

24.14 Title IX Program and Complaint Process	
Application: To All Department of Children's Services (DCS) Employees, all programs operated or funded by DCS that provide educational services, programs or benefits directly to the client; to grant-in-aid programs; and providers of educational programs, 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 4-4-123, 37-5-105 (3), 37-5-106; Title IX of the Civil Rights Act of 1964 (34 C.F.R. § 160.1 et seq.); 20 U.S.C. § 1681	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
Commissioner:	Date:
Original Effective Date: 11/01/09 Current Effective Date: 02/18/22	Supersedes: DCS 24.14 06/02/14 Last Review Date: 02/18/22

Glossary:

- ◆ Sexual Harassment:
 - Any of the following conduct may be considered sexual harassment under Title IX:
 - a)** A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment).
 - b)** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
 - c)** Sexual assault, dating violence, domestic violence, or stalking.
- ◆ Supportive Measures:
 - Supportive measures are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures must be offered even if a complainant does not wish to initiate or participate in a grievance process (in other words submit a formal complaint in writing).
- ◆ Retaliation:
 - An adverse action against an individual for filing a complaint or participating in an investigation. Retaliation against any person who makes a report or complaint or assists, participates, or refuses to participate in any investigation of an act alleged is prohibited.

Policy Statement:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or educational activity receiving Federal financial assistance or overseen by the Tennessee Department of Children's Services.

Purpose:

To provide guidelines to ensure compliance with requirements of Title IX Civil Rights Act of 1964, as Amended in 1972 (20 U.S.C. § 1681).

Procedures:**A. Prohibited Practices**

Prohibited Practices include but are not limited to the following:

- a)** Denying any individual any educational service, opportunity, or other benefit for which this individual is otherwise eligible;

- b)** Providing any individual with any educational service, or other benefit, that is different or is provided in a different manner from that which is provided to others based upon their sex;
- c)** Subjecting any individual to segregated or separate treatment in any manner related to that individuals receipt of educational services based upon their sex;
- d)** Restricting any individual in the enjoyment of educational services, facilities, or any other advantage, privilege, or other benefit provided in the educational program based upon their sex;
- e)** Adopting methods of administration that would limit participation in the educational program by any group of recipients or subject them to discrimination based upon their sex;
- f)** Educational policies, practices, and programs that discriminate against anyone on the basis of sex;
- g)** Denial of equal educational opportunities to participate in the full range of extracurricular activities;
- h)** Discriminatory counseling and materials that treat students differently on the basis of sex;
- i)** Sexual abuse by adult caretakers, including all school personnel;
- j)** Different housing policies for students based upon sex;
- k)** Sex based harassment (sexual harassment);
- l)** Discrimination based on sexual orientation or sexual identity; and
- m)** Retaliation, bullying, or harassment against individuals for filing a complaint that alleged violations of Title IX.

B. Title IX Program

- 1.** The Director/designee of the DCS Education Division in conjunction with the Office of Civil Rights oversees Title IX compliance efforts. The Director/designee of the DCS Education Division conducts an annual survey of compliance efforts prepared by DCS organizational sub-divisions, providers, contractors and vendors to ensure that the following have occurred:
 - a)** DCS employees, providers, contractors and vendors receive appropriate and adequate training annually on Title IX to function fully in their responsibilities associated with Title IX compliance and implementation.
 - b)** DCS employees, providers, contractors and vendors receive all available materials such as the posters required for administering and complying with the Title IX program.
 - c)** The Director/designee of the DCS Education Division maintains copies of compliance reports from Regional Title IX Coordinators, the Youth Development Center, treatment centers, and contract agencies for two (2)

years. The Director of CIS Grant Programs maintains compliance reports from CIS grants programs.

2. Annually, the Director/designee of the DCS Education Division oversees the assessment of the educational 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 equal educational 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 Educational Consultants are utilized at each stage of service where educational assistance is needed, due to educational barriers based upon gender (sex).
5. Title IX information informing clients of their rights to program access under Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) provisions are placed in all applicable handbooks issued to families and clients. Title IX posters are visible in waiting areas, reception areas, and other initial points of entry. This information and posters are maintained in any regularly encountered languages, established by the Title VI/ Limited English Proficiency survey/ assessment, as well as in English.
6. The annual Title VI, Section 9, c-d, survey is reviewed by the senior administrator (Superintendent, Regional Administrator or Director) for each location and returned to the DCS Education Division Director/designee.
7. On-site monitoring may be conducted by DCS educational monitors coordinated through the DCS Education Division Director/designee in conjunction with the regional designated Title IX Coordinators.

C. Noncompliance with Title IX

1. Any contracting agency unit found to be in noncompliance with Title IX must be 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 entity or employee is found guilty of any discriminatory practice or fails to report or refer a complaint based on the Title IX of the Civil Rights Act of 1964, as Amended in 1972 provisions, the employee may be subject to disciplinary action in accordance with the Tennessee Department of Human Resources (DOHR) Policies, Rules and DCS Policies and Procedures including the reporting provisions of DCS policy [4.20. Workplace Harassment](#).

D. Title IX 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 IX representative, the DCS Legislative and Constituent's Office or directly with the DCS Office of Civil Rights (OCR) within one hundred-eighty (180) days from the date of the alleged discrimination or adverse action.
2. All complaints must be forwarded to the DCS Office of Civil Rights within two (2) business days of the receipt of any complaint by any DCS employee or representative.

Note: Individuals who have been sexually harassed are not required to file a formal (written) complaint. Regardless of whether the complaint is made in writing or verbally, programs or entities notified of the harassment must offer the affected individual supportive measures (see Glossary).

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 to be 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 must be 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/Title IX Complaint** available on the department's Intranet Forms Webpage. The complaint may also be filed by 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;
 - 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. Notification of right to equal access

1. At the initial permanency planning Child and Family Team Meeting (CFTM) 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)/Juvenile Probation Worker (JPO) 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/JPO 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/JPO 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 be given to the family or child/youth.

F. Grievances/complaints

1. If a family or child/youth/family feels they have been denied access to any programs and services offered by the Department of Children's Services, a CFTM must be held to offer resolution to the grievance or complaint.
2. Grievances or complaints for youth in a Youth Development Center, youth on probation or aftercare follows established grievance procedures as outlined in DCS policies [24.5-DOE, Youth Grievance Procedures](#), and [13.28, Grievance Procedures for Delinquent](#).
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-0158, Notification of Right to Equal Access to Programs and Services and Grievance Procedures***](#)

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

Collateral Documents:

None