



TENNESSEE
ARTS
COMMISSION

Cultivate. Create. Participate.

FY 2023
Title VI Compliance Report and
Implementation Plan
(FY23 covers July 1, 2022 - June 30, 2023)

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, Arts Pathways for Youth Success (formerly 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.*

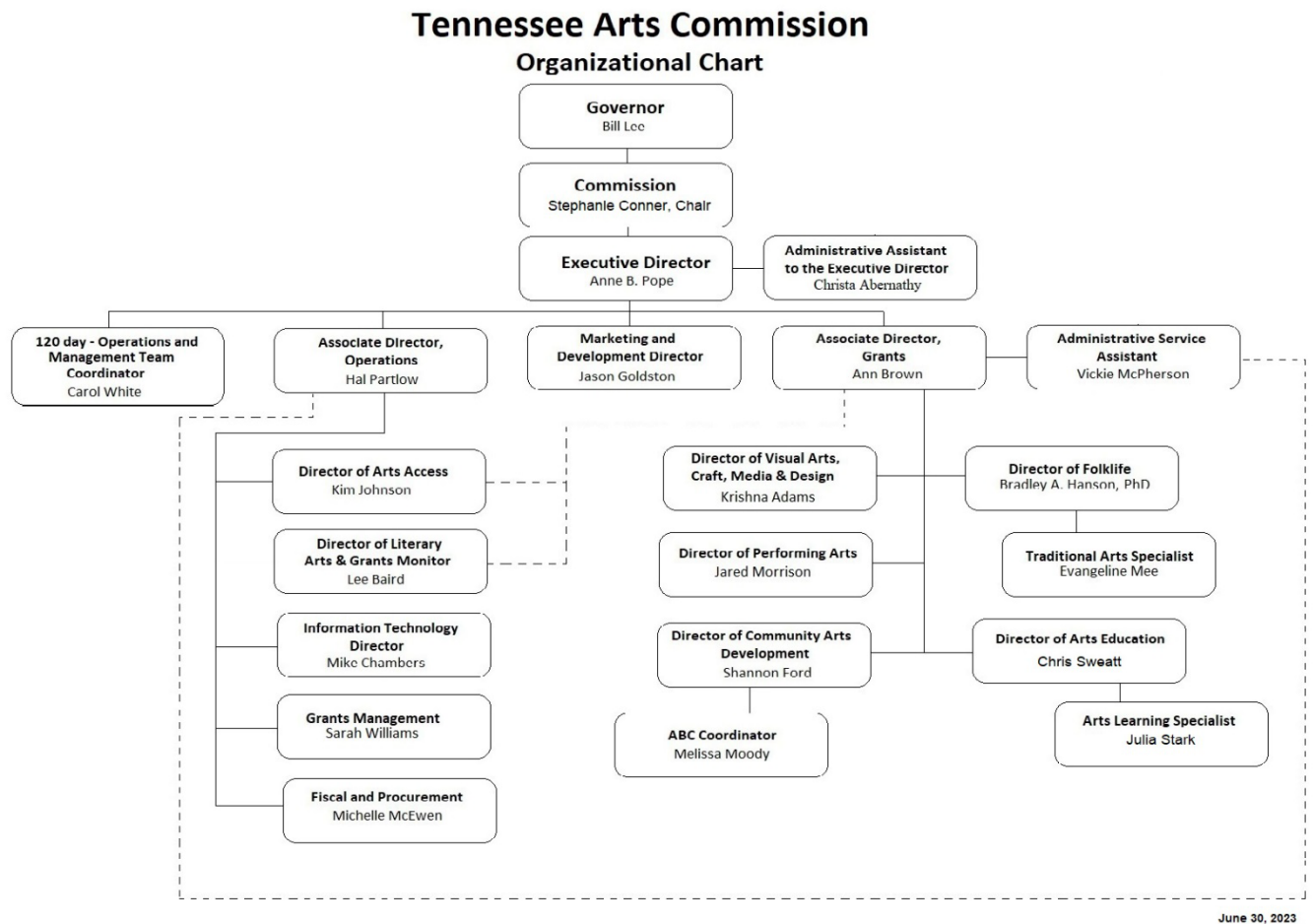
Commission Members

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 38.

