



**TENNESSEE**  
**ARTS**  
**COMMISSION**

*Cultivate. Create. Participate.*

**Title VI Compliance Report and  
Implementation Plan  
FY 2019**

*(covers July 1, 2018 - June 30, 2019)*

**Anne B. Pope, Executive Director**

**Kim Johnson, Director of Arts Access and Title VI Coordinator**

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## II. Overview

### The Tennessee Arts Commission

#### History & Mission

All 50 states have state arts agencies whose responsibility is to increase public access to the arts and work to ensure that every community in America enjoys the cultural, civic, economic and educational benefits of a thriving arts sector.

The Tennessee Arts Commission was created in 1967 by the Tennessee General Assembly with the special mandate to stimulate and encourage the presentation of the visual, literary, music and performing arts and to encourage public interest in the cultural heritage of Tennessee.

The mission of the Tennessee Arts Commission is *“to cultivate the arts for the benefit of all Tennesseans and their communities.”* In 2019, the Tennessee Arts Commission also adopted a vision statement which is *“a Tennessee where the arts inspire, connect and enhance everyday lives.”* Through a variety of investments, the Commission encourages excellence in artistic expression through the state's artists, arts organizations, and arts activities. That commitment has expanded through the years to increase access and opportunities for all citizens to participate in the arts.

The Tennessee Arts Commission builds better communities by:

- *Investing in Tennessee's nonprofit arts industry to enhance cultural life*
- *Serving citizens, artists and arts and cultural organizations*
- *Supporting arts education to increase student outcomes*
- *Undertaking initiatives that address public needs through the arts*

Each year, the Commission helps fund the arts activities of more than 600 organizations and artists in Tennessee. Over the past five years, more than 6,450 grants totaling more than \$30 million have been invested in communities across Tennessee. Each year the Commission conducts competitive grant making activities open to nonprofits, chartered-in-Tennessee organizations, and entities presenting arts programs and activities. Grants are awarded in the areas of Arts Access ( a category specifically focused on providing support for arts projects to arts organizations of color, people with disabilities, senior adults, and active duty/veterans and their families), Arts Project Support in rural and urban areas, Partnership Support, Major Cultural Institutions, Arts Build Communities, Touring Grants, Individual Artist Fellowships, Professional Development Support, Technical Assistance, Creative Placemaking, and a

variety of Arts Education Grants including Student Ticket Subsidy, Arts 360, and Teacher Training.

## **Strategic Plan**

On May 23, 2019, the Tennessee Arts Commission approved a new strategic plan for years 2020 - 2024. This strategic plan builds on input from stakeholders, the public, and staff. It includes a new vision statement, mission, values, tools and five major goals for a long range future. The plan was initially developed through a series of public meetings, surveys, and public comment. Strategies reflect a more immediate timeframe and will be updated over the years as conditions change and new opportunities emerge. The official period for the plan is November 1, 2019 through September 30, 2024. These goals are:

1. *Thriving Tennessee Arts and Culture*
2. *Arts as Engines of Growth and Vitality*
3. *Arts Essential to Learning*
4. *A Champion for the Arts*
5. *Effective and Accountable Agency*

It is worth noting that one of the strategies developed to implement Goal 1 is as follows:

### **Expand accessibility, participation, and inclusion in the arts for all Tennesseans.**

- *Define opportunities and target support for underserved communities.*
- *Identify, share and promote best practices for inclusion of underserved communities in the arts.*
- *Increase arts participation and accessibility opportunities for all.*

### **Commission Members**

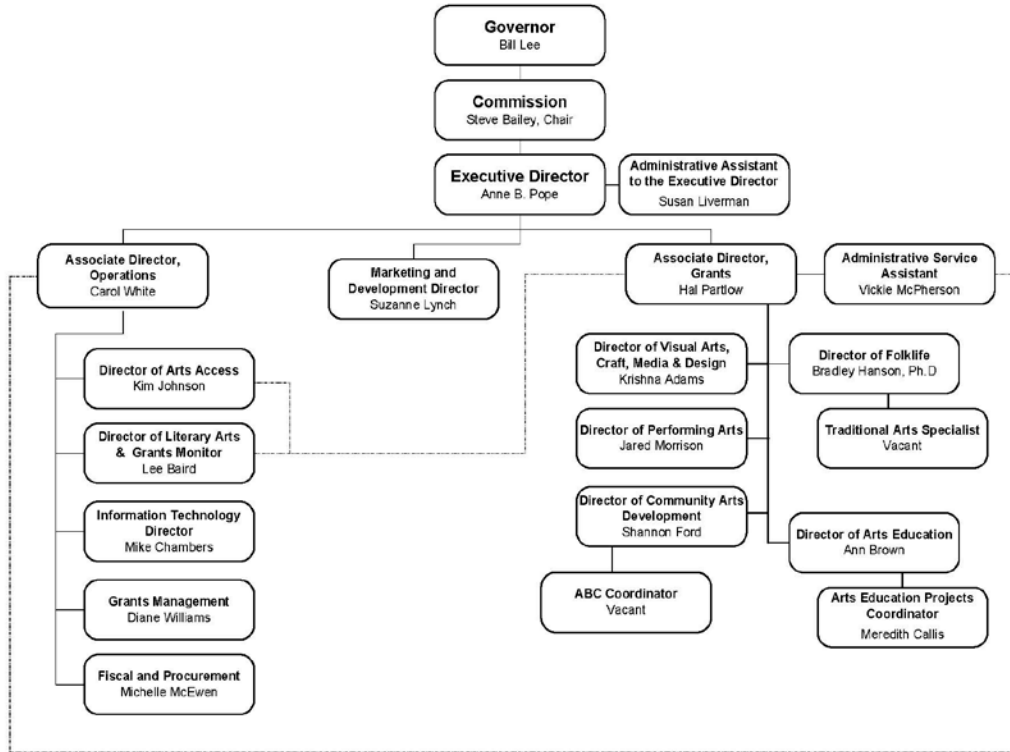
The Governor appoints fifteen (15) volunteer members to the Tennessee Arts Commission for five-year terms. As requested in this plan's instructions, more information about the members is listed in this document under "Boards and Advisory Bodies" on page 32.

### **Commission Staffing**

The Commission is staffed by 19 employees and led by Executive Director, Anne B. Pope (*see Figure 1*).

Figure 1

## Tennessee Arts Commission Organizational Chart



June 30, 2019

### **III. Responsible Officials**

Anne B. Pope is the Commission's Executive Director and is responsible for its operation and compliance. Kim Johnson is the Director of Arts Access and the Title VI Coordinator who reports to Carol White, Associate Director of Operations. The Title VI Coordinator is responsible for the development and drafting of the agency's Implementation Plan.

The Tennessee Arts Commission offices are located at 401 Dr. Martin Luther King Jr., Blvd (formerly Charlotte Avenue), Nashville, TN 37243 (615-741-1701).

Signatures:

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Anne B. Pope, Executive Director  
Tennessee Arts Commission

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Kim Johnson, Director of Arts  
Access/Title VI Coordinator  
Tennessee Arts Commission

## IV. Definitions

**Adjudicators** - Out of state evaluators who provide expert guidance on grant applications so that informed decisions can be made in the awarding of grants and technical assistance recommendations can be made to applicants.

