

Agenda Item: II.B.

DATE: November 10, 2011

SUBJECT: Title VI Implementation Plan Update and Compliance Report

ACTION RECOMMENDED: Information

BACKGROUND INFORMATION: Tennessee Code Annotated §§ 4-21-203 and 4-21-901 requires each state agency that receives federal funds was required to file a Title VI implementation plan with the Tennessee Human Rights Commission. The purpose of the plan is to show how the state agency, and the entities to which its federal funds flow, is assuring compliance of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of a person's race, color, or national origin.

Staff will provide an overview of the Commission's Title VI Plan Update and Compliance report and its key provisions that was filed with the Tennessee Human Rights Commission on September 30, 2011.



TENNESSEE HIGHER EDUCATION COMMISSION



FY2011 TITLE VI COMPLIANCE REPORT AND IMPLEMENTATION PLAN UPDATE

“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

President John F. Kennedy, in his message calling
for the enactment of Title VI in 1963.

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OVERVIEW OF THE TENNESSEE HIGHER EDUCATION COMMISSION'S TITLE VI ENFORCEMENT PROGRAM

OVERVIEW OF THE TENNESSEE HIGHER EDUCATION COMMISSION

The Tennessee Higher Education Commission was created in 1967 for the purpose of achieving cooperation and unity in higher education. The coordination function grew out of a nationwide trend by governors and legislators to promote planned growth, equitable funding, and accountability among the state's colleges and universities.

Since that time the Commission has created funding formulae, funding initiatives based on performance, legislative benchmarks, master plans, and criteria for new academic programs. The Commission believes strongly in working in a collaborative effort with the two public governing boards, and the independent sector to communicate clearly and frequently with various and diverse constituency groups. The Commission currently . . .

- recommends a budget for a statewide system that is a two billion dollar enterprise;
- is engaged in master planning with a central focus on increasing educational attainment, sharpening institutional missions, and expanding the use of technology; and
- answers questions regarding accountability measures on a daily basis.

The Commission is committed to the principles of equity, excellence, accessibility, and accountability and strives to coordinate all of Tennessee higher education according to those principles. For a more detailed listing of the Commission's duties and responsibilities is included as an appendix to this report (*Appendix 1*).

The Commission is composed of thirteen voting members and two non-voting members (*Appendix II*). Specifically, there are nine voting lay members appointed by the Governor for six-year terms, each representing a congressional district of the state. The other voting members include the three constitutional officers, (Comptroller of the Treasury, Secretary of State, and State Treasurer) and one of the two student members. The two student members, one from each of the two systems, Tennessee Board of Regents and the University of Tennessee, are appointed by the Governor and serve staggered two-year terms. The student serving in the second year of his/her term is vested with voting authority. Finally, the Executive Director of the State Board of Education serves as a non-voting, ex-officio member.

The Tennessee Higher Education Commission members and staff take the responsibility of ensuring compliance with Title VI as well as other programs to prevent discrimination of any type seriously. The Commission continuously strives to identify initiatives to help meet this responsibility.

Period Covered by the Title VI Implementation Plan Update and Compliance Report

This implementation plan update for compliance with Title VI of the Civil Rights Act of 1964, covers the period July 1, 2010 – June 30, 2011. The programs and activities outlined in the report are included within the scope of the implementation plan update. The plan update was

developed by the Commission's Title VI Coordinator in cooperation with resource persons and representatives from each of the Commission's program areas. This plan has been approved by the Executive Director of the Commission.

Policy Statement Regarding Title VI Compliance

As a recipient of federal education funds, the Commission affirms its intention to comply with Title VI of the Civil Rights Act of 1964. Title VI states:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

The Tennessee Higher Education Commission prohibits discrimination in any manner related to institutions, non-profit organizations or program participants receiving services or benefits under federal or state programs. This information is disseminated to employees through items posted in each break room and copy/office supply room, as well as through occasional training opportunities regarding Title VI. This is also included in all RFP documents that are issued by this office. Successful project directors must attend a project directors meeting where compliance with Title VI is reinforced.

The Tennessee Higher Education Commission reaffirms its policies and commitment to afford all individuals the same opportunity to participate in federally financially assisted programs in compliance with Title VI of the Civil Rights Act of 1964.

FEDERAL PROGRAMS AND ACTIVITIES

The Higher Education Commission administers the following federal programs in Tennessee that total \$8,267,539 in FY 2010-2011:

College Access Challenge Grant (CACG)

The U.S. Department of Education awarded Tennessee a College Access Challenge Grant award in 2010-2011; Tennessee's grant award amount totaled \$2,716,766 each year of the grant. Tennessee's CACG is coordinated and administered by the Commission. By design, Tennessee's CACG compliments and significantly enhances the depth and breadth of statewide college access and success programs, awareness, and partnerships. The College Access Challenge Grant is a formula funded one-year award renewable through 2014. Tennessee's 2010 CACG project provided www.CollegeforTN.org career exploration resources as well as statewide training and implementation workshops for educators. The 2010 CACG program also established Tennessee's College Mentor Corps (CMC) through subgrants to six non-profit organizations, including tnAchieves, working in collaboration with 10 community colleges and 36 LEAs.

Some 685 school counselors and other college access professionals received www.CollegeforTN.org training during the 2010-2011 academic year. During the 2011-2012 academic year, the CMC is projected to serve a minimum of 4,125 students from 36 school districts and 10 community colleges with funding at the same levels as the previous year.

GEAR UP Tennessee

GEAR UP Tennessee is a program of the Tennessee Higher Education Commission funded through a grant from the U. S. Department of Education. The goal of GEAR UP TN is to increase high school graduation and college-going rates for low-income and underserved students. From July 1, 2006, through August 30, 2011, GEAR UP TN served over 6,000 students per year in nine counties and 47 schools.

The GEAR UP TN program received \$3,500,000 in FY 2010-2011. By the terms of the grant, the 9 counties were at the time of the award the poorest counties in the state. The program is targeted to every student in the grades that are the focus of the grant terms. As recipients of federal funds, the nine school districts also have Title VI policies and monitoring procedures in place.

The term of this grant has expired so there will be no funding for FY 2011-2012.

Improving Teacher Quality Grant Program

The Improving Teacher Quality Grant Program is a federally funded program that provides grants to the state's public and private higher education institutions and non-profit organizations for the purpose of providing research-based professional development and continuing education for K-12 teachers, paraprofessionals and principals. Institutions use grant funds to assemble project teams who work across disciplines and have access to the most recent research in relevant content areas, curriculum reform and pedagogical strategies. The program has been expanded from the original purpose of aiding Mathematics and Science to complement

requirements under *No Child Left Behind Act of 2001*, so that eligible subject areas include Mathematics, Science, English/Language Arts, Social Studies, Foreign Languages (including English as a Second Language) and related Arts.

There were four projects funded for FY 2010-2011 totaling \$988,228. It is anticipated that a like amount will be available for the current fiscal year, although that will be dependent on federal funding.

Race to the Top (RTTT)

With Tennessee's successful Race to the Top bid, higher education will have a significant role in achieving the overall goals of the federal school reform grant. According to the terms of the grant, higher education will be involved in shaping the education reforms being enacted but will also be directly responsible as programmatic and fiscal manager for numerous programs. Tennessee's Race to the Top framework names THEC as directing and managing several projects with a total fiscal impact in excess of \$20 million over the term of the grant. Specifically for FY 2010-2011, THEC awarded a contract to Vanderbilt University for the purpose of evaluating the effectiveness of all the state's reform initiatives under the First to the Top. Deliverables include evaluation of the field test of teacher evaluation and overseeing the evaluation of STEM initiatives and reporting findings. Allocation under the contract for FY 2010-2011 was \$744,255.

During FY 2011-2012, \$1,440,701 will be allocated under the terms of the contract with Vanderbilt. Additionally, \$1,100,000 will be allocated under a contract with SAS Institute Inc., to develop and implement training modules on the use of the Tennessee Value-Added Assessment System (TVASS) that can be utilized by teacher preparation programs. The purpose is to develop curriculum materials to enable teacher preparation programs to train pre-service teachers on the use of TVAAS results to modify and improve classroom instruction.

Veterans Education Division

The Veterans Education Division of the Commission is the State Approving Agency (SAA) funded by the U.S. Department of Veterans Affairs to approve and monitor all educational institutions receiving federal funds for education of veterans based on federal guidelines. Pursuant to Title 38 U.S.C., the SAA is a separate agency responsible by contract to the U.S. Department of Veterans Affairs.

Veterans Affairs regulations require that all participants (schools, business, etc.) sign an acknowledgement of and agree to adhere to the policies referred to under the Title VI enforcement form, which affirms that they will not discriminate based on race, color or national origin (*Appendix III*). A school will not be approved for veterans training unless this form has been signed. An institution currently approved for veterans training that fails to comply with Title VI procedure will be dropped from the veterans program. During the FY 2010-2011, 266 institutions and 54 apprenticeship on-the-job training programs were approved to provide veterans training in Tennessee.

Each institution approved for the training of veterans must have an EEO statement and guidelines in place at all times. Commission staff reviews these guidelines and makes sure they are in place. Staff also reviews and investigates claims of discrimination made by students.

The total budget for Veterans Affairs for FY 2010-2011 was \$318,290, with a like amount anticipated for the current fiscal year.

It should be noted, however, that the Commission is not involved in the distribution of G.I. Bill funds. The U.S. Department of Veterans Affairs notifies veterans of their eligibility and pays benefits directly from the federal office.

ORGANIZATION OF CIVIL RIGHTS OFFICE/CIVIL RIGHTS COORDINATOR

The ultimate responsibility for enforcing and complying with the provisions of Title VI and this report is vested in the Executive Director of the Tennessee Higher Education Commission. The Executive Director oversees all policy and hiring for the agency. The individual responsible for developing, reporting and enforcing Title VI guidelines is Will Burns, Associate Executive Director for Legal and Regulatory Affairs who reports directly to the Executive Director. Mr. Burns can be contacted at (615) 741-7571 or via e-mail at will.burns@tn.gov.

As the Title VI coordinator, Mr. Burns is charged with developing the Commission's Title VI implementation plan and plan updates and provides overall direction and leadership to the Commission's Title VI compliance activities, including professional development. There have been no Title VI complaints filed with the Commission in FY 2010-2011. If any complaints were filed, Mr. Burns would investigate and respond to such complaints and consult with appropriate staff.

DATA COLLECTION AND ANALYSIS

Commission Staff

The Commission staff is charged with the day to day operation of the responsibilities. The staff is made up of a diverse racial mix. Specifically, of the 60 employees, 16 are African-American, 42 are white and there are two who would be classified as “other”. There are five vacant positions. This can be further broken down by EEO category:

- EEO 1: Four African-Americans; 19 Caucasians; One Other, One Vacancy.
- EEO 2: Nine African-Americans; 22 Caucasians; One Other; Four Vacancies.
- EEO 6: Three African-American; One Caucasian.

(Appendix IV)

The 60 filled positions are broken down as follows:

- 16 African-Americans (27 percent);
- 42 Caucasians (70 percent);
- Two Other (Three percent).

An organizational chart of the Commission staff is also included as part of Appendix IV. The Commission addresses Title VI compliance as an agenda item on each of its Fall meetings. To supplement that activity, the Commission has implemented a policy that compliments and is consistent with its commitment in this area.

College Access Challenge Grant (CACG)

The Tennessee Higher Education Commission is not reporting Title VI information for the College Access Challenge Grant (CACG) program in 2010 because such data is not available. In FY 2010-2011, the CACG program focused on planning and implementation activities which did not directly serve students. Instead, CACG enhanced CollegeforTN.org, the state’s college access web portal, and sub-granted funds to six members of the Tennessee College Access and Success Network to create the College Mentor Corps program to aid in the transition of low-income high school seniors to postsecondary opportunities and encourage the persistence and degree attainment.

In the FY 2011-2012 grant cycle, the College Mentor Corps will serve students directly through the work of trained mentors. Formal structures are in place to capture Title VI demographic data henceforth. THEC’s Office of P-16 Initiatives holds a contract with CoBro Consulting for use of the Compass data system to provide data collection, management, and reporting capabilities for its grant programs, including CACG. Compass allows staff to compile reliable program information and link student demographic information to academic and outcome data.

GEAR UP Tennessee

GEAR UP TN served 6,163 students in FY 2010-2011, which are all the juniors and seniors in the 47 public high schools in the nine GEAR UP counties. The racial breakdown is as follows:

Ethnicity	Number of GEAR UP Students	Percentage of Total
American Indian or Alaska Native	12	<.01
Asian	27	<.01
Black or African American	628	.10
Hispanic or Latino	58	<.01
White	5,434	.88
Native Hawaiian or Other Pacific Islander	4	<.01
Total	6,163	

Improving Teacher Quality Grants

Annually, the Commission issues a Request for Proposals (RFP) to Tennessee public and private higher education institutions and not-for-profit entities that have an approved teacher preparation program, inviting them to compete for these federal funds. The FY 2010-2011 RFP was mailed to the presidents and chancellors, other college and university administrators, previously funded project directors, and others who requested a copy. This includes faculty and administrators at historically Black colleges and universities who were contacted about the program and encouraged to submit proposals. The RFP includes a requirement that each successful project must include a plan to recruit minorities for the project. A breakdown on the number of minority participants for each project is provided below. The total of all participants was 412, of which 54, or 13 percent, were minority participants.

Improving Teacher Quality Grants 2010-11				
Institution	Project Director	Minority Participants	Total Participants	Percentage
UT Martin	Hearn	6	24	25%
UT Chattanooga	Ingraham	9	24	38%
TTU	Zagumny	4	25	16%
UT Chattanooga	Kiessling	2	20	10%
MTSU	Vanosdall	6	48	13%
ETSU	Rhoton	0	20	0%
UTK	Wolbers	3	37	8%
TTU	Anthony	0	30	0%
Lee	Lay	0	20	0%
Lipscomb	Wells	16	22	73%
TTU	Wendt	0	29	0%
UTC	Patty	0	14	0%
UT- Vols Teach	Newsom	2	44	5%
MSTU- Mteach	Gostowski	6	55	11%
	Total	54	412	13%

There is a predetermined rubric that is used to evaluate the various RFPs. (*Attachment V*)

Each successful ITQ project director must report information regarding their respective projects. Included in the RFP is a list of data that must be compiled to show evidence of Title VI compliance (*Appendix V*). This data is compiled and utilized to identify trends of potential discriminatory practices and in evaluating project proposals in subsequent years. (*Appendix V*)

Title VI Complaints

There were no Title VI complaints or lawsuits filed against THEC during FY 2010-2011.