Commission Staffing

As of June 30, 2023, the Commission was staffed by 19 employees and one 120-day consultant led by Executive Director, Anne B. Pope (*see Figure 1*).

Figure 1

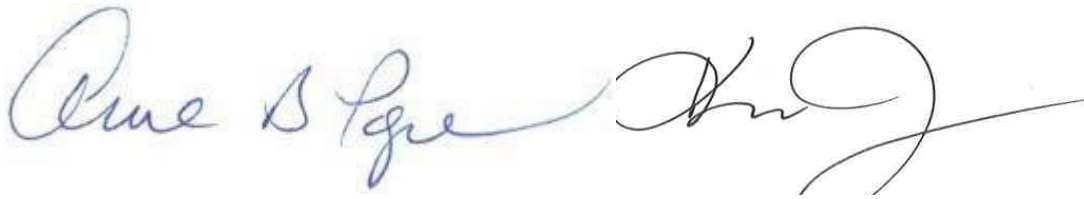


III. Responsible Officials

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:

The image shows two handwritten signatures in blue ink. The signature on the left is for Anne B. Pope, and the signature on the right is for Kim Johnson. Both signatures are written in a cursive, flowing style.

Anne B. Pope, Executive Director
Tennessee Arts Commission

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 360 – Support for whole-school arts integration programs in PK-12 schools to improve instruction and increase student outcomes through arts integration.

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 60 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.

Individual Artist Fellowships (IAF)- Fellowships provided to artist who by education, experience, or natural talent engage in a particular art form or discipline, and live and work in Tennessee.

Inter-Arts - Operating and project support grants to presenters, nonprofit arts centers, and non-arts organizations presenting multi-disciplinary programming.

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.

Major Cultural Institutions (MCI’s) - Organizations chartered in Tennessee that represent the highest level of quality programming and administration with a history of significant year-round arts programming.

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.

Recovery Fund or Tennessee Nonprofit Arts & Culture Recovery Fund -Federal support that addresses economic hard to Tennessee nonprofits that have a track record of federal grants administration. This grant category that offers a one-time opportunity for Tennessee arts nonprofits to address documented negative economic impacts of the COVID-19 public health emergency for operations occurring from July 1, 2021 – June 30, 2024.

Rural Arts Facilities Fund (RAFF) - Grants designed to help rural communities carry out initiatives that build, renovate, or expand arts and cultural facilities.

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 and information on its website, <https://tnartscommission.org/art-grants/manage-your-grant/title-vi/title-vi-training/> and posters, <https://tnartscommission.org/wp-content/uploads/2019/07/Title-IV-poster.pdf>. 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	NEAPartnershipGrant– Federal Assistance Listing (formerly CFDA) 45.025	7/1/2022-6/30/2023 (FY23)	1903711-61-22	1-1 Match Required	\$934,900
		General Partnership, which includes \$20,000 for Poetry Out Loud				\$727,800
		Arts Education				\$59,600
		Underserved Communities				\$117,500
		Folk arts Partnership				\$30,000
					Total:	\$934,900
#	Grantor Name	Program Name	Grant Period	Other Identifying #	Notes	\$Funding Amount
2	U.S. Department of Treasury*	Coronavirus State Fiscal Recovery Fund (SFRF)– Federal Assistance Listing (formerly CFDA) 21.027	7/1/2021-6/30/2024 (FY2022-2024)	SLFRP5534	No Match	\$80,000,000
		TN Nonprofit Arts & Culture Recovery Fund			FY2022	\$30,000,000
					FY2023	\$25,000,000
					FY2024	\$25,000,000
					Total:	\$80,000,000

