per year in 9 counties and 47 schools.

As a federally funded program and a program of the State of Tennessee, GEAR UP TN will comply with Title VI of the Civil Rights Act and will gather and analyze data to assure compliance. As recipients of federal funds, the nine school districts also have Title VI policies and monitoring procedures in place, and GEAR UP TN will ask to receive those policies and procedures from the districts.

## **ORGANIZATION/CIVIL RIGHTS COORDINATOR**

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 the Executive Director, Dr. Richard Rhoda. Dr. Rhoda can be contacted at (615) 741-3605 or by e-mail at [Richard.Rhoda@state.tn.us](mailto:Richard.Rhoda@state.tn.us).

As the Title VI coordinator, Dr. Rhoda is charged with developing the Commission's Title VI implementation plan and plan updates and provides overall direction and leadership to the Commission's Title VI compliance activities, including professional development. There have been no Title VI complaints filed with the Commission in 2006-2007. If any complaints were filed, Dr. Rhoda would investigate and respond to such complaints and consult with appropriate staff.

## **CIVIL RIGHTS POLICY/GUIDELINES**

As a recipient of federal education funds, the Commission affirms its intention to comply with Title VI of the Civil Rights Act of 1964. Title VI states:

*No person in the United States shall, on the ground 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/office supply room, as well as through occasional training opportunities regarding Title VI. This is also included in all RFP documents that are issued by this office. Successful project directors must attend a project directors meeting where compliance with Title VI 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.

## **DEFINITIONS**

Assurance - A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs 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 and the state and a sub recipient that provides for corrective action to be taken by a recipient to eliminate discrimination in any program receiving federal assistance.

Contractor - 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 programs 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 LEA - an LEA:

- (A) (i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or
- (ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and
- (B) (i) 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
- (ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

Minority - A person or groups of persons differing from others in some characteristics and 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 implementing 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 and 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, political subdivision of any state, or instrumentality of any state or political subdivision, any public or private agency, institution, or organization, or other entity, or

any individual, in any state, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term 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.

## **STAFF AND BUDGET RESOURCES/CIVIL RIGHTS TRAINING**

Dr. Rhoda is designated the Title VI coordinator and will execute all of 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. In addition, during the coming year Dr. Rhoda will seek out additional training opportunities.

In addition to the training received by Title VI coordinator, the Commission provides mandatory workshops for grant project directors. Mr. John Birdsong, Executive Director of the Tennessee Title VI Compliance Commission has been able to attend many of these meetings to make a presentation to the project directors on Title VI compliance.

## **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, a sub-recipient cannot, on the basis of race, color, or national origin, either directly or through contractual means:

- Be refused an award for a grant administered by the Commission;
- Deny any qualified applicant participation in a program funded with a 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 ASSISTANCE/GUIDANCE**

The Commission works with the U.S. Department of Education, Department of Labor, and the Veterans' Administration to implement the various programs pursuant to the respective department's regulations and in developing policy guidelines for federal programs.

The Commission utilizes the Department of Education's guidelines in selecting proposals from institutions of higher education and non-profit organizations for use in the **Improving Teacher Quality Grant Program**. Also annual meetings are held in Washington, D.C. for state agency for higher education (SAHE) coordinators to receive technical assistance from Department of Education personnel and to query with colleagues from other states about their experiences implementing the program.

In the **Veterans Education Division** compliance surveys of all federal regulations are conducted by the U.S. Department of Veterans Affairs. In the event the U.S. Department of Veterans Affairs finds an institution to be in non-compliance, the Tennessee Higher Education Commission completes a follow-up investigation of the matter. The Commission's Veterans Education office works closely with personnel in both the Nashville and Atlanta offices of the Department of Veterans Affairs to ensure compliance in all aspects of the work. Additionally, there are professional and educational meetings held twice a year where state officials receive technical assistance from the Department of Veterans Affairs that is regularly attended by staff.

The Commission's **Workforce Investment Division** was charged with developing some policies and guidelines in alignment with federal legislation. However, primary oversight of this program lies with the state's Department of Labor and Workforce Development. Commission staff works closely with their counterparts in the L&WD who coordinates training and assistance from the Department of Labor.

To ensure compliance with Title VI of the Civil Rights Act at the student level, **GEAR UP TN** will track demographic information on students served with project funds. Staff members will record student participation in all GEAR UP activities and records will be entered into a master database. Student activity records will be matched with their specific demographic record in order to determine ethnicity. Overall participation by ethnicity will be monitored to ensure appropriate services are delivered.

GEAR UP TN staff hires will also be tracked to ensure equal opportunity and compliance with Title VI. GEAR UP TN will receive a copy of district hiring practices, information on the

district hiring pools, and ethnicity of the final hires. Staff and hiring data will be maintained in a separate database.

## **APPROACH TO MAJOR CIVIL RIGHTS FUNCTIONS**

### **STATEMENT OF ASSURANCES**

For entities that enter into grants and contracts with the Commission (*Appendix IV*), the following assurance statement is included in the grant contract document:

Nondiscrimination. The Grantee 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 Grant or in the employment practices of the Grantee on the grounds of 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.)

Signing of the grant contract with this language is a precondition to receiving funds. If the entity does not sign, funds will not be released. Beginning with grants awarded for 2004-05, the Commission will require the grant project directors to sign an assurance statement for each federal program.

Additionally, as noted above, successful project directors for an Improving Teacher Quality Grant is required to sign a statement of assurance that they will fully comply with the provisions of Title VI in the administration of its grant.

### **PUBLIC NOTIFICATION**

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 are 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.

As a general rule, staff vacancies are filled after the positions are advertised in publications that will ensure a representative pool of applicants. In addition, efforts are made to network with African-American professionals and educators to assist in identifying potential applicants for the various positions.

The Request for Proposals (RFP) is the method of informing potential grant recipients of available federal and state funding. They are disseminated to public and private higher education institutions as well as non-profit organizations, if applicable. The Commission makes special

effort to provide notice to African-Americans and other racial and ethnic minorities of all program activities, as well as to institutions whose primary focus is to reach racial and ethnic minorities.

The Title VI guidelines are reinforced by mandatory attendance at the annual project directors' workshop which is designed to educate grant recipients regarding federal and state guidelines including the proper procedures for reporting Title VI complaints.

Posters/flyers are displayed in high traffic areas of the Commission offices which articulate examples of discrimination, the Commission's commitment to compliance of Title VI and contact information for personnel responsible for investigating complaints.

## **COMPLIANCE REVIEWS**

### **Improving Teacher Quality Grant Program**

#### Pre-Award Review

The Director for Academic Programs and Interagency Grants includes mandatory Title VI requirements in the RFP. Also, the staff recently instituted an updated evaluation feature that will provide information on whether previously funded institutions were found to have successfully satisfied Title VI compliance reviews or have pending Title VI complaints. Projects that have been found in non-compliance will not be considered for funding.

The Commission assembles a selection committee to recommend which proposals should be funded. Awards are based on the merit of the proposals which are evaluated using prior established criteria identified to enhance K-12 teachers' instructional abilities and principals' leadership skills. The selection committee includes representatives from the state's public and private higher education institutions, Board of Education and Department of Education. The 2006-2007 committee included seven African-Americans out of a total of 19 reviewers. (*Appendix V*).

#### Post Award Title VI Compliance

Procedures for conducting compliance reviews of funded grant projects under the Improving Teacher Quality Grant program include the following steps:

- Site visits to all grant programs during their first year conducted by program director;
- Site visits to second year grant programs, if (a) specifically requested by the Project Director or Principal Investigator or sponsoring agency and/or (b) a Title VI complaint was filed against the grant program during year one;
- Site visit will be made to all grant programs in their third year to the extent that they can be scheduled around visits to first year programs;
- Other site visits on an as needed basis with specific interest in any ITQ project in an odd year funding;
- Completion of Compliance Investigation Checklist;
- Survey of Project Director(s), which among other things identifies the number of minorities the project served and the number of external consultants that were employed by the project (*Appendix VI*).

- Review whether the grantee implemented the project’s plan for recruiting minority participants;
- Technical assistance with any Title VI complaints or issues; and
- Mandatory final report submitted to program director 45 days after the grant ends.

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 examples of how discrimination might occur follow:

- 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 of that group.

Supervisory visits are conducted each year at approximately 90 percent of all institutions participating in the **Veterans Education** program. These visits include records’ audits and facilities monitoring. Title VI compliance reviews are also completed by the U.S. Department of Veterans Affairs. The 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.

### **Workforce Investment Act**

The Manager of the WIA investigates complaints from students and personnel affiliated with institutions which are denied placement on the above-mentioned list of training providers. When necessary, a hearing will be scheduled and both the Tennessee Higher Education Commission and the Local Workforce Investment Board members will make a final decision. The Commission does not initiate inquiries on institutions due to the fact that no funds flow from the Commission to any of the institutions or program participants.

## **COMPLAINTS OF DISCRIMINATION**

The Tennessee Higher Education Commission has adopted the following complaint procedures. All form letters or documents are included in Appendix VII.

### **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.

### **Receipt of Complaints**

To request a preliminary review by the Commission to determine whether it will investigate an allegation of noncompliance with Title VI, the complainant must complete the Commission’s Discrimination Complaint Form or provide the information requested on the complaint form, and

Consent Form for Use of Personal Information for Complainant. 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 person filing the complaint 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 or dates that the event or events the person filing the complaint believe were discriminatory.

### **Complaint Receipt and Reporting Process**

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

- Within fifteen days of receiving the complaint, 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/she will be advised of the results of the preliminary review.
- 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, 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 another appropriate entity.
- While the Higher Education Commission does not have statutory responsibility for the operation of the two governing boards, the Executive Director will refer any complaint involving an institution of the University of Tennessee System or the Tennessee Board of Regents to the respective governing boards for review and resolution. In either case, the complainant will be apprised of the action taken.
- Within thirty 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 or not 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 matters of interdepartmental issues.
- 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 investigator 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 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/her right to file a complaint with other applicable governmental entities if dissatisfied with the resolution of the complaint by the Commission.

## **DATA COLLECTION AND ANALYSIS**

Each ITQ project director must report information regarding their respective projects. This data is compiled and utilized to identify trends of potential discriminatory practices and in evaluating project proposals in subsequent years. (*Appendix VI*)

## MINORITY REPRESENTATION

As noted above, the Governor appoints all members of the **Tennessee Higher Education Commission** except the four ex-officio members (*Appendix I*). Pursuant to T.C.A. §49-7-204(a)(6) “at least one (1) of the appointive members shall be a member of the principal racial minority in the state.” Mr. A.C. Wharton, Mayor of Shelby County has been a member of the Commission for twenty years and served as its Chairman for three consecutive years.

The General Assembly created the **Committee on Postsecondary Educational Institutions** to assist the Commission staff with the oversight of the proprietary and many not-for-profit postsecondary institutions in the state. The statute, T.C.A. §49-7-207, authorizes the Commission to appoint eleven of the thirteen committee members (*Appendix V*). Two members sit by virtue of their position, the Executive Directors of the Tennessee Higher Education Commission, Dr. Richard Rhoda and the Tennessee Student Assistance Corporation, Dr. Robert Ruble. The 2006-2007 committee includes three appointed members that are from a racial and ethnic minority group. When vacancies occur on the committee the Commission staff seeks input from African-American professionals, such as Mayor Wharton, local African-American attorney Susan Jones, and educators for nominations.