**Advisory Panel or Panel** - Individual citizens throughout the state, who are nominated or self-nominated, that serve in reviewing grant applications in a specific artistic discipline or grants program area. Advisory panel members are selected based on geography, gender, race, and professional and/or arts area expertise. They may serve up to three (3) consecutive two (2) year terms. In FY19, there were fifteen (15) panels.

**Arts Access** - The Arts Access program is committed to providing access and funding grants in the arts to Tennessee's under-represented constituents, including people of color (Black/African American, Asian, Native Hawaiian/Pacific Islander, Native American/Alaska Native and people of Hispanic or Latino ethnicities), people with disabilities, people who are over 65 years of age or older, and active duty/veterans and their families.

**Beneficiary** - Individual grant recipients (i.e., individual artist or arts administrators) or arts program participants or audience members that directly or indirectly receive an advantage through the operation of a federal or state program and are not required to comply with Title VI.

**Commission or the Commission** - The Tennessee Arts Commission

**Commission Member** - A member of the Tennessee Arts Commission's governing board who is appointed by the governor.

**Compliance** - The act of conformity in fulfilling official requirements.

**Creative Placemaking** - An initiative by the Commission funded through a grants competition designed to help build stronger communities through the arts to enhance the distinctive character of local Tennessee places for positive economic and community outcomes.

**Designated Agency (DA)** - A regional arts organization, council, or development district whose mission includes arts-focused activities and funding. DA's specifically assist the Commission in administering the local or regional ABC (Arts Build Communities) grant, convening its panels, and tracking the success of these funded grantee activities. Currently there are thirteen (13) designated agencies throughout Tennessee.



**Discrimination** - To make a difference or distinction in the treatment of or services provided to an individual or group, based on their race, color or national origin.

**DocuSign** - An electronic signature and digital transaction management service for facilitating electronic exchanges of contracts and signed documents.

**Executive Director** - The chief managerial and/or administrative officer of the Tennessee Arts Commission.

**FLUXX or online grants management system** - An online grants management system that manages all stages of grant processes. This new system launched in November, 2016 for the TN Arts Commission.

**Folklife** - A program within the Tennessee Arts Commission that is comprised of arts and expressive practices, skills, bodies of knowledge, and ways of living that are learned and passed down in cultural communities that share family, ethnic, tribal, regional, occupational, or religious identity.

**Grantee** - Contracted nonprofit, 501 (c) (3) organizations, governmental entity, public or private school or individual receiving funds from the Tennessee Arts Commission.

**“G” or No Single Group (NSG)** - A classification of race and ethnicity by the NEA that is defined as no single racial or ethnic group that makes up more than 25% of the population directly benefited.

**Inter-board Committee** - A committee whose existence and charge come from the Commission, regardless of whether Commission members sit on the committee, and have a task to achieve a stated mission and/or purpose.

**National Endowment for the Arts (NEA)** - A federal agency directly funding the Tennessee Arts Commission and indirectly its beneficiaries.

**Program Directors** - Tennessee Arts Commission staff assigned to administer specific arts program areas.

**Subrecipients** - Federal and state funded recipients of the Commission’s assistance/goods including contracted nonprofits, 501 (c) (3) organizations, governmental entities, and universities or schools. Often referred to as grantees.

**Suspension of Funds** - To temporarily discontinue the distribution of funds from the Tennessee Arts Commission.

**State** - State of Tennessee

**TDOE** - Tennessee Department of Education

**THRC**- Tennessee Human Rights Commission

**Termination of Funds** - Permanently end or discontinue funds from the Tennessee Arts Commission.

**The Commission's Title VI Coordinator or Coordinator**- Staff person designated by the Executive Director of the Tennessee Arts Commission, who serves as Title VI Coordinator for the agency.

**Traditional Arts Apprenticeship Program or (TAAP)** - An initiative designed to encourage the survival, continued development, and proliferation of our state's diverse folklife traditions, especially those that are rare or endangered.

## V. Non-Discrimination Policy

The Tennessee Arts Commission's policy on non-discrimination is located on the agency's website, <https://tnartscommission.org/art-grants/manage-your-grant/title-vi/>, and is available for the general public to view including subrecipients, contractors, and vendors. It reads as follows:

*No person on the basis of race, color, national origin, disability, age, religion, or sex shall be excluded from participation in, or be denied benefits of, or otherwise be subject to discrimination of services, programs, and employment provided by the Tennessee Arts Commission and its contracting agencies.*

A formal statement on non-discrimination is also included in the Rules of the Tennessee Arts Commission Chapter 0140-1-03.c.2. for grant applicants at this link: <https://publications.tnsosfiles.com/rules/0140/0140-01.pdf>

*To be eligible, an applicant must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1971, the Age Discrimination Act of 1975, the Drug-Free Workplace Act of 1988, and where applicable, Title IX of the Education Amendments of 1972. Title VI and Section 504 bar discrimination on the basis of race, color, national origin, or personal handicap in federally assisted projects. The Drug-Free Workplace Act of 1988 requires that recipients of Federal grants certify that they will provide a drug-free work place. Title IX prohibits discrimination on the basis of sex in federally assisted education programs and activities. Requests for information pertinent to these laws should be addressed to the Tennessee Arts Commission.*

The Tennessee Arts Commission, its subrecipients, and/or contractors shall make any compliance report available upon request to the Tennessee Human Rights Commission.

## **VI. Civil Rights Office**

The Tennessee Arts Commission does not have a Civil Rights Office, but the Director of Arts Access serves as the agency's Title VI Coordinator and is identified as such on the Title VI page of the Commission's website <https://tnartscommission.org/art-grants/manage-your-grant/title-vi/> and on the Title VI posters. Constituents are advised to contact the Commission's Director of Arts Access/Title VI Coordinator for additional information or to discuss issues relating to Title VI.

Overall activities related to the enforcement of Title VI are the responsibility of the agency's Coordinator, but three (3) other staff also work directly with the Coordinator regarding Title VI issues. With support from the Associate Director of Operations, the Coordinator provides training, manages data collection, answers most agency and in-house inquiries, distributes information, and provides resources to the staff and constituents. One of the major enforcement activities is to initiate reports to determine sub recipient/grantee compliance with Title VI training at key deadlines and follow-up with those subrecipients who have failed to meet those deadlines. Two positions, the Director of Grants Management and Grants Analyst/Director of Literary Arts, are responsible for monitoring grants in general, including Title VI compliance. On the recommendation of the Associate Director of Operations and the Title VI Coordinator, these two positions provide additional special focus monitoring for Title VI and other issues related to grant compliance when necessary. For example, the Director of Grants Management ensures that no payment is released until the subrecipient/grantee has submitted a Title VI training form.