DEFINITIONS

Assurance - A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs with civil rights laws and regulations.

Beneficiaries - Those persons to whom assistance, services, or benefits are ultimately provided. The beneficiaries assisted by the Commission include public and private postsecondary institution students and teachers.

Compliance - The fulfillment of the requirement of Title VI, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color or national origin

Complaint - A verbal or written allegation of discrimination which indicates that any federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups or persons because of race, color or national origin.

Conciliatory Agreement - A voluntary agreement between a federal agency and the state and a sub recipient that provides for corrective action to be taken by a recipient to eliminate discrimination in any program receiving federal assistance.

Contractor - A person or entity that agrees to perform services at a specified price.

Civil Rights Compliance Reviews - Regular systematic inspections of agency programs conducted to determine regulatory compliance with civil rights laws and regulation. Compliance reviews determine compliance and noncompliance in the delivery of benefits and services in federally assisted programs. They identify programs such as denial of full benefits, barriers to participation, difference in treatment, lack of selection to advisory boards and planning committees, lack of information, and denial of the right to file a civil rights complaint. Compliance reviews may be conducted on-site or through desk audits.

Discrimination - To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.

Federal Assistance - Any funding, property, or aid provided for the purpose of assisting a beneficiary.

High-need LEA - an LEA:

- (A) (i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or
- (ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and
- (B) (i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

Minority - A person or groups of persons differing from others in some characteristics and often subjected to differential treatment on the basis of race, color, or national origin.

Noncompliance - Failure or refusal to comply with Title VI of the Civil Rights Acts of 1964, other applicable civil rights laws, and implementing departmental regulations.

Primary Recipient: Any recipient authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

Public Notification - Process of publicizing information on the availability of programs, services and benefits to minorities and statements of nondiscrimination. This is attained through use of newspapers, newsletters, periodicals, radio and television, community organizations, and grassroots and special needs directories, brochures, and pamphlets.

Racially Hostile Environment: Harassing conduct (for example, physical, verbal, graphic, or written) that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient of federal funds.

Recipient: Any state, political subdivision of any state, or instrumentality of any state or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any state, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

Request for Proposals – The document that solicits competitive grant proposals from higher education and non-profit institutions.

DISCRIMINATORY PRACTICES

There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a sub-recipient cannot, on the basis of race, color, or national origin, either directly or through contractual means:

- Be refused an award for a grant administered by the Commission;
- Deny any qualified applicant participation in a program funded with a grant;
- Provide an individual instruction or participation at a level of service or benefit in a manner different from others under the same program;
- Subject a participant to segregation in any manner related to the receipt of services or benefits under the program;
- Subject a project participant to separate treatment in any manner related to receiving services or benefits under the program;
- Restrict an individual in any way in the receipt of any advantage or privilege enjoyed by others under the program;
- Require different standards or conditions as prerequisites for accepting an individual into a program;
- Use criteria or methods of administration which (a) have the effect of subjecting individuals to discrimination or (b) operate to defeat or substantially impair the accomplishment of the objectives of the program;
- Permit discriminatory activity in a facility built in whole or in part with federal funds;
- Fail to provide service or information in a language other than English when a significant number of potential or actual beneficiaries have limited English speaking ability;
- Fail to advise the population eligible to be served or benefited by the program of the existence of the program;
- Locate a facility in any way which would limit or impede access to a federally funded service or benefit; or
- Deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

LIMITED ENGLISH PROFICIENCY (LEP)

As reflected in the description of the various federal programs administered by THEC, in only a few do the benefits flow to individuals or entities. Specifically, only GEAR UP, College Challenge Access Grants and Improving Teacher Quality Grants funding impact individuals.

GEAR UP Tennessee

Because the GEAR UP program provides direct services that are individualized to the students' needs, should a GEAR UP student require services to address their LEP needs the Commission works with the subgrantee/county school system in which the student is enrolled to meet such needs. For instance, should a student not perform well in a classroom setting due to language barriers we work to provide him/her opportunities to take needed courses online through the e4TN academic system.

College Challenge Access Grants (CCAG)

For FY 2010-2011 most funding went toward creating networks to enhance the college going rate of students that will not impact students until FY 2011-1012. There were a limited number of school counselors to whom benefits under the grant flow, however, their positions as school counselors required that they be proficient in English. For FY 2011-2012, the students needing LEP will be addressed in the same way as the GEAR UP program.

Improving Teacher Quality Grants

Improving Teacher Quality Grants are awarded to higher education on non-profit entities that provide teacher training to the state's K-12 teachers, who must be proficient in English to be in their position.

Regardless, it is recognized that there could be some limited instances where the individuals that would benefit from the ultimate flow of the funds may include individuals in need of LEP accommodations. Therefore, THEC is sensitive to that possibility and will work with the recipients of our funds to ensure that as they further distribute the funds that each maintains a sensitivity level to ensure that persons with LEP have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served.

Language assistance will be provided through an arrangement with the Tennessee Foreign Language Institute. Appropriate staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter. The Commission will conduct a regular review of the language access needs of our service population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

PROCEDURES

1. Identifying LEP Persons and Their Language

The Commission will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or "I speak cards") or posters to determine the language. In addition, when records are kept of past interactions with

individuals or their family members, the language used to communicate with the LEP person will be included as part of the record.

2. Obtaining a Qualified Interpreter

The Tennessee Foreign Language Institute has agreed to provide qualified interpreter services. The TFLI is a state agency that provides interpretation services in over 200 languages, either in person or over a 24/7 telephonic language service (877-346-1674). Additionally, the TFLI can provide written translation for forms, websites and other business documents.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the department or agency. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person. Children will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

3. Providing Written Translations

As indicated above, when translation of vital documents is needed, the Commission shall submit the documents for translation into frequently-encountered languages to the TFLI. Original documents being submitted for translation will be in final, approved form.

4. Monitoring Language Needs and Implementation

On an ongoing basis, the Commission will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the Commission will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, and feedback from the public and community organizations.

COMPLAINT PROCEDURE

The Tennessee Higher Education Commission has adopted the following complaint procedures. All form letters or documents are included in Appendix VI.

Timeline for Filing

Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination.

Receipt of Complaints

To request a preliminary review by the Commission to determine whether it will investigate an allegation of noncompliance with Title VI, the complainant must complete the Commission's Discrimination Complaint Form or provide the information requested on the complaint form, and Consent Form for Use of Personal Information for Complainant. The complainant must sign all forms.

Essential Elements of a Complaint

The complainant must provide the following information:

- Name, address, and telephone number of the person making the complaint;
- The location and name of the entity delivering the service;
- The nature of the incident that led the person filing the complaint to feel discrimination was a factor;
- Whether the discrimination was based on race, color, or national origin;
- Names, addresses, and phone numbers of people who may have witnessed the event or may have knowledge of the event; and
- The date or dates that the event or events the person filing the complaint believe were discriminatory.

Complaint Receipt and Reporting Process

The procedures listed below will be followed in processing Civil Rights complaints.

- Within fifteen days of receiving the complaint, Commission will send a letter to the complainant acknowledging receipt of the complaint. The Commission will advise the complainant that the Commission will conduct a preliminary review of the complaint and that he/she will be advised of the results of the preliminary review.
- The Commission's Title VI Coordinator will conduct a preliminary review of the complaint and will determine whether a potential violation of Title VI has occurred, whether the Commission has jurisdiction to investigate the complaint, and whether the Commission is the best entity to conduct the investigation. In the course of the investigation, the Title VI coordinator will work with the program administrator for the particular program involved in the complaint. If it is determined that the Commission is not the best entity to conduct the investigation, the Commission may refer the complaint to the U.S. Department of Education Office for Civil Rights, the Tennessee Department of Labor and Workforce Development or U.S. Department of Veterans Affairs, or another appropriate entity.

- While the Higher Education Commission does not have statutory responsibility for the operation of the two governing boards, the Executive Director will refer any complaint involving an institution of the University of Tennessee System or the Tennessee Board of Regents to the respective governing boards for review and resolution. In either case, the complainant will be apprised of the action taken.
- Within thirty days of the Commission's receipt of the complaint, the Commission will notify the complainant as to the results of the preliminary review of the complaint and whether or not the Commission will conduct an investigation.
- If the decision of the Commission is to conduct a complaint investigation, the Commission will send a letter of notice to the entity to be investigated.
- If the Commission accepts a complaint for investigation, the Commission will strive to complete the investigation within 180 days of the receipt of the complaint. The investigation will include interviews with persons who may have direct knowledge of the alleged discriminatory act(s), a review of pertinent documents and records, and any other legal investigative techniques deemed necessary to allow the Commission to reach a conclusion as to whether discrimination occurred.
- If appropriate, the Commission will coordinate with other agencies on matters of interdepartmental issues.
- If the investigation substantiates the allegations of the complainant or if other instances of noncompliance with Title VI of the Civil Rights Act of 1964 are found, the Commission will send a draft copy of the investigative report to the entity that has been the subject of the investigation. The Commission will request the entity to submit a written response to any findings or recommendations in the draft report.
- If the entity that is the subject of the complaint submits a written response which states that action will be taken to resolve the complaint, the Commission will issue a final investigative report that will include the response of the entity. The Commission investigator will schedule a follow-up review for an appropriate time-period to determine whether the complaint has been resolved.
- If the entity does not agree to resolve a substantiated complaint, the investigator will issue a final report with an opinion statement that the entity has not committed to resolving the complaint. The Commission's Title VI coordinator, in consultation with the Executive Director of the Commission, will make a determination as what further action the Commission will take to resolve the complaint.
- If the alleged discriminatory act(s) directly affected the complainant, a letter, containing a description of the allegations investigated, the scope of the investigation, the facts learned, and a closing statement summarizing the basis on which the determination was made, will be sent to the complainant. The complainant will be advised of his/her right to file a complaint

with other applicable governmental entities if dissatisfied with the resolution of the complaint by the Commission.

COMPLIANCE REVIEW

- The Commission and any subrecipients/contractors shall make available any Title VI compliance report to be reviewed by the Tennessee Human Rights Commission upon request.
- There are currently no pending applications for financial assistance from any federal or state department or agency.
- The Commission had contracts/grant contracts with a total of 59 vendors/subrecipients, a list of which is found in Appendix IX.
- Recipients of the Improving Teacher Quality Grants and the institutions approved to offer veterans' benefits to their student must sign a statement of assurance regarding compliance with Title VI. The Commission relies on the contractual language found in paragraph D.8. in Appendix VIII for compliance with all other contractors/subrecipients.

College Access Challenge Grant

- The Commission staff performs a site visit on each project that receives a grant under the College Access Challenge Grant.

GEAR UP Tennessee

- The Commission staff makes numerous site visits each year to the nine GEAR UP Tennessee counties.

Improving Teacher Quality Grant Program

Pre-Award Review

The Director for Academic Affairs includes mandatory Title VI requirements in the RFP. Also, the staff instituted an updated evaluation feature that will provide information on whether previously funded institutions were found to have successfully satisfied Title VI compliance reviews or have pending Title VI complaints. Projects that have been found in non-compliance will not be considered for funding.

The Commission assembles a selection committee to recommend which proposals should be funded. Awards are based on the merit of the proposals which are evaluated using prior established criteria identified to enhance K-12 teachers' instructional abilities and principals' leadership skills. The selection committee includes representatives from the state's public and private higher education institutions, Board of Education and Department of Education. The FY 2010-2011 committee included two African-Americans out of a total of 18 reviewers. (*Appendix VII*).

Post Award Title VI Compliance

Procedures for conducting compliance reviews of funded grant projects under the Improving Teacher Quality Grant program include the following steps:

- Site visits to all grant programs;

- Site visits to second year grant programs, if (a) specifically requested by the Project Director or Principal Investigator or sponsoring agency and/or (b) a Title VI complaint was filed against the grant program during year one;
- Site visit will be made to all grant programs in their third year to the extent that they can be scheduled around visits to first year programs;
- Other site visits on an as needed basis with specific interest in any ITQ project in an odd year funding;
- Mandatory project directors meeting to include Title VI presentation;
- Completion of Title VI Compliance Checklist;
- Survey of Project Director(s), which among other things identifies the number of minorities the project served and the number of external consultants that were employed by the project (*Appendix V*).
- Review whether the grantee implemented the project's plan for recruiting minority participants;
- Technical assistance with any Title VI complaints or issues; and
- Mandatory final report submitted to program director 45 days after the grant ends.

Site visits were made to all ITQ projects for FY 2010-2011. There were no projects beyond one year during this cycle.

Project Directors will submit in the final report on any Title VI complaint received during the funded grant period. In addition, the grant Project Director will submit in the final report an explanation of the results of the proposed minority recruitment plan. Unsatisfactory compliance review findings, failure to submit final reports, and pending discriminatory complaints can result in the withholding of the projects' final disbursement of grant funds.

Two examples of how discrimination might occur follow:

- Failure to notify all eligible institutions of the availability of funds; and
- Applicants receiving awards notify only certain teachers or schools in the targeted geographical areas of the fact that professional development activities will be conducted, knowing or having reason to believe that no minorities are among of that group.

Veterans Education

Supervisory visits are conducted by the SAA each year at approximately 90 percent of all institutions participating in the Veterans Education program, however for FY 2010-2011 site visits were conducted at each of the 270 institutions and 51 apprenticeship on-the-job training programs approved to provide veterans training in Tennessee. These visits include records' audits and facilities monitoring. Title VI compliance reviews are also completed by the U.S. Department of Veterans Affairs. The Assistant Executive Director of Veterans Education for the Tennessee Higher Education Commission is responsible for investigating complaints of discrimination filed by veterans and acts as a liaison between the institution and the U.S. Department of Veterans Affairs.

MINORITY REPRESENTATION

Among the various contractors/subrecipients, there were no minority contractors/subrecipients.

As noted above, the Governor appoints all members of the Tennessee Higher Education Commission except the four ex-officio members (*Appendix II*). Pursuant to T.C.A. §49-7-204(a)(6) “at least one (1) of the appointive members shall be a member of the principal racial minority in the state.” Three of the 15 Commission members (20 percent) are African-American: Mr. Cato Johnson; Mr. A.C. Wharton, Mayor of Shelby County; and Mr. Robert White. Mr. White serves as chairman of the Commission.