There is not a set number of **Improving Teacher Quality Grant Program Selection Committee** members; however, five of the members are determined by position. These positions include:

- Math Consultant for the State Department of Education;
- Science Consultant for the State Department of Education;
- Improving Teacher Quality Grant Coordinator for the State Department of Education;
- Coordinator of Special Projects for the State Department of Education; and
- Director for Academic Programs and Interagency Grants (THEC).

The 2006-2007 selection committee included seven African-Americans out of a total of 19 committee members (*Appendix V*).

The **Minority Teacher Education Grant Advisory Committee** determines which entities will receive the grants under this program. The 2006-2007 advisory committee included seven African-Americans out of a total of 10 committee members (*Appendix V*).

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.

<b>Advisory Body</b>	<b>Total Members</b>	<b>Number of Minority Members</b>	<b>Percent of Total</b>
<b>Committee on Postsecondary Educational Institutions</b>	13	3	33%
<b>Improving Teacher Quality Grant Program Selection Committee</b>	19	7	37%
<b>Minority Teacher Education Grant Advisory Committee</b>	10	7	70%
<b>Total</b>	<b>43</b>	<b>16</b>	<b>37%</b>

## **DOCUMENTATION OF INPUT IN THE DEVELOPMENT OF POLICY**

Over the last several years, the Commission has submitted its Title VI Implementation Plan Update and Compliance Report for external review and also consulted with others. Past reviewers include Ms. Patricia Pierce, Director, Opportunity Development Center at Vanderbilt University and Dr. Sonya G. Smith, formerly Assistant Dean for Admissions and Lecturer in Law at Vanderbilt University School of Law. Additionally, Dr. May Alice Ridley, Director of Civil Rights for the Department of Education and Ms. Christy Ballard, General Counsel for the Department of Education were sought out for the purpose of seeking guidance as to other resources in the development of this plan, though neither have ever reviewed a Commission plan.

This plan continues to undergo change from year to year due to changing circumstances as well as input received from others. While not reviewed over the past year, this compliance report and implementation plan has undergone revision again this year, based on a reassessment of the input received in past years. For instance, the Commission received input from Karmon Simms-Coates with the U. S. Department of Education relative to Title VI compliance for our GEAR UP TN subrecipients.

This compliance report and implementation plan update was approved by the Executive Director of the Commission before being submitted to the Tennessee Title VI Compliance Commission and the Comptroller's Office.

## **COMPLIANCE REPORTING**

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.

Compliance reports will be maintained by the Commission and forwarded to the appropriate state and federal agencies as may be requested or directed.

## **COORDINATION WITH OTHER AGENCIES**

The Tennessee Higher Education Commission is the coordinating board for higher education in the state. The direct operation and governance of Tennessee's public colleges and universities reside with two governing boards, the Tennessee Board of Regents and the University of Tennessee Board of Trustees.

The Commission has not delegated any of its Title VI compliance responsibilities to any other agency. Subrecipients of federal funds and entities that receive grants from, or enter into contracts with the Commission are required to provide assurance they are in compliance with Title VI. The Commission will coordinate its Title VI compliance activities with other federal, state, and local agencies to the extent it is possible and effective to do so.

## **EFFECTING COMPLIANCE**

The Commission has adopted the following policies and procedures which will be followed when, through complaint investigations or compliance reviews, 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 subrecipient 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.
- The sub-grantee 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 (USDE/OCR) and will request the assistance of the USDE/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.

### **STATEMENTS OF ASSURANCE**

Financial assistance, the authority to operate and/or federal disbursements are conditional on the applicant or recipient providing assurance that the program, facility or institution to receive benefit will be operated without discrimination. This is acknowledged by the signed statement of assurance and/or the grant contract document with language that specifically prohibits Title VI violations.

## **GOALS AND OBJECTIVES**

### **LONG RANGE GOALS**

- Ensure that successful project grants are achieving optimal utilization of the grant funds provided by the Commission.
- Ensure that all Commission opportunities and programs that are subject to the provisions of Title VI are conducted in a manner that meets the program's intent and requirements.

### **MAJOR OBJECTIVES**

- Develop a matrix to ensure compliance with the ITQ requirement that neither partner expend in excess of 50 percent of the total grant.
- Develop an external evaluation document that will assist in a more accurate assessment of the effectiveness of the various ITQ grant projects.
- Develop a Title VI policy approved by the Commission.
- Provide training opportunities for Commission staff on Title VI issues.

# APPENDIX I

## **Programs Administered by the Tennessee Higher Education Commission**

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The Tennessee Higher Education Commission was created in 1967 for the purpose of achieving cooperation and unity in higher education. The coordination function grew out of a nationwide trend by governors and legislators to promote planned growth, equitable funding, and accountability among the state's colleges and universities.

Since that time the Commission has created funding formulae, funding initiatives based on performance, legislative benchmarks, master plans, and criteria for new academic programs. The Commission believes strongly in working in a collaborative effort with the two public governing boards, and the independent sector to communicate clearly and frequently with various and diverse constituency groups. The Commission currently:

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- answers questions regarding accountability measures on a daily basis.

The Commission is committed to the principles of equity, excellence, accessibility, and accountability and strives to coordinate all of Tennessee higher education according to those principles.

### **ENABLING LEGISLATION**

1. Study the use of public funds for higher education in Tennessee and analyze programs and needs in the field of higher education. T.C.A. § 49-7-202(a)
2. Undertake such specific duties as may be directed by resolution of the general assembly or as may be requested by the Governor. T.C.A. § 49-7-202(b)
3. Develop a master plan for the future development of public higher education in Tennessee, and make recommendations regarding the implementation of the plan. T.C.A. § 49-7-202(c)(1)

4. Develop policies and formulae or guidelines for the fair and equitable distribution and use of public funds among the state's institutions of higher learning. The formula or guidelines developed by THEC should include provisions for capital outlay and institutional operating expenditures. T.C.A. § 49-7-202(c)(2)(A)
5. Study the need for particular programs, departments, academic divisions, branch operations, extension services, adult education activities, public service activities and work programs of the various institutions of higher learning, with a particular view to their cost and relevance and to make recommendations for the governing boards for the purpose of minimizing duplication and overlapping of functions and services and to foster cooperative programs among the institutions. Make recommendations to governing boards on adjustments to tuition and maintenance fees. T.C.A. § 49-7-202(c)(3)(A),(C)
6. Review and approve or disapprove all proposals for new degrees or degree programs, or for the establishment of new academic departments or divisions within the various institutions. T.C.A. § 49-7-202(c)(4)
7. Conduct a program of public information concerning higher education in Tennessee. T.C.A. § 49-7-202(5)
8. Study and make determination concerning the establishment of new institutions of higher learning as to the desirability or understandability of their establishment, their location, standards, functions, financing and source of governance. T.C.A. § 49-7-202(c)(6)
9. Submit a biennial report to the governor and the general assembly commenting upon major developments, trends, new policies, budgets and financial considerations which would be useful to the governor and the general assembly in planning for the sound and adequate development of the state's program of public higher education. T.C.A. § 49-7-202(c)(7)
10. Review and approve or disapprove all proposals by an existing higher education institution to establish a physical presence at any location other than its main campus, or to expand an existing location, which will be utilized for administrative purposes or to offer courses for which academic credit is offered. Report to the chairs of the fiscal review and education committees by February 15 on the applications filed in the previous year and the status of the application. T.C.A. § 49-7-202 (c)(8)

11. Within thirty (30) days following the submission of the budget by the governor to the general assembly, the Commission shall prepare a report which analyzes the effect which off-site academic locations have on the distribution of formula funding to the main campuses. This report shall be provided to the governor, speakers of the senate and house of representatives, the chairs of the finance, ways and means, education, and fiscal review committees, the office of legislative budget analysis, and the commissioner of finance and administration. T.C.A. § 49-7-202 (c)(9)
12. Monitor, update and revise the articulation plan previously implemented by the Commission to ensure the university track program to enhance transferability of courses between the state's colleges and universities is meeting its objectives. The Commission is to report to the Joint Education Oversight Committee and the chairs of the House and Senate Finance, Ways and Means committees by October 1 of each year on the progress on full articulation between all public institutions. T.C.A. §49-7-202(f)
13. Determine and post on the Commission's website information concerning career opportunities for the various fields of study leading to a baccalaureate degree at all institutions of higher education within the University of Tennessee and the Tennessee Board of Regents systems. Such information shall include, but not be limited to potential job market in Tennessee, the median income or an income range for the jobs and whether an advanced degree is required to obtain a position within a particular discipline. T.C.A. §49-7-202(g)

### **Additional Legislative Imposed Responsibilities**

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### **Consortium of Historically Black Colleges and Universities**

The Commission is authorized to provide assistance to a consortium of Tennessee historically black colleges and universities in their efforts to impact the economic development of the state by strategically partnering with the State and private industry. The Commission is to facilitate strategy development and coordinate the implementation of the partnership between the Consortium and other parties. The program has not yet been funded. T.C.A. §§49-7-2901 et seq.

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The Contract Education Program provides Tennessee residents with the opportunity to pursue academic programs where access is limited due to the size and/or location of the programs or where the programs are not offered in a public college or university. Providing access to these special needs areas in this manner is more economical than initiating or expanding comparable programs in public institutions. In addition to reserving positions for Tennessee residents in these special needs areas, the contract education program also provides some form of financial assistance to the students. Additionally, in an effort to meet a shortage of physicians in family medicine and preventive medicine, the contract education program partially funds medical residency positions at Meharry Medical College, regardless of their state of residence. Some additional programs currently being contracted are Mortuary Science, Sign Language Interpretation, Optometry and graduate level nursing programs. T.C.A. §§49-7-203(b), 49-7-301 et seq., 47-7-401, -402 and -404

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In September 2006, the federal court approved the dismissal of the 1968 Geier Desegregation lawsuit. The majority of the recurring funding for Access and Diversity has been transferred to the University of Tennessee and the Tennessee

Board of Regents systems. The remaining funds allocated to THEC will be used to make the final payments to attorneys and to the court monitor.

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The Commission has been authorized to develop an institute of public health. This institute in consultation with the Department of Health, the University of Tennessee system, the Tennessee Board of Regents, and private colleges and universities in Tennessee will promote multi-sector activities resulting in measurable improvements of public health structures, systems, and outcomes. The mission of the institute is to improve the health of all Tennesseans through providing a science-based process for informed health policy development.

### **Legislative Benchmarks – Challenge 2010**

The legislative benchmarks were created in 1984 as an accountability measure to be developed and reported by the Commission. The benchmarks were revised in 1989 to mirror goals established by the Southern Regional Education Board for its 15 member states and became known as Challenge 2000. With the passing of the year 2000, the Commission established Challenge 2010 The Annual Progress Report, which marks progress on the 2005-2010 Master Plan. Preparation of the annual benchmark report requires access to statewide data from both public and independent institutions. The Commission developed and maintains the statewide data to support this accountability measure. Through this and other assessment activities (e.g. performance funding), Tennessee continues to lead the way in developing usable accountability measures of higher education outcomes. The Commission is currently updating these goals. TCA § 49-5-5024

### **Minority Teacher Education Program**

A competitive matching grant program was established in 1989 to support pilot projects designed to expand the recruitment pool of minorities preparing to be teachers. Developed jointly by higher education institutions and local school districts, these projects target groups including teacher aides, substitute teachers, high school students, community college students, non-degreed community residents, military personnel, and college graduates presently not teaching who are interested in entering the teaching profession. Project initiatives must include matching state-appropriated funds with local funds on a one-to-one basis and the establishment of an evaluation model. This program is authorized through funding in the appropriations bill and the two year awards are contingent on such funding.

