



TENNESSEE  
ARTS  
COMMISSION

Cultivate. Create. Participate.

**FY 2021**  
**Title VI Compliance Report and**  
**Implementation Plan**  
**(Revised Plan)**  
*(FY21 covers July 1, 2020 - June 30, 2021)*

**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 700 organizations and artists in 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, older adults, and active duty/veterans and their families), Arts Project Support, Rural Project Support, Major Cultural Institutions, Partnership Support, Small Urban and Rural Partnership Support, Arts Build Communities, Individual Artist Fellowships, Creative Placemaking, and a variety of Arts Education Grants including Student Ticket Subsidy, Community Learning, Funds for At-Risk Youth, 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**

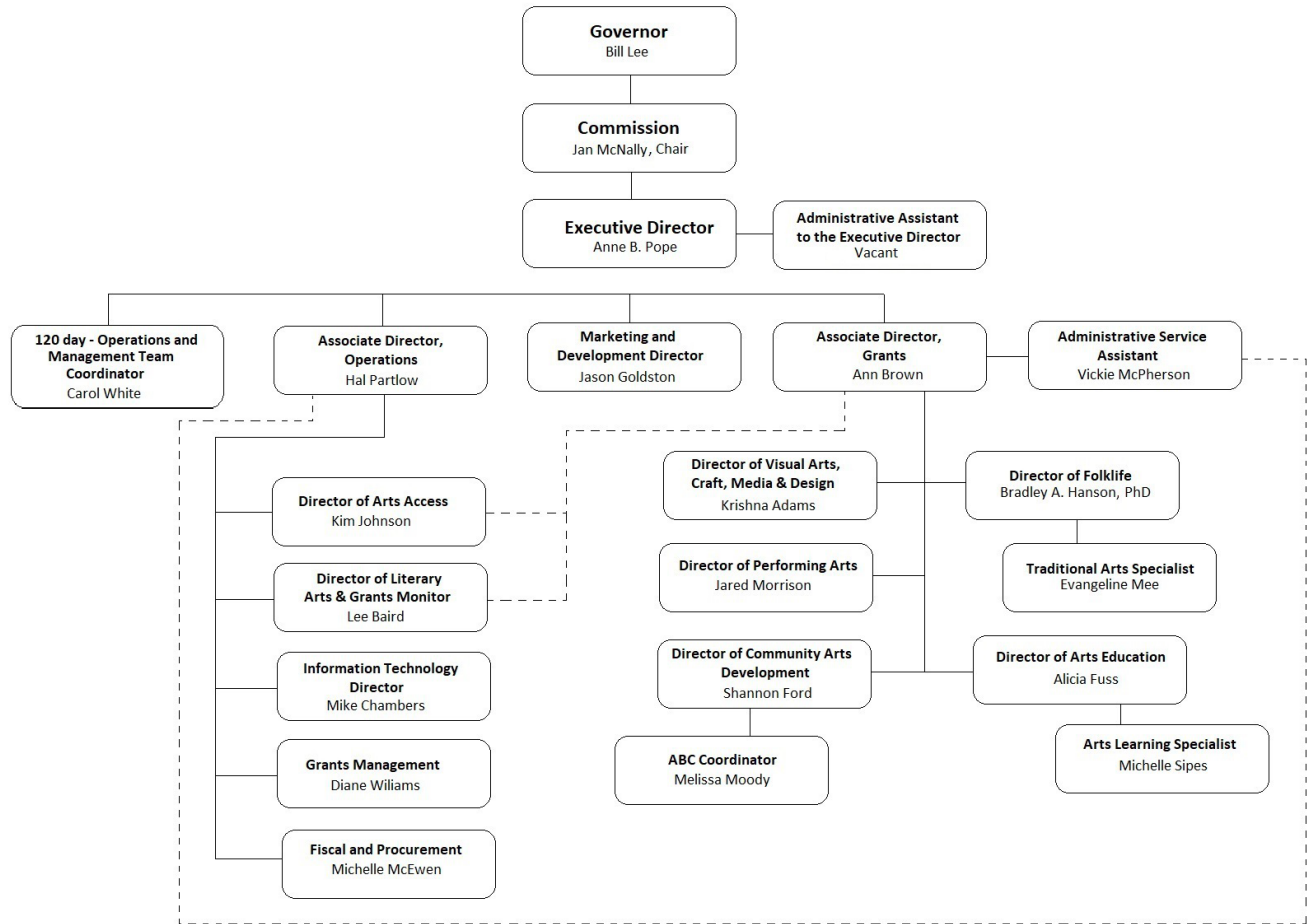
The Governor appoints fifteen (15) volunteer members to the Tennessee Arts Commission for five-year terms. As requested in this plan's instructions, more information about the members is listed in this document under "Boards and Advisory Bodies" on page 37.