The General Assembly created the Committee on Postsecondary Educational Institutions to assist the Commission staff with the oversight of the proprietary and many not-for-profit postsecondary institutions in the state. Pursuant to T.C.A. §49-7-207, the committee is composed of the Executive Director of the Tennessee Higher Education Commission, the Executive Director of the Tennessee Student Assistance Corporation and eleven persons appointed by the Commission (*Appendix VII*). Dr. Rhoda currently serves as the Executive Director of both the Tennessee Higher Education Commission and the Tennessee Student Assistance Corporation, but for the purposes of conducting business is considered as one vote. Of the 12 persons serving as committee members, four are from a racial and ethnic minority group.

There is not a set number of Improving Teacher Quality Grant Program Selection Committee members; however, five of the members are determined by position. These positions include:

- Math Consultant for the State Department of Education;
- Science Consultant for the State Department of Education;
- Improving Teacher Quality Grant Coordinator for the State Department of Education;
- Coordinator of Special Projects for the State Department of Education; and
- Director for Academic Affairs (THEC).

The selection committee responsible for the current grant awards included two African-Americans out of a total of 18 committee members (*Appendix VII*).

The Teacher Diversity Grant Advisory Committee determines which entities will receive the grants under this program, however there were no new awards made for FY 2010-2011.

Below is an analysis of minority participation on advisory bodies for which the Commission has the authority and/or responsibility for appointing or recommending members. One of the Commission’s goals and objectives is to ensure that minorities are adequately represented on advisory bodies.

Advisory Body	Total Members	Number of Minority Members	Percent of Total
Committee on Postsecondary Educational Institutions	13	4	30%
Improving Teacher Quality Grant Program Selection Committee	18	2	11%
Teacher Diversity Grant Advisory Committee*	0	0	0
Total	31	6	19%

* No awards made in FY 2010-2011.

PUBLIC NOTICE AND OUTREACH

The Commission monitors all subrecipients and/or contractors concerning the dissemination of information about the following to the public:

- i Nondiscrimination policy;
- ii Programs and services;
- iii Complaint procedures; and
- iv Minority participation on planning boards and advisory bodies.

Specifically, note the following relative to the Improving Teacher Quality Grant, GEAR UP and College Access Challenge Grant:

i) Nondiscrimination policy: Throughout the 2010 project period, monitoring was conducted by THEC staff to ensure compliance with all aspects of the contractual terms. Per Section D.8. of the contract, grantees were required to furnish to applicants and employees notices of non-discrimination.

ii) Programs and services: Information regarding programs and services that were provided by the each of the three programs occurred primarily in the form of communications with prospective workshop participants. Per the terms of the Request for Proposals, the ITQ grantees were required to develop a recruiting plan for minority participants. However, no such plan is required of GEAR UP as these services are provided to all students enrolled in specific grades in the respective county school systems serving as GEAR UP counties.

iii) Complaint procedures- the public was informed via the Request for Proposal and/or other communications that Title VI of the Civil Rights Act of 1964 required that federally assisted programs be free of discrimination, and provided contact information for the THEC Title VI Coordinator in the event that a citizen felt that were discriminated against. In addition, grantees were contractually required, under Section D.10., to annotate on all public notices that the grant was funded under an agreement with the Tennessee Higher Education Commission.

iv) Minority participation on planning boards and advisory committee - THEC maintains records of minority participation on the ITQ Advisory Committee that are available for public review. There are no other planning boards or advisory committees affiliated with this program, nor are there any planning boards or advisory committees associated with the GEAR UP or CACG programs.

PROCEDURE FOR NONCOMPLIANCE

The Commission has adopted the following policies and procedures which will be followed when, through complaint investigations or compliance reviews, it is determined that a Title VI violation has occurred. Efforts will be made to the fullest extent practicable to obtain voluntary compliance before a case is referred to the U.S. Department of Education Office for Civil Rights for possible refusal, suspension, or termination of federal financial assistance.

Procedures for Achieving Voluntary Compliance

- In cases where a complaint investigation or compliance review results in a finding of noncompliance, the Commission will notify the subrecipient of federal/state funds of the apparent noncompliance.
- The notice will clearly identify the conditions of noncompliance and offer a reasonable time to willingly comply.
- The Commission will record the date the recipient received notice, and will note and record the last day afforded the recipient for voluntary compliance before initiating an administrative process to terminate assistance.
- The sub-grantee of federal funds may request a meeting for the purpose of discussing the problem areas or requirement for compliance. The principal investigator will be involved in the discussion process.
- The Executive Director of the Commission, or designee, will approve the recipient's voluntary compliance plans, methods, procedures, and proposed actions if such approval will result in compliance with the act. The plan will be put in writing. Failure of voluntary efforts will result in the implementation of an administrative process, which could result in termination or suspension of assistance.

Termination or Suspension of Assistance

If the Commission cannot obtain compliance through voluntary means, the Commission will notify the U.S. Department of Education Office for Civil Rights (USDE/OCR) and will request the assistance of the USDE/OCR to obtain compliance, which may involve termination or suspension of assistance.

If termination of assistance is considered due to noncompliance with Title VI, the alleged problems are delineated to the award recipient. Opportunity is provided for informal resolution. If these efforts fail, formal sanctions up to and including termination can be pursued.

STATEMENT OF ASSURANCES

For entities that enter into grants and contracts with the Commission (*Appendix VIII*), the following assurance statement is included in the grant contract document:

Nondiscrimination. The Grantee hereby agrees, warrants, and assures 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 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. (Emphasis added.)

Signing of the grant contract with this language is a precondition to receiving funds. If the entity does not sign, funds will not be released. Additionally, successful project directors for an Improving Teacher Quality Grant are required to sign a statement of assurance that they will fully comply with the provisions of Title VI in the administration of its grant.

PUBLIC NOTIFICATION

The Tennessee Higher Education Commission holds public meetings at various times and locations throughout the year. The work of the Commission, its staff and committees are public record. All meetings are open to the public and publicized in accordance with the Tennessee Open Meetings Act. These public hearings concern such issues as funding of higher education, capital outlay and maintenance, and academic planning.

As a general rule, staff vacancies are filled after the positions are advertised in publications that will ensure a representative pool of applicants. In addition, efforts are made to network with African-American professionals and educators to assist in identifying potential applicants for the various positions.

The Request for Proposals (RFP) is the method of informing potential grant recipients of available federal and state funding. They are disseminated to public and private higher education institutions as well as non-profit organizations, if applicable. The Commission makes special effort to provide notice to African-Americans and other racial and ethnic minorities of all program activities, as well as to institutions whose primary focus is to reach racial and ethnic minorities.

The Title VI guidelines are reinforced by mandatory attendance at the annual project directors' workshop which is designed to educate grant recipients regarding federal and state guidelines including the proper procedures for reporting Title VI complaints.

Posters/flyers are displayed in high traffic areas of the Commission offices which articulate the Commission's commitment to compliance of Title VI and contact information for filing a complaint.

ADDITIONAL COMPLIANCE MEASURES

The Commission works with the U.S. Department of Education, Department of Labor, and the Veterans' Administration to implement the various programs pursuant to the respective department's regulations and in developing policy guidelines for federal programs.

The Commission utilizes the Department of Education's guidelines in selecting proposals from institutions of higher education and non-profit organizations for use in the Improving Teacher Quality Grant Program. Also annual meetings are held in Washington, D.C. for state agency for higher education (SAHE) coordinators to receive technical assistance from Department of Education personnel and to query with colleagues from other states about their experiences implementing the program.

In the Veterans Education Division compliance surveys of all federal regulations are conducted by the U.S. Department of Veterans Affairs. In the event the U.S. Department of Veterans Affairs finds an institution to be in non-compliance, the Tennessee Higher Education Commission completes a follow-up investigation of the matter. The Commission's Veterans Education office works closely with personnel in both the Nashville and St. Louis offices of the Department of Veterans Affairs to ensure compliance in all aspects of the work. Additionally, there are professional and educational meetings held twice a year where state officials receive technical assistance from the Department of Veterans Affairs that are regularly attended by staff.

To ensure compliance with Title VI of the Civil Rights Act at the student level, GEAR UP TN tracks demographic information on students served with project funds. Overall participation by ethnicity is monitored to ensure appropriate services are delivered.

GEAR UP TN staff hires is also tracked to ensure equal opportunity and compliance with Title VI.

COMPLIANCE/NONCOMPLIANCE REPORTING

The Commission will maintain the following records:

- Administrative records such as copies of assurances, public notification plans, press releases, and training materials;
- Data collection and participation records, documentation of analytical review procedures, and results of follow-up;
- Monitoring records, including working papers, reports, and corrective action plans; and
- All Title VI correspondence and reports received from and submitted to the federal government.

Currently, the Commission submits its Title VI report only to the Tennessee Human Rights Commission. Compliance reports will be maintained by the Commission and forwarded to the other state and federal agencies as may be requested or directed. Additionally, the Commission is not aware of any CFR regulations requiring any reporting obligations.

TITLE VI TRAINING PLAN

Mr. Burns is designated the Title VI coordinator and will execute all of the duties and responsibilities of the position, including participation in meetings of the Tennessee Title VI Compliance Commission and Governor's Office of Diversity Business Opportunities.

Due to an unavoidable conflict, Mr. Burns was out of the country for the Title VI Compliance meeting on July 13. However, the meeting was attended by a representative of the Commission staff who assists Mr. Burns in this area and provided Mr. Burns with the documents distributed at the meeting. He has thoroughly reviewed the documents and utilized the information in the development of this plan. During the coming year Mr. Burns will seek out additional training opportunities.

Title VI training for the Commission staff was accomplished through an on-line tutorial module through Edison. The module provided an overview of Title VI to include its history, key elements and principles regarding application of the law to the work of the Commission. The training included a post-test in which the staff responded to questions related to the on-line tutorial. The training module was available on June 7, 2010, for each staff member to take as time permitted. Through Edison, it was verified that 100 percent of the Commission staff completed the module as of June 28, 2010.

In addition to the training received by Title VI coordinator, the Commission provides mandatory workshops for grant project directors, which was attended by all Improving Teacher Quality Grant project directors in 2010.

Additionally, the Commission's Title VI Implementation Plan is an agenda item each year at the November meeting of the Commission. At that time, information similar to what was covered in the on-line tutorial for staff is reviewed with the Commission, as well as highlights of the most recent Title VI plan. Specifically, this review was included at the November 18, 2010, meeting of the Commission and will be included at the November 10, 2011, meeting.

PUBLIC NOTICE AND OUTREACH

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As a general rule, staff vacancies are filled after the positions are advertised in publications that will ensure a representative pool of applicants. In addition, efforts are made to network with African-American professionals and educators to assist in identifying potential applicants for the various positions.

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The Title VI guidelines are reinforced by mandatory attendance at the annual project directors' workshop which is designed to educate grant recipients regarding federal and state guidelines including the proper procedures for reporting Title VI complaints. In FY 2010-2011, all Improving Teacher Quality Grant project directors attended this workshop.

Posters/flyers are displayed in high traffic areas of the Commission offices which articulate the Commission's commitment to compliance of Title VI and contact information for filing a complaint.

As previously noted, the Commission provides its Title VI Implementation Plan upon request to any agency, department or individual that may request it. Additionally, the plan is found on the Commission's website <<http://www.tn.gov/thec/Divisions/LRA/TitleVI/TitleVI.html>>.

EVALUATION PROCEDURES

Goals and Objectives – Implementation Plan Deficiencies

THEC's primary goal in Title VI enforcement is to ensure that information on all THEC programs is disseminated to all Tennesseans regardless of race, color or national origin.

THEC's secondary goal is the appropriate recipient representation regardless of race, color or national origin.

THEC's Title VI Coordinator is responsible for recommending policy changes in Title VI enforcement to the Executive Director. For the purpose of monitoring compliance activities, THEC's Program Administrators, Title VI Coordinator, and the Executive Director will meet at least once a year to review the prior year's activities. This yearly meeting will focus primarily on complaints filed during the year. Any significant problems of general compliance will also be addressed. If Title VI deficiencies are noted, prompt and corrective action will be taken.

Further mechanisms to ensure compliance will be considered also. Notices to inform THEC employees, clients and prospective clients of their obligations and rights under Title VI and of the availability of services will be posted at the agency and shown on documents that clients receive.

THEC's Title VI Coordinator is responsible for displaying the Title VI information in the agency.

THEC's Title VI Coordinator shall attend training offered by the THRC.

THEC employees shall receive information regarding the obligations and rights involved in the Title VI program. The information will apprise staff of their responsibility to render a high quality of service to all clients regardless of their race, color or national origin.

THEC will review its publications, literature, website, and other media to address Limited English Proficiency as it relates to discrimination and implement procedures to address deficiencies.

Henceforth, THEC will require a statement of compliance with Title VI of the Civil Rights Act of 1964 from every contracting agency before entering into a contract or other agreement which involves the purpose of services or other benefits on behalf of persons served by the programs of THEC.

Any state or contracting agency believed by THEC to be in violation of the provisions of Title VI shall be given a written notice. Failure to eliminate further discrimination within 30 days of receipt of the notice will be considered as a violation of the terms of the contract and a basis for contract suspension, termination or rejection. The enforcement procedure by THEC for termination of the contracting agency from participation as a recipient of federal financial assistance will be in accordance with the enforcement procedure contained in 45 C.F.R. 80.9, 80.10 and 80.11.

The Title VI Coordinator monitors and recommends to the Executive Director appropriate changes in applicant selection criteria that may be discriminatory to racial groups. As appropriate, the Executive Director will forward recommendations to the Commission members.

The Title VI Coordinator will investigate all complaints in a timely manner and submit recommendations to the Executive Director. The Executive Director will be responsible for appropriate rectification of all complaints.

Timeline

THEC's Title VI Coordinator shall set a date in October for its annual meeting with the Program Administrators and the Executive Director to discuss implementation goals and deficiencies.

THEC's Title VI Coordinator shall contact the THRC in October to discuss training objectives.

THEC's Title VI Coordinator shall immediately review Statement of Assurance and Statements of Compliance deficiencies observed in this report and will ensure that any deficiencies are corrected.

RESPONSIBLE OFFICIALS

The responsible State official charged with ensuring that the agency complies with Title VI is Dr. Richard G. Rhoda, Executive Director.

The person designated as the Title VI Coordinator is Will Burns, Associate Executive Director of Legal and Regulatory Affairs.

