

FY  
23

# TENNESSEE HUMAN RIGHTS COMMISSION

## TITLE VI ANNUAL REPORT



**Bill Lee, Governor**  
**Muriel Malone Nolen, Esq., Executive Director**



Human Rights  
Commission

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Governor Bill Lee  
Tennessee State Capitol Building  
600 Dr. Martin Luther King, Jr. Blvd.  
Nashville, TN 37243

Members of the General Assembly  
Cordell Hull Building  
425 5th Ave N  
Nashville, TN 37243

To Governor Bill Lee, Members of the General Assembly, and Citizens of Tennessee:

On behalf of the Tennessee Human Rights Commission (THRC), I am honored to share with you the FY 2023 Title VI annual report. I invite you to learn about the work of the Commission and our Title VI unit. This report highlights the Commission's impact in Tennessee via our education, enforcement and compliance efforts.

In July 2022, I was officially appointed to the role of Executive Director. Since that time, we have faced significant challenges, one of which was a 15% increase in the number of reported incidents of Tennesseans who experienced discrimination in our federally funded agencies. Despite these challenges, the Commission has remained steadfast in our commitment to serve our state agencies to ensure that all Tennesseans, regardless of their race, color, or national origin, receive fair treatment and equal opportunity to access state resources.

In closing, I would like to thank the members of our Board of Commissioners who will provide leadership to meet the Commission's mission and vision. The Commission will continue the vital responsibility of enforcing civil rights laws and work to ensure a discrimination-free Tennessee. The Commission looks forward to serving the citizens of Tennessee with your continued support.

Sincerely,

A handwritten signature in black ink that reads 'Muriel M. Nolen'.

Muriel Malone Nolen, Esq.  
Executive Director



# Board of Commissioners



**Darris K. Upton**  
Chair  
East Tennessee



**Christopher Crider**  
Vice-Chair  
West Tennessee



**Mark A. Kelly**  
Secretary  
Middle Tennessee



**Marité Pérez**  
East Tennessee



**Dr. Amos Raymond**  
West Tennessee



**Joshua Rosales**  
Middle Tennessee



# Title VI & Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal Financial Assistance (FFA).

The Civil Rights Act of 1964 “was a product of the growing demand during the early 1960's for the federal government to launch nationwide offensive against racial discrimination”. Since the U.S. Supreme Court decision of *Plessy v. Ferguson* in 1896, it was constitutional for states to enact racial segregation laws and policies under the “separate but equal” doctrine. Over the following decades, movements across the nation pushed for desegregation and equality, led by organizations such as the National Association for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Council (SCLC). One of the first major victories towards the passage of Title VI occurred with the U.S. Supreme Court Decision, *Brown v. Board of Education*, in 1954. *Brown* found the “separate but equal” doctrine established by *Plessy v. Ferguson* unconstitutional and overturned Federal Financial Assistance to racially segregated institutions.

As the push for racial equality continued, the civil rights movement grew and legislative action gained steam. In 1963, President John F. Kennedy proposed the Civil Rights Act, stating “public funds, to which all tax payers of all races contribute, [must] not be spent in any fashion which encourages... discrimination.”

“Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.”

-President John F. Kennedy, 1963



Top photo: March on Washington for Jobs and Freedom on August 28, 1963.

Bottom photo: President Lyndon B. Johnson shaking Dr. Martin Luther King Jr.'s hand after signing the Civil Rights Act of 1964.

On August 28, 1963, the March on Washington further placed pressure on congress to pass legislation. Organized by A. Phillip Randolph and Bayard Rustin, the event brought more than 300,000 to people Washington DC. Highlighted by Dr. Martin Luther King Jr.'s “I Have a Dream” speech, the March advocated for fair employment and passage of the Civil Rights Act.

On July 2, 1964, the Civil Rights Act of 1964 was signed into law by President Lyndon B. Johnson. Title VI was one of 11 Titles that made up the Civil Rights Act of 1964. Other Titles of the Civil Rights Act of 1964 included Title I which banned discriminatory voting tactics; Title's III and IV which desegregated public facilities and public education; and Title VII, another law THRC enforces, which banned discrimination in employment.