## VII. Discriminatory Practices

The Commission intentionally chooses a positive, proactive approach to Title VI by providing examples of inclusion and nondiscriminatory practice in [Title VI online training modules](#), [posters](#), and [website](#). This material is available to all subrecipients through the website and is available to anyone who requests copies from the Commission. Some of the examples of inclusion are:

- Providing opportunities for services and benefits in arts programming regardless of a person's race, color or national origin;
- Diversifying performance venues, arts programs, classrooms and audiences;
- Including individuals with diverse ethnic backgrounds on planning or governing boards;
- Title VI posters with text in both English and Spanish (*see Appendix A*).

Specific examples of discrimination in the arts relating to Title VI are:

- Segregation or separate treatment of individuals or groups due to their race, color or national origin in any arts program or activity including performances, auditions, classes and exhibitions;
- Different standards or requirements for participation in the same grant category, arts program or activity because of the organization's stated race, color or national origin;
- Denying access to performance, festivals, classrooms or exhibitions based on a person's race, color or national origin;
- Denying funding to an organization based upon its members' race, color or national origin.

## VIII. Federal Programs or Activities

The Tennessee Arts Commission has the following schedule of financial assistance (*see Appendix B*):

**Figure 2**  
Schedule of Federal Assistance  
Tennessee Arts Commission

#	Grantor Name	Program Name	Grant Period	Other Identifying #	Notes	\$Funding Amount
1	National Endowment for the Arts	NEA Partnership Grant – CFDA 45.025	7/1/2018-6/30/2019	1809838-61-18	1-1 Match Required	\$790,000
		<i>General Partnership, which includes \$17,500 for Poetry Out Loud</i>				\$608,700
		<i>Arts Education</i>				\$ 59,700
		<i>Underserved Communities</i>				\$ 95,200
		<i>Folk arts Partnership</i>				\$ 26,400
						\$790,000
#	Grantor Name	Program Name	Grant Period	Other Identifying #	Notes	\$Funding Amount
2	National Endowment for the Arts	NEA Partnership Grant – CFDA 45.025	7/1/2019-6/30/2020	1855923-61-19	1-1 Match Required	\$800,400
		<i>General Partnership, which includes \$17,500 for Poetry Out Loud</i>				\$615,400
		<i>Arts Education</i>				\$59,700
		<i>Underserved Communities</i>				\$96,400
		<i>Folk arts Partnership</i>				\$28,900
						\$800,400

## IX. Data Collection and Analysis

### Agency Data Collection

The Commission uses the National Standard for Arts Information Exchange (required by the NEA) to collect racial and other data on its subrecipients through the application process. The National Standard lists the following codes for collecting diversity data on boards, audiences, and projects from subrecipients/grantees:

A- Asian

B- Black/African American

H- Hispanic/Latino

N- Native American/Alaska Native

P- Native Hawaiian/Pacific Islander

W- White

G or NSG -No single race/ethnic group listed above made up 25% or more of the population directly benefited.

For FY19, the Commission awarded 954 contracts to subrecipients by grant categories and two (2) vendors (*see Appendix C, list of subrecipients*). Some organizations/subrecipients are funded under multiple grant categories.

Grant subrecipients included:

- Federal 501(c) 3 tax-exempt nonprofit arts and non-arts organizations
- Governmental organizations including units of government, schools, colleges, and universities
- Professional individual artists, arts administrators and educators

The Commission collects this vital NEA information on each of its subrecipients through the initial application process and in the final grant evaluations data. In the application process, subrecipients are required to provide race/diversity data on its board, projected audience, county demographics, and provide an organizational statement on accessibility efforts which includes reaching people of color (*see Appendix D for a copy of a grant application*). In the final grant evaluations, subrecipients report data on the race/ethnicity of the populations that benefitted from the project and provide a narrative statement of how their project was accessible for underserved constituents including people of color (*see Appendix D for a copy of a grant evaluations form*). Both the application and final grant evaluation forms are filled out electronically and located in the online system.

## Racial & Ethnic Data on Beneficiaries

The Commission collects racial and ethnic information on its subrecipient organizations and beneficiaries and reports it annually to the National Endowment for the Arts. This information is given first as an estimate of beneficiaries/populations to be served in applications (*see Appendix D for a copy of the application*) and last as part of the final evaluations process where actual numbers of beneficiaries served including racial and ethnic data are collected (*see Appendix D for a copy of the final evaluations form*). For FY19, Appendix C contains a list of each subrecipient/grantee with the racial and ethnic composition of their beneficiaries. Of 738 subrecipient organizations, 8% were considered minority organizations (Appendix G).

The Tennessee Arts Commission on a yearly basis uses very few vendors outside the Department of General Services statewide procurement contracts. In FY19, only two (2) vendors were contracted and none are classified as minority groups as defined by NEA standards (*see Appendix C*).

## Racial Data on Commission Staff

As of 6/30/19, the Commission had 17 active staff positions and 2 vacancies. Of the 17 staff, seventeen (17%), or three (3) people, identify as African American (*see Figure 3*).

**Figure 3- Tennessee Art Commission Staff Chart** (as of 6/30/19)

### EEO Detail

#### TENNESSEE ARTS COMMISSION

ID#	Position	Ethnic Category	Executive/Preferred
5048	TAC-DIRECTOR	W	Executive
5049	TAC PROGRAM DIRECTOR	W	Preferred
5050	TAC PROGRAM DIRECTOR	B	Executive
5051	ADMIN SERVICES ASSISTANT 3	B	Preferred
5052	GRANTS ANALYST 2	Vacant	Preferred
5057	TAC ASSISTANT DIR	W	Executive
5058	TAC ASSISTANT DIR	W	Executive
5066	TAC PROGRAM DIRECTOR	W	Executive
5072	TAC PROGRAM DIRECTOR	W	Executive
5073	ADMIN SERVICES ASSISTANT 3	W	Preferred
5074	TAC PROGRAM DIRECTOR	W	Executive
5075	EXECUTIVE ADMIN ASSISTANT 3	W	Executive
69105	GRANTS ANALYST 2	B	Preferred
73543	TAC PROGRAM DIRECTOR	W	Executive



74883	ADMIN ASSISTANT 3	W	Executive
100566	TAC PROGRAM DIRECTOR	W	Executive
101680	INFO RESOURCE SUPPORT SPEC 4	W	Executive
119069	TAC PROGRAM DIRECTOR	W	Preferred
1000053	TAC PROGRAM DIRECTOR	Vacant	Executive
	<b>Total:</b>	<b>19 staff positions</b>	

From the above table, the following held true as of 6/30/2019:

- Of 17 staff (2 vacancies), 17% or 3 staff identify as Black/African American.
- Of 12 Executive Staff, 8% or (1 person) identifies as Black/African American and 92% (11 people) as White.
- Of 5 Preferred Staff, 40% (2 people) identify as Black/African American and 60% (3 people) as White.

## **X. Limited English Proficiency (LEP)**

### **LEP Policy and Language Assistance Plan**

The Commission will continue to take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in its services, activities, programs and other benefits. The policy of the Tennessee Arts Commission is to ensure meaningful communication with persons who experience LEP. This policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights and consent forms, grant guidelines, applications, and all other applicable documents. [Review factors found in State of Tennessee Title VI Policy Guidance #11-02 and U.S. Department of Justice Guidance on LEP dated June 18, 2002 to determine applicability of written translation requirements]. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served. When translation of vital documents is needed, each area in the Tennessee Arts Commission will submit documents for translation into the Commission's Title VI Coordinator.