The policy and procedures outlined in this implementation plan for compliance with Title VI of the Civil Rights Act of 1964 will take effect on July 1, 2010 through June 30, 2011.

Richard G. Rhoda, Executive Director

Will Burns, Title VI Coordinator

APPENDIX I

Programs Administered by the
Tennessee Higher Education Commission

The Tennessee Higher Education Commission was created in 1967 for the purpose of achieving cooperation and unity in higher education. The coordination function grew out of a nationwide trend by governors and legislators to promote planned growth, equitable funding, and accountability among the state's colleges and universities.

Since that time the Commission has created funding formulae, funding initiatives based on performance, legislative benchmarks, master plans, and criteria for new academic programs. The Commission believes strongly in working in a collaborative effort with the two public governing boards, and the independent sector to communicate clearly and frequently with various and diverse constituency groups. The Commission currently:

- recommends a budget for a statewide system that is a billion dollar enterprise,
- is engaged in master planning with a central focus on increasing educational attainment, focusing institutional missions and expanding the use of technology, and
- answers questions regarding accountability measures on a daily basis.

The Commission is committed to the principles of equity, excellence, accessibility, and accountability and strives to coordinate all of Tennessee higher education according to those principles.

ENABLING LEGISLATION

1. Study the use of public funds for higher education in Tennessee and analyze programs and needs in the field of higher education. T.C.A. § 49-7-202(a)
2. Undertake such specific duties as may be directed by resolution of the general assembly or as may be requested by the Governor. T.C.A. § 49-7-202(b)
3. Develop a master plan for the future development of public higher education in Tennessee, and make recommendations regarding the implementation of the plan. The focus of the master plan shall include consideration of the state's economic development, work force development and research needs. It will also require attention to increased degree production and consider the missions of the institutions as part of the process. T.C.A. § 49-7-202(c)(1)
4. Approve the mission of each institution after consultation with the respective governing board. The Commission shall consider the make up

of the student population at each institution as well as other unique features of the institutions. T.C.A. § 49-7-202(c)(2)

5. Develop policies and formulae or guidelines for the fair and equitable distribution and use of public funds among the state's institutions of higher learning, to include provisions for capital outlay and institutional operating expenditures.

Consistent with the direction of the master planning, the funding formula shall be outcomes-based. Elements such as "end of semester enrollment for each semester, student retention, timely progress toward degree completion" shall be included, as well as unique factors of the community colleges. Additionally, such things as "student transfer activity, research and student success" may be included.

Additionally the formula or guidelines shall provide for the consideration of the impact of tuition, maintenance fees and other charges assessed by each institution and in consideration of these factors, the Commission shall make recommendations to the governing boards on adjustments to tuition and maintenance fees. T.C.A. § 49-7-202(c)(3)-(4)

6. Study the need for particular programs, departments, academic divisions, branch operations, extension services, adult education activities, public service activities and work programs of the various institutions of higher learning, with a particular view to their cost and relevance and to make recommendations for the governing boards for the purpose of minimizing duplication and overlapping of functions and services and to foster cooperative programs among the institutions. T.C.A. § 49-7-202(c)(5)
7. Review and approve or disapprove all proposals for new degrees or degree programs, or for the establishment of new academic departments or divisions within the various institutions. T.C.A. § 49-7-202(c)(6)
8. Conduct a program of public information concerning higher education in Tennessee. T.C.A. § 49-7-202(c)(7)
9. Study and make determination concerning the establishment of new institutions of higher learning as to the desirability or understandability of their establishment, their location, standards, functions, financing and source of governance. T.C.A. § 49-7-202(c)(8)
10. Submit a biennial report to the governor and the general assembly commenting upon major developments, trends, new policies, budgets and financial considerations which would be useful to the governor and the general assembly in planning for the sound and adequate development of the state's program of public higher education. T.C.A. § 49-7-202(c)(9)

11. Review and approve or disapprove all proposals by an existing higher education institution to establish a physical presence at any location other than its main campus, or to expand an existing location, which will be utilized for administrative purposes or to offer courses for which academic credit is offered. Report to the chairs of the fiscal review and education committees by February 15 on the applications filed in the previous year and the status of the application. T.C.A. § 49-7-202 (c)(10)
12. Develop a university tract program consisting of sixty (60) hours that will allow a student to transfer from a community college as a junior. The sixty (60) hours is to consist of forty-one (41) general education instruction and nineteen (19) hours of pre-major instruction. Additionally, to ensure that the transition from a community college to a university as seamless as possible the Commission shall develop a common course numbering system at the community colleges and direct that any list of course offerings by a community college will be listed in a way that clearly identifies courses that will not transfer to a university. Beginning with the fall 2010 semester the Commission will report on progress being made to the chairs of the Education and Finance, Ways and Means Committees of both the House and Senate prior to each semester until Fall 2011 implementation. The Commission shall have ongoing responsibility to update and revise the requirements as necessary and report to the various committees on action taken each year. T.C.A. § 49-7-202(d)-(f)
13. Determine and post on the Commission's website information concerning career opportunities for the various fields of study leading to a baccalaureate degree at all institutions of higher education within the University of Tennessee and the Tennessee Board of Regents systems. Such information shall include, but not be limited to potential job market in Tennessee, the median income or an income range for the jobs and whether an advanced degree is required to obtain a position within a particular discipline. T.C.A. § 49-7-202(h)
14. By February 1, transmit jointly with the State Board of Education an Annual Joint Report on Pre-Kindergarten through Higher Education in Tennessee. The Annual Joint Report outlines progress toward P-16 performance goals. T.C.A. § 49-1-302(a)(10))
15. By February 15, transmit the Annual Master Plan Progress Report, which marks annual progress toward the five-year goals outlined in the Master Plan for Tennessee Higher Education. T.C.A. § 49-5-2054 (c)(2))
16. By February 15, transmit the Statutory Data Report, which provides a variety of data points on public universities, community colleges, and technology centers including accredited programs, admissions data, job placement rates, and licensure exam scores. T.C.A. § 49-7-210

Additional Legislative Imposed Responsibilities

Academic Common Market

The Academic Common Market was created in 1974 as a means of sharing specialized academic programs among Southern Regional Education Board states. Over 1,800 programs at the baccalaureate and higher degree levels at over 151 colleges and universities currently participate in the Market. The Academic Common Market is administered by the Southern Regional Education Board with the cooperation of 14 of the 15 SREB states. The Market allows residents of participating states to have a broader range of educational opportunities at in-state tuition rates. The Market has a three-fold purpose: (1) eliminating unnecessary duplication among states, in that it is impractical for any institution or single state to develop or maintain degree programs in every field of knowledge; (2) support existing degree programs that have the capacity to serve additional students; and (3) provide access and encourage movement across state lines for programs not available in a student's home state. T.C.A. § 49-7-301

Combat Sports Grant

In 2008 the Legislature created the Tennessee Athletic Commission to regulate mixed martial arts and other "professional unarmed combat" sports including licensing of individuals involved in any aspect of the sport including combatants, managers, promoters and ringside physicians. The law directs that beginning with FY 2010-2011 a portion of the funds generated through regulation of this industry shall be set aside to fund a grant program that will develop and maintain NCAA Division I combat sports programs in the state's postsecondary educational institutions. The Commission is charged with developing the grant in collaboration with athletic directors of each postsecondary educational institution in the state with an NCAA Division I sanctioned combat sports program. T.C.A. § 68-115-107

Community Service Awards

The Community Service Awards were created in 1991 to reward faculty and students in higher education who provide a public service to the community. Those honored by an award have distinguished themselves in the many dimensions of community service and leadership roles in community organizations. They serve as ambassadors for community service among public and independent institutions of higher education. T.C.A. §§ 49-7-208 and -209

Consortium of Historically Black Colleges and Universities

The Commission is authorized to provide assistance to a consortium of Tennessee historically black colleges and universities in their efforts to impact the economic development of the state by strategically partnering with the State and private industry. The Commission is to facilitate strategy development and coordinate the implementation of the partnership between the Consortium and other parties. The program has not yet been funded. T.C.A. §§ 49-7-2901 et seq.

Contract Education Program

The Contract Education Program provides Tennessee residents with the opportunity to pursue academic programs where access is limited due to the size and/or location of the programs or where the programs are not offered in a public college or university. Providing access to these special needs areas in this manner is more economical than initiating or expanding comparable programs in public institutions. In addition to reserving positions for Tennessee residents in these special needs areas, the contract education program also provides some form of financial assistance to the students. Additionally, in an effort to meet a shortage of physicians in family medicine and preventive medicine, the contract education program partially funds medical residency positions at Meharry Medical College, regardless of their state of residence. Some additional programs currently being contracted are Mortuary Science, Sign Language Interpretation, Optometry and graduate level nursing programs. T.C.A. §§ 49-7-203(b), 49-7-301 et seq., 47-7-401, -402 and -404

Education Lottery Scholarship Program

The Commission has been charged with the responsibility to collect and analyze data related to students receiving lottery scholarships to provide the General Assembly with information related to student success and scholarship retention. The Commission is to make an annual report to the General Assembly on its findings by the second Tuesday in January. T.C.A. § 49-4-903

Legislative Benchmarks – Challenge 2010

The legislative benchmarks were created in 1984 as an accountability measure to be developed and reported by the Commission. The benchmarks were revised in 1989 to mirror goals established by the Southern Regional Education Board for its 15 member states and became known as Challenge 2000. With the passing of the year 2000, the Commission established Challenge 2010 The Annual Progress Report, which marks progress on the 2005-2010 Master Plan. Preparation of the annual benchmark report requires access to statewide data from both public and independent institutions. The Commission developed and maintains the statewide data to support this accountability measure. Through this and other assessment activities (e.g. performance funding), Tennessee continues to lead the way in developing usable accountability measures of higher education outcomes. The Commission is currently updating these goals. T.C.A. § 49-5-5024

Medical School Authorities Act of 2010

The Medical School Authorization Act of 2010 authorizes certain municipalities to establish a medical school authority to aid in the establishment and operation of a medical or dental school. The Commission shall review and approve for public funding any proposed project of a medical school authority where state or municipal bonds will be issued, or if state funding is otherwise included in the project. Additionally, a medical school authority can not approve a project, regardless of funding source, until the Commission finds there is a need for the project and that it is consistent with the state's higher education master plan, and if debt is to be issued, the ability of the authority

and medical education program to repay the incurred debt. T.C.A. § 7-90-122 and -123

Postsecondary Education Authorization Program

The Postsecondary Education Authorization Act of 1974 was established to protect the education and welfare of the citizens of the State of Tennessee. The Tennessee Higher Education Commission has been designated as the agency to authorize the operation of institutions in Tennessee, which are included under this Act. The Commission establishes minimum standards concerning quality of education, ethical and business practices, health, safety, and fiscal responsibility, and protects the Tennessee consumer against fraudulent institutions and practices. It also authorizes the granting of degrees, diplomas, or other educational credentials by postsecondary institutions; prohibits the granting of false educational credentials; regulates the use of terminology in naming institutions; and prohibits misleading literature, advertising, solicitation, or representations by institutions. T.C.A. § 49-7-2001 et seq.

Teacher Diversity Program

A competitive matching grant program was established in 1989 to support pilot projects designed to expand the recruitment pool of minorities preparing to be teachers. Since the resolution of the state higher education desegregation lawsuit, the focus of the program has become one where an examination of a student's commitment to diversity in instruction will be of primary import in determining eligibility. The program will continue to be a joint effort between higher education institutions and local school districts, these projects target groups including teacher aides, substitute teachers, high school students, community college students, non-degreed community residents, military personnel, and college graduates presently not teaching who are interested in entering the teaching profession. Project initiatives must include matching state-appropriated funds with local funds on a one-to-one basis and the establishment of an evaluation model. This program is authorized through funding in the appropriations bill and the two year awards are contingent on such funding.

Tuition Discount and Fee Waiver Programs

The dependent children age 24 years and under of all full-time state employees (who have been employed for more than six months) or retired state employees may receive a 25 percent maintenance fee discount on undergraduate tuition at any public college or university. The discount is also available for the child of a former State employee who died while employed by the State, whether or not the death was job-related or in the line of duty. The same 25 percent discount also applies for the dependent children of current full-time public school teachers in Tennessee, as well as the dependent children of former public school teachers who die while their child is receiving the benefit as long as all other eligibility requirements are met.

Full-time state employees and members of the General Assembly are allowed to take one course per term at any public college, university, technology center or the Tennessee Foreign Language Institute at no charge. When these discounts were authorized by the General Assembly, the Tennessee Higher Education

Commission was charged with formulating the rules and regulations to implement the waiver. T.C.A. §§ 8-50-114, 8-50-115, 49-7-119

FEDERAL PROGRAMS

College Access Challenge Grant (CACG)

The U.S. Department of Education awarded Tennessee a two year College Access Challenge Grant in 2008; Tennessee's grant award amount totaled \$1,453,709 each year of the grant. Tennessee's CACG is coordinated and administered by the Tennessee Higher Education. By design, Tennessee's CACG compliments and significantly enhances the depth and breadth of statewide college access and success programs, awareness, and partnerships. The CACG includes five programmatic components including sub-grants to non-profit organizations, two Outreach Specialist positions in the Tennessee Student Assistance Corporation (TSAC), professional development, enhanced public awareness and outreach campaign, and a collaborative college access course for pre- and in-service counselors.

The five core components of Tennessee's CACG expand college access and success initiatives to reach many underserved, low-income, populations in every corner of the state. The sub-grants directly serve 847 students and nine communities in east, middle and west Tennessee; the TSAC Outreach Specialists help to expand total outreach activities by 188 percent; professional development initiatives included over 690 middle and high school counselors; the public outreach campaign introduced new brochures to students, parents and guardians, and plans to touch every middle and high school counselor in the state; and, finally, the collaborative online counselor course will fill a knowledge and instruction gap in counselor degree and professional development programs

Gaining Early Awareness & Readiness for Undergraduate Programs (GEAR UP)

In April 2005, the Tennessee Higher Education Commission applied for a federal Gaining Early Awareness & Readiness for Undergraduate Programs grant. In September 2005, THEC was awarded a \$3.5 million federal discretionary grant by the U.S. Department of Education, known as Gaining Early Awareness & Readiness for Undergraduate Programs (GEAR UP). GEAR UP provides resources to assist state efforts to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. Partnering together in the development and implementation of GEAR UP Tennessee (GEAR UP TN) are the Tennessee Higher Education Commission, Tennessee Department of Education, Tennessee Board of Regents, University of Tennessee System, along with other consultants and local/regional partnerships.

