

(AGENCY LETTERHEAD/LOGO)
(AGENCY NAME)
(AGENCY ADDRESS)

Title VI Implementation & Compliance

PURPOSE: To ensure compliance with the following:

A) Title VI of the 1964 Civil Rights Act states:

"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 subjected to discrimination under any program or activity receiving federal financial assistance."

B) TENNESSEE CODE ANNOTATED (TCA) 4-21-904

"It is a discriminatory practice for any state agency receiving federal funds, making it subject to Title VI of the Civil rights Act of 1964, or any person receiving funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds, on the basis of race, color or national origin. "

C) Title VI Limited English Proficiency (LEP)

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

POLICY:

It is the policy of (Agency Name) to comply with Federal and State mandated Title VI legislation for the purpose of ensuring that it's services do not discriminate against people because of their race, color, national origin or limited English proficiency. Should Title VI complaints arise, they will be addressed in a timely manner.

PROCUDURES:

1. The (Agency Name) Client Rights and Responsibilities Brochure will contain Civil Rights information. Every new client/legal representative will receive a copy of the Civil Rights Brochure as they enter services. Receipt of the Brochure shall be acknowledged by client/legal guardian signature on the permission to Treat form.

2. *(Agency Name)* will prominently display Title VI posters in both (English and Spanish) in all of its facilities and visible for all to see.
3. *(Agency Name)* will prominently display the name and contact information of its *(Agency Name)* Title VI Coordinator on the Title VI posters in all its facilities.
4. Clients/legal guardians will be referred to the *(Agency Name)* Title VI Coordinator in the event additional Title VI information is needed, or if they desire to file a Title VI complaint. The *(Agency Name)* Title VI Coordinator will furnish all information that is needed to file a complaint to any client/legal guardian, as applicable.
5. *(Agency Name)* will not prohibit equal access to program services, aids or benefits. **It** will not provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others. **It** will not segregate or separately treat individuals in any matter related to the receipt of any service, aid or benefit.
6. All *(Agency Name)* facilities will make decisions effecting people Title VI.
7. All employees, clients and visitors will be respectfully addressed by their surname (i.e. Mr., Mrs., Ms., Dr., etc.).
8. When there is a language barrier, the client/client's assistant will be informed of the interpreter services we provide. Every effort will be made to locate appropriate interpreters, as client needs present. Refer to website <https://mhamt.org/multicultural-outreach/>, or the *Translator/Interpreter List* located in the TN Relay Policy (ADM-CR-009). <https://www.tennrelay.com/>
9. *(Agency Name)* will include a formal Title VI "Statement of Compliance" clause in its contracts with all agencies and vendors.
10. *(Agency Name)* will distribute Title VI information to its vendors, subcontractors, and other parties with whom it contracts so that these agencies are clearly informed of their own responsibilities under Title VI standards.
11. *(Agency Name)* will discipline employees found in violation of Title VI through its progressive disciplinary measures outlined in the Employee Handbook.
12. *(Agency Name)* will provide employee/volunteer Title VI education during initial orientation then annually thereafter.
13. *(Agency Name)* will follow its written procedures for hearing and reviewing Title VI Complaints, and will maintain records regarding all alleged cases of discrimination.

Monitoring

1. (Agency Name) will complete Title VI Self-Surveys and submit it to TN Department of Mental Health and Substance Abuse Services by the date subscribed by TDMHSAS.
2. Title VI complaints must be filed in writing and can be filled at several different levels (clients and employees will be advised of all options):

A. The Local Agency Level:

Title VI complaints must be made in writing to (Agency Name) Title VI Coordinator, if desired. The client/employees will be given a copy of their Title VI concern for their records.

B. The State Department Level:

Clients/Employees will be given contact information for the State Level (i.e. TN Department of Human Rights), should they desire to file their complaint at this level:

C. The Federal Level:

Clients/Employees will be given contact information for the Federal Level, should they desire to file their complaint at this level:

Office for Civil Rights

U.S. Department of Health and Human Services

Atlanta Federal Center, Suite 3870

61 Forsyth Street, SW

Atlanta, GA 30303-8909

3. The person making the Title VI complaint has the right to file the complaint with the federal government's Office of Civil Rights at any stage of the complaint process. When the complainant chooses this option, it becomes the responsibility of the Office of Civil Rights to review the complaint. Therefore, Local or Departmental/Other Agency procedures will be suspended pending the outcome of a federally filed complaint.