The Tennessee Arts Commission's policy of nondiscrimination also covers its intent to provide interpretative and translation services to subrecipients and individuals. Language assistance will be provided through use of contracts or formal arrangements with organizations providing interpretation or translation services like AVAZA, or technology and telephonic interpretation services. All staff are aware of this policy and procedure, and staff is trained annually in how to effectively assist LEP individuals in effective communication techniques, including how to access an interpreter. Also, the Commission's website has translation services which allow the entire website to be translated into many different languages.

To assist LEP individuals, all Commission staff are trained to use AVAZA language services in the event of translation needs arising from speakers of other languages. The procedure for identifying LEP individuals includes promptly identifying the language and communication needs of the LEP person. If necessary, staff will use a language identification card or posters which are located in public areas to determine the language needed. To obtain a qualified interpreter through AVAZA, staff has been trained to use the agency's telephone line which is 615-534-3400, and the hours of availability are 24 hours/day 7 days a week. The required access code is 37409 which is listed on the posters.

## **Translator and interpreter services**

The Tennessee Arts Commission relies on AVAZA to provide translation and interpreter services. Staff has been trained to contact AVAZA when interpreting services are needed. When translation of documents is needed, staff submits documents to the agency's Title VI Coordinator for forwarding to a translation service which at this time is AVAZA.

In FY2019, the Commission was trained to use the following translation and interpreter services to meet its needs:

### List of Translators/ Interpreters

AVAZA Language Services Corp (state contractor)  
5209 Linbar Drive, Suite 603  
Nashville, TN 37211  
615-534-3400 (language accessibility line); access code 37409

For FY20, the Tennessee Arts Commission is initiating a new AVAZA line for its subrecipients/grantees to use when they need translation or interpreting services. This was started since many subrecipients/grantees are very small organizations which did not have the resources to provide for these services. Their language line # is 615-532-3405 and access code is 400231. The Commission approved use of dollars through the Arts Access program to fund this service for grantees.

## **Documents available in other languages**

The Tennessee Arts Commission has not experienced requests for documents in other languages in FY20. Currently the Commission's Title VI posters are written in both Spanish and English (*see Appendix A*). If any future needs arise, the Commission's Title VI Coordinator will coordinate and respond to those language needs.

## **List of Limited English Proficiency (LEP) Encounters**

Staff members are trained annually to fill in the log book located at the intern station at the front of the office when there are LEP encounters and reminders are given at various staff meetings throughout the year. For FY19, staff logged in no encounters or need for translation (written) and/or interpreting (language) services.

## Figure 4

Tennessee Arts Commission

FY19 Language Encounters

Language encounters	# of in-person encounters per year	# of written (emails or letters) encounters per year	# of phone encounters per year	# of field work/site visit encounters
Spanish	0	0	0	0
Other languages	0	0	0	0
<b>Totals:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Examples of LEP encounters:

Even though no LEP encounters occurred in FY19, Folklife is an area within the Tennessee Arts Commission that is more likely to interact with Spanish speaking individuals. During FY19, Folklife staff did conduct exploratory site visits and curated an exhibit which included interaction with Spanish speaking individuals and culture, but individuals chose to conduct conversations in English. Examples of these encounters for FY19 included:

- Five (5) site visits to encourage individuals primarily of Hispanic/Latino descent to participate in the Traditional Arts Apprenticeship Program (TAAP). Individuals chose to conduct conversations in English.
- Traditional Arts Apprenticeship Exhibit Opening: June 22, 2019 with attendees who were bi-lingual.
- “*An Exhibit of The Tennessee Traditional Arts Apprenticeship Program,*” a gallery installation that ran from June 14 - August 2, 2019 in the Tennessee Arts Commission gallery, featuring labels that included Spanish language words and phrases.

## **XI. COMPLAINT PROCEDURES**

It is the policy of the Commission that in the event of a formal complaint, the following procedure will apply:

### **Filing Process**

1. Complaints made to the Commission are routed to the Title VI Coordinator where a written Title VI complaint form is completed. The Title VI complaint form is located on the agency's website. *(See Appendix E for a copy of the complaint forms.)*
2. The Title VI Coordinator reports complaint information to the agency's Executive Director and Associate Directors within 24 hours and to THRC within ten (10) days of receiving the complaint using THRC's Complaint Notification Form.
3. The Title VI Coordinator is responsible for acknowledging and starting the investigation of the complaint within thirty (30) days of its receipt.
4. The Title VI Coordinator will conduct an investigation and create an investigative summary report.
5. Before a formal summary and/or proposed action is released to the complainant, the Title VI Coordinator will notify and share the summary with the agency's Executive Director, Associate Directors, and THRC.
6. The Title VI Coordinator will notify the complainant in writing the results of the investigation.

### **Total number of complaints**

In FY19, the Commission received two (2) formal Title VI complaints. The first, Turtle Island Native American Association filed a complaint against ArtsMemphis, a designated agency, in September, 2018 and alleged discrimination in how their organization's funding, as a Native American organization, was allocated during the Arts Build Communities grants process. After following TAC's complaint process and consulting with THRC's Title VI Director, it was decided that a phone call was needed for the complainant to further explain the complaint and for TAC staff to explain the ABC grants process for distributing funds. After the phone call with the complainant, he realized that he did not understand the ABC grants process, which was a new grants category in which he applied, and that he needed to go back to another grants category to possibly receive the higher amount of funding that the organization had received in the past. In previous year, the organization had received more dollars through the Arts Access Mini-Grant grants category than the ABC grants category. Also, it is worth noting that TAC did researched its funding of Native American groups over the last

5 years and found no inequitable practices or differences in how dollars were evaluated or awarded to any Native American group as compared to other organizations. In the end, the complainant sent an email a few days after the phone call and decided to withdraw the complaint. He has already submitted a FY20 Arts Access Mini Grant application and has received funding.

The second complaint was received from a mother of a child who was attending Ballet Arts of Jackson as a dancer. The complainant’s letter was received by email into the offices of the TN Arts Commission on March 24, 2019 but was dated March 21, 2019. The letter outlined three (3) major areas of alleged discrimination: 1) depiction of minorities in parts; 2) lack of minorities in leading parts, and 3) interaction of seamstress, a volunteer position, with dancers. Other areas mentioned in the complaint did not fall within Title VI.

Ballet Arts of Jackson is granted funding through the Jackson Arts Council, a designated agency, of the TN Arts Commission. Its funding is granted through the Arts Build Communities or ABC grant funding program and in FY19, the organization received \$1,505 dollars through this grants category. As of this IP submission, this complaint is still being investigated by the TN Arts Commission and the TN Human Rights Commission with a resolution expected in November, 2019.