*One-time funds provided federal support to address pandemic-related economic harm to TN arts nonprofits that had a track record of federal grants administration with the TN Arts Commission and could document pandemic related loss. Funding originated from the U.S. Department of Treasury to the State of Tennessee and \$80 million was allocated to the Tennessee Arts Commission for the Tennessee Nonprofit Arts and Culture Recovery Fund by the Financial Stimulus Accountability Group (FSAG), a joint bipartisan legislative and executive branch committee charged by the Governor with ensuring the appropriate and prudent planning for these new one-time federal funds received by the State of Tennessee. The TN Arts Commission was awarded \$80M to distribute to eligible organizations throughout the state for a period of 3 years (2022- 2024) and to contract with an external grants monitor. See *Appendix B - FY22-24 TN Nonprofit Arts & Culture Recovery Fund Grantees* for detailed information about the 154 organizations that received this 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

For many years, the Arts Commission used the National Standard for Arts Information Exchange as required by the NEA to collect racial and other data on its subrecipients through the application and final evaluations process. In FY23, the NEA no longer requires this information. However, the Arts Commission will continue collecting this information in its applications and evaluations. The following codes are still used 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 continues to collect this information on each of its subrecipients through the initial application process and in the final grant evaluations data. In the next couple of fiscal years, the Arts Commission will review how to make this process simpler in terms of how it is collected from subrecipients, but it will again continue to collect this information.

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 will continue to collect racial and ethnic information on its subrecipient organizations and beneficiaries annually. 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 the final evaluations report, subrecipients report on the total number of individuals served and check the race/ethnicity of populations served. *Appendix C* shows that in FY23 out of 1035 subrecipients grants, these organizations reported a total of 1227 times that 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 June 30, 2023, the Commission had 19 active staff positions and one 120-day consultant also listed on the organization chart and received Title VI training in FY23. Of the current 19 active staff, sixteen percent (16%), or three (3) people, identify as African American (*see Figure 3*).

Figure 3- Tennessee Art Commission Staff Chart (as of 6/30/23)

EEO Detail TENNESSEE ARTS COMMISSION			
ID#	Position	Ethnicity	Executive/Preferred
5048	TAC-DIRECTOR	W	Executive
5050	TAC PROGRAM DIRECTOR	B	Executive
5051	ADMIN SERVICES ASSISTANT 3	B	Preferred
5052	TAC PROGRAM DIRECTOR	W	Executive
5058	TAC ASSISTANT DIR	W	Executive
74883	ADMIN ASSISTANT 3	B	Executive
101680	IT MANAGER	W	Executive
1000053	TAC PROGRAM DIRECTOR	W	Executive
1006462	ADMIN SERVICES ASSISTANT 5	W	Preferred
5049	TAC PROGRAM DIRECTOR	W	Preferred
5057	TAC ASSISTANT DIR	W	Executive

5066	TAC PROGRAM DIRECTOR	W	Executive
5072	TAC PROGRAM DIRECTOR	W	Executive
5073	ADMIN SERVICES ASSISTANT 4	vacant	Preferred
5074	TAC PROGRAM DIRECTOR	W	Executive
5075	EXECUTIVE ADMIN ASSISTANT 3	W	Executive
69105	GRANTS ANALYST 2*	W	Preferred
73543	TAC PROGRAM DIRECTOR	W	Executive
100566	TAC PROGRAM DIRECTOR	W	Executive
119069	TAC PROGRAM DIRECTOR	W	Executive

Totals: **19 active staff + 1 vacancy**

From the above table, the following held true as of 6/30/2023:

- Of **19 active staff** (excluding 1 vacancy), 16% or 3 staff identify as Black/African American.
- Of 15 active **Executive Staff** positions, 2 people or 13% identify as Black/African American and 13 people or 87% as White.
- Of 4 active **Preferred Staff**, 1 person or 25% identify as Black/African American and 3 people or 75% 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 FY2023, 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 FY23. 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 logbook (see in Figure below and in Appendix F in Excel spreadsheet) located in the Director of Arts Access/Title VI Coordinator's office when there are LEP encounters and reminders are given at various staff meetings throughout the year. In FY23, staff reported through email (not logged in) the following encounters listed in *Appendix F*.

