

## CANNON COUNTY, TENNESSEE

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### TITLE VI POLICY

#### **PURPOSE**

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit discrimination on the basis of race, color or national origin in federally assisted programs. The intent of the law is to ensure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs.

Cannon County has established the following procedures to provide monitoring of Title VI compliance activities and complaint processing in all County programs that receive federal funding.

#### **Policy**

The County and its sub-recipients of federal funds will not:

1. Deny an individual service, or provide only inferior or discriminatory service, aid or benefits because of an individual's race, color or national origin;
2. Subject a person to segregation or treat a person differently in regards to eligibility for and participation in services because of race, color or national origin;
3. Restrict or discourage individuals in their enjoyment of facilities because of race, color or national origin;
4. Discriminate in any way against an individual in any program or activity that is conducted with federal funds.

The County will publicize its Title VI Policy statement. The County will investigate Title VI complaints about County contractors. The County will refer any complaints that the County has violated Title VI on a Federal Highway Administration funded program to the Tennessee Department of Transportation (TDOT).

#### **Coordinator**

The County will appoint one or more Title VI Coordinators to implement its Title VI Policy and procedures.

## **COMPLAINT PROCEDURES**

***Required Time to File Complaint:*** To allow time to file first with the County and then externally with an appropriate outside agency or court, as the complainant chooses, any complaint to the County should be filed promptly and must be filed not later than one hundred eighty (180) calendar days after the alleged discrimination occurred. If the complainant is not satisfied with the findings or the proposed remedial action, the complainant may still file externally within any applicable statute of limitations.

If a complaint is filed within the County and is filed externally during the same time, the external complaint supersedes the internal complaint filing. Accordingly the County's complaint procedures will be suspended pending outcome of the external complaint.

### **Step 1 – Informal meeting with Department Head**

The complainant and/or the complainant's representative are encouraged to initiate the process by meeting with the county department head of the service or facility where the alleged discrimination took place. The complainant should provide the basis of the complaint (race, color, national origin) and the nature of the incident that led the complainant to feel that discrimination was a factor.

The Department Head shall immediately notify the Title VI Coordinator. The department head shall, within ten (10) workdays after receiving the complaint, reach a decision and communicate the decision to the complainant and the Title VI Coordinator.

Upon receipt of a complaint, the Title VI Coordinator will determine jurisdiction. For example, complaints against the County involving Federal Highway Administration funds will be forwarded to the appropriate State agency, the Tennessee Department of Transportation, for proper disposition pursuant to its procedures.

### **Step 2 – Formal Complaint to Title VI Coordinator**

If the complaint is not resolved at Step 1, or if the complaint is not first brought to the Department Head, a written complaint shall be filed with the County's Title VI Coordinator. *(Complaint forms can be obtained by either the department head or the Title VI Coordinator).*

The complainant should complete a Complaint Form, which contains the following information:

1. Name, address and telephone number of the complainant;
2. The location and name of the county department delivering the service;
3. The nature of the incident that led to the complainant to feel that discrimination was a factor;
4. The basis of the complaint (race, color or national origin);
5. Names, addresses and phone numbers of people who may have knowledge of the event;
6. The date or dates on which the alleged discriminatory event or events occurred.

The Coordinator shall notify the department of the formal complaint and initiate an investigation immediately. The Department Head shall provide assistance during this internal investigation as requested by the Coordinator.

The internal investigation shall be completed within twenty (20) workdays of receipt of the complaint, at which time the Coordinator will inform the complainant in writing of its disposition, including any findings of fact and any actions to be taken.

*Disposition of Complaints:*

**Sustained Complaints** - If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the County's disciplinary procedures.

**Unsustained Complaints** – If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

**Unfounded Complaint** – If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of “unfounded” shall be made.

**Exonerated Complaints** – If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of “exonerated” shall be made.

*Review by Appeal:* If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation must be filed, in writing, within thirty (30) calendar days of the resolution of the complaint, with the Title VI Coordinator.

The written appeal must include the complainant's name, address, and telephone number. A statement of reason(s) why the complainant believes the denial of the complaint was inappropriate is recommended.

The Title VI Coordinator will set a mutually agreed-upon time and place for the review process with the complainant-appellant and/or representatives and the County Executive or designee within thirty (30) days of the request. The complainant-appellant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept by the County.

A complainant's right to a prompt and equitable resolution of the complaint will not be impaired by the complainant's pursuit of other remedies. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

Complaint Log: The Coordinator will maintain a Title VI complaint log to show identifying information type and status of each complaint filed, including those filed under Step 1 of this procedure. When any investigation is concluded, the Coordinator will keep a copy of the report on permanent file.

### **LIMITED ENGLISH PROFICIENCY POLICY (LEP)**

Cannon County is committed to providing quality services to all citizens, including those who do not speak English as their primary language, and who have a limited ability to read, speak, write or understand English. These individuals may be considered Limited English Proficient or "LEP" and may be entitled to language assistance. As a recipient of federal funding, Cannon County must take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. Both state and federal governmental agencies recommend analyzing the following four factors to determine the level and extent of language-assistance measures required within the grantee's area of responsibility:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient or agency and costs.

The intent of this policy is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on the County or its department(s). Specific steps to be taken, in terms of translation or language interpretation, will depend on the situation at the time, from coordination with LEP individuals and the organizations that serve them and from analysis of Cannon County's existing resources and the costs of providing language assistance.

### **THE AMERICAN WITH DISABILITIES ACT (ADA)** **TITLE II GRIEVANCE PROCEDURE**

The Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by Cannon County, Tennessee. The County Personnel Policy governs employment-related complaints of disability discrimination. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for person with disabilities upon request.

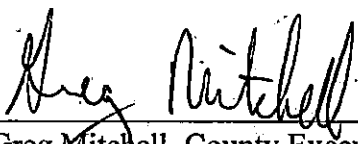
The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than sixty (60) days after the alleged violation to the ADA Coordinator. Within fifteen (15) calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with or otherwise contact the complainant to discuss the complaint and the possible resolution. Within fifteen (15) calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Cannon County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within fifteen (15) calendar days after receipt of the response to the Cannon County Executive or his/her designee.

Within fifteen (15) days after receipt of the appeal, the Cannon County Executive or his/her designee will meet with or otherwise contact the complainant to discuss the complaint and possible resolutions. Within fifteen (15) days after the meeting, the Cannon County Executive or his/her designee will respond in writing and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All complaints received by the ADA Coordinator or his/her designee, appeals to the Cannon County Executive or his/her designee, and responses from these two offices will be retained by Cannon County for at least three (3) years.

Approved this 1<sup>st</sup> day of September, 2022 by the Cannon County Commission.

  
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Greg Mitchell, County Executive

9-1-2022  
Date

  
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Lana Jones, County Clerk

9-1-2022  
Date