

1.10 Title VI Program and Complaint Process

Application: To All Department of Children's Services (DCS) Employees, all programs operated or funded by DCS that provide services or benefits directly to the client; to grant-in-aid programs; and providers of health services, contractors and sub-contractors that receive federal or State funds, which are collectively referred to as "sub recipients or vendors" in this policy.

Authority: TCA 37-5-105 (5), 37-5-106, 4-21-904; Tennessee Human Rights Commission; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d

Standards: COA: PA CR-1.01, PA-CR 1.02, PA-CR 1.05, PA-CR 1.06, PA-CR 1.09, PA-CR 3, PA- HR 5.0-2, PA-ETH 5.01, PA RPM 2.01(a)(d)(f), PA-RPM 9.03, PA-JJR 13.04

Commissioner:

Date:

Original Effective Date: 10/01/98
Current Effective Date: 10/22/15

Supersedes: DCS 24.10 06/02/14
Last Review Date: 10/22/15

Glossary:

None

Policy Statement:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity operated, funded, or overseen by the Tennessee Department of Children's Services (DCS).

Purpose:

To ensure compliance with requirements of the Title VI of the Civil Rights Act of 1964.

Procedures:

A. Prohibited practices

1. Prohibited Practices include but are not limited to the following:
 - a) Denying any individual any service, opportunity, or other benefit for which this individual is otherwise eligible;
 - b) Providing any individual with any service, or other benefit, that is different or is provided in a different manner from that which is provided to others based upon their race, color, or national origin;

- c) Subjecting any individual to segregate or separate treatment in any manner related to that individuals receipt of services based upon their race, color, or national origin;
 - d) Restricting any individual in the enjoyment of services, facilities, or any other advantage, privilege, or other benefit provided in the program based upon their race, color, or national origin;
 - e) Adopting methods of administration that would limit participation by any group of recipients or subject them to discrimination based upon their race, color, or national origin;
 - f) Exclusion of individuals with Limited English Proficiency (LEP) from programs, receipt of pertinent information because of language barriers based upon national origin;
 - g) Delays, denials, or termination of services because of language barriers (LEP) based upon national origin;
 - h) Addressing an individual in a manner that denotes inferiority because of race, color, or national origin; and
 - i) Subjecting any individual to incidents of racial or ethnic harassment, the creation of a hostile racial or ethnic environment, and a disproportionate burden of environmental health risks on minority communities.
2. Failure to provide trained and competent interpreters at each stage of representation where oral communication is needed, at no charge to the client.

B. Title VI Program

1. The Office of Civil Rights Director or Designee oversees Title VI compliance efforts. The Office of Civil Rights Director or Designee conducts an annual survey of compliance efforts prepared by DCS organizational subdivisions, providers, contractors and vendors to ensure that the following have occurred:
- a) DCS employees, providers, contractors and vendors have received appropriate and adequate annual training on Title VI to function fully in their responsibilities associated with Title VI compliance and implementation;
 - b) DCS employees, providers, contractors and vendors have received all available materials such as the posters required for administering and complying with the Title VI program; and
 - c) The OCR Director or Designee maintains copies of compliance reports from regional offices, a youth development center, and contract agencies for two (2) years. The Director of CIS Grant Programs maintains compliance reports from CIS grants programs.

2. The OCR Director or Designee annually oversees the assessment of the language needs of its eligible client population, utilizing census data, data from client files, data from community agencies and organizations, and other relevant sources.
3. Based on this assessment, DCS develops an annual plan regarding points of contact where language assistance is likely needed, the scope of assistance to be provided, the resources needed to provide assistance, and arrangements that must be made to access these resources in a timely manner.
4. Trained and competent interpreters is utilized at each stage of service at no charge to the client where oral/written communication assistance is needed to provide services due to language barriers based upon national origin.
5. Title VI posters informing clients of their rights to program access under Title VI provisions are placed in all applicable handbooks issued to families and clients, in waiting areas, reception areas, and other initial points of entry. This information and posters is maintained in any regularly encountered languages, established by the LEP survey/ assessment, as well as in English.
6. The annual Title VI survey is reviewed by the senior administrator in each location and returned to the departmental OCR Director or Designee.
7. On-site monitoring may be conducted by DCS monitors coordinated through the Office of Civil Rights.

C. Non-Compliance with Title VI

1. Any contracting agency unit found to be in noncompliance with Title VI is given a written notice. Failure to eliminate further discrimination within ninety (90) days of receipt of notice is considered as a violation of the terms of the contract and a basis for contract suspension, termination, or rejection.
2. If a DCS employee is found guilty of any discriminatory practice or fails to report or refer a complaint based on Title VI provisions, the employee may be subject to disciplinary action in accordance with the Tennessee Department of Personnel (DOP) Policy, rules and DCS Policies and Procedures including the reporting provisions of DCS policy [4.20. Workplace Harassment.](#)

D. Title VI complaint process – filing complaints and grievances

1. Complaints or grievances filed directly with DCS may be filed locally with the designated regional or facility Title VI representative, the DCS Legislative and Constituent's Office or directly with the Office of Civil Rights within one hundred-eighty (180) days from the date of the alleged discrimination or adverse action.
2. All complaints are forwarded to the Office of Civil Rights within two (2) business days of the receipt of any complaint by any DCS employee or representative.