**Figure 4**

<b>Tennessee Arts Commission FY 2019</b>				
Total # of Title VI complaints for FY 2019				2
Total # of Title VI complaints dismissed or withdrawn				1
Total # of complaints for FY2019 unresolved				1
Total # of complaints referred to another state or federal agency				0
Total # of Title VI lawsuits for FY2019				0

### **Copies of Complaint Forms**

Complaint forms, withdrawal of complaint forms, the complaint log, appeals form and a copy of the last Title VI Implementation Plan are located on the agency’s website (*see Appendix E for copies of all complaint forms*).

## **XII. Title VI Training Plan**

### **Description of Title VI Staff Training**

As of June 30, 2019, the Commission had 17 staff members or 100% of staff at the time, who received training in FY19 on Title VI. Staff received training by the Title VI Coordinator in the Commission's conference room, 401 Dr. Martin Luther King, Jr., Blvd (formerly Charlotte Ave), Nashville TN on June 19, 2019. For new staff, the Title VI Coordinator provides training as part of their orientation process.

The Title VI training for staff was broken into three (3) parts: Title VI & LEP, ADA compliance, and new processes as reflected on the agenda. The training served as an interactive review of timelines, expectations of grantees on Title VI, what to do when LEP individuals need language accessibility, use of the LEP log book, and how to ensure good experiences for people with disabilities (*Appendix F contains all training materials used*).

### **Description of Title VI Subrecipient Training**

The Tennessee Arts Commission uses an online grants managements system called FLUXX and all subrecipients/grantees are required to conduct Title VI training through this system. Information on how to submit Title VI is widely communicated through instructions over our website, eNewsletters, and in the FLUXX system itself. In FY19, 99.8% of subrecipients/grantees completed on-line Title VI training through this system (*see Appendix G for a list of FY19 Title VI training compliance dates by subrecipient organization*). In FY19, only one (1) subrecipient organization out of 738 was not in compliance. The Associate Director of Operations and Title VI Coordinator are working on internal processes to ensure that all grantees are in compliance in the future.

Training records are maintained by the Title VI Coordinator and by our information systems personnel. The on-line training covers general information about Title VI and is available in four (4) different modules:

#### **Module I - (approximately 26 minutes)**

*Created by the US Department of Justice several years ago, this video provides an extended overview of Title VI. The closed captioning option is not recommended since auto-generation has resulted in discrepancies in the transcription.*

#### **Module II - (approximately 6 minutes)**

*Created by the US Department of Justice several years ago, Part 1 of this video provides a brief overview of Title VI and has appropriate closed captioning.*

### **Module III** (approximately 8 minutes total)

*Part 1 - (approximately 4 minutes)*

*Part 2 - (approximately 4 minutes)*

*Created by the Tennessee Arts Commission, these videos contain presentation slides on disparate treatment, disparate impact and specific examples of Title VI in arts programming.*

### **Module IV** - (approximately 24 minutes with closed captioning available)

*Created in 2010 by the US Office for Civil Rights, US Department of Health & Human Services, this video explains Title VI, Limited English Proficiency (LEP), and the use of interpreters. This video however was not specifically designed for arts organizations and the examples are not reflective of arts programming, but it does give a good overview of Title VI concepts.*

### **Additional videos for viewing on specific Title VI topics:**

*These videos are for supplemental learning only and will not meet compliance for Title VI:*

**Disparate Treatment and Impact** - (approximately 1 minute)

**Title VI and Limited English Proficiency** - (approximately 5 minutes)

### **Data**

- 100% or 17 agency staff were trained on Title VI during fiscal year 2019 in the annual Title VI staff training (*see Appendix F*)
- 99.8% of 738 subrecipient organizations were trained in Title VI using one of the above modules or in the case of schools, completed the TN Department of Education's (TDOE) Title VI module (*see Appendix G*)

### **Training Dates**

The FY19, Title VI training for staff was held on June 19, 2019 (*see Appendix F*). For subrecipients/grantees, Title VI requirements are communicated through instructions located in the FLUXX online system, website, and in the eNewsletter. For FY19, Title VI training dates for subrecipients were as follows depending on the type of grant (*see Appendix G, training instructions*):

- Annual grants - July 1, 2018 - December 7, 2018 and/or by the first request for funds whichever is first
- Rolling grants - before payment is disbursed
- ABC grants - by October 1, 2018

Due to grants being awarded on an annual basis, the next round of dates for Title VI compliance for subrecipients and staff will be in FY20.



### **XIII. Subrecipient Monitoring**

#### **Description of the Agency's Policy and Procedures related to Compliance**

As part of the application process, each applicant (potential subrecipient) for FY19 was required to sign a Statement of Assurances (*see Appendix H for a copy of assurances*) that certifies its compliance or designates its intent to “take any measures necessary” for compliance with Title VI of the Civil Rights Act of 1964 and other applicable state and federal laws and statues regarding the use of public funds. The Statement of Assurances must be signed by two different authorized members of the organization, usually the Board Chairperson or President of the organization and the specific project director. Applicants are required to sign and submit a Statement of Assurances with every grant application. Contractors who complete the formal competitive procurement process also sign a Statement of Assurances for compliance.

Contracts are issued to all subrecipients and must be signed by a duly authorized representative of the organization. Each contract clearly states an applicant organization's obligation to comply with applicable Federal and State laws. As stated in those contracts, subrecipients (section D.10 of the contract) are prohibited from engaging in discriminatory practices as stated: *“The Grantee agrees that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination”*(*see Appendix H for a copy of this contract*).

#### **Pre-Award Procedures**

For FY19, applicants (potential subrecipients) in the pre-award phase were required to provide racial data in the areas of board, programs, services, and projected populations to be served. Each applicant completes an “accessibility statement” of how underserved populations will participate in their programs as artists and audience members. Applicants must also explain how their marketing and publicity plans will reach the targeted audience through mechanisms like print ads, radio, TV promotions, and other methods that reach people of color and other underserved

populations Panel members use this and other information provided by the organization to evaluate and rate the application (*see copy of grant application in Appendix D*). Last, each applicant is rated on their compliance history (including Title VI compliance) with the Tennessee Arts Commission and failure to meet compliance measures can result in not being funded.

Although vendors/suppliers (*the state has changed its language from vendors to suppliers*) do not go through the same pre-award process as subrecipients, the Commission's staff is always culturally and ethnically sensitive to needs of its constituents when selecting suppliers. The Commission polls colleagues (nationwide) and constituents, attend conferences, training workshops and programmatic events, and check references to assist in soliciting bids and selecting potential contractors. A list of vendors/suppliers for FY19 is listed in Appendix C.

### **Post-Award Procedures**

In FY19, once grant amounts were approved by the Commission board, grant awards were announced in annual award letters by email sent to each funded subrecipient/grantee organization. This award letter includes a section that states Title VI training must be complete when an organization submits its first request for payment from the TN Arts Commission (*see Appendix H, FY19 annual award letter*). It also gives the Title VI deadline date for each type of grant category. Grantees sign and returned the contract which includes standard Title VI compliance language. In the online system, grantee organizations can obtain the Title VI certification form, instructions and deadlines for each type of grant (*see Appendix G*).

