

<b>Approved by:</b> Stuart McWhorter, Commissioner	<b>Policy Number:</b> 36
<b>Signature:</b> 	<b>Supersedes:</b> F&A Policy #36 dtd November 05, 2018
<b>Application:</b> Finance & Administration Employees, Finance & Administration Service Recipients, and Finance & Administration Grant Sub-recipients	<b>Effective Date:</b> April 01, 2019
<b>Authority:</b>	<b>Rule:</b>

**Subject:**

**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, and, if a recipient receives funds under the Violence Against Women Act, sexual orientation and 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. § 35.171(a)(1)(i), (3)(i) (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);

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- 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);
  - 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).
- 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));
  - 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), or against a program administered by F & A may be filed with the Tennessee Human Rights Commission or the

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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 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 7<sup>th</sup> 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) or a program administered by F & A 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, Suite 2000  
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: (a) notify the complaining party that the complaint was received and of the opportunity to file with the Office for Civil Rights; (b) evaluate jurisdiction and the need for additional information; and (c) 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.

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- 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 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.