Complaint Process:

1. Complaint under Civil Rights Act of 1964 (Agency's Form A# _____)

This form must be completed and submitted to the (Agency Title VI) coordinator. It includes the name and address of the person filing the complaint, the agency/and/or person the complaint is against, the basis of the complaint, and the date of the alleged discrimination.

SEE ATTACHED FORM

2. Report of Investigation (Form B# _____)

When a Title VI complaint is filed, an investigation into the alleged discrimination is made. The Local Coordinator uses this form to report the findings of the investigation. An investigative report must be attached to the form. The findings may show either

- The agency/person was found to be in violation of Title VI.
- The agency/person was not found to be in violation of Title VI.
- The Title VI complaint was withdrawn, using (Form D# _____).

If the agency/person was found to be in violation of Title VI, the remedial action taken to ensure future compliance must be noted on this form. *SEE ATTACHED FORM*

3. Appeal from Finding (Form C#):

All parties involved in the complaint have the right to appeal the results/finding of the investigation. This form is used to ask for an appeal (Form #). *SEE ATTACHED FORM*

4. Withdrawal of Complaint (Form D#):

This form is used to withdraw the "Complaint under the Civil Rights Act of 1964" or the "Appeal from Finding". It must include the reason for withdrawal and the signature of the person who is choosing to withdraw the complaint/appeal. *SEE ATTACHED FORM*

Complaint Procedures:

1. The (*Agency Name*) Title VI Coordinator is responsible for receiving, acknowledging, and investigating complaints, as well as reporting the findings.
2. When a complaint is filed, the (*Agency Name*) Title VI Coordinator must notify TDMHSAS and the person making the complaint within 24 hours.
3. Should the person making the Title VI complaint choose to submit a letter stating the complaint, the (*Agency Name*) Title VI Coordinator must ensure that this letter is attached to the completed Complaint Form A#_____.
4. The (*Agency Name*) Title VI Coordinator will make and distribute the following copies of all Title VI documents to the complainant and all significant (*Agency Name*) staff (name the titles of those identified persons)
 - A. The person making the Title VI report must receive copies of all Title VI documents related to the complaint.
 - B. The (*Agency Name*) Title VI Coordinator will retain copies of all Title VI documents related to the individual complaint.
5. If the (*Agency Name*) Title VI Coordinator receives a Title VI complaint, a complete agency fact finding investigation will be conducted within thirty (30) days of receipt of the complaint, and the findings will be reported to the (*Agency Name*) Executive Director/CEO and to the Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS) Title VI Coordinator.
6. Within five (5) calendar days of this report being made, written findings will be given to the person filing the Title VI complaint, along with notification of their right to appeal.
7. If the person making the Title VI complaint chooses to appeal the original decision, the Appeal form C# _____ is completed and sent to the appropriate Departmental Title VI Coordinator at the Tennessee Human Rights Commission (THRC). This becomes the second level in the complaint review process.
8. When a finding is appealed from the (*Agency Name*) level to another Departmental Level (i.e. THRC), a copy of the complaint, the finding - including the proposed action and the request for appeal will be forwarded from the (*Agency Name*) Title VI Coordinator to the appropriate next

level Department Title VI Coordinator within ten (10) calendar days.

9. The next level Departmental Title VI Coordinator must conduct and complete a fact-finding within thirty (30) days after receipt of the appeal and convey the findings, in writing, to the concerned parties.

10. If the person making the Title VI complaint is not satisfied with the Department's resolve, the option of appealing can be then made to the Federal level at the U.S. Department of Justice Civil Rights Division. . The State Department Title VI Coordinator will be available to assist with this process, as will be the (*Agency Name*) Title VI Coordinator, if desired.

11. The (*Agency Name*) Title VI Coordinator will inform the (*Agency Name*) Compliance Officer of all the Title VI complaints which are documented, and provide the (*Agency Name*) Compliance Officer with the results of all Title VI investigations.

_____(CEO/Authority Signature)_____

_____(date of signature)_____

Printed Name & Position of Person Signing

Policy and Procedure No. _____7A_____

Effective Date: _____

Date of Last Review: _____

Date Revised: _____

**Note-Title VI posters and brochures (both in English and Spanish) can be printed from the following link: <http://www.tn.gov/mental>*

**Note-TN Comptroller's Fraud, Waste and Abuse posters can be obtained by calling: 1-800-232-5454*