Throughout the year, the Title VI Coordinator is responsible for ensuring that grantees are in compliance with Title VI training in accordance with the deadlines associated with each grant type and/or before any funds are released to grantees. After sub-recipients/grantees are awarded funding, the Title VI Coordinator with assistance from the Director of Grants Management who processes requests for payments, work in tandem to ensure that no organization receives grant funds from the Commission without the Title VI training requirement being met first. In FY19, the Director of Grants would bring to the attention of the Title VI Coordinator any subrecipient who was trying to request a funds payment and was not in compliance with Title VI. The Title VI Coordinator or Director of Grants would then contact the subrecipient/grantee to remind them of Title VI compliance and/or to provide technical assistance. Also, the Title VI Coordinator would monitor the completion of Title VI compliance from subrecipients according to timelines established by the agency. For example, in FY19, annual grant recipients had a deadline of December 7th and rolling grants were required to complete Title VI before payments were

disbursed. Each grant was monitored according to these timelines and reviewed by the Title VI Coordinator for compliance.

After each Title VI training form is complete, the Title VI Coordinator reviews the information to ensure that Title VI training modules have been viewed; reviews the staff who has gone through training; and the percentage of staff that has gone through training. For subrecipient monitoring starting in FY20, the Tennessee Arts Commission will verify that LEP and Title VI complaint policy/procedures are in place for each subrecipient/grantee by asking additional questions on the Title VI training and certification form to determine what procedures/policies subrecipients currently have in place and request subrecipients to upload these documents into the online system, FLUXX, that can collect this data. If procedures are not used, the subrecipient organization will be given assistance on how to form and execute a plan. In this way, the Tennessee Arts Commission will be able to verify that LEP and Title VI complaint policy/procedures are in place for each subrecipient organization.

Also during the year, the Grants Analyst is responsible for subrecipient monitoring and implementation of the agency plan pursuant to Department of General Services Policy 2013-007. That position monitored 107 grant contracts in FY19 which checked on several factors within the actual operations of a sub-recipient/grantee which includes minimum Title VI compliance standards. Since on-site reviews are not feasible, this monitoring by the Grants Analyst is done within the online grants management system.

### **Subrecipient Title VI Training**

For FY19, subrecipients/grantees of the Tennessee Arts Commission were required to conduct on-line Title VI training through the FLUXX system. Contracts were mailed June 1, 2018 with detailed instructions on submitting FY19 Title VI training requirements. Subrecipients/annual grantees had until their first request for payment or no later than December 7, 2018, whichever came first to submit their FY19 Title VI form. Grant funds were withheld until the subrecipient/grantee's Title VI training requirements were met. At the end of FY19, 99.8% of subrecipient/organizations were in compliance with Title VI training (*see Appendix G*).

### **Procedures for Noncompliance**

The Title VI Coordinator is responsible for constantly monitoring Title VI compliance for subrecipients for any given fiscal year in accordance with deadlines established by the Commission. Monitoring includes ensuring

training compliance, providing assistance to subrecipients, and also the Grants Analyst visits subrecipients and does some verification of Title VI compliance.

Each year, dates are communicated of when Title VI training is due for each type of grant (*see Appendix G*). By December of each year, the Title VI Coordinator requests a report of subrecipients not in compliance with Title VI training and certification requirements. For those subrecipients, the Title VI Coordinator initiates communication through emails and phone calls to voluntarily increase training compliance with Title VI. Throughout the year, staff works to ensure that no payments are released to organizations not in compliance with Title VI. The Title VI Coordinator and Director of Grants Management, who pre-audits requests for payments, works in tandem to cross-check and ensure each subrecipient is in compliance with Title VI before payments are released. In the rare situation where a subrecipient/grantee is noncompliant after attempts are made for voluntary compliance, an organization that fails to meet any contract requirements including compliance with Title VI can result in termination of the grant award and this information is reported at the advisory panel review meeting, the Arts Commission's Audit Committee and at Commission meetings. Based on noncompliance, future funding for these organizations is jeopardized.

### **Identify Subrecipients**

Subrecipients/grantees are funded within grant categories by the Commission which reflect an arts discipline or population that is served. A description of the grants category for the subrecipients/grantees is found in Appendix C which shows that out of 954 awarded grant contracts, 10% were to organizations of color (*see Appendix C, "List of Subrecipients"*). For a total list of each subrecipient information including contracts dates, dollar amounts of contract, location, funding source, description of services, and competitive/noncompetitive, see Appendix C.

The grant areas are as follows and all subrecipients/grantees are aligned within these grant categories (*see Appendix C for a complete listing of each subrecipient and their description*):

AA	Arts Access Annual Grant
AA - MG	Arts Access Mini Grant
AE - AI	Arts Education - Arts360 Arts Integration
AE - CL	Arts Education - Community Learning

AE - FAY	Arts Education - Funds for At-Risk Youth
AE - MG	Arts Education - Mini Grant
AE - TI	Arts Education - Teacher Incentive
AE - TT	Arts Education - Teacher Training
APS	Arts Project Support
CEP	Community Education Partnerships
CI	Commission Initiatives
CP	Creative Placemaking
DA - ABC	Designed Agency (Arts Build Communities)
IAF	Individual Artist Fellowship
LINEIT	Direct state budget appropriations
RAPS	Rural Arts Project Support
PDS	Professional Development Support
PS	Partnership Support
MCI	Major Cultural Institutions
SPECOP	Special Opportunities
STS	Student Ticket Subsidy
TADI	Targeted Arts Development Initiative
TA	Technical Assistance
TAAP	Traditional Arts Apprenticeship Program
TOUR	Touring Grant

## XIV. Public Notice and Outreach

The Tennessee Arts Commission uses a variety of methods and procedures for the dissemination of information to the public on its nondiscrimination policies which includes the use of Title VI posters, its website, eNewsletters, and grants workshops.

- a. **Non-discrimination Policy** - The Commission's website, all contracts, and Title VI posters state the agency's non-discrimination policy. See nondiscrimination policy here - <https://tnartscommission.org/art-grants/manage-your-grant/title-vi/>.
- b. **Programs and Services** - Some of the ways in which the Commission disseminates its information on programs and services include:
  - Grants Workshops - In FY19, thirteen (13) workshops were held in different areas of the State and notices about these workshops were widely announced through local newspapers; emails, the agency's website, and database (*see Appendix I for copies of these notices*).
  - The Commission's website contains all information about its grants, programs, and services.
  - On a daily basis, Commission staff talks to individuals/public by email and phone about programs, services, and grants.
- c. **Complaint Procedures** -The latest Title VI Implementation Plan which has the complaint procedure listed is located on the Commission's website at <https://2otrql2kwf932ipboluwwpr1-wpengine.netdna-ssl.com/wp-content/uploads/2018/10/FY18-revised-IMPLEMENTATION-PLAN.pdf>. The website also provides the contact information for the Director of Arts Access/Title VI Coordinator if a person believes they have been subjected to discrimination. All complaint forms are located on the website as well (*see Appendix E*).
- d. **Minority Participation on planning boards and advisory bodies**

The Commission, the agency's governing board appointed by the Governor, includes participation from people of color and the Commission works closely on planning with the agency staff. In FY19, two (2) of the 15 Commission members were African American and the remaining members were White. The current list of [Commissioners](#) is posted on our website.