### **Commission Staffing**

The Commission is staffed by 18 employees and led by Executive Director, Anne B. Pope (*see Figure 1*).

**Figure 1**

## Tennessee Arts Commission Organizational Chart



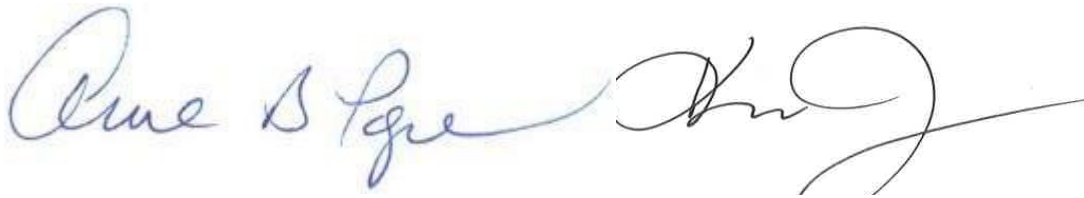
June 30, 2021

### 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 the 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., 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 FY21, there were eighteen (18) 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 and/or entities that directly or indirectly receive an advantage through the operation of a federal program.

**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** – Entity that distributes assistance to an ultimate beneficiary.

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

**State** - State of Tennessee

**TAC** – Tennessee Arts Commission

**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 is located in *Appendix A* and 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 workplace. 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, <https://tnartscommission.org/art-grants/manage-your-grant/title-vi/title-vi-training/>, Posters, <https://2otrql2kwf932ipbo1uwwpr1-wpengine.netdna-ssl.com/wp-content/uploads/2019/07/Title-IV-poster.pdf>, and website, <https://tnartscommission.org/art-grants/manage-your-grant/title-vi/>. 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  
(Appendix B):

### 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	7/1/2020-6/30/2022* (FY21)	1863309-61-20	1-1 Match Required	\$846,100
		General Partnership, which includes \$20,000 for Poetry Out Loud				\$653,000
		Arts Education				\$59,700
		Underserved Communities				\$103,4000
		Folk arts Partnership				\$30,000
		Partnership Agreement amended with funds from the American Rescue Plan (ARP).				\$844,600
					Total:	\$1,690,700
#	Grantor Name	Program Name	Grant Period	Other Identifying #	Notes	\$Funding Amount
2	National Endowment for the Arts	NEA Partnership Grant–CFDA 45.025	7/1/2019-6/30/2022* (FY20)	1855923-61-19	1-1 Match Required	\$800,400
		General Partnership, which includes \$17,500 for Poetry Out Loud				\$615,400
		Arts Education				\$59,700
		Underserved Communities				\$96,400
		Folk arts Partnership				\$28,900
		Partnership Agreement amended with funds from the Coronavirus Aid, Relief, and Economic Security act, or CARES Act.			Additional funds are non-matching	\$474,800
					Total:	\$1,275,200

\*The American Rescue Plan (ARP) act funds were amended to our FY21 NEA award, 1863309-61-20 and the CARES act funds for FY20, NEA award, 1855923-61-19. The amendments extended the end date of the grants by two years but both now end 6/30/22. Because of this extension it overlaps with our FY21, but the funds are still amended to the FY21 NEA award, 1863309-61-20. The total amount of FFA funds received for FY21, \$1,690,700. An Excel spreadsheet with a listing of programs that received FY21 NEA CARES funding is found in *Appendix B, FY21 Federal CARES Act funding*.

The Tennessee Arts Commission receives no equipment, training resources, land, loans or detail of federal personnel.