### **Postsecondary Education Authorization Program**

The Postsecondary Education Authorization Act of 1974 was established to protect the education and welfare of the citizens of the State of Tennessee. The Tennessee Higher Education Commission has been designated as the agency to authorize the operation of institutions in Tennessee, which are included under this Act. The Commission establishes minimum standards concerning quality

of education, ethical and business practices, health, safety, fiscal responsibility, and protects the Tennessee consumer against fraudulent institutions and practices. It also authorizes the granting of degrees, diplomas, or other educational credentials by post-secondary institutions; prohibits the granting of false educational credentials; regulates the use of terminology in naming institutions; and prohibits misleading literature, advertising, solicitation, or representation by institutions. TCA § 49-7-2001 et seq.

### **Tennessee Institutes for Pre-professionals (TIP)**

The Tennessee Institutes for Pre-professionals was created in 1985 as a result of the Stipulation of Settlement in the statewide *Geier* desegregation case. The purpose of the program is to increase the representation of African-American persons in the public health professional and law schools. Each spring 80 African-American students who are Tennessee residents enrolled in Tennessee public institutions are selected by committees representing the faculties of all state supported professional schools for pre-enrollment in the state's schools of law, veterinary medicine, dentistry, pharmacy, and medicine. With the funds from the TIP program, the professional schools are able to counsel these students, assist in planning their pre-professional curricula, provide summer programs at the end of their freshman, sophomore, junior and senior years, and agree to their admission as first year professional students, if they successfully complete their undergraduate work and meet minimum admissions standards. This is authorized through funding in the appropriations bill.

### **Tuition Discount and Fee Waiver Programs**

The dependent children age 24 years and under of all full-time state employees (who have been employed for more than six months) or retired state employees may receive a 25 percent maintenance fee discount on undergraduate tuition at any public college or university. The discount is also available for the child of a former State employee who died while employed by the State, whether or not the death was job-related or in the line of duty. The same 25 percent discount also applies for the dependent children of current full-time public school teachers in Tennessee, as well as the dependent children of former public school teachers who die while their child is receiving the benefit as long as all other eligibility requirements are met.

Full-time state employees and members of the General Assembly are allowed to take one course per term at any public college, university, technology center or the Tennessee Foreign Language Institute at no charge. When these discounts were authorized by the General Assembly, the Tennessee Higher Education Commission was charged with formulating the rules and regulations to implement the waiver. TCA § §8-50-114, 8-50-115, 49-7-119

## **FEDERAL PROGRAMS**

### **Gaining Early Awareness & Readiness for Undergraduate Programs (GEAR UP)**

In April 2005, the Tennessee Higher Education Commission applied for a federal Gaining Early Awareness & Readiness for Undergraduate Programs grant. In September 2005, THEC was awarded a \$3.5 million federal discretionary grant by the U.S. Department of Education, known as Gaining Early Awareness & Readiness for Undergraduate Programs (GEAR UP). GEAR UP provides resources to assist state efforts to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. Partnering together in the development and implementation of GEAR UP Tennessee (GEAR UP TN) are the Tennessee Higher Education Commission, Tennessee Department of Education, Tennessee Board of Regents, University of Tennessee System, along with other consultants and local/regional partnerships.

GEAR UP TN will serve an estimated 6,000 students per year in 9 counties and 47 schools. The project is designed to promote student achievement, enhance awareness and expand access to post-secondary education statewide, especially in those areas of the state that are traditionally underserved. During the grant period from 2005 to 2011, GEAR UP TN will provide participating counties with resources to serve the high school Class of 2011 from their 8th grade year through the completion of high school. Concurrently, GEAR UP funds will be used to promote college access initiatives and incentives to 11th and 12th grade students in the partnering counties. Any student graduating from a participating high school with a regular or special education diploma will be eligible for a GEAR UP TN Bridge Award of no less than \$750 to be utilized at any public or private institution in Tennessee participating in the Tennessee Lottery Scholarship Program.

Through the creation of early intervention programs, enhanced academic assessments, and a broad-based outreach campaign articulating the importance of postsecondary access, GEAR UP TN aims to achieve the following goals:

- Increase educational expectations of GEAR UP students and their families through an expanded knowledge of postsecondary access and financial aid opportunities.
- Enhance the academic preparation of GEAR UP students to improve high school graduation rates and postsecondary enrollment, retention, and completion.
- Provide effective professional development for classroom teachers and school staff to ensure increased academic rigor and postsecondary preparation.
- Encourage family and community involvement through GEAR UP to foster an environment that supports life-long learning.

GEAR UP TN will directly serve students in Campbell, Cocke, Grundy, Hardeman, Johnson, Lake, Meigs, Union and Wayne counties.

### **Improving Teacher Quality Grant Program**

This federal program operates as Title II Part A of No Child Left Behind. It was established to provide grants to colleges and universities in order to provide professional development for K-12 teachers, paraprofessionals and principals. The chosen areas of study are: mathematics, science, social studies, English/language arts, foreign languages and related arts. One of the missions of the Commission is to study the need for particular programs, departments, academic divisions, branch operations, extension services, adult education activities, public service activities and work programs of the various institutions of higher learning. One of the goals established was to develop a collaborative planning partnership between higher education and K-12 education for teacher preparation and continuing professional development. This program helps stimulate the linkages between higher education faculty and K-12 faculty for the preparation of teachers to use curriculum and instructional processes which promote active learning, problem solving, interdisciplinary learning, and content application.

### **Veterans Education Program**

In 1983 the Tennessee Higher Education Commission was assigned to be the State Approving Agency for determining training programs in the state in which eligible veterans may enroll and receive veteran's education benefits, more commonly known as the GI Bill. The Commission works in partnership with the U.S. Department of Veterans Affairs, following both state and federal legislation and regulations in administering the approval program. Many of the institutions and programs that are reviewed for authorization are also reviewed by Commission staff members for veteran's education approval purposes.

### **Workforce Investment Act**

The Workforce Investment Act of 1998 (WIA) is a federal program that provides training that will assist the unemployed and underemployed to enter or re-enter the workforce in higher wage jobs. THEC has been designated by the Governor to implement and maintain the Eligible Provider's List for the State of Tennessee. The WIA program involves monitoring and keeping files on an excess of 2,700 programs offered by approximately 150 providers on the State's Eligible Providers List.

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## **FEDERAL PROGRAMS**

### **Gaining Early Awareness & Readiness for Undergraduate Programs (GEAR UP)**

In April 2005, the Tennessee Higher Education Commission applied for a federal Gaining Early Awareness & Readiness for Undergraduate Programs grant. In September 2005, THEC was awarded a \$3.5 million federal discretionary grant by the U.S. Department of Education, known as Gaining Early Awareness & Readiness for Undergraduate Programs (GEAR UP). GEAR UP provides resources to assist state efforts to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. Partnering together in the development and implementation of GEAR UP Tennessee (GEAR UP TN) are the Tennessee Higher Education Commission, Tennessee Department of Education, Tennessee Board of Regents, University of Tennessee System, along with other consultants and local/regional partnerships.

GEAR UP TN will serve an estimated 6,000 students per year in 9 counties and 47 schools. The project is designed to promote student achievement, enhance awareness and expand access to post-secondary education statewide, especially in those areas of the state that are traditionally underserved. During the grant period from 2005 to 2011, GEAR UP TN will provide participating counties with resources to serve the high school Class of 2011 from their 8th grade year through the completion of high school. Concurrently, GEAR UP funds will be used to promote college access initiatives and incentives to 11th and 12th grade students in the partnering counties. Any student graduating from a participating high school with a regular or special education diploma will be eligible for a GEAR UP TN Bridge Award of no less than \$750 to be utilized at any public or private institution in Tennessee participating in the Tennessee Lottery Scholarship Program.

Through the creation of early intervention programs, enhanced academic assessments, and a broad-based outreach campaign articulating the importance of postsecondary access, GEAR UP TN aims to achieve the following goals:

- Increase educational expectations of GEAR UP students and their families through an expanded knowledge of postsecondary access and financial aid opportunities.
- Enhance the academic preparation of GEAR UP students to improve high school graduation rates and postsecondary enrollment, retention, and completion.
- Provide effective professional development for classroom teachers and school staff to ensure increased academic rigor and postsecondary preparation.
- Encourage family and community involvement through GEAR UP to foster an environment that supports life-long learning.

GEAR UP TN will directly serve students in Campbell, Cocke, Grundy, Hardeman, Johnson, Lake, Meigs, Union and Wayne counties.

### **Improving Teacher Quality Grant Program**

This federal program operates as Title II Part A of No Child Left Behind. It was established to provide grants to colleges and universities in order to provide professional development for K-12 teachers, paraprofessionals and principals. The chosen areas of study are: mathematics, science, social studies, English/language arts, foreign languages and related arts. One of the missions of the Commission is to study the need for particular programs, departments, academic divisions, branch operations, extension services, adult education activities, public service activities and work programs of the various institutions of higher learning. One of the goals established was to develop a collaborative planning partnership between higher education and K-12 education for teacher preparation and continuing professional development. This program helps stimulate the linkages between higher education faculty and K-12 faculty for the preparation of teachers to use curriculum and instructional processes which promote active learning, problem solving, interdisciplinary learning, and content application.

### **Veterans Education Program**

In 1983 the Tennessee Higher Education Commission was assigned to be the State Approving Agency for determining training programs in the state in which eligible veterans may enroll and receive veteran's education benefits, more commonly known as the GI Bill. The Commission works in partnership with the U.S. Department of Veterans Affairs, following both state and federal legislation and regulations in administering the approval program. Many of the institutions and programs that are reviewed for authorization are also reviewed by Commission staff members for veteran's education approval purposes.

### **Workforce Investment Act**

The Workforce Investment Act of 1998 (WIA) is a federal program that provides training that will assist the unemployed and underemployed to enter or re-enter the workforce in higher wage jobs. THEC has been designated by the Governor to implement and maintain the Eligible Provider's List for the State of Tennessee. The WIA program involves monitoring and keeping files on an excess of 2,700 programs offered by approximately 150 providers on the State's Eligible Providers List.