In FY19, the Commission held fifteen (15) advisory panels reviewed and evaluated grant applications. Panelists also serve as year-round

resources to the staff and as advocates for the arts in their communities. Currently there are panels for Arts Access, Arts Education, Community Arts Development, Creative Placemaking, Dance, Folklife, Inter Arts, Literary, Music, Theater, Rural Arts Project Support, and Visual Arts, Craft, Media and Design. The categories of Major Cultural Institutions and Partnership Support are reviewed by out-of-state adjudicators.

To select members for the Advisory Panels, nominations are solicited statewide and can be received as self-nominations or from other individuals. Information about the role of advisory panels and nomination forms is found on the Commission's website year-round at <http://tnartscommission.org/app-review-process/>. Panelists are recruited who represent diversity in gender, geographic area, race, and professional and/or arts area expertise. Panelists may serve up to three (3) consecutive two-year (2) terms. Most panels have representation from persons of color unless members are absent from the meeting, rotate off the panel or decline invitations to participate. In FY19, there were 90 advisory panelists and adjudicators, and 32% were people of color (*see Appendix C under "FY19 Advisory Panels List"*).

Other methods utilized to disseminate information to the public include:

- Distribution of grant information, program notifications, and opportunities for participation in regional and national events are distributed weekly to 2000+ subscribers of *Arts Online*, the agency's on-line newsletter and through e-blasts.
- Contacts with over 200+ media outlets and approximately 2% are organizations of color.
- One-on-one consultations by staff to any constituents or groups upon request. Staff members also attend arts and community events to distribute Commission information.
- Conducting general meetings and workshops in and away from the office to promote programs and increase participation.
- Prioritizes underserved/underrepresented people and organizations through the Arts Access program which exists to increase access specifically to ethnic groups, people with disabilities, older adults, and military/veterans. The program provides programmatic, administrative and technical assistance support.
- Posting on the website of grant guidelines and application forms which are now completed electronically. The website converts into different languages if needed.

- For the few contracts that are publicly bid, the Commission compiles a list of potential contractors to whom a solicitation for bids is sent, including all “minority, disadvantaged, and small businesses” identified by or known to the contracting agency as having the ability to deliver the subject service. In addition, the solicitation is provided to the Department of General Services Central Procurement Office for posting on the internet.

## **Boards and Advisory Bodies**

### **The Tennessee Arts Commission Members**

Tennessee Code Annotated 4-20-104 & 107 provide that the duties of the Tennessee Arts Commission and therefore its commission members are to:

- Stimulate and encourage throughout the state the study and presentation of the performing, visual and literary arts and public participation therein;
- Encourage participation in, appreciation of, and education in the arts to meet the legitimate needs and aspirations of persons in all parts of the state;
- Encourage public interest in the cultural heritage of our state, to expand the state’s cultural resources and to promote the use of art in the state government’s activities and facilities;
- Encourage excellence and assist freedom of artistic expression essential for the well-being of artists.
- Undertake to assure equitable participation by the traditionally underserved and underrepresented ethnic minority, people with a disability, elderly and rural artists and arts organizations.

The impact of commission decisions on the public and agency are demonstrated through a variety of investments in which the Tennessee Arts Commission builds better communities by:

- Investing in Tennessee’s nonprofit arts and cultural life by funding, on average, over 1,000 grants annually to artists, schools, and nonprofit organizations in all 95 Tennessee counties;
- Serving citizens, artists, and arts and cultural organizations through grant funded programs that reach hundreds of students, seniors, underserved populations, people with disability, individual artists, and nonprofit organizations that directly provide arts activities and programs to residents in Tennessee;



- Supporting arts education to increase student outcomes through support of art field trips, arts integrated learning, and professional development for teachers; and
- Undertaking initiatives like the FY19 Tennessee Military, Veterans, & the Arts grants competition where organizations received funding for programs that used art as a way of helping families heal from the stresses and effects of military life.

The Governor appoints the fifteen (15) volunteer members of the Tennessee Arts Commission for five-year terms, selecting from among citizens who have demonstrated a vital interest in the arts. The racial/ethnic make-up of the Commission members is listed in Figure 5.

**Figure 5 - Tennessee Arts Commission Members**

<b>TENNESSEE ARTS COMMISSION COMMISSION MEMBERS</b>	
Cindy Ogle - District 1	Stephanie B. Conner - District 5
Jennifer Wolfe - District 1	Johnnie Wheeler* - District 6
Hank Dye - District 2	Michael Dumont - District 7
Steve Bailey - District 2	Shawn Pitts - District 7
Jan McNally - District 3	Patsy W. Camp - District 8
Joe K. Kilgore - District 4	Amy Rhodes - District 8
Andrea J. Loughry - District 4	Deanie Parker* - District 9
Mary Donnet Johnson - District 5	

*\* Two (2) members were African American and thirteen (13) were White, as of 6/30/2019.*

### **Advisory Panels**

In FY19, the Commission held fifteen (15) advisory panels to review and evaluate grant applications (*see Appendix C, FY19 Advisory Panels List*). Panelists also serve as year-round resources to the staff and as advocates for the arts in their communities. Currently there are panels for Arts Access, Arts Education, Community Arts Development, Creative Placemaking, Dance, Folklife, Inter Arts, Literary, Music, Theater, Rural Arts Project Support, and

Visual Arts, Craft, Media and Design. The categories of Major Cultural Institutions and Cultural Educational Partnerships are reviewed by out-of-state adjudicators.

To select panelists, nominations are solicited statewide and can be received as self-nominations or from other individuals. Information about the role of advisory panels and nomination forms is found on the Commission's website year-round at <https://tnartscommission.org/art-grants/app-review-process/>. Panelists are recruited who represent gender, geographic, race, and professional and/or arts area expertise. Panelists may serve up to three consecutive two-year terms. Most panels have representation from persons of color unless members have to be absent on a review day. In FY19, there were 90 review panelists and adjudicators in attendance with 32% representing people of color (*see Appendix C, FY19 Advisory Panels List*).

### **Documentation of Minority Input**

The Arts Commission has several opportunities to receive minority input from its subrecipients/grantees and the community. The first is though input received by Commission board members who often serve on review panels throughout the state for Designated Agencies and/or community art groups. As ABC panelists, they directly participate in asking questions about diversity on an organization's board, audience, and outreach. Minutes are available from these meetings.

In June 2018, the Commission conducted its bi-annual, state-wide conference, *Design Thinking: A Pathway to Innovation in the Arts*, which brought together over 200 arts educators, artists, cultural & non-profit organizations, grantees, and other interested individuals throughout the state to provide an opportunity for professional development, learn best practices and emerging art trends plus networking. Approximately 15% of the conference participants were people of color. Time was allotted for several facilitated conversations which provided opportunities for attendees, including organizations not funded by the Commission and people of color, to give input on the needs, challenges, and opportunities present in their communities and/or organizations. One example of a facilitated conversation included a breakfast where nine (9) groups of people gathered with their peers (i.e., teachers, emerging leaders, etc.) to discuss, give feedback/recommendations on how the Commission can better serve communities and individuals in the arts field. This information was recorded and will be used as part of the feedback into the Commission's upcoming strategic plan.