## **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.

The type of grant subrecipients includes:

- 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/beneficiaries, county demographics, and provide an organizational statement on accessibility efforts which includes reaching people of color (*see Appendix E 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 E 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 the application (*see Appendix E 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 E for a copy of the final evaluations forms*). In *Appendix C* grantees reported the number of beneficiaries in their programs and services by race and ethnicity on the final evaluations. In their final grant evaluations, subrecipients report on the total number of individuals served and check the race/ethnicity of populations served. Appendix C shows that in FY21 out of 764 subrecipients (grantee organizations) and over 23M participants engaged both virtually and in person, these organizations reported a total of 1530 times that at least 25% of their beneficiaries of color were served throughout their various programs (*see Appendix C, racial and ethnic beneficiaries data*). Most organizations reported serving multiple races and ethnicities.

## Racial Data on Commission Staff

As of 6/30/21, the Commission had 18 active staff positions and 1 vacancy for a total of 19 staff positions. Of the 18 staff, seventeen (17%), or three (3) people, identify as African American (*see Figure 3*).

**Figure 3- Tennessee Art Commission Staff Chart** (as of 6/30/21)

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	W	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	Vacant	Executive
100566	TAC PROGRAM DIRECTOR	W	Executive
101680	INFO RESOURCE SUPPORT SPEC 4	W	Executive
119069	TAC PROGRAM DIRECTOR	W	Executive
1000053	TAC PROGRAM DIRECTOR	W	Executive
	<b>Total:</b>	<b>19 total staff positions (18 positions filled and 1 vacancy)</b>	

From the above table, the following held true as of 6/30/2021:

- Of 18 staff (1 vacancy), 17% or 3 staff identify as Black/African American.
- Of 13 active Executive Staff positions, 5.5% or (1 person) identifies as Black/African American and 92% (12 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. Currently no TAC staff member is bilingual, but all staff have 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 FY2021, 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

The Tennessee Arts Commission has an 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 FY21. 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 (see in Figure below and in Appendix F in Excel spreadsheet) 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. Due to stay-at-home orders in FY21, staff reported (not logged in) the following encounters listed in *Appendix F*.

<b>Appendix F FY21 LEP Logbook</b>			
<b>Language Encounters</b>	<b># of in-person/field site work encounters per year</b>	<b># of written (email encounters per year)**</b>	<b># of phone encounters per year**</b>
<b>Spanish - totals</b>	<b>1</b>	<b>63</b>	<b>15</b>
<b>Other Languages - totals</b>	<b>0</b>	<b>55</b>	<b>21</b>
"other languages:"			
Choctaw	0	0	0
Kurdish	0	10	10
Chinese	0	15	5
Japanese	0	15	4
Hindi	0	15	2
<b>Totals</b>	<b>1</b>	<b>118</b>	<b>36</b>
<b>Total encounters: 155</b>			
*Due to stay-at-home orders, staff reported (not logged in) the following encounters listed in Appendix F.			
**Folk life staff reported that in all occurrences above, individuals chose to conduct communication in English.			

### **Language Totals:**

For FY21 as reflected in Appendix F, the Tennessee Arts Commission encountered one (1) in-person; one hundred eighteen (118) written emails; and thirty-six (36) phone encounters from LEP individuals **for a total of 155 encounters**. Appendix F reflects the different types of languages encountered. In all cases, individuals chose to conduct communication in English.

### **Examples of LEP encounters:**

Folklife is an area within the Tennessee Arts Commission that is more likely to interact with individuals speaking English as a second language. Due to stay-at-home orders, staff reported (not logged in) the following encounters listed in *Appendix F*. During FY21, Folklife staff did receive and responded to calls, emails, and one in-person visit where constituents spoke other languages as their first language and English as a second language. Individuals chose, in all interactions, to conduct communication in English.

This exponential growth in our outreach to different cultures is due, in part, to staff person, Evangeline Mee, who was added to the Folklife staff during FY20. She has grown our

work with diverse cultures which has led to an increase in working with individuals with limited English proficiency. As part of her background, she has taken an intensive Kurdish language course and is currently enrolled in Spanish language classes.

## **XI. COMPLAINT PROCEDURES**

Any individual, group of individuals, or organization that believes they have been subject to Title VI discrimination, may file a formal, written complaint with the TN Arts Commission (TAC) or the TN Human Rights Commission. It is the policy of TAC that in the event of a formal complaint, the following procedure will apply.