Appendix F FY23 LEP Logbook			
Language Encounters	# of in-person/field site work encounters per year	# of written (email encounters per year)**	# of phone encounters per year**
Spanish	4	70	30
Choctaw	1	0	0
Kurdish	0	13	10
Chinese	1	13	8
Japanese	0	27	10
Hindi	3	20	5
<i>Totals</i>	9	143	63
Total encounters: 215			
*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 FY23 as reflected in Appendix F, the Tennessee Arts Commission reported nine (9) in-person encounters; one hundred and forty-three (143) written emails; and sixty-three (63) phone encounters from LEP individuals for a total of 215 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. In FY23, staff reported (not logged in) the following encounters listed in *Appendix F*. During FY23, Folklife staff received and responded to calls, emails, and encountered in-person visits 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.

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 FY23, the Commission received no new Title VI complaints.

Figure 1 – FY23 Total number of complaints

Tennessee Arts Commission FY 2023				
Total # of Title VI complaints for FY2023 (new)				0
Total # of Title VI complaints dismissed or withdrawn				0
Total # of complaints for FY2023 Unresolved				0
Total # of complaints referred to another state or federal agency				0
Total#ofTitle VI lawsuits for FY2023				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 FY23, 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, 2023, the Commission had 19 active staff members and 100% of staff received Title VI training in FY23. Training this year as done in person and virtually but was held on June 13, 2023 by the Title VI Coordinator. For new staff that comes in throughout the year, 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 (*see Appendix H*). 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 logbook, 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 FY23, 100% or 675 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 FY23*). For subrecipients/grantees, Title VI requirements are communicated through instructions located in the FLUXX online system, website, and in the Newsletter (*see Appendix I, FY23 training instructions*). For FY23, 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

Group	Training Dates	Percentage & Actual #
TAC Staff	<ul style="list-style-type: none">• June 13, 2023 (in-person and virtually)	100% of 19 staff
TAC Subrecipients	<ul style="list-style-type: none">• Annual grants – July 1- Dec 9, 2022 and/or by the first request for funds whichever is first• Rolling grants – before payment is disbursed• ABC grants – by October 1, 2022• For all other grants awarded Jan – June 2023 due by June 15, 2023	100% of 675 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, Director of Grants Management, 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 May of each year to make sure that all grantees are in compliance with Title VI especially those who received grants later in the fiscal year from January – June. Program Directors contact subrecipients who are not in compliance and this action tends to increase our compliance rates 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 FY23 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 FY23 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=MU_SfdA6E5w

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) - <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=RPClqDtRUkA>

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=mSGbIpKRQ-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 FY23 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 FY23, 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 FY23 is listed in *Appendix C*.

Post-Award Procedures

In FY23, 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, FY23 annual award letter*). It also gives the Title VI deadline date for each type of grant category. Grantees sign and return 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 FY23, 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 FY23, annual grant recipients had a deadline of December 9th 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 or Director of Grants Management for compliance.

After each Title VI training form is complete, the Title VI Coordinator or Director of Grants Management 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 146 grant contracts in FY23 which checked on several factors within the actual operations of a sub-recipient/grantee which includes minimum Title VI compliance standards and additional monitoring for approximately 60 Recovery Fund grants was done by Horne, LLC and is ongoing (*see Appendix D for a copy of the grants monitored in FY23 and TAC's Subrecipient Contract Monitoring Population*). 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 FY23, subrecipients/grantees of the Tennessee Arts Commission were required to conduct on-line Title VI training through the FLUXX system. Contracts were mailed June 2022 with detailed instructions on submitting FY23 Title VI training requirements. Subrecipients/annual grantees had until their first request for payment or no later than December 9, 2022, whichever came first to submit their FY23 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 FY23, 100% of 675 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.

The Arts Commission received no new Title VI complaints in FY23.