GEAR UP TN will serve an estimated 6,000 students per year in 9 counties and 47 schools. The project is designed to promote student achievement, enhance awareness and expand access to post-secondary education statewide, especially in those areas of the state that are traditionally underserved. During the grant

period from 2005 to 2011, GEAR UP TN will provide participating counties with resources to serve the high school Class of 2011 from their 8th grade year through the completion of high school. Concurrently, GEAR UP funds will be used to promote college access initiatives and incentives to 11th and 12th grade students in the partnering counties. Any student graduating from a participating high school with a regular or special education diploma will be eligible for a GEAR UP TN Bridge Award of no less than \$750 to be utilized at any public or private institution in Tennessee participating in the Tennessee Lottery Scholarship Program.

Through the creation of early intervention programs, enhanced academic assessments, and a broad-based outreach campaign articulating the importance of postsecondary access, GEAR UP TN aims to achieve the following goals:

- Increase educational expectations of GEAR UP students and their families through an expanded knowledge of postsecondary access and financial aid opportunities.
- Enhance the academic preparation of GEAR UP students to improve high school graduation rates and postsecondary enrollment, retention, and completion.
- Provide effective professional development for classroom teachers and school staff to ensure increased academic rigor and postsecondary preparation.
- Encourage family and community involvement through GEAR UP to foster an environment that supports life-long learning.

GEAR UP TN will directly serve students in Campbell, Cocke, Grundy, Hardeman, Johnson, Lake, Meigs, Union and Wayne counties.

Improving Teacher Quality Grant Program

This federal program operates as Title II Part A of No Child Left Behind. It was established to provide grants to colleges and universities in order to provide professional development for K-12 teachers, paraprofessionals and principals. The chosen areas of study are: mathematics, science, social studies, English/language arts, foreign languages and related arts. One of the missions of the Commission is to study the need for particular programs, departments, academic divisions, branch operations, extension services, adult education activities, public service activities and work programs of the various institutions of higher learning. One of the goals established was to develop a collaborative planning partnership between higher education and K-12 education for teacher preparation and continuing professional development. This program helps stimulate the linkages between higher education faculty and K-12 faculty for the preparation of teachers to use curriculum and instructional processes which promote active learning, problem solving, interdisciplinary learning, and content application.

Race to the Top

With Tennessee's successful Race to the Top bid, higher education will have a significant role in achieving the overall goals of the federal school reform grant. THEC and institutions of higher education are instrumental in ensuring the

success of Race to the Top in the state. The THEC Executive Director serves on the First to the Top Advisory Council which oversees implementation. THEC staff also serve on various First to the Top working teams such as Project Management Oversight Committee, STEM leadership team, and the First to the Top Oversight Team.

Not only will higher education be involved in shaping the education reforms being enacted but will also be directly responsible as programmatic and fiscal manager for numerous programs. Individual institutions will have opportunities to apply for funding for projects that will address the provisions of the federal award. Tennessee's Race to the Top framework names THEC as directing and managing several projects with a total fiscal impact of over \$20 million.

Veterans Education Program

In 1983 the Tennessee Higher Education Commission was assigned to be the State Approving Agency for determining training programs in the state in which eligible veterans may enroll and receive veteran's education benefits, more commonly known as the GI Bill. The Commission works in partnership with the U.S. Department of Veterans Affairs, following both state and federal legislation and regulations in administering the approval program. Many of the institutions and programs that are reviewed for authorization are also reviewed by Commission staff members for veteran's education approval purposes.

September 6, 2011

APPENDIX II

TENNESSEE HIGHER EDUCATION COMMISSION MEMBERS
June 30, 2011

1. Ms. Sue Atkinson
Fifth Congressional District
2. Mr. Charles Bone
Sixth Congressional District
3. Mr. Tre Hargett
Secretary of State
4. Ms. Sharon Hayes
Eighth Congressional District
5. Mr. Greg Isaacs
Second Congressional District
6. Mr. Cato Johnson*
Seventh Congressional District
7. Mr. Jon Kinsey
Third Congressional District
8. Mr. David Lillard, Jr.
State Treasurer
9. Mr. Charles Mann
Fourth Congressional District
10. Mr. Gary Nixon, non-voting ex-officio
Executive Director, State Board of Education
11. Mr. Ross Rowland, voting student member
UT Knoxville
12. Mr. Zach Walden, non-voting student member
East Tennessee State University
13. Mr. Justin Wilson
Comptroller
14. Mr. A C Wharton, Jr.*
Ninth Congressional District
15. Mr. Robert White*
First Congressional District

*Denotes Minority

APPENDIX III



STATEMENT OF ASSURANCE OF COMPLIANCE WITH EQUAL OPPORTUNITY LAWS

(hereinafter called the "Signatory")

(Name of Organization, Institution, or Individual)

HEREBY AGREES THAT

it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and all Federal regulations adopted to carry out such laws. This assurance is directed to the end that no person in the United States shall, on the ground of race, color, national origin (Title VI), handicap (Section 504), sex (Title IX, in education programs and activities only), or age (Age Discrimination Act) be excluded from participation in, to be denied the benefits of, or be subjected to discrimination under any program or activity of the Signatory receiving Federal financial assistance or other benefits under statutes administered by VA (Department of Veterans Affairs), the ED (Department of Education), or any other Federal agency. This assurance applies whether assistance is given directly to the recipient or indirectly through benefits paid to a student, trainee, or other beneficiary because of enrollment or participation in a program of the Signatory.

The Signatory HEREBY GIVES ASSURANCE that it will promptly take measures to effect this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Signatory by VA or ED, this assurance shall obligate the Signatory, or in the case of transfer of such property, any transferee, for the period during which the real property or structure is used for the purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In all cases, this assurance shall obligate the Signatory for the period during which the Federal financial assistance is extended to any of its programs by VA, ED or any other Federal agency.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance, including facilities furnished or payments made under sections 104 and 244(1) of Title 38, U.S.C. Also, sections 1713, 1720, 1720a, 1741-1743, 2408, 5902(a)(2), 8131-8137, 8151-8156 (formerly 613, 620, 620a, 641-643, 1008, 1008, 3402(a)(2), 5031-5037, 5051-5056 respectively) and 38 U.S.C. chapters 30, 31, 32, 35, 36, 82, and 10 U.S.C. chapter 106. Under the terms of an agreement between VA and ED, this assurance also includes Federal financial assistance given by ED through programs administered by that agency. Federal financial assistance is understood to include benefits paid directly to the Signatory and/or benefits paid to a beneficiary contingent upon the beneficiary's enrollment in a program or using services offered by the Signatory.

The Signatory agrees that Federal financial assistance or other benefits will be extended in reliance on the representations and agreements made in this assurance; that VA or ED will withhold financial assistance, facilities, or other benefits to assure compliance with the equal opportunity laws; and that the United States shall have the right to seek judicial enforcement of this assurance.

THIS ASSURANCE is binding on the Signatory, its successors, transferees, and assignees for the period during which assistance is provided. The Signatory assures that all contractors, subcontractors, subgrantees, or others with whom it arranges to provide services or benefits to its students or trainees in connection with the Signatory's programs or services are not discriminating against those students or trainees in violation of the above statutes.

The person who signature appears below is authorized to sign this assurance.

(Date)

(Signature of authorized official)

(Title of authorized official)

(Mailing address)

APPENDIX IV

EEO Classifications
Tennessee Higher Education Commission
June 30, 2011

EEO Code	Position Title	No. of Positions	Ethnic Group Breakdown
01	AC AF ASSOCIATE EX DIRECTOR	1	W
01	ASSOCIATE EX DIRECTOR-PPR	1	W
01	DATA MANAGEMENT SPECIALIST	2	W-2
01	FISC AFFAIRS A EX DIRECTOR	1	W
01	FISC AFFAIRS ASSOC EX DIRECTOR	1	W
01	FISCAL ANALYSIS DIRECTOR	1	W
01	FISCAL DIRECTOR 3	1	B
01	L&R AFFAIRS ASSOC EX DIRECTOR	1	W
01	P-16 INIT ASSOC EX DIRECTOR	1	W
01	POLICY PLNG & RES A EX DIR	1	B
01	PSA ASSISTANT EX DIRECTOR	1	B
01	REGIONAL COORDINATOR	2	B-1 W-1
01	SENIOR POLICY OFFICER	1	V
01	THEC-EXECUTIVE DIRECTOR	1	W
01	THEC-HIGHER ED PROGRAM ADMIN	3	W-2 O-1
01	THEC-PPR ASST EXD & INFO SY DR	1	W
01	THEC-REGULATORY AFFAIRS A DIR	1	W
01	THEC-REGULATORY AFFAIRS DIR	1	W
01	THEC-STUDENT INFO SYS ASSOC DR	1	W
01	VETERANS EDUC A EX DIRECTOR	1	W
01	VETERANS EDUC DIRECTOR	1	W
	Total EEO Code 01	25	W - 19 B - 4 O - 1 V - 1
02	ADMIN SERVICES ASSISTANT 3-NE	2	W-1 B-1
02	ADMIN SERVICES ASSISTANT 4-NE	1	W
02	EDUCATIONAL SPECIALIST 3	3	W-2 * V-2
02	FISCAL POLICY & FAC ANA ADIR	1	W
02	HE ADMIN & FISC SERVICES DIR	1	W
02	INVESTIGATIONS OFFICER	1	B
02	LOTTERY SCH ANALYSIS RES DIR	1	W
02	OUTREACH SPECIALIST	2	W-1 V-1
02	PSA ASSISTANT DIRECTOR	1	W
02	PSA DIRECTOR	1	B
02	PSA TCL EDUCATION SPECIALIST	1	W
02	RESEARCH & PLANNING ANALYST	2	W-4*
02	RESEARCH & PLANNING DIRECTOR	1	O
02	THEC - INVESTIGATIONS OFFICER	2	W-2
02	THEC-ADMIN ASSISTANT 4	1	B
02	THEC-ADMIN BUDGET ANALYST 3	1	B
02	THEC-CACG DIRECTOR	1	W
02	THEC-COMMUNICATIONS DIRECTOR	1	W
02	THEC-FISCAL MANAGER	1	W

EEO Classifications
Tennessee Higher Education Commission
June 30, 2011

EEO Code	Position Title	No. of Positions	Ethnic Group Breakdown
02	THEC-HIGHER ED PROGRAM COOR	2	W-2
02	THEC-INFO TECH ASST DIRECTOR	1	W
02	THEC-INV OFF & LEAD AUDITOR	1	B
02	THEC-RESEARCH & STAT AN DIR	1	B
02	THEC-RESEARCH ANALYST	3	B-2 V-1
	Total EEO Code 02	33	W - 22 B - 9 O - 1 V - 4
06	EXECUTIVE SECRETARY 2-NE	1	W
06	EXECUTIVE SECRETARY 3-NE	1	B
06	GRADUATE ASSISTANT-NE	1	B-2*
	Total EEO Code 06	3	W - 1 B - 3
	Grand Total	61	W - 42 B - 16 O - 2 V - 5

W = White

B = Black

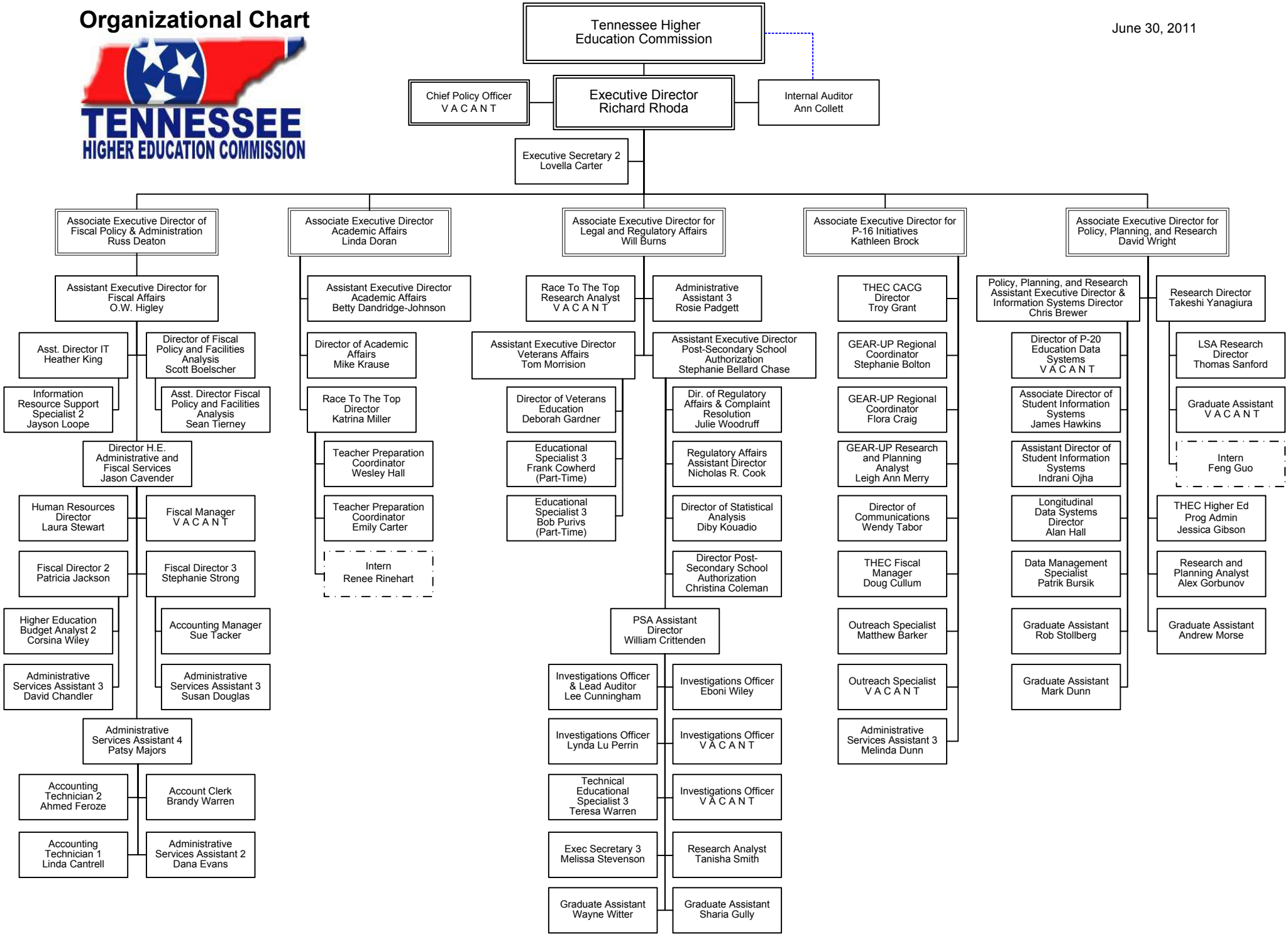
O = Other

V = Vacant

*** Positions overlapped with two incumbents.**

Organizational Chart

June 30, 2011



APPENDIX V

2010-2011 THEC Improving Teacher Quality Grant Proposal Evaluation Rubric
Application Narrative Summary of Scoring

PROPOSAL NAME _____

INSTITUTION _____

SECTION	SECTION TITLE	POSSIBLE SCORE	SCORE
Section I	Scientifically-Based Research Need for Project	20	
Section II	Recruitment Plan	15	
Section III	Quality of Eligible Partnership	15	
Section IV	Instructional Plan and Leadership	10	
Section V	Management Plan	10	
Section VI	Evaluation Plan	15	
Section VII	Budget/Budget Narrative/Effectiveness	15	
	TOTAL SCORE	100	

Strengths:

Weaknesses:

Funding Recommendations: Fund as written: Fund with changes: Reject:

Activity changes recommended: **Negotiate funding level:**

Recommended Changes:

Reviewer Name

Reviewer Signature

Date

**TITLE VI COMPLIANCE REVIEW SURVEY OF THE
IMPROVING TEACHER QUALITY PROFESSIONAL DEVELOPMENT
PROJECT DIRECTORS**

MINORITY REPRESENTATION

____ Projected number of minority teacher participants

____ Actual number of minority teacher participants

____ Total number of teacher participants

____ Number of minority external personnel/consultants

____ Total number of minority external personnel/consultants

MINORITY RECRUITMENT

(Please use additional paper, if necessary.)