The staff of the Commission has been instructed to route any Title VI inquiries, including complaints to TAC's Title VI Coordinator and the Coordinator will report the complaint information to TAC's Executive Director and senior staff within 24 hours.

Complaints against the agency or its contracted agencies must be filed on the state level with the Arts Commission or the TN Human Rights Commission. Complaints may also be filed with TAC's federal funder, the National Endowment for the Arts (NEA). All formal complaints must be made in writing using the Title VI complaint form located on TAC's website (*see Appendix G for a copy of the complaint forms*). Within ten (10) days of receiving the complaint, TAC will notify THRC using THRC's Complaint Notification Form.

The Title VI Coordinator is responsible for acknowledging, investigating complaints and for reporting findings and proposed actions. When TAC receives a complaint, the Title VI Coordinator will conduct an investigation within 30 days of the receipt of the complaint which can include the Title VI Coordinator talking to and/or meeting with all parties to investigate and/or resolve complaints. The TAC Title VI Coordinator may act as mediator to resolve complaints if a subrecipient or complainant so desires.

Before a formal summary and/or proposed action is released to the complainant, the Title VI Coordinator will report the findings to the TAC Executive Director, senior staff and THRC using the Investigative Summary Report. The Title VI Coordinator will then notify the complainant of any findings and proposed actions. Information about complaints will be included in TAC's Implementation Plan that is submitted annually to the TN Human Rights Commission.

A complainant has the right to appeal any decision regarding his/her alleged discrimination complaint against TAC or a contracted grantee. A request for an appeal must be made in writing to TAC's Title VI Coordinator no later than 30 days after the receipt of reported findings and proposed action. If a complainant remains unsatisfied with reported findings or proposed action, they may file a complaint on the federal level.

## Total number of complaints

As indicated in Figure 1 below, in FY21, the Commission received no new Title VI complaints. However, one complaint is still unresolved from fiscal year 2019. This complaint was received from a mother of a child who was attending Ballet Arts of Jackson (BAJ) 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.

Throughout fiscal year 2021, the Tennessee Arts Commission worked in conjunction with the Tennessee Human Rights Commission to investigate these allegations against Ballet Arts of Jackson. Significant activities during this year included TAC and THRC staff going to Jackson, TN to conduct approximately 16 interviews in November 2019 of board members, staff, volunteers, and the complainant; and an Investigative Summary report written by staff at both TAC and THRC where it was determined that there was a Title VI violation by Ballet Arts of Jackson. To communicate the corrective actions that need to occur, a conciliation agreement was sent to both the complainant and BAJ's board president for signature and was received back in July 2020. During FY22, staff at both TAC and THRC will be monitoring the progress of BAJ in meeting the requirements set forth in the conciliation agreement.

As history, 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 FY21, the organization was allocated \$2,550 dollars through a single ABC grant, but the grant was cancelled due to the unresolved Title VI complaint. 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 calendar year 2021.

**Figure 1 – FY21 Total number of complaints**

<b>Tennessee Arts Commission FY 2021</b>				
Total # of Title VI complaints for FY2021 (new)				0
Total # of Title VI complaints dismissed or withdrawn				0
Total # of complaints for FY2021 unresolved				1
Total # of complaints referred to another state or federal agency				0
Total # of Title VI lawsuits for FY2021				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 G for copies of all complaint forms*).

In FY21, no federal complaints were received, and no lawsuits or litigation was filed against the TN Arts Commission.

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

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

As of June 30, 2021, the Commission had 18 active staff members or 100% of staff at the time, who received Title VI training in FY21. Due to the Governor's stay-at-home orders for state employees due to the pandemic, staff received training virtually on May 18, 2021 by the Title VI Coordinator. For new staff, the Title VI Coordinator provides training as part of their orientation process.

The Title VI training for staff was broken into different 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 H 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, Newsletters, and in the FLUXX system itself. In FY21, 100% or 767 subrecipients/grantees (*see Appendix C for a list of training dates/compliance for subrecipient organizations*) completed on-line Title VI training through this system or in the case of schools, were approved to be in compliance through the Tennessee Department of Education (*see Appendix L, copy of TDOE schools in compliance for FY21*). For subrecipients/grantees, Title VI requirements are communicated through instructions located in the FLUXX online system, website, and in the Newsletter (*see Appendix I, FY21 training instructions*). For FY21, Title VI training dates for subrecipients are seen in the chart below and deadline dates depend on the type of grant.