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 1027 awarded grant contracts, 12.5% 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 - PATHWAYS	Arts Education – Arts Pathways for Youth Success (formerly 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
Inter-Arts	Inter-Arts
LINEIT	Direct state budget appropriations
RAPS	Rural Arts Project Support
RAFF	Rural Arts Facilities Fund
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
TAAP	Traditional Arts Apprenticeship Program

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, List of Identifying Subrecipients* and like other subrecipients, the Arts Commission requires that they comply with Title VI like all other subrecipients (grantees).

For FY23, the TN Arts Commission worked with two (2) contractors/vendors. 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** - The Commission uses several ways to disseminate its information to the public about its grants, programs, and services. In FY23, this included:
 - Virtual Grant Workshops/Webinars used to inform the public on several grants related topics that are important to communicate. Attendance is free and open to any organization in the state. Notices about these workshops were widely announced through local newspapers, the agency's website, and database emails (*see Appendix K for copies of these notices*). Below is a list of workshops held in FY23:

Recovery Fund Grants Round 2	September 29, 2022
Grants 101	November 3, 2022
Closeout Webinar	April 26, 2023
Arts Nonprofit Nuts and Bolts in partnership with the Arts & Business Council	May 25, 2023
Basic of Running an arts nonprofit in TN in partnership with the Arts & Business Council	June 8, 2023
 - In addition, this fiscal year, one of our Program Directors, Krishna Adams, Director of Visual Arts, did an in-person grants workshop tour of West TN to meet with new and/or existing organizations in person that wanted to learn more about the Commission and its funding. She held six (6) grants workshops open to the public and had five (5) grants meetings with organizations (*see Attachment K – FY23 additional in-person workshops*).
 - The Commission's website contains all information about its grants, programs, and services which hundreds of people visit each year.
 - 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://tnartscommission.org/wp-content/uploads/2022/10/FY22-Title-VI-Implementation-Plan-PDF.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 FY23, two (2) of the 15 Commission members or 17% 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 FY23, the Commission held twenty-two (22) advisory panels which 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 FY23, there were 22 advisory panels with 113 advisory panelists and adjudicators, and 34% were people of color (*see Appendix C under "FY23 Advisory Panels List"*). Listed below are the percentage of people of color representation for each advisory panel as described in Appendix C:

Arts Access #1	- 50%
Arts Access #2	- 67%
Arts Access #3	- 60%
Music	- 0%
Theater	- 0%
Dance	- 40%
Literary	- 50%
Inter-Arts	- 0%
Arts Pathways #1	- 40%
Arts Pathways #2	- 0%
AE Community Learning #1	- 50%
AE Community Learning #2	- 40%
AE-Teacher Training	- 40%
Visual Arts	- 50%
Raps #1	- 34%
Raps #2	- 25%
Folklife	- 33%
MCI Adjudicators	- 33%
IAF Adjudicators	- 0%
Community Arts	- 40%
Creative Placemaking	- 34%
Rural Arts Facilities	- 17%

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 FY23, there were 113 advisory panelists and adjudicators, and 34% were people of color (*see Appendix C under "FY23 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 Pow Wows, African American-led art workshops in Memphis, and Latino-led festivals.
- Conducting workshops/webinars in-person and virtually to promote grants awareness from all populations.
- 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.
- 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	Marc Burnett* – District 6
Cindy Ogle – District 1	Kurt Winstead – District 7
Steve Bailey – District 2	Jason Rudd – District 8
Jenny Boyd – District 2	Amy Rhodes – District 8
Mary Kilbride – District 3	Deanie Parker* – District 9
Anne Davis – District 4	
Stephanie B. Conner – District 5	

** Two (2) members or 17% were African American and ten (10) were White, as of 6/30/2023.*

Advisory Panels

In FY23, the Commission held twenty-two (22) advisory panels to review and evaluate grant applications (*see Appendix C, FY23 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 (MCI's) and Individual Artist Fellowships (IAF's) 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 FY23 the percentage of minority representation for the 113 review panelists and adjudicators in attendance represents 34% representing people of color overall and *see Appendix C, FY23 Advisory Panels List* for the list of each panel's minority representation.