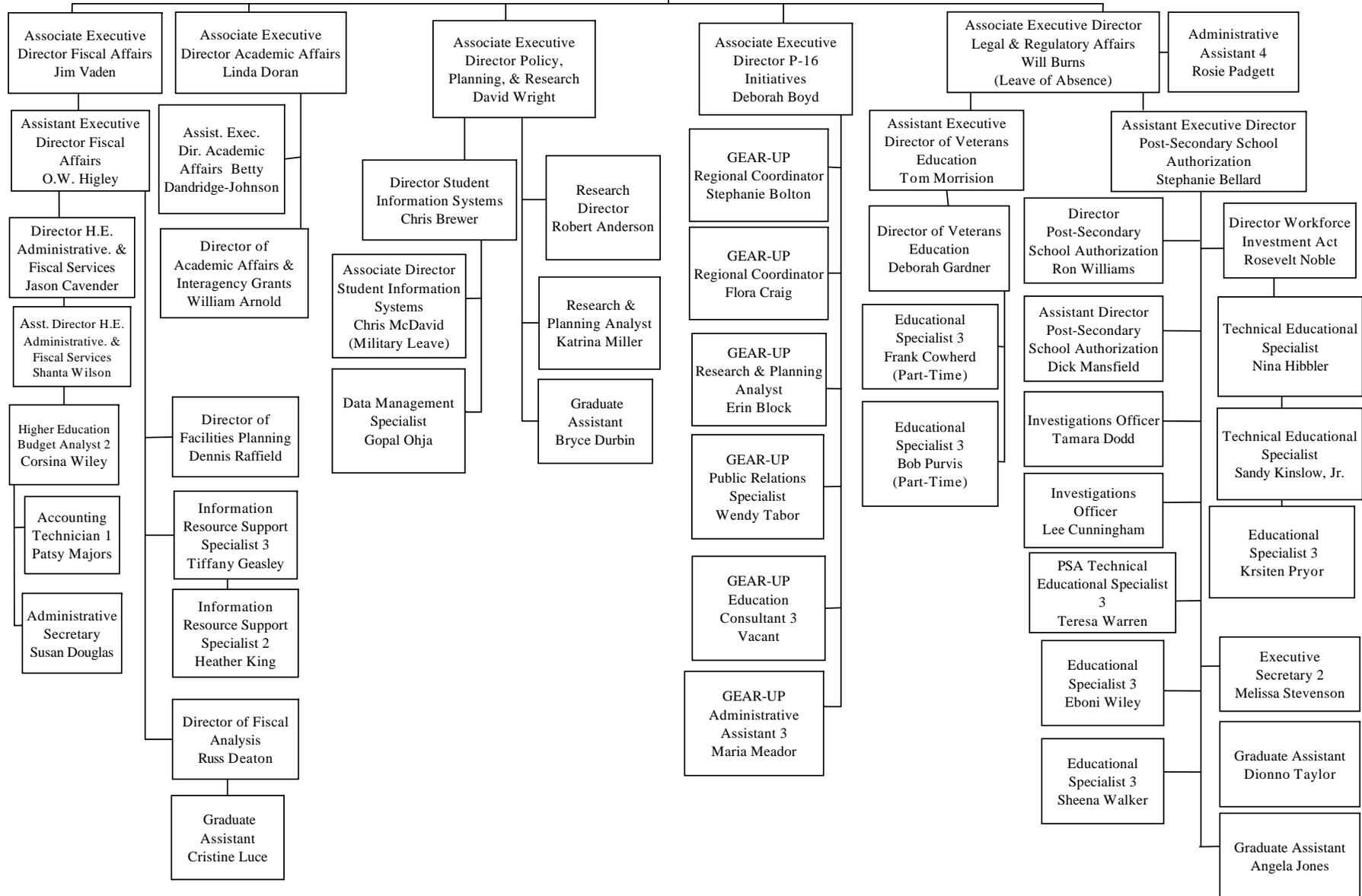
# APPENDIX II

**TENNESSEE HIGHER EDUCATION COMMISSION MEMBERS**  
**June 1, 2006 – June 1, 2007**

Ms. Katie Winchester, Chair, Eighth Congressional District  
Gen. Wendell Gilbert, Vice-Chair, Seventh Congressional District  
Mr. Jack Murrah, Vice-Chair, Third Congressional District  
\*Mr. A C Wharton, Jr., Secretary, Ninth Congressional District  
Mr. Riley C. Darnell, Secretary of State  
Mr. Adam G. Green, voting student member, UT Chattanooga  
Mr. Wm. Ransom Jones, Sixth Congressional District  
Ms. Debby Patterson Koch, Fifth Congressional District  
Mr. Charles Mann, Fourth Congressional District  
Mr. John Morgan, Comptroller  
Mr. Gary Nixon, non-voting ex-officio, Executive Director, State Board of Education  
Mr. Dale Sims, State Treasurer  
Mr. Robert White, First Congressional District  
Ms. Sondra Wilson, non-voting student member, Tennessee Technological University  
Ms. Eleanor E. Yoakum, Second Congressional District

\*Denotes Minority

Organizational Chart



**EEO Classifications**  
**Tennessee Higher Education Commission**

<b>EEO Code</b>	<b>Position Title</b>	<b>No. of pos</b>	<b>6/29/07</b>	
<b>06</b>	Accounting Technician I	1	W	
	Administrative Secretary	1	B	
	Administrative Assistant 3 -NE	2	B 2	
	Executive Secretary - NE	2	B 1 W 1	
	<b>Total EEO Code 06</b>	<b>6</b>	<b>B 4 W 2</b>	
<b>02</b>	Director Veteran's Education	1	W	
	Educational Specialist 3	5	B 2 W 2 O 1	
	Part-time Educational Specialist	3	B 2 W 1	
	Assistant Director of Higher Education Administrative and Fiscal Services	1	B	
	Research and Planning Analyst	2	W 1 O 1	
	Part-time Research and Planning Analyst	1	W	
	Workforce Investment Technical Specialist	2	B	
	Investigations Officer	2	B	
	Gear-Up Program Regional Coordinator	2	B 1 W 1	
	Assistant Director of Postsecondary School Authorization	1	W	
	Educational Consultant	1	V	
	Public Relations Specialist	1	W	
	Higher Education Budget Analyst II	1	B	
	PSA Technical Educational Specialist	1	W	
	<b>Total EEO Code 02</b>	<b>24</b>	<b>V 1 B 11 W 10 O 2</b>	
	<b>01</b>	Director of Academic Affairs and Interagency Grants	1	B
		Associate Executive Director Legal Regulatory Affairs	1	W
		Associate Director of Student Information Systems	1	W
		Associate Director of Assessment Evaluation	1	O
		Director of Facilities Management	1	W
Director of Fiscal Analysis		1	W	
Research Director		1	W	
Director of Higher Education Administrative and Fiscal Services		1	W	
Director of Postsecondary School Authorization		1	B	
Director of Workforce Investment Act		1	B	
Assistant Executive Director of Postsecondary Authorization Schools		1	B	
Assistant Executive Director of Veteran Education		1	W	
Assistant Executive Director of Fiscal Affairs		1	W	
Associate Executive Director of Academic Affairs		1	W	
Assistant Executive Director of Academic Affairs		1	B	
Director of Student Information Systems		1	W	
Associate Executive Director of Policy, Planning and Research		1	W	
Associate Executive Director of Fiscal Affairs		1	W	
Senior Policy Officer		1	V	
Executive Director - HE		1	W	
Information Resource Support Specialist II		1	W	
Information Resource Support Specialist III		1	W	
Associate Executive Director P-16 Initiatives		1	W	
<b>Total EEO Code 01</b>	<b>23</b>	<b>B 5 W 16 O 1 V 1</b>		
	<b>Grand Total</b>	<b>53</b>	<b>B 20 W 28 O 3 V 2</b>	

**B** Black  
**W** White  
**O** Other  
**V** Vacancy

**TENNESSEE HIGHER EDUCATION COMMISSION STAFF**  
**June 29, 2007**

<u>Name</u>	<u>Title</u>	<u>Gender</u>	<u>Race</u>
Robert Anderson	Research Director	Male	White
William Arnold	Director of Academic Programs And Interagency Grants	Male	Black
Stephanie Bellard	Assistant Executive Director of Postsecondary Education Authorization	Female	Black
Erin Block	Research and Planning Analyst	Female	White
Stephanie Bolton	Regional Coordinator	Female	White
Deborah Boyd	Associate Executive Director, Of P-16 Initiatives	Female	White
Chris Brewer	Director of Student Information System	Male	White
Will Burns	Associate Executive Director, Legal and Regulatory Affairs	Male	White
Lovella Carter	Executive Secretary II	Female	White
Jason Cavender	Director of Higher Education Administrative and Fiscal Services	Male	White
Frank Cowherd	Educational Specialist III (Part-time)	Male	White
Flora Craig	Regional Coordinator	Female	Black
Lee Cunningham	Investigations Officer	Male	Black
Betty Dandridge-Johnson	Assistant Executive Director of Academic Affairs	Female	Black
Russ Deaton	Director of Fiscal Analysis	Male	White
Tamara Dodd	Investigations Officer	Female	Black
Linda Doran	Associate Executive Director, Academic Affairs	Female	White
Susan Douglas	Administrative Secretary	Female	Black
Bryce Durbin	Research and Planning Analyst (Part-time)	Male	White
Debbie Gardner	Director of Veterans Education	Female	White
Tiffany Geasley	Information Resource Support Specialist III	Female	White
Nina Hibbler	Technical Educational Specialist	Female	Black
O.W. Higley	Assistant Executive Director, Fiscal Affairs	Males	White

Heather King	Information Resource Support Specialist II	Female	White
Angela Jones	Educational Specialist III <i>(Part-time)</i>	Female	Black
Sandy Kinslow, Jr.	Technical Educational Specialist	Male	Black
Christine Luce	Educational Specialist III <i>(Part-time)</i>	Female	White
Dick Mansfield	Assistant Director of Postsecondary Education Authorization	Male	White
Patsy Majors	Accounting Technician I	Female	White
Chris McDavid	Associate Director of Student Information System	Male	White
Maria Meador	Administrative Assistant III	Female	Black
Katrina Miller	Research and Planning Analyst	Female	Other
Tom Morrison	Assistant Executive Director of Veterans Education	Male	White
Roosevelt Noble	Director of Workforce Investment Act	Male	Black
Gopal Ojha	Data Management Specialist	Male	Other
Rosie Padgett	Administrative Assistant IV	Female	Black
Kristen Pryor	Educational Specialist III	Female	Black
Robert Purvis	Educational Specialist III <i>(Part-time)</i>	Male	White
Dennis Raffield	Director of Facilities Planning	Male	White
Richard Rhoda	Executive Director	Male	White
Melissa Stevenson	Executive Secretary II	Female	Black
Wendy Tabor	Public Relations Specialist	Female	White
Dionno Taylor	Educational Specialist III <i>(Part-time)</i>	Male	Black
Vacant	Senior Policy Officer		
Vacant	Educational Consultant III		
James R. Vaden	Associate Executive Director, Fiscal Affairs	Male	White
Sheena Walker	Educational Specialist III	Female	Other
Teresa Warren	PSA Technical Educational Specialist	Female	White
Corsina Wiley	Higher Education Budget Analyst II	Female	Black
Eboni Wiley	Educational Specialist III	Female	Black

Ronald Williams	Director of Postsecondary Education Authorization	Male	Black
Shanta Wilson	Assistant Director of Higher Education Administrative And Fiscal Services	Female	Black
David Wright	Associate Executive Director of Policy and Planning and Research	Male	White

**Black: 20**  
**White: 28**  
**Other: 3**  
**Vacant: 2**

**Total Employees: 51**  
**Vacant Positions: 2**  
**Total Positions: 53**

# APPENDIX III

**SAMPLE: Assurance of Compliance  
Under Title VI of the  
Civil Rights Act of 1964**

\_\_\_\_\_  
Name of Applicant (Hereinafter called "The Applicant.")