### **Chart of Training Dates**

<b>Group</b>	<b>Training Dates</b>	<b>Percentage &amp; Actual #</b>
<b>TAC Staff</b>	<ul style="list-style-type: none"><li>• May 18, 2021 (virtually)</li></ul>	<b>100%</b> of 18 staff
<b>TAC Subrecipients</b>	<ul style="list-style-type: none"><li>• Annual grants – July 1- Dec 11, 2020 and/or by the first request for funds whichever is first</li><li>• Rolling grants – before payment is disbursed</li><li>• ABC grants – by October 1, 2020</li><li>• For all other grants awarded Jan – June 2021 – by June 15, 2021</li></ul>	<b>100%</b> of 767 subrecipients including schools ( <i>see Appendix C, training dates/compliance for subrecipient organizations</i> )

Staff, subrecipients and/or contractors are expected to comply within the dates above and no future training dates are offered. For subrecipients, if training dates are not met, then payments are withheld during that funded year and future funding with the Arts Commission may be jeopardized.

The Associate Director of Operations and Title VI Coordinator work to ensure that internal processes are in place to ensure that all grantees are in compliance. One of those internal improvements is to run a final grantee compliance report in June of each year to make sure that all grantees are in compliance with Title VI especially those who received grants later in the year from January – June. In FY21, this was accomplished and increased our compliance rate for all subrecipients.

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 (*see Appendix I for a copy of the FY21 subrecipient training*). The form is designed to capture additional information from grantees which includes verification of having Title VI and LEP policies in place, and information about the AVAZA line only for subrecipients/grantees, especially smaller organizations with limited resources, that can be used to meet their language needs (*see Appendix I for a copy of the training modules & form*). A summary of the FY21 training modules is as follows:

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

<https://www.youtube.com/watch?v=90uNM-aZwdI>

*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)

<https://www.youtube.com/watch?v=MUSfdA6E5w>

*Created by the US Department of Justice several years ago, Part I 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) -* <https://www.youtube.com/watch?v=I3MMk0ovNto>

*Part 2 - (approximately 4 minutes) -* <https://www.youtube.com/watch?v=S9E1MYIKFTA>

*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)

<https://www.youtube.com/watch?v=RPCIqDtRUkA>

*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)

<https://www.youtube.com/watch?v=wWJAI4cEFCQ&feature=youtu.be>

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

<https://www.youtube.com/watch?v=mSGblpKRQ-c&t=15s>

### **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 FY21 was required to sign a Statement of Assurances (*see Appendix J 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 statutes 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 J for a copy of this contract*).

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

For FY21, 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 E*). 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.

The Tennessee Arts Commission does not conduct pre-award field or on-site reviews since an organization must apply annually for funding and there is no guarantee that each organization will receive funding. After receiving applications, organizations are checked to verify 501c3 status, corporate annual report filing, board of directors, by-laws, and other requirements of funding. If an organization is awarded an annual grant and signs a contract, then the organization is held responsible for being in compliance with Title VI.

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 FY21 is listed in *Appendix C*.

### **Post-Award Procedures**

In FY21, 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 J, FY21 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 I*).

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 FY21, 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, Director of Grants, or Program Director 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 FY21, annual grant recipients had a deadline of December 11th 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, the Tennessee Arts Commission also verifies 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 131 grant contracts in FY21 which checked on several factors within the actual operations of a sub-recipient/grantee which includes minimum Title VI compliance standards (*see Appendix D for a copy of the grants monitored in FY21 and TAC's Subrecipient Contract Monitoring Plan*). 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 FY21, subrecipients/grantees of the Tennessee Arts Commission were required to conduct on-line Title VI training through the FLUXX system. Contracts were mailed July 2020 with detailed instructions on submitting FY21 Title VI training requirements. Subrecipients/annual grantees had until their first request for payment or no later than December 11, 2020, whichever came first to submit their FY21 Title VI form (*see Appendix I, training instructions for subrecipients/grantees and subrecipient certification form with training modules*). Grant funds were withheld until the subrecipient/grantee's Title VI training requirements were met. At the end of FY21, 100% of 767 subrecipient/organizations were in compliance with Title VI training (*see Appendix C*).