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 FY23, five (5) topic specific virtual workshops were held plus one Program Director, Krishna Adams, did six (6) in-person workshops and five (5) meetings with organizations throughout West Tennessee to promote the understanding of grants (*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 virtually and specifically target those who are interested in applying for a TAC grant;
- 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;
- 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. In FY23, the Arts Access grants area held a third panel review day, its first ever, to accommodate the increase in the number of applicants in this area. This grants area works specifically with underserved/underrepresented communities and organizations representing people of color to increase their participation and receipt of grants. Along with the removal of a grants match, the Arts Access grants area in FY23 saw an 18% increase in the number of applicants.

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 FY23, 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 1st. 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 FY23 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 constant evaluations of our programs and procedures have led to changes that assist many organizations throughout the state. For example, the Arts Access grants area is designed to reach underserved and underrepresented populations in the state including ethnic groups (i.e., organizations representing people of color), people with disabilities, older adults, and active-duty military/veterans and their families. Often, nonprofits who provide programming to these groups are newer and need more technical assistance to submit a grants application. Also, since the inception of the Arts Access grants category many years ago, the annual grant required a match and the maximum amount of dollars that could be requested had not increased in many years. After listening to organizations in underserved communities, TAC changed its guidelines. As a result, this grants category changed and in FY23, the Arts Access annual grant has no match and the amount of dollars that could be requested from the Arts Access Annual grant went up 50% (i.e., from \$9,000 previously to \$18,000). This has resulted in an 18% increase in the number of nonprofit organizations from underserved communities applying for and receiving grant dollars. Similarly, the Arts Access Mini Grant has also increased to 50% from \$1,000 to \$2,000 per organization with no match.

In fiscal year 2022, plans were made in how we would receive Title VI certification information from our grantees to increase compliance and to streamline our processes. This new process started in FY23 and includes subrecipients/grantees going directly into the “organization profile” in the online grants management system to complete their certification training instead of downloading a PDF form, filling it out, then uploading it back into the system. This new process has helped us reach a 100% compliance rate from our organizations by making the process simpler.

In FY23, the Tennessee Nonprofit Arts and Culture Recovery Fund Grant continued to be a source for significant increases in the number of grants awarded. These one-time funds administered from FY22-24 provides federal support to address documented pandemic-related economic harm to TN arts nonprofits that had a track record of federal grants administration with the TN Arts Commission. Funding originated from the U.S. Department of Treasury to the State of Tennessee and \$80 million was allocated to the Tennessee Arts Commission for the Tennessee Nonprofit Arts and Culture Recovery Fund. The TN Arts Commission was awarded \$80M to distribute to eligible organizations throughout the state over a three-year period (fiscal years 2022-2024). See *Appendix B - FY22 TN Nonprofit Arts & Culture Recovery Fund Grantees* for detailed information about the 154 organizations that received this funding.

Of the 154 Recovery Fund grantees, the following organization demographics hold true (*see Appendix B, FY22-24 TN Arts & Culture Recovery Fund Grantees*):

- 17 out of 154 (11%) African American/Black/Asian; (no other People of Color)
- 20 out of 154 (13%) No Single Group makes up 50% or more of the board
- 20 out of 154 (13%) People of Color make up 50% or more of the staff

Last, the TN Arts Commission continues to analyze data from the subrecipient grants category of Major Cultural Institutions (MCI) as a benchmark to determine if diversity in grants funding has been met. This grant category is the Arts Commission's highest level of support and in FY23, thirty-two (32) 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 evaluation form includes data on the number of participants, age, race/ethnicity, and other demographic factors of populations that have benefitted from the funded project or program. Additionally, the application contains information on the percentage of people of color the project intends to reach, along with the county demographics of the organization's physical location. After comparing application data with evaluation data (*see Appendix M*) to make sure data about racial demographics aligns from application to evaluation, the Commission is able to question organizations that consistently do not meet expected percentages in the people of color to be served. Additionally, given recent NEA changes, the agency plans to consider options in how we collect racial demographics in the grantee final evaluation report form.