# THRC Title VI History, Purpose & Structure

## History

On August 9, 2002, Governor Don Sundquist, pictured right, issued Executive Order 34, which created the Title VI Compliance Commission. Executive Order 34 assigned the duties and responsibilities for Title VI monitoring to the 13 member commission. Governor Sundquist appointed 9 of the 13 members as required by the executive order. The appointments expired in October 2008 and remained unfilled.

On June 23, 2009, Governor Phil Bredesen signed legislation transferring the duties of the Title VI Compliance Commission to the Tennessee Human Rights Commission (THRC), effective July 1, 2009. This legislation granted THRC the authority to verify that all state government entities comply with the requirements of Title VI. The compliance program dedicated itself, first, to the establishment and development of guidelines for a comprehensive statewide policy to ensure compliance by the executive branch of state government. In the subsequent years, the compliance division has matured beyond establishing guidance and into active oversight.

## Purpose

To verify Title VI compliance statewide through complaint referral and monitoring, investigations, on-site reviews, Implementation Plan development and review, and training specifically focused on discrimination on the basis of race, color and national origin under federally funded programs and activities.



## Structure

Each state agency receiving Federal Financial Assistance is responsible for conducting the necessary activities to remain compliant and avoid discrimination. Although this is a responsibility of the agency as a whole, each state agency selects a member of its staff to serve as Title VI coordinator. The designated Title VI coordinator serves as a liaison between the agency and THRC and as a resource for the agency's Title VI related activities.

The compliance program is overseen by the Title VI Compliance Director. Additionally, the Title VI unit employs a Compliance Officer and an Administrator. The THRC Title VI Compliance Division provides support for and coordination among the state agency Title VI coordinators.



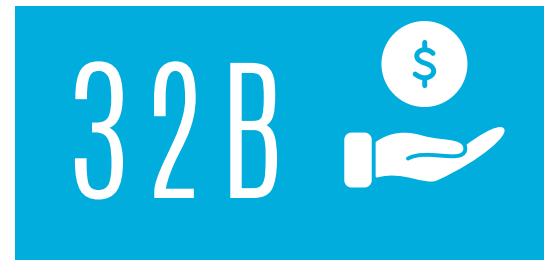
# Federal Financial Assistance

Federal Financial Assistance (FFA) can be described as one of the following: grants and loans of federal funds; use of federal equipment or donation of property; detail of federal personnel; and any federal agreement, arrangement, or other contract that has one of its purpose the provision of assistance. What is not considered FFA can include licenses; procurement contracts; statutory programs or regulations that directly/indirectly support, or establish guidelines for an entity's operations; or direct unconditional assistance to private citizens receiving FFA. The Title VI Compliance Program's services aim to safeguard the rights of individuals and work to prevent the loss of Federal funding that could result from an agency's non-compliance with Title VI requirements. Any state agency who receives even one dollar in FFA must be in compliance of Title VI of the Civil Rights Act of 1964.

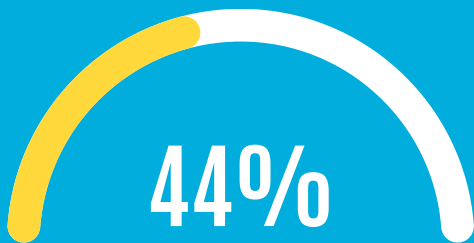
## Federal Funding in Tennessee for FY 2023

### Highest reported FFA in FY 2023

Department	FFA Amount Reported
Division of TennCare	\$18,870,657,020.90
Tennessee Department of Human Services	\$3,707,035,035.00
Tennessee Military Department	\$3,390,495,070.20
Department of Education	\$1,420,767,999.00
Department of Transportation	\$688,681,240.35



Total FFA in FY 2023 was  
\$32,338,364,449.24



In FY 2023 state departments/agencies reported receiving over \$32 billion dollars in Federal Financial Assistance in the past fiscal year. Federal funds can represent as much as 44 percent of the state budget any given year.