### **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 I*). 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.

As stated earlier, Ballet Arts of Jackson was found to be in noncompliance with Title VI during FY20 and that corrective actions needed to occur. A conciliation agreement was sent in February 2020 to both the complainant and BAJ's board president to outline policies, procedures and actions that needed to be revised for compliance. It was received back with signatures from both parties in July 2020 (late due to COVID 19). The organization was awarded \$2,550 dollars in FY21 through a single ABC grant, but the grant was cancelled, and dollars not awarded due to the unresolved Title VI complaint. During FY22, staff at both TAC and THRC will continue to monitor the progress of BAJ in meeting the requirements set forth in the conciliation agreement.

## **Identify Subrecipients**

### **Description of Subrecipients**

Subrecipients/grantees are funded within grant categories by the Commission which reflect an arts discipline or population that is served, and this reflects the subrecipient's description. For a total list of each subrecipient information including contracts dates, dollar amounts of contract, location, funding source, description of services, contract type, and competitive/noncompetitive, (*see Appendix I, List of Identifying Subrecipients*). This Appendix also shows that out of 767 awarded grant contracts, 12% were to organizations primarily serving people of color (*see Appendix I, List of Identifying Subrecipients*). One subrecipient/grantee may have more than one type of grant.



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

AA	Arts Access Annual Grant
AA - MG	Arts Access Mini Grant
ABC	Arts Build Communities Grants through Designated Agencies
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
CI	Commission Initiatives
CP	Creative Placemaking
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
SUPS	Small Urban Partnership Support
SRPS	Small Rural Partnership Support
TADI	Targeted Arts Development Initiative
TA	Technical Assistance
TAAP	Traditional Arts Apprenticeship Program
TOUR	Touring Grant

### **Statement of Assurances by subrecipients**

Each subrecipient/grantee electronically signs a statement of assurances in both the application (*Appendix J, statement of assurances*) and the awarded contract (*Appendix J, subrecipient/grantee contract*). In the subrecipient/grantee contract, section A6 pertains to Title VI:

- A.6. **Required Training.** The grantee shall comply with all requirements of Title VI of the Civil Rights Act 1964, including annual training of grantee or grantee organization employees utilizing materials provided by the State. TN public school grantees may meet the requirement through Title VI training system of the TN Department of Education. Written documentation of training shall be maintained for a period of three (3) full years from the date of the final payment under the grant and shall be subject to audit at any reasonable time and upon reasonable notice by the state agency, the Comptroller of the Treasury, or duly appointed representatives.

Also, in the subrecipient/grantee contract (section D.10) and for contractors (section D.9), refers to provisions prohibiting discrimination (*Appendix J, subrecipient/grantee contract & contract for contractors*):

- D.10. Nondiscrimination. The Grantee agrees that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

Each subrecipient/grantee signs this annual contract to receive funding and is required to fulfill all obligations within that contract including Title VI compliance and nondiscrimination policies. New subrecipients (grantees) are included in the list of all subrecipients in *Appendix I* and like other subrecipients, the Arts Commission requires that they comply with Title VI like all other subrecipients (grantees).

For FY21, the TN Arts Commission worked with three (3) vendors/suppliers. None were minority vendors, and none were new (*see Appendix C for a list of contractors/vendors*).

The TN Arts Commission has no other federal financial assistance applications pending with other federal and/or state departments and/or agencies and is not responsible for any annual federal program monitoring.

## 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, Newsletters, 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/> and in *Appendix A*.
- b. **Programs and Services** - Some of the ways in which the Commission disseminates its information on programs and services include:
  - Grants Workshops – In FY21, ten (10) virtual workshops were held for 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 K 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://2otrql2kwf932ipbo1uwwpr1-wpengine.netdna-ssl.com/wp-content/uploads/2021/01/FY20Title-VI-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 G*).
- 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 FY21, three (3) of the 15 Commission members or 20% were African American and the remaining members were White. The current list of Commissioners is posted on our website at <https://tnartscommission.org/about-us/staff/>.

In FY21, the Commission held eighteen (18) 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 Individual Artist Fellowships are reviewed by out-of-state adjudicators. Partnership Support is reviewed by out-of-state adjudicators. In FY21, there were (18) advisory panels with 101 advisory panelists and adjudicators, and 35% were people of color (see Appendix C under “FY21 Advisory Panels List”).