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the Regulations of the U.S. Department of \_\_\_\_\_, Department of Justice (28 CFR Parts 42 & 50), the Tennessee Department of \_\_\_\_\_, and any directives or regulations issued pursuant to that Act and the Regulations, to the effect that, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the Applicant received Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants and loans of Federal funds, reimbursable expenditures, grant or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use, Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Applicant by the Department.

BY ACCEPTING THIS ASSURANCE, the applicant agrees to compile data, maintain records, and submit reports as required to permit effective enforcement of Title VI, and permit authorized Department personnel during normal working hours to review such records, books, and accounts as needed to ascertain compliance with Title VI. If there are any violations of this assurance, the Department shall have the right to seek administrative and/or judicial enforcement of this assurance.

This assurance is binding on the applicant, its successors, transferees, and assignees as long as it receives assistance from the Department. In the case of real property, this assurance is binding for as long as the property is used for a purpose for which this assistance was intended or for the provision of services or benefits similar to those originally intended. In the case of personal property, this assurance applies for as long as the recipient retains ownership or possession of the property. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the applicant.

Dated \_\_\_\_\_

\_\_\_\_\_  
(Applicant)  
By \_\_\_\_\_  
(Title of Authorized Official)

\_\_\_\_\_  
\_\_\_\_\_  
(Address of Applicant)

No further monies or other benefits may be paid out under these programs unless this Assurance is completed and filed as required by existing regulations.

### **Explanation of Sample Assurance Form**

Federal regulations require each agency to obtain an assurance from each applicant for assistance. This document is a recommended sample of such an assurance. Applicants shall obtain comparable written assurances of compliance from their subgrantees, contractors, and subcontractors. See explanation, questions 9 and 12.

#### **1. By executing the assurance, what does an applicant agree to do?**

The applicant agrees to make no distinction on the ground of race, color, or national origin in providing to individuals any service, financial aid, or other benefit under any program receiving federal financial assistance extended to the applicant by the department. The applicant further agrees to provide actual racial/ethnic data of its applicants and participants.

#### **2. What is meant by “distinction on the ground of race, color, or national origin”?**

“Distinction on the ground of race, color, or national origin,” includes (1) any type of segregation, separate or different treatment, or other discrimination on that ground; (2) the imposition of any admission, enrollment quota, eligibility, or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit under a program or to be afforded an opportunity to participate in a program, if the race, color, or national origin of individuals is considered in determining whether they meet any such requirement or condition; (3) the use of membership in a group as a basis for the selection of individuals for any purpose, if in selected members of the group there is discrimination on the ground of race, color, or national origin; and (4) the assignment of personnel to provide services, or the assignment of time or places for the provision of services, on the basis of the race, color, or national origin of the individuals to be served.

#### **3. What is meant by “service, financial aid, or other benefit”?**

“Service, financial aid, or other benefit” under a program receiving federal financial assistance includes any assistance made available to individuals (1) with the aid of federal financial assistance, or (2) with the aid of the applicant’s or of other non-federal funds required to be made available for the program as a condition to the receipt of federal financial assistance, or (3) in or through a facility provided with the aid of federal financial assistance or the non-federal matching funds referred to in (2).

#### **4. What requirements are placed on the use of facilities?**

The applicant agrees to make no distinction on the ground of race, color, or national origin, in making available to individuals the use of any land, building, equipment, or other facility leased, acquired, constructed, improved, or equipped with the aid of federal financial assistance extended to the applicant by the department including:

- (a) The use of any room, dormitory, ward, or other space in the facility;
- (b) The use of any equipment or facility;
- (c) The use of any office, waiting room, restroom, eating, recreational, concession, or other accommodation or convenience provided in the facility;
- (d) The use of any facility not provided with the aid of federal financial assistance if the availability of such facility is required as a condition to the receipt of federal financial assistance for the federally-assisted facility.

#### **5. What requirements are placed on the opportunities to participate in a program receiving federal assistance?**

The applicant agrees to make no distinction on the ground of race, color, or national origin in affording opportunities to individuals to participate (other than as employees) in any program receiving federal financial assistance extended by the department to the applicant, including opportunities to participate:

- (a) As providers of service, financial aid, or other benefits;
- (b) As conferees, observers, consultants, advisors, or as members of advisory or planning groups; or
- (c) As volunteers.

#### **6. Does that mean that an applicant who signs the department’s assurance may nevertheless make distinctions among his employees on the basis of race, color, or national origin?**

Title VI of the Civil Rights Act prohibits employment discrimination when it affects the delivery of program benefits or when the purpose of the program is to provide employment. Moreover, even when this is not the case, an applicant may be precluded from engaging in any discriminatory employment practices under the provisions of Title VII of the Civil Rights Act, other civil rights laws, and the merit system requirements.

#### **7. When an applicant’s employment practices are covered by the department’s regulation, which requirements must be met?**

The applicant agrees to make no distinction on the ground of race, color, or national origin, in its employment practices with respect to individuals seeking employment or employed under any program receiving federal financial assistance extended to the applicant by the department.

#### **8. Does the assurance of nondiscrimination apply to the entire operation of an institution?**

Yes, the assurance applies to the entire operation of an institution with certain limited exceptions.

**9. If an applicant intends to make use of other individuals to help carry out the federally-assisted program, does the requirement not to discriminate apply to such a subgrantee, contractor, or subcontractor?**

It does. The applicant must require any individual, organization, or other entity which utilizes, to which it subgrants, or with which it contracts or subcontracts or otherwise arranges to provide services, financial aid, or other benefits under, or to assist it in the conduct of, any program receiving federal financial assistance extended to the applicant by the department, or with which it contracts or otherwise arranges for the use of any facility provided with the aid of federal financial assistance for a purpose for which the federal financial assistance was extended, to comply fully with Title VI of the Civil Rights Act of 1964 and the regulations of the department.

**10. Must this assurance of nondiscrimination by the subgrantee, etc., be in writing?**

In the case (1) of any contractual or other arrangement with another such individual or entity which will continue for an indefinite period or for a period of more than three months, (2) of any subgrant, or (3) of any conveyance, lease, or other transfer of any real property or structures thereon provided with the aid of federal financial assistance extended to the applicant by the department, the applicant shall obtain from such other person, subgrantee, contractor or subcontractor, an agreement, in writing, enforceable by the applicant and by the department, that such other individual or entity, subgrantee, contractor, or subcontractor will carry out its functions under such subgrant, or contractual or other arrangement, or will use the transferred property, as the case may be, in accordance with Title VI of the Act and the department regulations.

**11. What obligation does the applicant have to inform beneficiaries, participants, and others of the provisions of the regulations?**

The applicant must make available to beneficiaries, participants, and other interested persons information regarding the provisions of the department regulations and protections against discrimination provided under Title VI of the Civil Rights Act of 1964.

**12. What obligations does the applicant have to keep records and to make them available to the department?**

The applicant shall keep such records and submit to the department timely, complete, and accurate compliance reports at such times, and in such form, and containing such information as the department may determine to be necessary to ascertain whether the applicant has complied or is complying with the regulations in this part. The applicant shall permit access by authorized employees of this department during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with the regulations in this part. Where any information required of an applicant is in the exclusive possession of any other subgrantee, institution, or person, and this subgrantee, institution, or person shall fail to or refuse to furnish this information, the applicant shall set forth what efforts it has made to obtain the information.

**13. Must separate assurance forms be filed with each application?**

As a general rule once a valid assurance is given it will apply to any further application as long as there is no indication of a failure to comply.

# APPENDIX IV

**GRANT AGREEMENT  
BETWEEN THE STATE OF TENNESSEE,  
TENNESSEE HIGHER EDUCATION COMMISSION  
AND  
[GRANTEE NAME]**

This Grant, by and between the State of Tennessee, Tennessee Higher Education Commission, hereinafter referred to as the 'State' and [GRANTEE LEGAL ENTITY NAME], hereinafter referred to as the "Grantee," is for the provision of the Improving Teacher Quality Grant Program, as further defined in the "SCOPE OF SERVICES."

The Grantee is a State of Tennessee institution of higher education.

A. SCOPE OF SERVICES:

A.1. Attachment A affixed to and as part of this agreement details the activities to be performed in support of the Improving Teacher Quality Grant Program.

B. GRANT TERM:

B.1. Grant Term. This Grant shall be effective for the period commencing on January 12, 2007 and ending on December 31, 2007. The State shall have no obligation for services rendered by the Grantee which are not performed within the specified period.

C. PAYMENT TERMS AND CONDITIONS:

C.1. Maximum Liability. In no event shall the maximum liability of the State under this Grant exceed [WRITTEN DOLLAR AMOUNT] (\$[NUMBER AMOUNT]). The Grant Budget, attached and incorporated herein as a part of this Grant as Attachment B, shall constitute the maximum amount due the Grantee for the service and all of the Grantee's obligations hereunder. The Grant Budget line items include, but are not limited to, all applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Grantee.

C.2. Compensation Firm. The maximum liability of the State is not subject to escalation for any reason unless amended. The grant budget amounts are firm for the duration of the grant contract and are not subject to escalation for any reason unless amended, except as provided in Section C.5.

C.3. Payment Methodology. The Grantee shall be compensated for actual, reasonable, and necessary costs based upon the Grant Budget, not to exceed the maximum liability established in Section C.1. Upon progress toward the completion of the work, as described in Section A of this Grant, the Grantee shall submit invoices, in form and substance acceptable to the State with all of the necessary supporting documentation, prior to any reimbursement of allowable costs. Said invoices shall be submitted no more often than monthly. An invoice for reimbursement shall be prepared by the Grantee based upon estimated expenditures and applicable estimated revenues by line-item or by program category. At the end of each quarter, expenditure reports shall be prepared by the Grantee based upon actual costs incurred and the actual revenues received including grant revenue received from the State and adjust subsequent invoices accordingly.

C.4. Travel Compensation. Reimbursement to the Grantee for travel, meals, or lodging shall be subject to amounts and limitations specified in the "State Comprehensive Travel Regulations," as they are amended from time to time and subject to the Grant Budget.

C.5. Budget Line-items. Expenditures, reimbursements, and payments under this grant contract shall adhere to the grant budget. The Grantee may request revisions of grant budget line-items by letter, giving full details supporting such request, provided that such revisions do not increase the

total grant budget amount. Grant budget line-item revisions may not be made without prior, written approval of the State in which the terms of the approved revisions are explicitly set forth. Any increase in the total grant budget amount shall require a grant contract amendment.

- C.6. Disbursement Reconciliation and Close Out. The Grantee shall submit a final grant disbursement reconciliation report within thirty-one (31) days of the end of the Grant Contract. Said report shall be in form and substance acceptable to the State. The State will not be responsible for the payment of invoices that are submitted to the state after the final grant disbursement reconciliation report.

If total disbursements by the State pursuant to this grant contract exceed the amounts permitted by the Section C, Payment Terms and Conditions of this Grant Contract, the Grantee shall refund the difference to the State. The Grantee shall submit said refund with the final grant disbursement reconciliation report.

The Grantee must close out its accounting records at the end of the grant period in such a way that reimbursable expenditures and revenue collections are NOT carried forward.