What methods were used to obtain external personnel/consultants?

What methods were used to recruit minority participants?

Was there a plan in place to target minority teacher participants?

If the actual number of minority teacher participants was less than the projected number of minority teacher participants, was there a contingency plan in place to recruit more minority teacher participants? If yes, please specify.

Have there been any Title VI related complaints against this project? If yes, please provide a narrative explanation of the complaint.

Improving Teacher Quality Grants 2010-11

Institution	Project Director	Projected Minority	Actual Minority	External Consultants	Minority Consultants	PLAN
UT Martin	Hearn	4	6	0	0	Y
UT Chattanooga	Ingraham	7	9	1	1	Y
TTU	Zagumny	1	4	1	0	Y
UT Chattanooga	Kiessling	0	2	0	0	Y
MTSU	Vanosdall	0	6	0	0	Y
ETSU	Rhoton	2	0	0	0	Y
UTK	Wolbers	2	3	1	1	Y
TTU	Anthony	0	0	0	0	Y
Lee	Lay	0	0	0	0	Y
Lipscomb	Wells	12	16	1	1	Y
TTU	Wendt	2	0	0	0	Y
UTC	Patty	0	0	0	0	Y
UT- Vols Teach	Newsom	5	2	0	0	N
MSTU- Mteach	Gostowski	6	6	0	0	N

APPENDIX VI

Discrimination Complaint Form

Note: We are asking for the following information to assist us in processing your complaint. If you need help in completing this form please let us know.

1. Complainant's Name _____
Address _____
City, State and Zip Code _____
Telephone Number (home) () _____
(business) () _____

2. Person discriminated against (if someone other than the complainant)
Name _____
Address _____
City, State and Zip Code _____

3. What is the name and location of the institution or agency that you believe discriminated against you?
Name _____
Address _____
City, State and Zip Code _____
Telephone Number () _____

4. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:
 - a. Race/Color (specify) _____
 - b. National Origin (specify) _____

5. What date did the alleged discrimination take place? _____

6. In your own words, describe the alleged discrimination. Explain what happened and who you believe was responsible. _____

7. Have you tried to resolve this complaint through the internal grievance procedure at the institution or agency? Yes No

If yes, what is the status of the grievance? _____

Name and title of the person who is handling the grievance procedure.

Name _____

Title _____

8. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes No

If yes, check all that apply:

Federal agency

Federal court

State agency

State court

Local agency

Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number () _____

9. Do you intend to file this complaint with another agency? Yes No

If yes, when and where do you plan to file the complaint?

Date _____

Agency _____

Address _____

City, State, and Zip Code _____

Telephone Number () _____

10. Has this complaint been filed with this agency before? Yes No

If yes, when? Date _____

11. Have you filed any other complaints with this agency? Yes No

If yes, when and against whom were they filed?

Date _____

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number () _____

Give a brief description of the other complaint _____

What is the status of the other complaint? _____

12. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date

**Consent Form for Use
of Personal Information
for Complainant**

Office for Civil Rights Consent Form

Please sign, and date section A or section B:

Print your name: _____

Institution named in complaint: _____

A. I have read the [Notice about Investigatory Uses of Personal Information](#). As a complainant, I understand that in the course of its investigation, OCR may find it necessary to reveal my identity to persons at the institution under investigation. I give my consent. I also understand that under the Freedom of Information Act, OCR may be required to disclose information gathered from me pursuant to this investigation, except in certain instances, such as where disclosure could constitute an unwarranted invasion of my privacy.

(Signature) (Date)

OR

B. I wish to file this complaint, but I do not give my consent for use of personal information. I have read the Notice about Investigatory Uses of Personal Information and I understand that OCR may have to close this complaint if OCR is unable to proceed with an investigation without releasing my identity.

(Signature) (Date)

***Office for Civil Rights
Notice about Investigatory Uses of Personal Information***

To resolve your complaint, OCR may need to collect and analyze personal information such as student records or employment records. No law requires you to give personal information to OCR and no sanctions will be imposed on complainants or other persons who do not cooperate in providing information during the complaint resolution process. However, if OCR is unable to obtain information needed to resolve your complaint, we may have to close your complaint.

The Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, govern personal information submitted to all Federal agencies, including OCR.

The Privacy Act of 1974 protects individuals from the misuse of personal information held by the Federal government. It applies to records that are kept and can be located by the individual's name, social security number, or other personal identifier. It regulates the collection, maintenance, use and dissemination of certain personal information in the files of Federal agencies.

The information OCR collects is analyzed by authorized personnel within the agency and will be used only for authorized civil rights compliance and enforcement activities. However, in order to resolve a complaint OCR may need to reveal certain information to persons outside the agency to verify facts or gather additional information. Such details could include the age or physical condition of a complainant. Also, OCR may be required to reveal information requested under FOIA (discussed below). OCR will not release information to any other agency or individual except in the one of the 11 instances defined in the Commission's regulation at 34 C.F.R. § 5b.9(b).

OCR does not reveal the name or other identifying information about an individual unless it is necessary for completion of an investigation or for enforcement activities against an institution that violates the laws, or unless such information is required to be disclosed under the FOIA or the Privacy Act. OCR will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the FOIA, the Privacy Act or otherwise by law.

**SAMPLE LETTER
ACKNOWLEDGING
RECEIPT OF
OFFICIAL COMPLAINT**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

This is to acknowledge that the Tennessee Higher Education Commission has received your complaint form alleging **(fill in the blank)** in **(Any County Schools)**. The Commission will conduct a preliminary review of the complaint form and make a determination as to whether we will or will not conduct an investigation. You will be notified of the results of this preliminary review.

Thank you for your assistance in this matter. If you have additional information you would like to provide, please send it to Will Burns, Tennessee Higher Education Commission, Parkway Towers, Suite 1900, 404 James Robertson Parkway, Nashville, Tennessee, 37243.

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER
NOTIFYING COMPLAINANT THAT
THE COMPLAINT WILL BE REFERRED
TO THE FEDERAL COGNIZANT AGENCY**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

The Tennessee Higher Education Commission has received your Title VI complaint from alleging that the <<SCHOOL SYSTEM>> is out of compliance with Title VI of the Civil Rights Act of 1964.

The Commission has been in contact with the United States Department of Education/Office of Civil Rights (USDE/OCR) concerning Title VI compliance in <<SCHOOL SYSTEM>>. Because of USDE/OCR's expertise in reviewing these types of complaints, the Commission and the USDE/OCR have tentatively agreed that USDE/OCR will be the lead agency in reviewing complaints involving this school system. Since, on the complaint form, you authorized the forwarding of the complaint to another agency; we will forward your complaint to USDE/OCR. USDE/OCR will contact you if additional information is needed.

We appreciate the interest you have shown in Title VI compliance. Our staff will be available to work with USDE/OCR and the school system to resolve any finding of non-compliance.

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER NOTIFYING
COMPLAINANT THAT
THE TENNESSEE HIGHER
EDUCATION COMMISSION
WILL INVESTIGATE
THE COMPLAINT**

Date

Ms. Joanne Doe
100 Any Street
Anytown, TN 37000

Dear Ms. Doe:

The Tennessee Higher Education Commission will investigate the complaint that you recently submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 at <<INSTITUTION >>.

The complaint form you submitted appears to contain all required information the investigator will need to conduct the investigation. However, in the event additional information is needed, the investigator may need to call you at <<(XXX) YYY-ZZZZ>>. If this telephone number is not correct, please notify us within 15 days of the date of this letter.

or

In reviewing the complaint form, we found that the following additional information will be needed:

- 1.
- 2.

Please submit this additional information within 15 days of the date of this letter to me at the address appearing at the top of this letter. Also, our records show that you can be reached by telephone at <<(XXX) YYY-ZZZZ>>. If this contact information is no longer correct, please notify us within days of the date of this letter.

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER ANNOUNCING
A COMPLAINT INVESTIGATION**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

Departmental regulations implementing Title VI of the Civil Rights Act of 1964 (copy enclosed) provide for a prompt investigation whenever a complaint or any other information indicates a possible failure to comply with Title VI or its implementing regulation. A complaint has been filed in this office which indicates a possible failure to comply with Title VI in the operation of the Commission of <<INSTITUTION>>.

Members of our office will conduct an investigation of this matter. Their present schedule will permit them to visit your program during the week of <<<Insert Date>>>. Please advise us promptly if that time is not convenient for you or your staff. You may confirm this time by phoning me at (615) 741-7572.

Please be assured of my appreciation of your cooperation in this important matter.

or

In reviewing the complaint form, we found that the following additional information will be needed:

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER NOTIFYING
COMPLAINANT OF
AN INVESTIGATION**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

The matter referenced in your letter of <<<Insert Date>>> alleging racial discrimination in the operation of _____ Program will be investigated by staff from this office. The investigation has been scheduled for the week of <<<Insert Date>>>. Mr./Ms. _____ has been assigned to investigate the matter. He/she will contact you to establish a convenient time for you to discuss your complaint with him/her.

We appreciate your help in this important matter.

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER INFORMING
COMPLAINANT THAT THE
TENNESSEE HIGHER EDUCATION
COMMISSION WILL NOT
INVESTIGATE THE COMPLAINT**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

This is to inform you that the Tennessee Higher Education Commission will not investigate the complaint that you recently submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 in <<INSTITUTION >>. We will not investigate the complaint because

Thank you for notifying the Tennessee Higher Education Commission of your concerns. You may want to contact the Title VI Coordinator in your local school system, the Tennessee Human Rights Commission or the U.S. Department of Education Office for Civil Rights. These agencies also investigate Title VI complaints.

Sincerely yours,

Will Burns
Title VI Coordinator

**SAMPLE LETTER ADVISING
COMPLAINANT THAT THE
COMPLAINT IS NOT
SUBSTANTIATED.**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

The matters referenced in your letter-complaint of <<Insert Date>>, alleging racial discrimination in the operation of << Insert Name of Program>> have been investigated by staff from this office.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any programs receiving federal financial assistance.

My staff has analyzed the materials and facts gathered during the course of their investigation of your complaint for evidence of a failure to comply with any of the civil rights laws administered by this office. We did not find evidence that any of those laws have been violated.

We must therefore advise you that your complaint has not been substantiated, and that we are closing this matter in our files.

Thank you for taking the time to contact this office. If we can be of assistance to you in the future, do not hesitate to call us.

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER
ANNOUNCING A
COMPLIANCE
REVIEW**

Mr. John Doe
Superintendent of Schools
100 Main Street
Anytown, TN 37000

Dear Mr. Doe:

Departmental regulations implementing Title VI of the Civil Rights Act of 1964 (copy enclosed) provide for a periodic review of the practices of recipients receiving federal assistance, to determine whether they are complying with nondiscrimination requirements for Title VI.

Recipients are selected for compliance reviews on the basis of population and racial character of their locality; existence, size and nature of community populations; date of last compliance review; complaints, etc. Your program, among others in your area, has been selected.

Members of our staff will conduct the review. Their present schedule will permit them to visit your program during the week of _____ - _____. Please advise us promptly by telephone if that time is inconvenient for you or your staff. You may confirm this time, or suggest another, by calling _____ at (615) 555-5555.

I appreciate your cooperation in this important matter.

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER
CONFIRMING A
COMPLIANCE
REVIEW**

Mr. John Doe
Superintendent of Schools
100 Main Street
Anytown, TN 37000

Dear Mr. Doe:

This is to confirm the conversation between you and a member of my staff in which it was agreed that staff from this office would conduct an on-site review of the _____ Program to determine its compliance with Title VI of the Civil Rights Act of 1964.

The staff member assigned to conduct the investigation of your <<program>> is <<NAME>>. <<NAME>> and a team of investigators will be in your city <<Day, Date>>. They expect to arrive at your office at 9:30 a.m. on <<Day>>.

In order to facilitate our review, and minimize our on-site staff time, please have available for our visit the following records and/or information as applicable:

1. All records and assurances required to be maintained by your office for compliance with Title VI and its implementing rules and regulations;
2. Racial breakdown of participants in all projects administered by your program;
3. A description of the program's application processing system;
4. A compilation of the program's staff assignments by race, sex, title, and salary and a copy of the program's current personnel policy;
5. A description of grievance procedures now being used by your program.

Investigators may also need access to other records and personnel. I appreciate your making these available to them as required.

Thank you for your cooperation in this important matter.