Third, the Commission's staff is expected to establish relationships with each subrecipient/grantee within their grant area. The staff is in constant

contact with subrecipients/grantees to answer questions, provide guidance, and give direction to all aspects of the Commission's work. In this way, subrecipients/grantees and potential applicants often call upon Commission staff to assist in answering a variety of questions around issues like Title VI, best practices for involving underserved communities, and how new organizations of color can become grantees. This is especially true in the Arts Access area where organizations of color, which may be new to the grants process, can receive technical assistance in preparation for applying to larger annual grants.

Last, the Commission implements a series of Grant Workshops annually in different regions of the state to inform the public about its processes for obtaining grants. Through the Commission's website, eNewsletter, and direct emails, the public is invited to attend. In FY19, Commission staff traveled to these regions in October 2018, and thirteen (13) of these sessions were held throughout the state (*see Appendix I*). These meetings are designed for the public to learn about the Commission's grant processes including functions like Title VI.

## **XV. Compliance Reporting**

N/A - The Tennessee Arts Commission receives funds from the National Endowment for the Arts (NEA), but this agency has no reporting requirements related to Title VI. In FY19, no federal agency required Title VI compliance reports from the Commission.

As stated above, the Commission receives NEA funds and as part of that partnership agreement, there are federal reporting requirements of which the agency is responsible. In terms of the Code of Federal Regulations (CFR), the NEA's Partnership agreement (*see Appendix H for a copy of the NEA*

*Partnership agreement*) in Applicability 1.2 states: *These Partnership GTCs implement Title 2 of the Code of Federal Regulations (2CFR) Subtitle A – Office of Management and Budget Guidance for Grants and Agreements Part 00 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance, or Part 200). The NEA has adopted the Uniform Guidance through regulation at 2 CFR 3255.1. The Uniform Guidance complies and streamlines eight former OMB Circulars that governed Federal grants management.*

In July 2016, THRC conducted a Title VI audit of the TN Arts Commission. Only one (1) finding was documented: “The Tennessee Arts Commission did not obtain verification of Title VI training from grantees in public schools” (*see Appendix J for a copy of the Title VI Final Findings Report-2016*). To correct this finding, the Tennessee Arts Commission has implemented a process with the Tennessee Department of Education to verify that public schools are in compliance with Title VI training. The following process will be used each year:

- A. Each year between August 15-30<sup>th</sup>, the Arts Commission's Title VI Coordinator will contact the Director of the Civil Rights Office at TDOE to get a list of all school districts that are in compliance with Title VI. This information is gained by TDOE through the “Civil Rights and Bullying Compliance Report” (of which Title VI compliance is a part) required from all school districts each year on August 1<sup>st</sup>. School districts are responsible for ensuring Title VI compliance from each of its schools.
- B. The Arts Commission's Title VI Coordinator will check the list obtained from TDOE against the schools funded by the Arts Commission. If there is a school district (and grantee with the Arts Commission) that is not in compliance with Title VI, the Arts Commission's Title VI Coordinator will contact the school and require compliance with the Arts Commission's online Title VI training program. As with other TN Arts Commission grants, should any

school grantee be determined noncompliant, funding will be withheld until compliance is demonstrated.

The Tennessee Human Rights Commission approved this process in the final findings report dated December 2, 2016 (*see Appendix J*). This process was continued in FY19 and the most current list of school districts that are in compliance with Title VI from the Tennessee Department of Education is included in Appendix J.

## XVI. Evaluation Procedures

The Tennessee Arts Commission currently uses its application evaluations process reviewed by panel reviewers as one way in which subrecipients/grantees are evaluated in how well they are reaching diverse groups. In each subrecipient/grantee application, there is a narrative question on how the proposed program will provide access to the arts for traditionally underserved artist and constituents, including people of color and other populations. As part of the review process, panel reviewers use this information to help them evaluate and give a final score to applications which can affect their final rating, ranking, and the amount of money that is awarded for their grant program.

After learning at the Title VI training held on August 1, 2018 from the Tennessee Human Rights Commission on how evaluation procedures should be implemented, the Tennessee Arts Commission, is using a second method to analyze existing data. Using information submitted by subrecipients in the category of Major Cultural Institutions (MCI), which is the Arts Commission's highest level of support, in FY19 twenty-six (26) organizations were funded in this category. We measured the racial makeup of *actual* program participants (information on final evaluations) to *eligible* populations (information on applications). Each subrecipient/grantee final evaluations form includes data on numbers of participants, age, race/ethnicity, and other demographic factors of populations that have benefitted from the funded project or program. On the other hand, the subrecipient/grantee's application contains information on the percent of people of color and county demographics. After comparing this data (see Appendix K), the Commission over the next few years will need to address its evaluation data to make sure it aligns with information in the application especially around racial demographics and then question organizations that consistently do not meet expected percentages of people of color to be served.

Also for FY20, TAC is initiating a new AVAZA line for its subrecipients/grantees to use when they need translation or interpreting services. This was started since many subrecipients/grantees are very small organizations which did not have the resources to provide for these language services. Their AVAZA language line # is 615-532-3405 and access code is 400231. The Commission approved use of dollars through the Arts Access program to fund this service for subrecipients/grantees.

## APPENDIX A

- **Title VI Poster (text in both Spanish and English)**

## APPENDIX B

- **FY19 & FY20 Federal Financial Assistance spreadsheet**



## APPENDIX C

- **FY19 Subrecipient List**
- **FY19 Vendors Data List**
- **FY19 Advisory Panels Racial Data**
- **FY19 Racial and Ethnic Composition of Beneficiaries Data**

## APPENDIX D

- **FY19 Annual Grant Application\***
- **FY19 Annual Grant Evaluation Form\***

*\*Both of these forms are now electronically submitted in the online system by subrecipients/grantees.*

## APPENDIX E

- **Tennessee Art Commission's Title VI Complaint Forms:**
  - **Complaint form\***
  - **Withdrawal of Complaint form\***
  - **Complaint Log**
  - **Appeals Form**

*\* These forms are located on the Commission's website and submitted electronically.*

## **APPENDIX F**

- **FY19 Tennessee Arts Commission's Title VI Training for Staff**
  - **Agenda**
  - **Sign In Sheet**
  - **Power Point presentation**

## APPENDIX G

- **FY19 Title VI training instructions for subrecipients/grantees**
- **FY19 Title VI training dates/compliance for subrecipient organizations**

## APPENDIX H

- **Copy of Grantee Assurances in Applications**
- **Copy of contract for contractors**
- **Copy of FY19 subrecipient/grantee contract**
- **Copy of FY19 Awards Letter for subrecipients/grantees**
- **Copy of NEA Partnership Agreement**

## APPENDIX I

- **FY19 Grant Workshops listing**

## APPENDIX J

- **THRC Title VI Final Audit Report 2016 of the TN Arts Commission**
- **Copy of TDOE school districts in compliance with Title VI - year 2019**



## APPENDIX K

- **Evaluations Data**