3. The Office of Civil Rights:
 - a) Notifies the complainant of receipt of the complaint;
 - b) The notification is accomplished by the most expedient means available, including e-mail, fax, or telephone call documented in writing and confirmed by letter; and
 - c) The notification includes a request for a time and date an investigator can reach the complainant by telephone or in person to discuss the complaint.
4. A complaint is filed in writing, within one hundred-eighty (180) days of the alleged discrimination or adverse action. The complaint should be filed on form CS-0636, Title VI/IX Complaint available on the department's Forms Webpage. The complaint may also be filed in a letter stating the elements of the complaint. The person to whom the complaint is made documents the elements of the complaint in writing if the complainant is unable or unwilling to file the complaint in writing. The complaint must contain the following information:
 - a) Name address and phone number of the complainant;
 - b) Location and name of the agency, facility, or office where the alleged discrimination took place;
 - c) Identification of the agency staff alleged to have engaged in discrimination;
 - d) The elements of the event(s) that led to belief discrimination occurred;
 - e) The basis of the complaint (i.e., race, color or national origin, etc.);
 - f) Names, addresses and phone numbers of people who may have knowledge of the event; and
 - g) The date(s) the alleged discriminatory event(s) occurred.

E. Investigation process

The Office of Civil Rights completes an investigation within forty-five (45) days of receipt of a complaint. The investigation reviews, at a minimum:

1. Applicable practices and policies;
2. The circumstances and events which led to the filing of the complaint;
3. All other pertinent information; and
4. Complete an Investigator's Memorandum to be reviewed by the Director of the Office of Civil Rights.

F. Determination and ruling

1. The Director of the Office of Civil Rights makes a determination on the alleged discrimination and/or makes any recommendations on appropriate remedial action to DCS Executive Management within fifteen (15) days of the completion of the investigation.

2. The complainant is notified by certified letter of the Director's determination and/or any remedial action that has been taken if it is determined that there was discrimination based on race, color or national origin. In accordance with federal regulations, all complaints are resolved within ninety (90) days of being filed.
3. If the complainant is not satisfied with the Director's determination and/or the remedial action taken, an appeal may be filed for the Commissioner/ designee's review. The appeal is filed in writing within thirty (30) days of receipt of the certified letter from the Director.
4. The Commissioner/designee makes a determination within thirty (30) days of receipt of the appeal. The Commissioner/designee's determination is final within DCS.
5. The complainant may file an appeal with the appropriate federal agency or the Tennessee Title VI Compliance Commission. However, any complaint must be filed within one hundred-eighty (180) days of the alleged discrimination, no matter with whom it is filed. Any complaint filed with DCS more than eighty-nine (89) days after the alleged discrimination, may not allow time to file with a federal agency or the Title VI Compliance Commission if the complaint takes a full ninety (90) days for resolution within DCS.
6. A complaint may be filed simultaneously with a federal agency or the Tennessee Title VI Compliance Commission and with DCS. In such case, the external complaint supersedes the internal (DCS) complaint. Accordingly, the internal complaint procedures are suspended pending the outcome of the federal procedure, unless there is a request from the external agency for assistance in the investigation.
7. Complaints resolved within DCS are on file in the Office of Civil Rights for a minimum of three (3) years.

G. Notification of right to equal access

1. At the initial permanency Child and Family Team Meeting or within ten (10) working days of a youth arriving at a DCS facility placement for initial classification, the Family Service Worker (FSW)/Juvenile Service Worker (JSW) or designee provides form CS-0158, Notification of Right to Equal Access to Programs and Services and Grievance Procedures to the family and child/youth.
2. The FSW/JSW or designee requires the family and child/youth to read and complete the form or the form may be read and explained if the family or child/youth requests assistance.
3. The FSW/JSW or designee must witness and date the form after the Family or child/youth signs.
4. The original form is placed in the child/youth's case file and a copy is given to the family or child/youth.

H. Grievances/ complaints

1. If a family or child/youth feels that they have been denied access to any programs and services offered by the Department of Children's Services, a child and family team meeting is held to offer resolution to the grievance or complaint.
2. Grievances or complaints for youth in a Youth Development Center, or youth on probation or aftercare follows normal grievance procedures as outlined in DCS policies [24.5-DOE, Youth Grievance Procedures](#) and [13.28, Grievance Procedures for Delinquent Youth](#).
3. In all cases where the grievance resolution was not satisfactory and the family or child/youth feel that they have received disparate treatment as defined by Title VI, Americans with Disabilities Act or any other classification protected by Federal Law, he or she may file a complaint as outlined in Section D of this policy.

Forms:

[CS-0636 Title VI/IX Complaint](#)

[CS-0158 Notification of Equal Access to Programs and Services and Grievance Procedures](#)

Collateral Documents:

[Title VI of the 1964 Civil Rights Act](#)