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER
NOTIFYING COMPLAINANT
OF TITLE VI COMPLIANCE
STATUS OF RESPONDENT**

Ms. Juanita Doe
Superintendent of Schools
1234 Main Street
Anytown, TN 37000

Dear Ms. Doe:

The matters referenced in your complaint of <<date>> alleging racial discrimination in the operation of _____ <<Program>> have been investigated by staff from this office.

My staff found several apparent violations of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. [If a hearing is requested, the following sentence may be appropriate.] You may be hearing from this office, or from federal authorities, if you services should be needed during the administrative hearing process.

Sincerely,

Will Burns
Title VI Coordinator

**SAMPLE LETTER
NOTIFYING COMPLAINANT
OF THE RESULTS OF THE
INVESTIGATION**

Mrs. John Doe
1234 Main Street
Anytown, TN 37000

Dear Mrs. Doe:

This is to notify you that the Tennessee Higher Education Commission has completed its investigation into the complaint that you submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 in <<INSTITUTION>>. Based on the results of the investigation, this office has concluded that <<INSTITUTION>> did violate the provisions of Title VI of the Civil Rights Act of 1964.

This office is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d et seq., and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Commission, and therefore, is subject to the requirements under Title VI.

Under the Title VI implementing regulation at 34 C.F.R. § 100.3(a), no person may be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the ground of race, color, or national origin under any program to which the regulation applies. Racially based conduct that has such an effect and that consists of different treatment of students on the basis of race by a recipient's agents or employees, acting within the scope of their official duties, violates Title VI.

Because of the finding of non-compliance, <<INSTITUTION>> has been given 30 days to submit a corrective action plan to remedy the non-compliance with Title VI of the Civil Rights Act of 1964.

Thank you again for bringing this matter to our attention. If you need additional information, please contact me at (615) 741-7572.

Sincerely yours,

Will Burns
Title VI Coordinator

APPENDIX VII

**IMPROVING TEACHER QUALITY ADVISORY COMMITTEE
2010**

Ms. Kathy Butler
Sumner County Schools

Dr. Catherine Loss
Vanderbilt University

Dr. Kay Clark
Tennessee Board of Regents

Dr. Patrick Meldrim
TICUA

Ms. Linda Creek
Tennessee Department of Education

Ms. Sally Millsap
MTeach

Dr. Scott Eddins
Tennessee Department of Education

Ms. Jennifer Nix
Tennessee Department of Education

Ms. Nicki Fields
Tennessee Education Association

Dr. David Sevier
Tennessee State Board of Education

Ms. Marianne Gilbert
Williamson County Schools

Dr. Venita Lytle-Sherrill*
Volunteer State Community College

Dr. Fred Heifner
Cumberland University

Dr. Roger Weimers
Tennessee State University

Ms. Linda Jordan
Tennessee Department of Education

Ms. Tarol Wells*
Memphis Public Schools

Mr. Mike Krause
Tennessee Higher Education
Commission

Dr. Brad Windley
Private Citizen

*Denotes Minority

COMMITTEE ON POSTSECONDARY EDUCATIONAL INSTITUTIONS
June 30, 2011

1. Denise Bentley*
Attorney, Metro Board of Education
2. Vicki Burch
President, West Tennessee Business College
3. Mr. Miles Burdine
Representative of the public interest having no association or relationship with such institutions.
4. Bill Faour
Director/Owner, Electronic Computer Programming College
5. Larry Griffin
President, Mid-South Christian College
6. Gaylon Hall
Director Emeritus, William R. Moore College of Technology
7. Former Commissioner John A. Keys*
Commissioner of Veteran Affairs, State of Tennessee
8. Mrs. Lethia Swett Mann*
Serves as a representative of a community based organization that has an interest in postsecondary occupational education.
9. Dr. Kittie Myatt
Chair of Psychology Department, Argosy University – Nashville
10. Dr. Richard Rhoda
Executive Director, Tennessee Higher Education Commission
11. Dr. Richard Rhoda
Executive Director, Tennessee Student Assistant Corporation
12. Steve South
President/Owner, South College
13. Dr. Earlie Steele*
Representative of the public interest having no association or relationship with such institutions.

*Denotes Minority

APPENDIX VIII

**GRANT CONTRACT
BETWEEN THE STATE OF TENNESSEE,
STATE AGENCY NAME
AND
GRANTEE NAME**

This Grant Contract, by and between the State of Tennessee, **State Agency Name**, hereinafter referred to as the "State" and **Contractor Legal Entity Name**, hereinafter referred to as the "Grantee," is for the provision of **Scope of Service Caption**, as further defined in the "SCOPE OF SERVICES."

Grantee Edison Vendor ID # **Number**

A. SCOPE OF SERVICES:

A.1. The Grantee shall provide all service and deliverables as required, described, and detailed herein and shall meet all service and delivery timelines as specified by this Grant Contract.

A.#. **Specify the services & deliverables that the contractor must provide as well as the technical specifications & delivery requirements that must be met (include sufficient detail to ensure accountability & definitive results). Do NOT include payment terms in the Scope of Service.**

B. CONTRACT PERIOD:

This Grant Contract shall be effective for the period beginning **Date**, and ending on **Date**. The Grantee hereby acknowledges and affirms that the State shall have no obligation for Grantee services or expenditures that were not completed within this specified contract period.

C. PAYMENT TERMS AND CONDITIONS:

C.1. Maximum Liability. In no event shall the maximum liability of the State under this Grant Contract exceed **Written Dollar Amount (\$Number)**. The Grant Budget, attached and incorporated hereto as Attachment **Reference**, shall constitute the maximum amount due the Grantee for all service and Grantee obligations hereunder. The Grant Budget line-items include, but are not limited to, all applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Grantee.

C.2. Compensation Firm. The maximum liability of the State is not subject to escalation for any reason unless amended. The Grant Budget amounts are firm for the duration of the Grant Contract and are not subject to escalation for any reason unless amended, except as provided in section C.6.

C.3. Payment Methodology. The Grantee shall be reimbursed for actual, reasonable, and necessary costs based upon the Grant Budget, not to exceed the maximum liability established in section C.1. Upon progress toward the completion of the work, as described in section A of this Grant Contract, the Grantee shall submit invoices prior to any reimbursement of allowable costs.

C.4. Travel Compensation. Reimbursement to the Grantee for travel, meals, or lodging shall be subject to amounts and limitations specified in the "State Comprehensive Travel Regulations," as they are amended from time to time, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement.

C.5. Invoice Requirements. The Grantee shall invoice the State no more often than monthly, with all necessary supporting documentation, and present such to:

State Agency Billing Address

- a. Each invoice shall clearly and accurately detail all of the following required information (calculations must be extended and totaled correctly).
- (1) Invoice/Reference Number (assigned by the Grantee).
 - (2) Invoice Date.
 - (3) Invoice Period (to which the reimbursement request is applicable).
 - (4) Grant Contract Number (assigned by the State).
 - (5) Grantor: **State Agency & Division Name.**
 - (6) Grantor Number (assigned by the Grantee to the above-referenced Grantor).
 - (7) Grantee Name.
 - (8) Grantee Tennessee Edison Registration ID Number Referenced in Preamble of this Grant Contract.
 - (9) Grantee Remittance Address.
 - (10) Grantee Contact for Invoice Questions (name, phone, and/or fax).
 - (11) Itemization of Reimbursement Requested for the Invoice Period— it must detail, at minimum, all of the following:
 - i. The amount requested by Grant Budget line-item (including any travel expenditure reimbursement requested and for which documentation and receipts, as required by "State Comprehensive Travel Regulations," are attached to the invoice).
 - ii. The amount reimbursed by Grant Budget line-item to date.
 - iii. The total amount reimbursed under the Grant Contract to date.
 - iv. The total amount requested (all line-items) for the Invoice Period.
- b. The Grantee understands and agrees to all of the following.
- (1) An invoice under this Grant Contract shall include only reimbursement requests for actual, reasonable, and necessary expenditures required in the delivery of service described by this Grant Contract and shall be subject to the Grant Budget and any other provision of this Grant Contract relating to allowable reimbursements.
 - (2) An invoice under this Grant Contract shall not include any reimbursement request for future expenditures.
 - (3) An invoice under this Grant Contract shall initiate the timeframe for reimbursement only when the State is in receipt of the invoice, and the invoice meets the minimum requirements of this section C.5.
- C.6. Budget Line-items. Expenditures, reimbursements, and payments under this Grant Contract shall adhere to the Grant Budget. The Grantee may vary from a Grant Budget line-item amount by up to one percent (1%) of the line-item amount, provided that any increase is off-set by an equal reduction of other line-item amount(s) such that the net result of variances shall not increase the total Grant Contract amount detailed by the Grant Budget. Any increase in the Grant Budget, grand total amounts shall require an amendment of this Grant Contract.
- C.7. Disbursement Reconciliation and Close Out. The Grantee shall submit any final invoice and a grant disbursement reconciliation report within sixty (60) days of the Grant Contract end date and in form and substance acceptable to the State.
- a. If total disbursements by the State pursuant to this Grant Contract exceed the amounts permitted by the section C, payment terms and conditions of this Grant Contract, the Grantee shall refund the difference to the State. The Grantee shall submit said refund with the final grant disbursement reconciliation report.
 - b. The State shall not be responsible for the payment of any invoice submitted to the state after the grant disbursement reconciliation report. The State will not deem any Grantee

costs submitted for reimbursement after the grant disbursement reconciliation report to be allowable and reimbursable by the State, and such invoices will NOT be paid.

- c. The Grantee's failure to provide a final grant disbursement reconciliation report to the state as required shall result in the Grantee being deemed ineligible for reimbursement under this Grant Contract, and the Grantee shall be required to refund any and all payments by the state pursuant to this Grant Contract.
 - d. The Grantee must close out its accounting records at the end of the contract period in such a way that reimbursable expenditures and revenue collections are NOT carried forward.
- C.8. Indirect Cost. Should the Grantee request reimbursement for indirect cost, the Grantee must submit to the State a copy of the indirect cost rate approved by the cognizant federal agency and the State. The Grantee will be reimbursed for indirect cost in accordance with the approved indirect cost rate to amounts and limitations specified in the attached Grant Budget. Once the Grantee makes an election and treats a given cost as direct or indirect, it must apply that treatment consistently and may not change during the contract period. Any changes in the approved indirect cost rate must have prior approval of the cognizant federal agency and the State. If the indirect cost rate is provisional during the period of this agreement, once the rate becomes final, the Grantee agrees to remit any overpayment of funds to the State, and subject to the availability of funds the State agrees to remit any underpayment to the Grantee.
- C.9. Cost Allocation. If any part of the costs to be reimbursed under this Grant Contract are joint costs involving allocation to more than one program or activity, such costs shall be allocated and reported in accordance with the provisions of Department of Finance and Administration Policy Statement 03 or any amendments or revisions made to this policy statement during the contract period.
- C.10. Payment of Invoice. A payment by the State shall not prejudice the State's right to object to or question any reimbursement, invoice, or matter in relation thereto. A payment by the State shall not be construed as acceptance of any part of the work or service provided or as approval of any amount as an allowable cost.
- C.11. Unallowable Costs. Any amounts payable to the Grantee shall be subject to reduction for amounts included in any invoice or payment theretofore made, which are determined by the State, on the basis of audits or monitoring conducted in accordance with the terms of this Grant Contract, not to constitute allowable costs.
- C.12. Deductions. Pursuant to *Tennessee Code Annotated*, Section 9-4-604, the State may not issue warrants for payments to persons who are in default to the State until such arrearages are paid. If applicable to the Grantee, the Grantee agrees that, should such an arrearage exist during the term of this Grant Contract, the State shall have the right to deduct from payments due and owing to the Grantee any and all amounts as are necessary to satisfy the arrearage. Should a dispute arise concerning payments due and owing to the Grantee under this Grant, the State reserves the right to withhold said disputed amounts pending final resolution of the dispute.

D. STANDARD TERMS AND CONDITIONS:

- D.1. Required Approvals. The State is not bound by this Grant Contract until it is signed by the contract parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this contract, said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).

- D.2. Modification and Amendment. Except as specifically provided herein, this Grant Contract may be modified only by a written amendment signed by all parties hereto and approved by both the officials who approved the base contract and, depending upon the specifics of the contract as amended, any additional officials required by Tennessee laws and regulations (said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.3. Termination for Convenience. The State may terminate this Grant Contract without cause for any reason. Said termination shall not be deemed a breach of contract by the State. The State shall give the Grantee at least thirty (30) days written notice before the effective termination date. The Grantee shall be entitled to compensation for authorized expenditures and satisfactory services completed as of the termination date, but in no event shall the State be liable to the Grantee for compensation for any service which has not been rendered. The final decision as to the amount, for which the State is liable, shall be determined by the State. Should the State exercise this provision, the Grantee shall not have any right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- D.4. Termination for Cause. If the Grantee fails to properly perform its obligations under this Grant Contract in a timely or proper manner, or if the Grantee violates any terms of this Grant Contract, the State shall have the right to immediately terminate the Grant Contract and withhold payments in excess of fair compensation for completed services. Any liability of the Grantee to the State and third parties for any claims, losses, or costs arising out of or related to acts performed by the Grantee under this agreement shall be governed by the Tennessee Claims Commission Act, *Tennessee Code Annotated*, Section 9-8-301, *et seq.*
- D.5. Subcontracting. The Grantee shall not assign this Grant Contract or enter into a subcontract for any of the services performed under this Grant Contract without obtaining the prior written approval of the State. If such subcontracts are approved by the State, each shall contain, at a minimum, sections of this contract pertaining to "Lobbying," "Nondiscrimination," "Public Accountability," "Public Notice," and "Records" (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Grantee shall be the prime contractor and shall be responsible for all work performed.
- D.6. Lobbying. The Grantee certifies, to the best of its knowledge and belief, that:
- a. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - c. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, *U.S. Code*.