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 <https://tnartscommission.org/art-grants/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 FY21, there were 101 advisory panelists and adjudicators, and 35% were people of color (see Appendix C under “FY21 Advisory Panels List”). Minority participation on panels is important to the TN Arts Commission and is solicited by outreach in the community to minority grantees, at fall workshops advertised publicly throughout the state, Arts Advocacy Day participants each March, each Program Director’s relationships with artists and minority organizations, and through the general public.

In terms of the utilization of minority media, the Tennessee Arts Commission (TAC) has contacts with all major media outlets in the state since people, including minorities, tend to receive information through a variety of media outlets. Specifically, TAC has contacts with over 200+ media outlets which includes an estimate that 2% are media outlets of color. Depending on a communication’s target, TAC chooses which media outlets would be most effective in reaching an intended audience which can include minority media. Also, even though TAC does not keep demographic information on this list of subscribers, most information is disseminated through our weekly online newsletter, which reaches an estimated 2000+ subscribers, which includes minority media and people of color.

The Tennessee Arts Commission interacts with minority organizations and communities through a variety of ways including the following:

- 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 online 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 attending arts and community events to distribute Commission information and participating in panels on a variety of topics and groups across

the state. Examples include attending Native American Powwows, African American led art workshops in Memphis, and Latino led festivals.

- Conducting fall workshops in and away from the office to promote grants awareness from all populations.
- Before the pandemic, hosting bi-annual workshops for artists and arts organizations across the state with some workshop topics addressing issues of diversity and inclusion in the arts.
- Prioritizing underserved/underrepresented people and organizations through the Arts Access program to increase access specifically to ethnic groups, people with disabilities, older adults, and military/veterans. The program provides programmatic, administrative and technical assistance support.
- 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. The solicitation is also 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; and
- Supporting arts education to increase student outcomes through support of art field trips, arts integrated learning, and professional development for teachers.

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**

TENNESSEE ARTS COMMISSION MEMBERS	
Nancy Dishner – District 1	Johnnie Wheeler* – District 6
Jennifer Wolfe – District 1	Marc Burnett* – District 6
Steve Bailey – District 2	Michael Dumont – District 7
Jan McNally – District 3	Shawn Pitts – District 7
Mary Kilbride – District 3	Jason Rudd – District 8
Joe K. Kilgore – District 4	Amy Rhodes – District 8
Anne Davis – District 4	Deanie Parker* – District 9
Stephanie B. Conner – District 5	

\* Three (3) members or 20% were African American and twelve (12) were White, as of 6/30/2021.

## Advisory Panels

In FY21, the Commission held eighteen (18) advisory panels to review and evaluate grant applications (*see Appendix C, FY21 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 must be absent on a review day. In FY21 the percentage of minority representation for the 101 review panelists and adjudicators in attendance represents 35% representing people of color overall and *see Appendix C, FY21 Advisory Panels List* for the list of each panel’s minority representation. Listed below are the percentage of minority representation for each advisory panel as shown in *Appendix C*:

Arts Access #1	67%
Arts Access #2	67%
Dance	20%
Music	33%
Theater	0%
Literary	33%
Community Arts	50%
Inter Arts	33%
FAY	50%
Community Learning #1	17%
Community Learning #2	20%
Visual Arts	34%
Raps #1	0%
Raps #2	50%
Folklife	50%
MCI Adjudicators	33%
IAF Adjudicators	66%
Creative Placemaking	17%

## Documentation of Minority Input

The Arts Commission has several opportunities to receive minority input from its subrecipients/grantees and the community. The first is through input received by Commission board members or TAC staff 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.

Also, 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 and Folklife areas 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 multiple regions of the state to inform the public about its processes for obtaining grants. Through the Commission's website, Newsletter, and direct emails, the public is invited to attend. In FY21 due to the pandemic, Commission staff held ten (10) virtual workshops from October – November 2020 which focused on different regions across the state (*see Appendix K*). These meetings are designed for the public to learn about the Commission's grant processes including functions like Title VI.

