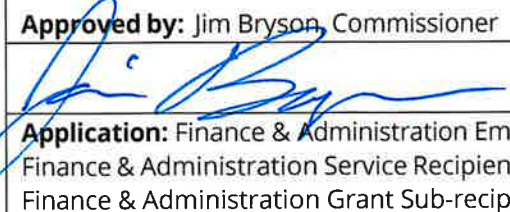


POLICY

Approved by: Jim Bryson, Commissioner	Policy Number: 36
	Supersedes: F&A Policy #36 dtd February 01, 2021
Application: Finance & Administration Employees, Finance & Administration Service Recipients, and Finance & Administration Grant Sub-recipients	Effective Date: September 01, 2023
Authority:	Rule:

Nondiscrimination Policy and Complaint Procedures

I. Policy.

- A. It is the policy of the Tennessee Department of Finance and Administration (F&A) not to discriminate and to ensure that its sub-recipients of United States Department of Justice (DOJ) or other federal funds do not discriminate in employment or services based on race, color, national origin, disability, sex, age, religion, sexual orientation, or gender identity.
- B. F&A and all sub-recipients of federal funds through F&A, including DOJ funds, shall comply with the following statutes:
 - a. Title VI of the Civil Rights Act (Title VI) of 1964, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
 - b. Title IX of the Education Amendments (Title IX) of 1972, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);
 - c. Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. pt. 35 (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
 - d. Section 504 of the Rehabilitation Act (Section 504) of 1973, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. G (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
 - e. Age Discrimination Act (Age Act) of 1975, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);

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- f. Executive Order 13,559, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits); and U.S. Department of Homeland Security regulation 6 C.F.R. Part 19 which prohibits discrimination based on religion in social service programs.
- C. Additionally, F&A shall comply with the following statutes and sub-recipients of federal funds including DOJ funds shall comply with one or more of the following statutes, depending upon the nature of the federal grant received by the sub-recipient:
 - a. Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEO Plan));
 - b. Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, .403 & pt.42, subpt. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion);
 - c. Victims of Crime Act (VOCA) of 1984, as amended, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and
 - d. Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. § 12291(b)(13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe Streets Act for enforcement).

II. Procedure for Filing a Discrimination Complaint.

- A. A complaint alleging discrimination in employment or delivery of services against the Tennessee Department of Finance and Administration (F&A), against a program administered by F&A, or a subrecipient of federal funding may be filed with the Tennessee Human Rights Commission or the United States Department of Justice within 180 days or 1 year of the date of the alleged discrimination depending upon the statute, at the following addresses:

Tennessee Department of Finance & Administration

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Tennessee Human Rights Commission
312 Rosa Parks Ave, 23rd floor
WRS Tennessee Tower
Nashville, TN 37243

U.S. Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street NW
Washington, DC 20531

- B. A complaint alleging discrimination in employment or delivery of services against the Tennessee Department of Finance and Administration (F&A), a program administered by F&A, or a subrecipient of federal funding may be filed with the F&A Civil Rights Coordinator within 180 days or 1 year of the date of the alleged discrimination depending upon the statute, at the following address:

Tennessee Department of Finance and Administration
Civil Rights Coordinator and Civil Rights Investigator
312 Rosa L. Parks Avenue, 19th Floor
WRS Tennessee Tower
Nashville, TN 37243-1102

III. F & A Procedures for Processing Discrimination/Civil Rights Complaints.

- A. All Complaints must be filed in writing and include your name, address, and telephone number. The deadline for filing complaints is 180 days or 1 year from the date of the alleged discrimination depending upon the statute under which the complainant is filing. All administrative complaints filed pursuant to Title VI or Title IX must be filed within 180 days of the discriminatory act unless that time period is extended due to special circumstances.

If you are filing on behalf of another person, include your name, address, telephone number and your relation to that person (for example, friend, attorney, or parent). Your Complaint must be submitted on the F&A Civil Rights Complaint Form found at this link, or in a similar writing which contains all information requested on the F&A Civil Rights Complaint Form.

- B. Upon receipt of the complaint, the F&A Civil Rights Coordinator will:
- notify the complaining party that the complaint was received and of the opportunity to file with the Office for Civil Rights;
 - evaluate jurisdiction and the need for additional information; and
 - determine the applicable jurisdiction for the Complaint. If the complaint is filed by an internal party or is a complaint regarding employment discrimination over which F&A does not have jurisdiction, the Civil Rights Coordinator will forward the complaint to the appropriate agency having jurisdiction for investigation.
- C. If the complaint arises under Title VI or Title IX, the F&A Civil Rights Coordinator shall report the complaint to the Tennessee Human Rights Commission Title VI Compliance Program within ten (10) days of receipt of the complaint. If the Complaint is within the jurisdiction of

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F&A, the F&A Civil Rights Investigator shall initiate the investigation of the merit of the complaint, and conduct the investigation in compliance with F&A's investigation process as is set out below:

- a. F&A Civil Rights Investigator, or designee, shall initiate the investigation within thirty (30) days of receipt.
- b. F&A Civil Rights Investigator, or designee, shall conduct a thorough investigation of all complaints.
- c. The F&A Civil Rights Investigator shall conclude its investigation and submit a written investigation summary to the Tennessee Human Rights Commission within ninety (90) days of receipt of the Complaint, and prior to communicating the investigation findings to the complainant.
- d. After submission of the investigation summary to the Tennessee Human Rights Commission and its review, the F&A Civil Rights Coordinator shall notify the parties of the final decision in writing. If the investigation indicates that a violation did not occur, the F&A Civil Rights Coordinator will notify the parties of the final decision in writing.
- e. The F&A Civil Rights Coordinator shall retain all documentation of the investigation for a period of five years.
- f. If the Complainant is not satisfied with the decision of the F&A Civil Rights Investigator, the complainant may still have time to file with the U. S. Department of Justice, Office of Justice Programs, Office for Civil Rights, or other appropriate Federal agency or court with jurisdiction over the claim asserted if the time for filing with said court or agency has not expired.
- g. Filing a complaint with the F&A Civil Rights Coordinator cannot be relied upon to extend the time for filing civil rights complaints with other applicable state or federal courts or agencies.

CIVIL RIGHTS COMPLAINT INFORMATION

Your name, address, and telephone number(s):
Phone: _____

Name, address, and telephone number(s) of person(s) who discriminated against you:
Phone: _____

Name, address and telephone number(s) of agency or organization involved in your complaint:

Phone: _____

Phone: _____

Are there other persons or organizations involved in this discrimination case? Yes No
If YES, please give the names, addresses, and telephone numbers below:

Name	Address	Telephone

Which of the following describes the nature of the discrimination involved?

- | | | | |
|-------------------------------------|--|---|--|
| <input type="checkbox"/> Race/Color | <input type="checkbox"/> National Origin | <input type="checkbox"/> Religion | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Age | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Gender Identity |

Does your charge of discrimination involve?

<p>a. Your job or seeking employment?</p> <p>If yes, which of the following apply?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Hiring <input type="checkbox"/> Work Assignment <input type="checkbox"/> Promotion <input type="checkbox"/> Demotion <input type="checkbox"/> Discipline <input type="checkbox"/> Layoff/Recall <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Other (Specify) 	OR	<p>b. You using facilities or someone providing services/protection to you (or others)?</p> <p>If yes, how?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Brutality <input type="checkbox"/> Harassment <input type="checkbox"/> Language <input type="checkbox"/> Applying rules/laws differently <input type="checkbox"/> Access to buildings/programs <input type="checkbox"/> Retaliation <input type="checkbox"/> Different standards/opportunities/programs <input type="checkbox"/> Segregation <input type="checkbox"/> Other (Specify)
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Which month(s), day(s), and year(s) did the most recent discrimination against you take place?

Beginning: Month _____ Day _____ Year _____

Ending: Month _____ Day _____ Year _____

CIVIL RIGHTS COMPLAINT INFORMATION

Explain in detail what happened and how you were discriminated against. State who was involved and show how other persons were treated differently from you. (Also, attach any written materials or documentation pertaining to your case.)

Has the opposite sex or have persons of other races, national origin, religions, or disabilities been treated differently from you in this particular matter? If yes, please explain and identify:

Why do you believe this occurred?

What other information do you think might be helpful to our investigation?

If this complaint is resolved to your satisfaction, what remedy do you seek?

Please list below any persons (witnesses, fellow employees, supervisors, or others) **whom we might contact for additional information to support or clarify your complaint:**

Name	Address	Telephone

CIVIL RIGHTS COMPLAINT INFORMATION

Have you filed a case or complaint with any of the following? (Check the appropriate items.)

<input type="checkbox"/> Civil Rights Division, U.S. Dept. Of Justice	<input type="checkbox"/> TN Human Rights Commission
<input type="checkbox"/> U.S. Equal Employment Opportunity Commission	<input type="checkbox"/> State Law Enforcement Agency
<input type="checkbox"/> Other Federal Agency	<input type="checkbox"/> Attorney (Note the name and address above)
<input type="checkbox"/> Federal or State Court	<input type="checkbox"/> Other (specify)

For any item checked above, please provide the following information:

Name of Agency: _____ Date Filed: _____
 Case or Docket Number: _____ Date of Trial or Hearing: _____
 Name of Investigator: _____ Status of Case: _____
 Location of Agency or court: _____

Additional comments: (Continue any comments or questions on additional sheets if necessary)

I have reviewed the F & A Civil Rights Complaint Procedure and understand my complaint may be forwarded to another state or federal agency for review and response.

DATE _____ SIGNED: _____

Deliver or Mail to:

Civil Rights Complaints
 F&A Civil Rights Coordinator
 F&A Human Resources Office
 19th Floor, Wm. R. Snodgrass Tennessee Tower
 312 Rosa L. Parks Avenue North
 Nashville, TN 37243-1102