- C.7. Indirect Cost. Should the Grantee request reimbursement for indirect cost, the Grantee must submit to the State a copy of the indirect cost rate approved by the cognizant federal agency and the State. The Grantee will be reimbursed for indirect cost in accordance with the approved indirect cost rate to amounts and limitations specified in the attached grant budget. Once the Grantee makes an election and treats a given cost as direct or indirect, it must apply that treatment consistently and may not change during the grant period. Any changes in the approved indirect cost rate must have prior approval of the cognizant federal agency and the State. If the indirect cost rate is provisional during the term of this agreement, once the rate becomes final, the Grantee agrees to remit any overpayment of funds to the State, and subject to the availability of funds the State agrees to remit any underpayment to the Grantee.
- C.8. Cost Allocation. If any part of the costs to be reimbursed under this grant contract are joint costs involving allocation to more than one program or activity, such costs shall be allocated and reported in accordance with the provisions of Department of Finance and Administration Policy Statement 03 or any amendments or revisions made to this policy statement during the grant contract period.
- C.9. Payment of Invoice. The payment of the invoice by the State shall not prejudice the State's right to object to or question any invoice or matter in relation thereto. Such payment by the State shall neither be construed as acceptance of any part of the work or service provided nor as an approval of any of the costs invoiced therein.
- C.10. Unallowable Costs. The Grantee's invoice shall be subject to reduction for amounts included in any invoice or payment theretofore made which are determined by the State, on the basis of audits or monitoring conducted in accordance with the terms of this Grant, not to constitute allowable costs.
- C.11. Deductions. Pursuant to **Tennessee Code Annotated**, Section 9-4-604, the State is not to issue warrants for payments to persons who are in default to the State until such arrearages are paid. If applicable to the Grantee, the Grantee agrees that, should such an arrearage exist during the term of this Grant, the State shall have the right to deduct from payments due and owing to the Grantee any and all amounts as are necessary to satisfy the arrearage.

Should a dispute arise concerning payments due and owing to the Grantee under this Grant, the State reserves the right to withhold said disputed amounts pending final resolution of the dispute.

D. STANDARD TERMS AND CONDITIONS:

- D.1. Required Approvals. The State is not bound by this Grant until it is approved by the appropriate State officials in accordance with applicable Tennessee State laws and regulations.
- D.2. Modification and Amendment. This Grant may be modified only by a written amendment executed by all parties hereto and approved by the appropriate Tennessee State officials in accordance with applicable Tennessee State laws and regulations.
- D.3. Termination for Convenience. The State may terminate this grant contract without cause for any reason. Said termination shall not be deemed a Breach of Contract by the State. The State shall give the Grantee at least ninety (90) days written notice before the effective termination date. The Grantee shall be entitled to compensation for authorized expenditures and satisfactory services completed as of the termination date, but in no event shall the State be liable to the Grantee for compensation for any service which has not been rendered. The final decision as to the amount, for which the State is liable, shall be determined by the State. Should the State exercise this provision, the Grantee shall not have any right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- D.4. Termination for Cause. If the Grantee fails to properly perform its obligations under this Grant in a timely or proper manner, or if the Grantee violates any terms of this Grant, the State shall have the right to immediately terminate the Grant and withhold payments in excess of fair compensation for completed services. Any liability of the Grantee to the State and third parties for any claims, losses, or costs arising out of or related to acts performed by the Grantee under this agreement shall be governed by the Tennessee Claims Commission Act, **Tennessee Code Annotated**, Section 9-8-301, *et seq.*
- D.5. Subcontracting. The Grantee shall not assign this Grant or enter into a subcontract for any of the services performed under this Grant without obtaining the prior written approval of the State. If such subcontracts are approved by the State, they shall contain, at a minimum, sections of this Grant pertaining to Lobbying, Nondiscrimination, Public Accountability, and Public Notice (Sections D.6, D.7, D.8 and D.9). Notwithstanding any use of approved subcontractors, the Grantee shall be the prime contractor and shall be responsible for all work performed.
- D.6. Lobbying. The Grantee certifies, to the best of its knowledge and belief, that:
- a. No federally appropriated funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, and entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
  - b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
  - c. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, subcontracts, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients of federally appropriated funds shall certify and disclose accordingly.

- D.7. Nondiscrimination. The Grantee 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 Grant or in the employment practices of the Grantee on the grounds of 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.
- D.8. Public Accountability. If this Grant involves the provision of services to citizens by the Grantee on behalf of the State, the Grantee agrees to establish a system through which recipients of services may present grievances about the operation of the service program, and the Grantee agrees to display a sign stating:
- "NOTICE: This Grantee is a recipient of taxpayer funding. If you observe an employee engaging in any activity which you consider to be illegal or improper, please call the State Comptroller's toll free hotline: 1-800-232-5454"
- Said sign shall be displayed in a prominent place, located near the passageway(s) through which the public enters in order to receive Grant supported services.
- D.9. Public Notice. All notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the Grantee shall include the statement, "This project is funded under an agreement with Tennessee Higher Education Commission." Any such notices by the Grantee shall be approved by the State.
- D.10. Licensure. The Grantee and its employees and all sub-grantees shall be licensed pursuant to all applicable federal, state, and local laws, ordinances, rules, and regulations and shall upon request provide proof of all licenses.
- D.11. Records. The Grantee shall maintain documentation for all charges against the State under this Grant. The books, records, and documents of the Grantee, insofar as they relate to work performed or money received under this Grant, shall be maintained for a period of three (3) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by the state agency, the Comptroller of the Treasury, or their duly appointed representatives. The records shall be maintained in accordance with the *Accounting Manual for the Recipients of Grant Funds in the State of Tennessee*, published by the Tennessee Comptroller of the Treasury. The financial statements shall be prepared in accordance with generally accepted accounting principles.
- D.12. Monitoring. The Grantee's activities conducted and records maintained pursuant to this Grant shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.13. Progress Reports. The Grantee shall submit brief, periodic, progress reports to the State as requested.
- D.14. Procurement. If the other terms of this Grant allow reimbursement for the cost of goods, materials, supplies, equipment, or services, such procurement shall be made on a competitive basis, including the use of competitive bidding procedures, where practical. Further, if such reimbursement is to be made with funds derived wholly or partially from federal sources, the determination of cost shall be governed by and reimbursement shall be subject to the Grantee's compliance with applicable federal procurement requirements.

The Grantee shall obtain prior approval from the State before purchasing any equipment under this Grant.

- D.15. Strict Performance. Failure by any party to this Grant to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this agreement shall not be construed as a waiver or relinquishment of any such term, covenant, condition, or provision. No term or condition of this Grant shall be held to be waived, modified, or deleted except by a written amendment signed by the parties hereto.
- D.16. Independent Contractor. The parties hereto, in the performance of this Grant, shall not act as agents, employees, partners, joint venturers, or associates of one another. It is expressly acknowledged by the parties hereto that such parties are independent contracting entities and that nothing in this Grant shall be construed to create a principal/agent relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services.
- D.17. State Liability. The State shall have no liability except as specifically provided in this Grant.
- D.18. Force Majeure. The obligations of the parties to this Grant are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, acts of God, riots, wars, strikes, epidemics or any other similar cause.
- D.19. State and Federal Compliance. The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant.
- D.20. Governing Law. This Grant shall be governed by and construed in accordance with the laws of the State of Tennessee. The Grantee agrees that it will be subject to the exclusive jurisdiction of the courts of the State of Tennessee in actions that may arise under this Grant. The Grantee acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any remedies arising therefrom, shall be subject to and limited to those rights and remedies, if any, available under **Tennessee Code Annotated**, Sections 9-8-101 through 9-8-407.
- D.21. Completeness. This Grant is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions of the parties' agreement. This Grant supersedes any and all prior understandings, representations, negotiations, and agreements between the parties relating hereto, whether written or oral.
- D.22. Severability. If any terms and conditions of this Grant are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this Grant are declared severable.
- D.23. Headings. Section headings are for reference purposes only and shall not be construed as part of this Grant.
- E. SPECIAL TERMS AND CONDITIONS:
- E.1. Conflicting Terms and Conditions. Should any of these special terms and conditions conflict with any other terms and conditions of this Grant, these special terms and conditions shall control.
- E.2. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Grant shall be in writing and shall be made by facsimile transmission, by overnight courier service, or by first class mail, postage prepaid, addressed to the respective party at the appropriate facsimile number or address as set forth below or to such other party, facsimile number, or address as may be hereafter specified by written notice.

The State:

**ALL GRANT AND BUDGETARY COMMUNICATION**

William Arnold, Director of Interagency Grants and Research  
Tennessee Higher Education Commission  
Suite 1900, Parkway Towers, 404 James Robertson Parkway  
Nashville, Tennessee 37243  
615-741-7572 Voice  
615-741-6230 Fax

**ALL REFUNDS or OTHER MONETARY RETURNS**

Jim Vaden  
Tennessee Higher Education Commission  
Suite 1900, Parkway Towers, 404 James Robertson Parkway  
Nashville, Tennessee 37243  
615-741-7575 Voice  
615-741-6230 Fax

The Grantee:

[NAME AND TITLE OF GRANTEE CONTACT PERSON]  
[GRANTEE NAME]  
[ADDRESS]  
[TELEPHONE NUMBER]  
[FACSIMILE NUMBER]

All instructions, notices, consents, demands, or other communications shall be considered effectively given as of the day of delivery; as of the date specified for overnight courier service delivery; as of three (3) business days after the date of mailing; or on the day the facsimile transmission is received mechanically by the telefax machine at the receiving location and receipt is confirmed telephonically by the sender if prior to 4:30 p.m. CST. Any communication by facsimile transmission shall also be sent by United States mail on the same date of the facsimile transmission.

- E.3. Subject to Funds Availability. The Grant is subject to the appropriation and availability of State and/or Federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate the Grant upon written notice to the Grantee. Said termination shall not be deemed a breach of contract by the State. Upon receipt of the written notice, the Grantee shall cease all work associated with the Grant. Should such an event occur, the Grantee shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date.