# Title VI Compliance Overview

## Title VI Compliance Division Activities

- Serves as a clearinghouse for Title VI complaints, ensuring that any claim of non-compliance by a state agency is thoroughly investigated and resolved.
- Conducts annual training for all Title VI coordinators, ensuring competence in Title VI issues across the state.
- Provides policy guidance and technical assistance for recipient agencies regarding Title VI compliance.
- Directly investigates potentially discriminatory actions by public programs.
- Reviews the compliance efforts of individual state agencies via Title VI Implementation Plan analysis and issues guidance on potentially discriminatory practices/policies.
- Conducts on-site compliance reviews of state agencies. These reviews highlight and remedy shortcomings found in agency practices and procedures.
- Administers reports to Commissioners and Agency heads, keeping them apprised of successes and areas of potential concern.

## Technical Assistance

The Title VI staff responds to requests for technical assistance from state departments and agencies on Title VI compliance. Topics of concern include compliance reporting, Limited English Proficiency, complaint investigations, training requirements both for agency staff and subrecipients, implementation plans, and subrecipient monitoring. Typically, these requests are resolved within twenty-four hours.

## Annual Title VI Compliance Training

The Annual Title VI Compliance Training was held virtually on August 4 - 5, 2022 for all state agencies receiving Federal Financial Assistance (FFA). Information presented during the training included an overview of Title VI fundamentals, implementation plan guidelines for FY 2022-23, and regulatory authority training instruction. There were approximately 144 attendees over the 2-day training.



**49**

Agencies participated in the training



**144**

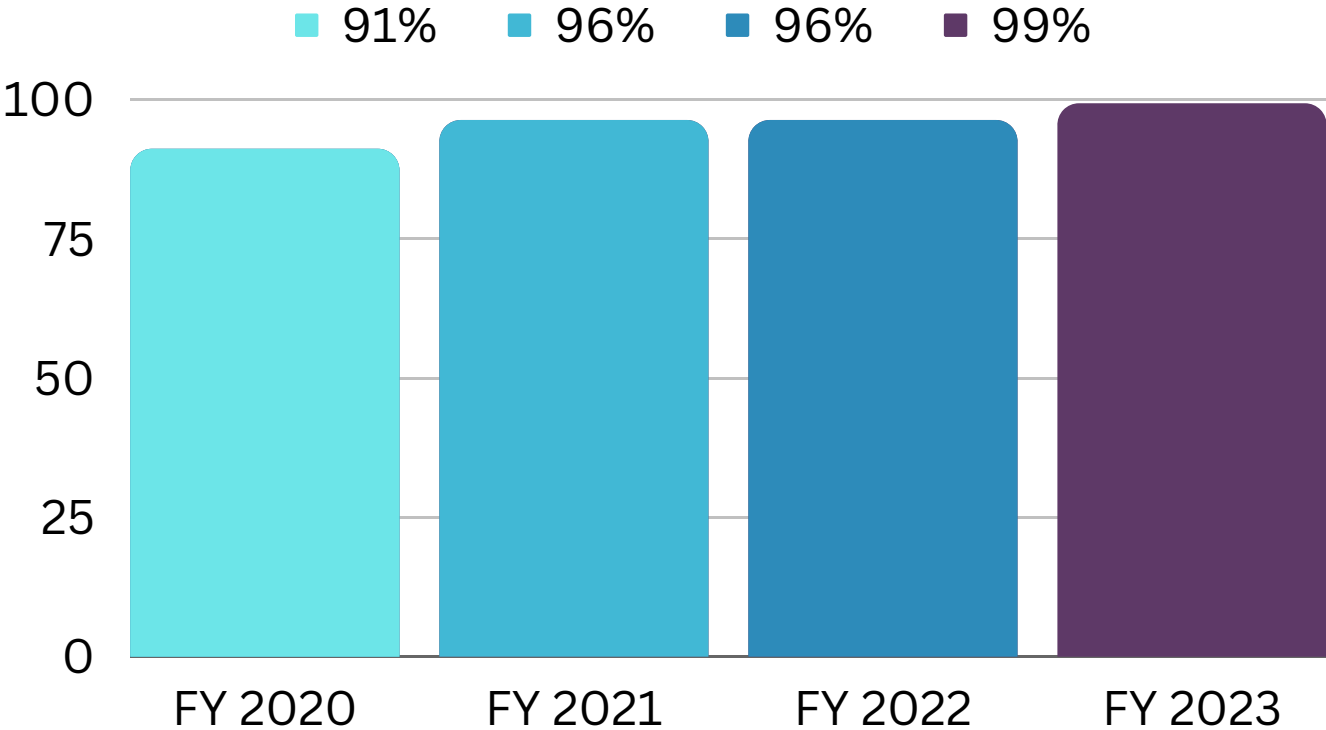
People attended the 2-day training

# Implementation Plans

A major component of Title VI Compliance involves implementation plan reviews. In FY 2023, the Commission received and reviewed 49 implementation plans from departments statewide.