To re-cap, the Commission uses a variety of methods to inform the public about the process for obtaining grants which includes:

- TN Arts Commission's website which includes the grant guidelines, process for applying and managing all grants;
- Annual Grant workshops which are held throughout the state each fall and specifically targeted to those who are interested in applying for a TAC grant;
- Thirteen (13) Arts Build Communities workshops held annually;
- Program Director's responding to individuals who contact the Commission daily to inquire about grants and the process for applying;
- Program Directors being requested to attend as a panelist or speaker for workshops, seminars, etc. throughout the state to share information about grants;
- The Bi-Annual TAC conference which attracts 200 people statewide and always sessions are conducted on "how to apply for grants" at TAC; and
- Informal conversations, word of mouth, recommendations from existing grantees, attendance of TAC staff at programs and festivals, etc.

All these methods have led to an increase in the number of underserved and cultural communities served by the Arts Commission throughout Tennessee. Also, the TN Arts Commission specifically has a grants area to encourage and work with underserved/underrepresented communities in the Arts Access area. In recent years, this area has seen a 50% increase in organizations, who largely work with people of color, applying and receiving grants.



## **XV. Compliance Reporting**

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 FY21, 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 J 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 L 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 in August, 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 L*). This process was continued in FY21 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 L*.

## XVI. Evaluation Procedures

The annual creation of the Title VI IP plan and its review by THRC gives us the opportunity each year to review our policies and procedures in order to plan how we can improve each year. With this year's plan, we've seen that during FY21 and the pandemic, there has been a slight increase in the number of people of color who serve as panel reviewers. We had previously began strategically working on increasing the diversity in our panels, but the pandemic expedited the process. In FY20, there were approximately 29% people of color who were reviewers and in FY21, it's 35% (*see Appendix C, Advisory Panels List*). This may be because prior to the pandemic, panel reviewers were primarily done in-person by people from across the state coming into the physical location of the office. Since COVID though, all panel reviewers are now done virtually which has probably had a side benefit of allowing a greater diversity and flexibility of people to participate in the process. The current plans are to keep the virtual review process in place.

Second, another area of improvement that we've noticed during FY21 and the pandemic is a slight increase in the number of diverse organizations that are receiving funding from TAC. Again, like many other institutions COVID, arts organizations experienced tremendous decreases in revenue sources and staffing coupled with no audiences due to the pandemic. Most adjusted by moving their programming, in a very short period of time, to virtual. Organizations and programs that served primarily underserved people in many instances had a harder time financially since they might not have had long-term financial strategies or support in place to assist in needed funding. Through the federal CARES Act funding, the Arts Commission distributed these dollars to communities throughout the state to enable much needed funds to reach arts and cultural institutions including those in diverse communities. These flexible funds provided much needed support for many diverse organizations and individual artists to continue providing some level of virtual programming, maintaining some staff, and the ability to keep their doors open. From our numbers, in FY20, 9.6% organizations of color were reached as compared to FY21, 12% organizations of color (*see Appendix I*). These organizations are now in our grants management system and will be communicated with about future funding opportunities.

The continued way that the TN Arts Commission uses to benchmark one of its diversity in grants funding has been to analyze existing data from the subrecipient category of Major Cultural Institutions (MCI). This grants category is the Arts Commission's highest level of support and in FY21, thirty (31) subrecipients were funded in this category (*see Appendix M*). We measure the racial makeup of actual program participants (information on the final evaluations) to eligible populations (information on applications). Each subrecipient/grantee's 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 M*), the Commission is using this

evaluations data to make sure it aligns with information in the application especially around racial demographics and then in panel reviews by questioning organizations that consistently do not meet expected percentages in people of color to be served. A comparison of FY20 and FY21 numbers is shown in *Appendix M*.

Last, through these annual Title VI plans and reviews from THRC, we've boosted the compliance numbers of subrecipients/grantees in the past through instituting policies like no grantee receiving awarded dollars until their Title VI certification form has been approved and by staff reviewing the status of compliance from grantees about midway in the year to contact any grantee who is not in compliance. In an effort to assist grantees in compliance, during FY21, IT and administrative staff had a meeting with the Title VI Coordinator, Associate Director of Operations, and Associate Director of Grants to recommend a better way of grantees submitting their Title VI certification in our online grants management system. This new method could possibly streamline the process of submitting certification forms and ultimately may increase compliance. Even though no final decisions have been made, the staff will be reviewing this recommendation during FY22. This act though demonstrates the level of commitment that the entire staff at the TN Arts Commission has to help grantees successfully reach Title VI compliance.