**IN WITNESS WHEREOF:**

**[GRANTEE LEGAL ENTITY NAME]:**

---

**[NAME AND TITLE]**

**Date**

**TENNESSEE HIGHER EDUCATION COMMISSION:**

---

**Richard G. Rhoda, Executive Director**

**Date**

**APPROVED:**

**DEPARTMENT OF FINANCE AND ADMINISTRATION:**

---

**M. D. Goetz, Jr., Commissioner**

**Date**

**COMPTROLLER OF THE TREASURY:**

---

**John G. Morgan, Comptroller**

**Date**

# APPENDIX V

Committee on Improving Teacher Quality  
2006-2007

1. **Ms. Linda Jordan** (Science)  
Tennessee Department of Education
2. **Dr. Bradley Windley** (Science)  
Tennessee Higher Education Commission
3. **Dr. Calvin Brown** (Science)\*  
Tennessee State University
4. **Dr. Fred Heifner** (Science)  
Cumberland University
5. **Dr. Linda Warner** (Science)  
TN Board of Regents
6. **Dr. Scott Eddins** (Math)  
Tennessee Department of Education
7. **Dr. Mary Jo Howland** (Mathematics)  
State Board of Education
8. **Dr. John Graef** (Mathematics)  
University of Tennessee at Chattanooga
9. **Ms. Jennifer Nix** (Special Education)  
Tennessee Department of Education
10. **Ms. Tarol Wells** (Language Arts/Special Ed)\*  
Tennessee Department of Human Services
11. **Dr. Claudia Joplin** (Special Education)\*  
University of Tennessee, Martin
12. **Mr. Terrance Gibson** (Special Education)\*  
Tennessee Education Association
13. **Ms. Judy Haston** (Special Education)  
Tennessee Department of Education
14. **Dr. Deborah Nunn** (Language Arts/Reading)  
Belmont University
15. **Dr. Celeste Williams** (Language Arts)\*  
Tennessee State University
16. **Ms. Linda Creek** (Reading)  
Tennessee Department of Education
17. **Ms. Heather Jack** (Reading)  
Tennessee Independent Colleges and Universities Association
18. **Dr. Vanita Lytle-Sherrill** (Math)\*  
Volunteer State Community College (retired)
19. **Dr. William Arnold**\*  
Tennessee Higher Education Commission

\*Denotes Minority

Committee on Postsecondary Educational Institutions  
2006 – 2007

1. **Denise Bentley\***  
Attorney, Metro Board of Education
2. **Vicki Burch**  
President, West Tennessee Business College
3. **Bill Faour**  
Director/Owner, Electronic Computer Programming College
4. **Larry Griffin**  
President, Mid-South Christian College
5. **Gaylon Hall**  
Director Emeritus, William R. Moore College of Technology
6. **Michael Jaeger**  
Retired, Health Care Sales
7. **Commissioner Keys\***  
Commissioner of Veteran Affairs, State of Tennessee
8. **Dr. Kittie Myatt**  
President, Argosy University – Nashville
9. **Dr. Richard Rhoda**  
Executive Director, Tennessee Higher Education Commission
10. **Dr. Robert Ruble**  
Executive Director, Tennessee Student Assistant Corporation
11. **Joyce Searcy\***  
President & CEO, Bethlehem Centers of Nashville
12. **Steve South**  
President/Owner, South College
13. **Brenda Webb**  
Sullivan County Department of Education

\*Denotes Minority

Committee on Minority Teacher Education  
2006 - 2007

1. **Art Fuller\***  
State Board of Education
2. **Mr. Eugene Howard Wade\***  
Williamson County Schools
3. **Dr. Claude O. Pressnell, Jr.**  
TN. Independent Colleges & Univ. Association
4. **William Arnold\***  
Tennessee Higher Education Commission
5. **Ms. Hazel Thomas\***  
State Department of Education
6. **Mr. Morgan Branch\***  
State Department of Education
7. **Mr. Terrance Gibson\***  
Tennessee Education Association
8. **Dr. Ronald C. Williams\***  
Tennessee Higher Education Commission
9. **Dr. S. Kay Clark**  
Tennessee Board of Regents
10. **Dr. Bob Levy**  
University of Tennessee

\*Denotes Minority

# APPENDIX VI

**THEC Improving Teacher Quality Grant Proposal Evaluation Rubric**  
Application Narrative Summary of Scoring

**PROPOSAL NAME & INSTITUTION** \_\_\_\_\_

<b>SECTION</b>	<b>SECTION TITLE</b>	<b>POSSIBLE SCORE</b>	<b>SCORE</b>
Section I	Need for Project	10	
Section II	Scientifically-based research	15	
Section III	Recruitment Plan	15	
Section IV	Instructional Leadership	10	
Section V	Local Education Agency (LEA) Involvement	10	
Section VI	Evaluation Strategies	15	
Section VII	Management Plan	10	
Section VIII	Budget/Budget Narrative	15	
	<b>TOTAL SCORE</b>	<b>100</b>	

**Strengths:**

---

**Weaknesses:**

---

**Funding Recommendations:** Fund as written:  Fund with changes:  Reject:

Activity changes recommended:  Negotiate funding level:

**Recommended Changes:**

---



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**Reviewer Name**

**Reviewer**

**Signature**

**Date**

---

**Need for the project****Points awarded \_\_\_\_\_**

The magnitude or severity of the problem to be addressed by the proposed project in the potential LEA; the magnitude of the need for the services to be provided or the activities to be carried out by the proposed project, and the extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantage individuals.

**Scientifically based Research****Points awarded \_\_\_\_\_**

The extent to which the method of addressing the problem is research-based and documented, the extent to which the information/material distributed throughout the activity is research-based and documented; and the importance or magnitude of the results or outcomes likely to be attained by the proposed project.

**Quality of the recruitment plan****Points awarded \_\_\_\_\_**

The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients and/or beneficiaries of those services, and the likely impact of the services to be on the intended recipients of those services. Is the recruitment plan feasible for the numbers projected? Is there a defined Title VI plan that seeks to recruit minorities? If the proposal is a previously funded grant, have there been any Title VI complaints filed against it?

**Instructional Leadership****Points awarded \_\_\_\_\_**

The qualifications; including relevant training experience, of the project director or principal investigator, and the qualifications, including relevant training and experience, of key project personnel. Does the instructional leadership include partnerships with the Department of Teacher Education and the Department of Arts and Sciences?

**Quality of local education agency collaboration****Points awarded \_\_\_\_\_**

The extent to which there was a joint effort in the planning of the project with a local High Need school system or an individual school and the quality of the collaboration with local school system or individual school. What specifies a high-need LEA? Is there a definite commitment from the LEA? Does it detail how the LEA actively plans to participate in the proposal?

**Quality of the project evaluation****Points awarded \_\_\_\_\_**

The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project, the extent to which the method of evaluation include the use of objective performance measures that are clearly

related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible, the extent to which the methods of evaluation are appropriate to the context which the project operates, and the extent to which the plan will conduct follow-up evaluations on the participants.

**Management Plan**

**Points awarded** \_\_\_\_\_

How soundness is the framework of the proposal. Is the timeline accurate and can it be achieved? What institutional resources, actions and commitments are available to program? Is the proposal a manageable program for the proposed time frame, number of participants, number of contact hours and number of instructors.

---

**Budget Plan/Budget narrative**

**Points awarded** \_\_\_\_\_

The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project and the adequacy of support, including facilities, equipment, supplies, and other resources from the applicant organization.

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**TITLE VI COMPLIANCE REVIEW SURVEY OF THE  
IMPROVING TEACHER QUALITY PROFESSIONAL DEVELOPMENT  
TENNESSEE HIGHER EDUCATION COMMISSION**

---

**Project Director** \_\_\_\_\_

**Program Name** \_\_\_\_\_

**Institution** \_\_\_\_\_

**Project Year** 20 -20

-----  
***MINORITY REPRESENTATION***

\_\_\_\_\_ Projected number of minority teacher participants

\_\_\_\_\_ Actual number of minority teacher participants

\_\_\_\_\_ Total number of teacher participants

\_\_\_\_\_ Number of minority external personnel/consultants

\_\_\_\_\_ Total number of minority external personnel/consultants

***MINORITY RECRUITMENT***

**(Please use additional paper, if necessary.)**

What methods were used to obtain external personnel/consultants?

What methods were used to recruit minority participants?

Was there a plan in place to target minority teacher participants?

If the actual number of minority teacher participants was less than the projected number of minority teacher participants, was there a contingency plan in place to recruit more minority teacher participants? If yes, please specify.

Have there been any Title VI related complaints against this project? If yes, please provide a narrative explanation of the complaint.

**Improving Teacher Quality Grants 2005 - 2006**

<b>Project Director</b>	<b>Institution</b>	<b>TITLE VI</b>	<b>Projected Minority</b>	<b>Actual Minority</b>	<b># External Consultants</b>	<b>Minority Consultants</b>	<b>PLAN?</b>
Dr. Clarissa Willis	East Tennessee State University	YES	2	2	0	0	Yes
Dr. Rosalind R. Gann	East Tennessee State University	YES	1	2	1	1	Yes
Dr. William A. Tallon	Lipscomb University	YES	6	8	0	0	Yes
Dr. Chuck Higgins	Middle Tennessee State University	YES	4	1	0	0	Yes
Dr. Kathy VanFleet	Middle Tennessee State University	YES	5	7	10	1	Yes
Dr. E. Ray Phillips	Middle Tennessee State University	YES	3	3	6	1	Yes
Dr. Patricia Patterson	Middle Tennessee State University	YES	3	5	2	2	Yes
Dr. Mary B. Martin	Middle Tennessee State University	YES	2	3	1	1	Yes
Dr. Holly G. Anthony	Tennessee Technological University	YES	2		0		Yes
Dr. Suellen Alfred	Tennessee Technological University	YES	1	1	0	0	Yes
Dr. Kristen Pennycuff	Tennessee Technological University	YES	10	2	0	0	Yes
Dr. Paula V. Engelhardt	Tennessee Technological University	YES	2	0	0	0	Yes
Dr. Ossama A. Saleh	The University of Tennessee at	YES	2	4	0	0	Yes
Dr. Deborah A. McAllister	The University of Tennessee at	YES	15	19	5	0	Yes
Dr. Ann E. Holmes	The University of Tennessee at	YES	5	1	0	0	Yes
Dr. Bonnie H. Ownley	The University of Tennessee at Knoxville	YES	4	2	0	0	Yes
Ms. Judy Cleek	The University of Tennessee at Martin	YES	0	2	0	0	Yes
Dr. Cahit Erkal	The University of Tennessee at Martin	YES	5	6	0	0	Yes

# APPENDIX VII





8. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?  Yes  No

If yes, check all that apply:

Federal agency

Federal court

State agency

State court

Local agency

Please provide information about a contact person at the agency/court where the complaint was filed.

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone Number ( ) \_\_\_\_\_

9. Do you intend to file this complaint with another agency? Yes  No

If yes, when and where do you plan to file the complaint?

Date \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone Number ( ) \_\_\_\_\_

10. Has this complaint been filed with this agency before? Yes  No

If yes, when? Date \_\_\_\_\_

11. Have you filed any other complaints with this agency? Yes  No

If yes, when and against whom were they filed?

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone Number ( ) \_\_\_\_\_

Give a brief description of the other complaint \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the status of the other complaint? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

\_\_\_\_\_  
**Complainant's Signature**

\_\_\_\_\_  
**Date**

**Consent Form for Use  
of Personal Information  
for Complainant**

***Office for Civil Rights Consent Form***

Please sign, and date section A or section B:

Print your name: \_\_\_\_\_

Institution named in complaint: \_\_\_\_\_

**A.** I have read the [Notice about Investigatory Uses of Personal Information](#). As a complainant, I understand that in the course of its investigation, OCR may find it necessary to reveal my identity to persons at the institution under investigation. I give my consent. I also understand that under the Freedom of Information Act, OCR may be required to disclose information gathered from me pursuant to this investigation, except in certain instances, such as where disclosure could constitute an unwarranted invasion of my privacy.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**OR**

**B.** I wish to file this complaint, but I do not give my consent for use of personal information. I have read the Notice about Investigatory Uses of Personal Information and I understand that OCR may have to close this complaint if OCR is unable to proceed with an investigation without releasing my identity.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

*Office for Civil Rights*  
*Notice about Investigatory Uses of Personal Information*

To resolve your complaint, OCR may need to collect and analyze personal information such as student records or employment records. No law requires you to give personal information to OCR and no sanctions will be imposed on complainants or other persons who do not cooperate in providing information during the complaint resolution process. However, if OCR is unable to obtain information needed to resolve your complaint, we may have to close your complaint.

The Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, govern personal information submitted to all Federal agencies, including OCR.

The Privacy Act of 1974 protects individuals from the misuse of personal information held by the Federal government. It applies to records that are kept and can be located by the individual's name, social security number, or other personal identifier. It regulates the collection, maintenance, use and dissemination of certain personal information in the files of Federal agencies.

The information OCR collects is analyzed by authorized personnel within the agency and will be used only for authorized civil rights compliance and enforcement activities. However, in order to resolve a complaint OCR may need to reveal certain information to persons outside the agency to verify facts or gather additional information. Such details could include the age or physical condition of a complainant. Also, OCR may be required to reveal information requested under FOIA (discussed below). OCR will not release information to any other agency or individual except in the one of the 11 instances defined in the Commission's regulation at 34 C.F.R. § 5b.9(b).

**OCR does not reveal the name or other identifying information about an individual unless it is necessary for completion of an investigation or for enforcement activities against an institution that violates the laws, or unless such information is required to be disclosed under the FOIA or the Privacy Act. OCR will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the FOIA, the Privacy Act or otherwise by law.**

**SAMPLE LETTER  
ACKNOWLEDGING  
RECEIPT OF  
OFFICIAL COMPLAINT**

**Date**

**Ms. Joanne Doe  
100 Any Street  
Anytown, TN 37000**

**Dear Ms. Doe:**

This is to acknowledge that the Tennessee Higher Education Commission has received your complaint form alleging **(fill in the blank)** in **(Any County Schools)**. The Commission will conduct a preliminary review of the complaint form and make a determination as to whether we will or will not conduct an investigation. You will be notified of the results of this preliminary review.

Thank you for your assistance in this matter. If you have additional information you would like to provide, please send it to Richard G. Rhoda, Tennessee Higher Education Commission, Parkway Towers, Suite 1900, 404 James Robertson Parkway, Nashville, Tennessee, 37243.

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER  
NOTIFYING COMPLAINANT THAT  
THE COMPLAINT WILL BE REFERRED  
TO THE FEDERAL COGNIZANT AGENCY**

**Date**

**Ms. Joanne Doe  
100 Any Street  
Anytown, TN 37000**

**Dear Ms. Doe:**

The Tennessee Higher Education Commission has received your Title VI complaint from alleging that the <<**SCHOOL SYSTEM**>> is out of compliance with Title VI of the Civil Rights Act of 1964.

The Commission has been in contact with the United States Department of Education/Office of Civil Rights (USDE/OCR) concerning Title VI compliance in <<**SCHOOL SYSTEM**>>. Because of USDE/OCR's expertise in reviewing these types of complaints, the Commission and the USDE/OCR have tentatively agreed that USDE/OCR will be the lead agency in reviewing complaints involving this school system. Since, on the complaint form, you authorized the forwarding of the complaint to another agency; we will forward your complaint to USDE/OCR. USDE/OCR will contact you if additional information is needed.

We appreciate the interest you have shown in Title VI compliance. Our staff will be available to work with USDE/OCR and the school system to resolve any finding of non-compliance.

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER NOTIFYING  
COMPLAINANT THAT  
THE TENNESSEE HIGHER  
EDUCATION COMMISSION  
WILL INVESTIGATE  
THE COMPLAINT**

Date

Ms. Joanne Doe  
100 Any Street  
Anytown, TN 37000

Dear Ms. Doe:

The Tennessee Higher Education Commission will investigate the complaint that you recently submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 at <<INSTITUTION >>.

The complaint form you submitted appears to contain all required information the investigator will need to conduct the investigation. However, in the event additional information is needed, the investigator may need to call you at <<(XXX) YYY-ZZZZ>>. If this telephone number is not correct, please notify us within 15 days of the date of this letter.

*or*

In reviewing the complaint form, we found that the following additional information will be needed:

- 1.
- 2.

Please submit this additional information within 15 days of the date of this letter to me at the address appearing at the top of this letter. Also, our records show that you can be reached by telephone at <<(XXX) YYY-ZZZZ>>If this contact information is no longer correct, please notify us within days of the date of this letter.

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER ANNOUNCING  
A COMPLAINT INVESTIGATION**

**Date**

**Ms. Joanne Doe  
100 Any Street  
Anytown, TN 37000**

**Dear Ms. Doe:**

Departmental regulations implementing Title VI of the Civil Rights Act of 1964 (copy enclosed) provide for a prompt investigation whenever a complaint or any other information indicates a possible failure to comply with Title VI or its implementing regulation. A complaint has been filed in this office which indicates a possible failure to comply with Title VI in the operation of the Commission of <<INSTITUTION>>.

Members of our office will conduct an investigation of this matter. Their present schedule will permit them to visit your program during the week of <<<Insert Date>>>. Please advise us promptly if that time is not convenient for you or your staff. You may confirm this time by phoning me at (615) 741-3605.

Please be assured of my appreciation of your cooperation in this important matter.

*or*

In reviewing the complaint form, we found that the following additional information will be needed:

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER NOTIFYING  
COMPLAINANT OF  
AN INVESTIGATION**

**Date**

**Ms. Joanne Doe  
100 Any Street  
Anytown, TN 37000**

**Dear Ms. Doe:**

The matter referenced in your letter of <<<Insert Date>>> alleging racial discrimination in the operation of \_\_\_\_\_ Program will be investigated by staff from this office. The investigation has been scheduled for the week of <<<Insert Date>>>. Mr./Ms. \_\_\_\_\_ has been assigned to investigate the matter. He/she will contact you to establish a convenient time for you to discuss your complaint with him/her.

We appreciate your help in this important matter.

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER INFORMING  
COMPLAINANT THAT THE  
TENNESSEE HIGHER EDUCATION  
COMMISSION WILL NOT  
INVESTIGATE THE COMPLAINT**

**Date**

**Ms. Joanne Doe  
100 Any Street  
Anytown, TN 37000**

**Dear Ms. Doe:**

This is to inform you that the Tennessee Higher Education Commission will not investigate the complaint that you recently submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 in <<INSTITUTION >>. We will not investigate the complaint because

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Thank you for notifying the Tennessee Higher Education Commission of your concerns. You may want to contact the Title VI Coordinator in your local school system, the Tennessee Human Rights Commission or the U.S. Department of Education Office for Civil Rights. These agencies also investigate Title VI complaints.

Sincerely yours,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER ADVISING  
COMPLAINANT THAT THE  
COMPLAINT IS NOT  
SUBSTANTIATED.**

**Date**

**Ms. Joanne Doe  
100 Any Street  
Anytown, TN 37000**

**Dear Ms. Doe:**

The matters referenced in your letter-complaint of <<Insert Date>>, alleging racial discrimination in the operation of << Insert Name of Program>> have been investigated by staff from this office.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any programs receiving federal financial assistance.

My staff has analyzed the materials and facts gathered during the course of their investigation of your complaint for evidence of a failure to comply with any of the civil rights laws administered by this office. We did not find evidence that any of those laws have been violated.

We must therefore advise you that your complaint has not been substantiated, and that we are closing this matter in our files.

Thank you for taking the time to contact this office. If we can be of assistance to you in the future, do not hesitate to call us.

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER  
ANNOUNCING A  
COMPLIANCE  
REVIEW**

Mr. John Doe  
Superintendent of Schools  
100 Main Street  
Anytown, TN 37000

Dear Mr. Doe:

Departmental regulations implementing Title VI of the Civil Rights Act of 1964 (copy enclosed) provide for a periodic review of the practices of recipients receiving federal assistance, to determine whether they are complying with nondiscrimination requirements for Title VI.

Recipients are selected for compliance reviews on the basis of population and racial character of their locality; existence, size and nature of community populations; date of last compliance review; complaints, etc. Your program, among others in your area, has been selected.

Members of our staff will conduct the review. Their present schedule will permit them to visit your program during the week of \_\_\_\_\_ - \_\_\_\_\_. Please advise us promptly by telephone if that time is inconvenient for you or your staff. You may confirm this time, or suggest another, by calling \_\_\_\_\_ at (615) 555-5555.

I appreciate your cooperation in this important matter.

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER  
CONFIRMING A  
COMPLIANCE  
REVIEW**

Mr. John Doe  
Superintendent of Schools  
100 Main Street  
Anytown, TN 37000

Dear Mr. Doe:

This is to confirm the conversation between you and a member of my staff in which it was agreed that staff from this office would conduct an on-site review of the \_\_\_\_\_ Program to determine its compliance with Title VI of the Civil Rights Act of 1964.

The staff member assigned to conduct the investigation of your <<program>> is <<NAME>>. <<NAME>> and a team of investigators will be in your city <<Day, Date>>. They expect to arrive at your office at 9:30 a.m. on <<Day>>.

In order to facilitate our review, and minimize our on-site staff time, please have available for our visit the following records and/or information as applicable:

1. All records and assurances required to be maintained by your office for compliance with Title VI and its implementing rules and regulations;
2. Racial breakdown of participants in all projects administered by your program;
3. A description of the program's application processing system;
4. A compilation of the program's staff assignments by race, sex, title, and salary and a copy of the program's current personnel policy;
5. A description of grievance procedures now being used by your program.

Investigators may also need access to other records and personnel. I appreciate your making these available to them as required.

Thank you for your cooperation in this important matter.

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER  
NOTIFYING COMPLAINANT  
OF TITLE VI COMPLIANCE  
STATUS OF RESPONDENT**

Ms. Juanita Doe  
Superintendent of Schools  
1234 Main Street  
Anytown, TN 37000

Dear Ms. Doe:

The matters referenced in your complaint of <<date>> alleging racial discrimination in the operation of \_\_\_\_\_ <<Program>> have been investigated by staff from this office.

My staff found several apparent violations of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. [ If a hearing is requested, the following sentence may be appropriate.] You may be hearing from this office, or from federal authorities, if you services should be needed during the administrative hearing process.

Sincerely,

Richard G. Rhoda  
Title VI Coordinator

**SAMPLE LETTER  
NOTIFYING COMPLAINANT  
OF THE RESULTS OF THE  
INVESTIGATION**

Mrs. John Doe  
1234 Main Street  
Anytown, TN 37000

Dear Mrs. Doe:

This is to notify you that the Tennessee Higher Education Commission has completed its investigation into the complaint that you submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 in <<INSTITUTION>>. Based on the results of the investigation, this office has concluded that <<INSTITUTION>> did violate the provisions of Title VI of the Civil Rights Act of 1964.

This office is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d et seq., and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Commission, and therefore, is subject to the requirements under Title VI.

Under the Title VI implementing regulation at 34 C.F.R. § 100.3(a), no person may be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the ground of race, color, or national origin under any program to which the regulation applies. Racially based conduct that has such an effect and that consists of different treatment of students on the basis of race by a recipient's agents or employees, acting within the scope of their official duties, violates Title VI.

Because of the finding of non-compliance, <<INSTITUTION>> has been given 30 days to submit a corrective action plan to remedy the non-compliance with Title VI of the Civil Rights Act of 1964.

Thank you again for bringing this matter to our attention. If you need additional information, please contact me at (615) 741-3605.

Sincerely yours,

Richard G. Rhoda  
Title VI Coordinator