- D.7. Nondiscrimination. The Grantee hereby agrees, warrants, and assures 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.
- D.8. Public Accountability. If the Grantee is subject to *Tennessee Code Annotated*, Title 8, Chapter 4, Part 4, or if this Grant Contract involves the provision of services to citizens by the Grantee on behalf of the State, the Grantee agrees to establish a system through which recipients of services may present grievances about the operation of the service program, and the Grantee shall display in a prominent place, located near the passageway through which the public enters in order to receive Grant supported services, a sign at least twelve inches (12") in height and eighteen inches (18") in width stating:
- NOTICE: THIS AGENCY IS A RECIPIENT OF TAXPAYER FUNDING. IF YOU OBSERVE AN AGENCY DIRECTOR OR EMPLOYEE ENGAGING IN ANY ACTIVITY WHICH YOU CONSIDER TO BE ILLEGAL, IMPROPER, OR WASTEFUL, PLEASE CALL THE STATE COMPTROLLER'S TOLL-FREE HOTLINE: 1-800-232-5454
- D.9. Public Notice. All notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the Grantee shall include the statement, "This project is funded under an agreement with the State of Tennessee." Any such notices by the Grantee shall be approved by the State.
- D.10. Licensure. The Grantee and its employees and all sub-grantees shall be licensed pursuant to all applicable federal, state, and local laws, ordinances, rules, and regulations and shall upon request provide proof of all licenses.
- D.11. Records. The Grantee (and any approved subcontractor) shall maintain documentation for all charges under this Contract. The books, records, and documents of the Grantee (and any approved subcontractor), insofar as they relate to work performed or money received under this Contract, shall be maintained for a period of three (3) full years from the date of the final payment 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. The records of not-for-profit entities shall be maintained in accordance with the *Accounting and Financial Reporting for Not-for-Profit Recipients of Grant Funds in Tennessee*, published by the Tennessee Comptroller of the Treasury and found at <http://www.comptroller1.state.tn.us/ma/finreptmanual.asp>. The records for local governments shall be maintained in accordance with the *Internal Control and Compliance Manual for Tennessee Municipalities*, published by the Tennessee Comptroller of the Treasury and found at <http://www.comptroller1.state.tn.us/ma/citymanual.asp> and in accordance with GFOA's publication, *Governmental Accounting, Auditing and Financial Reporting*.
- D.12. Prevailing Wage Rates. All grants and contracts for construction, erection, or demolition or to install goods or materials that involve the expenditure of any funds derived from the State require compliance with the prevailing wage laws as provided in *Tennessee Code Annotated*, Section 12-4-401 *et seq.*

- D.13. Monitoring. The Grantee's activities conducted and records maintained pursuant to this Grant Contract shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.14. Progress Reports. The Grantee shall submit brief, periodic, progress reports to the State as requested.
- D.15. Procurement. If other terms of this Grant Contract allow reimbursement for the cost of goods, materials, supplies, equipment, and/or contracted services, such procurement(s) shall be made on a competitive basis, including the use of competitive bidding procedures, where practical. The Grantee shall maintain documentation for the basis of each procurement for which reimbursement is paid pursuant to this Grant Contract. In each instance where it is determined that use of a competitive procurement method is not practical, supporting documentation shall include a written justification for such decision and non-competitive procurement. Further, and notwithstanding the foregoing, if such reimbursement is to be made with funds derived wholly or partially from federal sources, the determination of cost shall be governed by and reimbursement shall be subject to the Grantee's compliance with applicable federal procurement requirements.

The Grantee shall obtain prior approval from the State before purchasing any equipment under this Grant Contract.

- D.16. Strict Performance. Failure by any party to this Grant Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this agreement shall not be construed as a waiver or relinquishment of any such term, covenant, condition, or provision. No term or condition of this Grant Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the parties hereto.
- D.17. Independent Contractor. The parties hereto, in the performance of this Grant Contract, shall not act as employees, partners, joint venturers, or associates of one another. It is expressly acknowledged by the parties hereto that such parties are independent contracting entities and that nothing in this Grant Contract shall be construed to create a principal/agent relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services.
- D.18. State Liability. The State shall have no liability except as specifically provided in this Grant Contract.
- D.19. Force Majeure. The obligations of the parties to this Grant Contract are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, natural disasters, riots, wars, epidemics, or any other similar cause.
- D.20. State and Federal Compliance. The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant Contract.
- D.21. Completeness. This Grant Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions of the parties' agreement. This Grant Contract supersedes any and all prior understandings, representations, negotiations, and agreements between the parties relating hereto, whether written or oral.
- D.22. Headings. Section headings are for reference purposes only and shall not be construed as part of this Grant Contract.

E. SPECIAL TERMS AND CONDITIONS:

- E.1. Conflicting Terms and Conditions. Should any of these special terms and conditions conflict with any other terms and conditions of this Grant Contract, these special terms and conditions shall control.
- E.2. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Grant Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by EMAIL or facsimile transmission with recipient confirmation. Any such communications, regardless of method of transmission, shall be addressed to the respective party at the appropriate mailing address, facsimile number, or EMAIL address as set forth below or to that of such other party or address, as may be hereafter specified by written notice.

The State:

State Contact Name & Title
State Agency Name
Address
Email Address
Telephone # Number
FAX # Number

The Grantee:

Grantee Contact Name & Title
Grantee Name
Address
Email Address
Telephone # Number
FAX # Number

All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

- E.3. Subject to Funds Availability. The Grant Contract is subject to the appropriation and availability of State and/or Federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate the Grant Contract upon written notice to the Grantee. Said termination shall not be deemed a breach of contract by the State. Upon receipt of the written notice, the Grantee shall cease all work associated with the Grant Contract. Should such an event occur, the Grantee shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Grantee shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- E.4. Charges to Service Recipients Prohibited. The Grantee shall not collect any amount in the form of fees or reimbursements from the recipients of any service provided pursuant to this Grant Contract.
- E.5. No Equipment Acquisition. This Grant Contract does not involve the acquisition and disposition of equipment acquired with funds provided under this Grant Contract.

Add ALL Necessary or Contingently Required Special Terms & Conditions

IN WITNESS WHEREOF,

GRANTEE LEGAL ENTITY NAME:

GRANTEE SIGNATURE

DATE

PRINTED NAME AND TITLE OF GRANTEE SIGNATORY (above)

GRANTOR STATE AGENCY NAME:

NAME & TITLE

DATE

GRANT BUDGET				
Additional Identification Information As Necessary				
The grant budget line-item amounts below shall be applicable only to expense incurred during the following				
Applicable Period: BEGIN: DATE END: DATE				
POLICY 03 Object Line-item Reference	EXPENSE OBJECT LINE-ITEM CATEGORY ¹	GRANT CONTRACT	GRANTEE PARTICIPATION	TOTAL PROJECT
1. 2	Salaries, Benefits & Taxes	0.00	0.00	0.00
4, 15	Professional Fee, Grant & Award ²	0.00	0.00	0.00
5, 6, 7, 8, 9, 10	Supplies, Telephone, Postage & Shipping, Occupancy, Equipment Rental & Maintenance, Printing & Publications	0.00	0.00	0.00
11. 12	Travel, Conferences & Meetings	0.00	0.00	0.00
13	Interest ²	0.00	0.00	0.00
14	Insurance	0.00	0.00	0.00
16	Specific Assistance To Individuals	0.00	0.00	0.00
17	Depreciation ²	0.00	0.00	0.00
18	Other Non-Personnel ²	0.00	0.00	0.00
20	Capital Purchase ²	0.00	0.00	0.00
22	Indirect Cost	0.00	0.00	0.00
24	In-Kind Expense	0.00	0.00	0.00
25	GRAND TOTAL	0.00	0.00	0.00

¹ Each expense object line-item shall be defined by the Department of Finance and Administration Policy 03, *Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies, Appendix A.* (posted on the Internet at: <http://www.state.tn.us/finance/act/documents/policy3.pdf>).

² Applicable detail follows this page if line-item is funded.

GRANT BUDGET LINE-ITEM DETAIL:

PROFESSIONAL FEE, GRANT & AWARD	AMOUNT
Specific, Descriptive, Detail (Repeat Row As Necessary)	Amount
TOTAL	Amount

INTEREST	AMOUNT
Specific, Descriptive, Detail (Repeat Row As Necessary)	Amount
TOTAL	Amount

DEPRECIATION	AMOUNT
Specific, Descriptive, Detail (Repeat Row As Necessary)	Amount
TOTAL	Amount

OTHER NON-PERSONNEL	AMOUNT
Specific, Descriptive, Detail (Repeat Row As Necessary)	Amount
TOTAL	Amount

CAPITAL PURCHASE	AMOUNT
Specific, Descriptive, Detail (Repeat Row As Necessary)	Amount
TOTAL	Amount

APPENDIX IX

	RFS Number	Contractor name	PROGRAM	Funding	BEG Date	END Date
1	33201-00111	National Student Clearinghouse	MOA	Grant	7/1/10	6/30/15
2	33201-00211	Vanderbilt University-TN CRED	RTTT	Federal	8/1/10	6/14/14
3	33201-00311	Public Education Foundation	GEAR UP	Federal	11/4/10	11/5/10
4	33201-00411	John Gupton School of Mortuary Science	Contract Ed	State	8/15/10	6/30/11
5	33201-00511	Maryville College	Contract Ed	State	8/15/10	6/30/11
6	33201-00611	Meharry Medical College-Conditional Gran	Contract Ed	State	8/15/10	6/30/11
7	33201-00711	Meharry Medical College-Family Practice	Contract Ed	State	8/15/10	6/30/11
8	33201-00811	Meharry Medical College-Preventive Medicine	Contract Ed	State	8/15/10	6/30/11
9	33201-00911	SREB-Doctoral Scholars	Contract Ed	State	8/10/10	6/30/13
10	33201-01011	SREB-Regional Education	Contract Ed	State	8/15/10	6/30/11
11	33201-01111	Vanderbilt University	Contract Ed	State	8/15/10	6/30/11
12	33201-01211	Oasis Center	GEAR UP	Federal	8/15/10	12/15/10
13	33201-01311	University of Tennessee Chattanooga	RTTT	Federal	7/1/10	6/30/14
14	33201-01411	University of Memphis	RTTT	Federal	7/1/10	6/30/14
15	33201-01511	Dyersburg State Community College	Adult St Initiative	Lumina Grant	10/1/10	11/30/13
16	33201-01611	Middle Tennessee State University	Adult St Initiative	Lumina Grant	11/1/10	11/30/13
17	33201-01711	George Malo (Consulting Services)	Lottery	State	10/20/10	6/30/11
18	33201-01811	Middle Tennessee State University	Adult St Initiative	Lumina Grant	2/17/11	2/18/11
19	33201-01911	ETSU	ITQ	Federal	1/1/11	12/31/11
20	33201-02011	Lee	ITQ	Federal	1/1/11	12/31/11
21	33201-02111	Lipscomb	ITQ	Federal	1/1/11	12/31/11
22	33201-02211	TTU - Anthony	ITQ	Federal	1/1/11	12/31/11
23	33201-02311	TTU - Wendt	ITQ	Federal	1/1/11	12/31/11
24	33201-02411	TTU - Zahumny	ITQ	Federal	1/1/11	12/31/11
25	33201-02511	UTC - Ingraham	ITQ	Federal	1/1/11	12/31/11
26	33201-02611	UTC - Kiessling	ITQ	Federal	1/1/11	12/31/11
27	33201-02711	UTC - Patty	ITQ	Federal	1/1/11	12/31/11
28	33201-02811	UTM	ITQ	Federal	1/1/11	12/31/11
29	33201-02911	Oasis Center	RTTT	Federal	07/01/11	06/30/12
30	33201-03011	Alliance for Business and Training	CACG	Federal	04/15/11	8/13/14
31	33201-03111	Ayers Foundation, The	CACG	Federal	04/15/11	8/13/14
32	33201-03211	Knoxville Chamber of Commerce	CACG	Federal	04/15/11	8/13/14
33	33201-03311	Oasis Center, The	CACG	Federal	04/15/11	8/13/14
34	33201-03411	Public Education Foundation	CACG	Federal	04/15/11	8/13/14
35	33201-03511	Southwest Tennessee Development District	CACG	Federal	04/15/11	8/13/14
36	33201-03611	Prichard Committee for Academic Excellence	GEAR UP	Federal	6/9/11	6/9/11
37	33201-03711	Jacqueline Moreno	CACG	Federal	6/1/11	6/30/11
38	33201-01310	Lee University (INAT)	ITQG	Federal	1/1/10	12/31/010
39	33201-01410	Austin Peay State University (PFIT)	ITQG	Federal	1/1/10	12/31/010
40	33201-01510	Lee University (CAMPS)	ITQG	Federal	1/1/10	12/31/010
41	33201-01610	Lipscomb University (Preparing Physics and Physical Science Teachers)	ITQG	Federal	1/1/10	12/31/010
42	33201-01710	Middle Tennessee state University (HS Science Redesign)	ITQG	Federal	1/1/10	12/31/010
43	33201-01810	Middle Tennessee State University (Mathematical Literacy: Reading, Writing, Listening, and Speaking Mathematics)	ITQG	Federal	1/1/10	12/31/010
44	33201-01910	TTU at Cookeville (New HS Geometry Standards)	ITQG	Federal	1/1/10	12/31/010
45	33201-02010	TTU at Cookeville (Upper Cumberland Inst for Writing)	ITQG	Federal	1/1/10	12/31/010
46	33201-02110	UT Chattanooga (EXPLORE)	ITQG	Federal	1/1/10	12/31/010
47	33201-02210	UT Chattanooga (Literacy Across the Content)	ITQG	Federal	1/1/10	12/31/010
48	33201-02310	UT Chattanooga (PLAN of ACTION)	ITQG	Federal	1/1/10	12/31/010
49	33201-02410	UT Knoxville (MAPS)	ITQG	Federal	1/1/10	12/31/010
50	33201-02510	UT Knoxville (Ready to Learn)	ITQG	Federal	1/1/10	12/31/010
51	33201-02610	UT Knoxville (SIWI)	ITQG	Federal	1/1/10	12/31/010
52	33201-02710	UT Martin (RICA)	ITQG	Federal	1/1/10	12/31/010
53	33201-03110	Middle Tennessee State University	UTEACH	Federal	2/15/10	12/31/14
54	33201-03310	XAP, Inc.	CACG	Lottery	5/1/10	4/30/11
55	33201-03310	XAP Corporation-Amendment One	CACG	Lottery/Federal	05/01/11	4/30/12
56	33201-03410	University of Tennessee	UTeach	Federal	2/15/10	12/31/14
57	33201-05110	Tennessee Business Roundtable	MOA	MOA	5/15/10	11/30/13
58	33201-99309	University of Tennessee Institute for Assessment and Evaluation	CACG	Federal	10/1/09	8/13/10
59	33201-42108	Walker and Associates-Amendment 1	CACG	Federal	4/29/08	4/28/13