The reviews analyzed multiple areas of compliance, including Limited English Proficiency (LEP) policies and procedures, data collection, the monitoring of subrecipients, and whether departments train staff on Title VI. Implementation plans were forwarded back to departments for revision after an initial review and comment phase. Upon completion of the implementation plan review process, the Commission issued a Notice of Final Findings to the departments.

This fiscal year 2023, all of the 49 department's implementation plans were received before the October 1, 2022 deadline. All the departments and agencies were found to be in compliance during fiscal year 2023.



# Agencies Subject to Title VI

## State Agencies in Title VI Compliance

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- Administrative Office of the Courts
- Alcoholic Beverage Commission
- Arts Commission
- Austin Peay State University
- Board of Parole
- Commission on Aging & Disability
- Commission on Children & Youth Services
- Council on Developmental Disabilities
- Department of Agriculture
- Department of Children's Services
- Department of Commerce & Insurance
- Department of Corrections
- Department of Economic & Community Development
- Department of Education
- Department of Environment & Conservation
- Department of Finance & Administration
- Department of General Services
- Department of Health
- Department of Human Resources
- Department of Human Services
- Department of Intellectual & Developmental Disabilities
- Department of Labor & Workforce Development
- Department of Mental Health & Substance Abuse Services
- Department of Military
- Department of Revenue
- Department of Safety & Homeland Security
- Department of Transportation
- Department of Treasury
- Department of Veteran's Services
- District Public Defenders Conference
- District Attorney General's Conference
- Division of TennCare
- East Tennessee State University
- Middle Tennessee State University
- Tennessee Board of Regents
- Tennessee Bureau of Investigation
- Tennessee Community Services Agency
- Tennessee Higher Education Commission
- Tennessee Housing Development Agency
- Tennessee Human Rights Commission
- Tennessee Public Utility Commission
- Tennessee State Museum
- Tennessee State University
- Tennessee Tech University
- Tennessee Wildlife Resources Agency
- Secretary of State
- University of Memphis
- University of Tennessee
- Veterans' Homes Board

\*No state agency was found to be non-compliant in FY 2023.

# Title VI Complaint Process

Any person alleging discrimination on the basis of race, color or national origin under any state agency program or activity that receives Federal Financial Assistance must file a complaint within 180 days of the last act of discriminatory conduct. Complaints may be filed with the THRC, the state agency, or the sub-recipient of the state agency. A person may also file a complaint directly with the federal agency that provided funding to the state agency.

377  Inquires Received

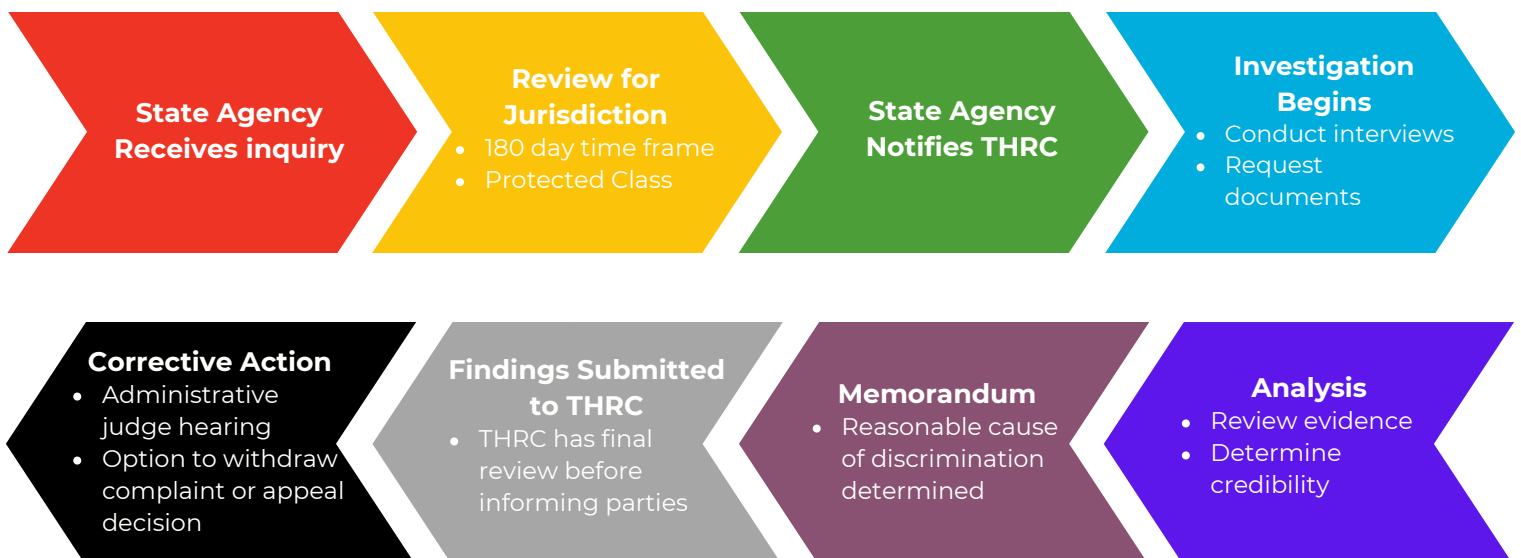
70  Complaints Accepted

13  Cases Closed

All written inquiries alleging violations of Title VI by a state agency are reviewed. Each inquiry is examined to determine whether the allegations meet the jurisdictional requirements to be classified as a complaint. To be considered a complaint, the inquiry must allege discrimination on the basis of race, color, or national origin by a state agency or its subrecipient. The allegations must also involve some event occurring within the last 180 days. Inquiries that meet the requirements are assigned for investigation. Allegations that do not constitute a Title VI claim but do make a formal complaint against a state agency, are referred to the appropriate state agency for a response. Inquiries falling outside of either category are closed.

During FY 2023, the Title VI compliance staff received 377 inquiries filed against state agencies. Of these, 307 were determined to be non-jurisdictional to Title VI. In some instances, allegations were jurisdictional to THRC, but were not valid under Title VI. In those instances, the investigation was assigned to the appropriate division of THRC (i.e. housing or employment).

## Complaint Process Overview





# Agency Information

## Title VI Staff

**Cheryl R. Hines**

Title VI Compliance Director

**William Wade**

Associate General Counsel

**Tremecca D. Doss**

General Counsel

**Muriel Malone Nolen, Esq.**

Executive Director

## Main Office



## Nashville

William R. Snodgrass  
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Nashville, TN. 37243

## Satellite Offices

### Chattanooga

UBS Building  
100 West Martin Luther King  
Blvd | Suite 503  
Chattanooga, TN. 37402

### Knoxville

Pellissippi State Community College,  
Strawberry Plains Campus  
7175 Strawberry Plains Pike | Suite 201  
Knoxville, TN. 37914

### Memphis

One Commerce Square  
40 South Main St | Suite 200  
Memphis, TN. 38013



Tennessee  
State Government

Human Rights  
Commission



## Contact Us!

**Phone:** 800-251-3589

**Website:** [www.TN.gov/HumanRights](http://www.TN.gov/HumanRights)

**Email:** [ASK.THRC@tn.gov](mailto:ASK.THRC@tn.gov)



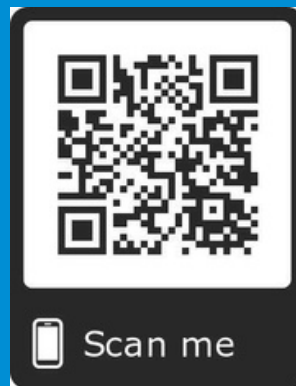
@TNHumanRights



Human Rights  
Commission

# Tennessee Human Rights Commission

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@TNHumanRights



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## Mission

Safeguarding Individuals from Discrimination Through Education and Enforcement

## Vision

Working Together for a Discrimination Free Tennessee