

THE UNIVERSITY OF TENNESSEE

TITLE VI IMPLEMENTATION PLAN



2003-2004

Revised: June 2003

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2003-2004**

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GOALS AND OBJECTIVES

Goals

The University of Tennessee seeks, as its Title VI goal to ensure that its instructional, research, and public service programs and activities do not discriminate against participants on the basis of race, color, or national origin. Further, it is the goal of the University to fully comply with both the letter and the spirit of the *Geier* Consent Decree. It is the goal of the University, through its rigorous implementation of policies and programs designed to expand the ethnic and gender composition of the student body, faculty, administrators, and staff, to be more representative of the diversity found within the population base of the state.

Major Objectives

The University has determined that the following strategies and plans for achieving the above goals will enhance compliance with Title VI.

An enforcement program for sub-recipients of federal funds was designed and implemented during 1995-96, including a questionnaire on Title VI compliance and a process to review that questionnaire for compliance. During 1996-97, both the enforcement program and the survey forms were reviewed and revised to ensure compliance and clarify the information solicited. During 1997-98, a follow-up procedure for sub-recipient surveys was implemented. A review of the effectiveness of measures taken during previous years was and remains a major objective of the University-wide Title VI Coordinator.

Non-discrimination posters unique to The University of Tennessee were developed and are placed throughout the University to reflect the University's commitment to and compliance with Title VI. Persons to contact regarding any complaints of Title VI noncompliance are identified on the posters. These posters will continue to be updated as needed.

Title VI brochures were developed and are distributed throughout the University to promote knowledge of Title VI and appropriate methods for redressing concerns. The brochure, printed in both English and Spanish was updated during fiscal year 1999 and will be kept current as needed.

University General Bid Conditions were updated to include the most recent EEO/AA statement, which includes reference to Title VI. Bid conditions for capital projects were revised to include a statement encouraging bidders to actively seek participation by minority-owned businesses. Additionally, contractors and subcontractors are required by bid conditions to maintain policies of nondiscrimination.

During 2000-2001, the University of Tennessee (UT) along with the Tennessee Board of Regents (TBR), in response to the *Geier* Consent Decree engaged two consultants to identify national best practices for the recruitment and retention of African American faculty and administrators. The consultants were asked to provide a list of successful best practices utilized by higher education systems across the nation and to assess the current practices at the UT and TBR institutions and make recommendations regarding the implementation of best practices for institutions within these systems. The recommendations were approved by the *Geier* statewide committee, chaired by the President, and the University is acting to implement the key revisions. In addition, every campus and institute develops annual plans to promote the increase of minorities in employment, academic programs, and public service activities.

OVERVIEW OF THE UNIVERSITY OF TENNESSEE COMPLIANCE PROGRAM

Overview of The University of Tennessee

The University of Tennessee is a state institution of higher education and is composed of The University of Tennessee (which includes the main campus at Knoxville, the Health Science Center in Memphis, the Institute of Agriculture, the Institute for Public Service, and the Space Institute at Tullahoma), The University of Tennessee at Martin, and The University of Tennessee at Chattanooga. Since the last Title VI report, Dr. John W. Shumaker was named as the University's twenty-second President. His office is located on the eighth floor of Andy Holt Tower, University of Tennessee at Knoxville. Mr. Theotis Robinson Jr., Vice President of Equity and Diversity, however, continues to report directly to the President and serves as the Title VI Coordinator for the University system.

The University's primary missions are instruction, research, and public service with an emphasis on quality, information technology, financial stewardship and an aggressive recommitment to the economic, social and cultural development of the State of Tennessee. Instructional offerings include undergraduate, graduate, professional and postgraduate work. Major research areas include agriculture, biotechnology, energy, and health sciences. In the public service area, the University supplies academic expertise to assist businesses, governments, agricultural producers, and rural and urban families. The University spans the State of Tennessee with a network of instructional, research, and service units located in every county.

The University of Tennessee is a recipient of federal financial assistance, and in accordance with the provisions of 42 U.S.C. § 2000d-4a, all instructional, research, and public service programs and activities of The University of Tennessee are subject to the prohibition of Title VI against discrimination on the basis of race, color, or national origin.

For the most part, The University of Tennessee is a recipient of federal financial assistance and not an agency through which federal funds flow to sub-recipients. The University generally receives minimal funds from a federal agency for distribution to other governmental entities or private entities. Therefore, the University's primary duty under Title VI is to ensure that its own instructional, research, and public service programs and activities are provided without discrimination on the basis of race, color, or national origin. A secondary duty is to assure Title VI compliance by those sub-recipients of federal funds distributed through The University of Tennessee.

The University's compliance with Title VI is subject to the continuing jurisdiction and monitoring of the United States District Court for the Middle District of Tennessee in *Geier, et al. v. Sundquist*, a case filed in 1978 under Title VI to achieve the dismantling of Tennessee's former *de jure* segregated system of higher education. The United States Justice Department, which has primary responsibility for enforcement in the *Geier* suit, is a party of the litigation and, consequently, a participant in reviewing the University's compliance with Title VI. The centerpiece of the University's compliance activities is the *Geier* Consent Decree entered in January 2001 that replaced the Stipulation of Settlement originally entered in 1984. Under the Consent Decree, the University implements various plans and programs aimed at achieving increased black enrollment in undergraduate, graduate, and professional programs and for employment of black faculty, administrators, and professionals.

Program Coverage: Budgets/Amounts of Federal and State Dollars

The University of Tennessee is a recipient of federal financial assistance, and all instructional, research, and public service programs and activities of The University of Tennessee are subject to the prohibition of Title VI against discrimination on the basis of race,

color, or national origin. The University receives minimal federal financial assistance to be redistributed to sub-recipients. However, there are some sub-recipients who receive federal funds through The University of Tennessee. Therefore, an enforcement plan for sub-recipients has been developed, a copy of which is provided in Appendix A. Also included in Appendix A is a copy of the Title VI Survey of Sub-Recipients of Federal Funds, the Assurance of Title VI Compliance form, and a Subcontract Checklist.

When the University contracts with an outside entity to provide instruction, research, or service programs for the University, the contract includes a provision against discrimination on the basis of race, color, or national origin (and all other classes protected by federal or state anti-discrimination laws) regardless of whether the contract directly involves federal financial assistance. Additionally, contracts with sub-recipients of federal funds contain a provision requiring compliance with Title VI.

Appendix B provides fiscal information for the period of 2001-2002 showing (a) unrestricted and restricted revenues including federal and state dollars allocated to The University of Tennessee; (b) a schedule of federal agency dollars expended by the University and the amount distributed to sub-recipients; and (c) a detailed list of sub-recipients by campus and the amount received by each.

Sub-recipients of sponsored projects funded from all external agencies, including the Federal government, are primarily determined by the University's project directors, and the sub-recipients' expertise and qualifications are often included in the University's proposals to the external agencies. Their selection may be based upon various criteria such as project requirements, prior collaboration, expertise, and reputation in the field. In addition to sub-recipients receiving monies from Federal and other sources, goods and non-scientific services are

procured by the University from other vendors in accordance with the University's established policies and procedures.

For each Federal award exceeding \$500,000, the Federal government may, at the election of the government's representative, require that the University prepare a Small and Disadvantaged Business Utilization Plan, the purpose of which is to establish a goal for subcontracting a portion of the award to small and disadvantaged business concerns. Under such a Plan, subcontracting is not limited to scientific expertise; rather, it includes the purchase of items such as miscellaneous supplies, travel, equipment, etc. As indicated above, such purchases must follow established University policies and procedures.

Organization/Civil Rights Coordinator

The University of Tennessee System is organized to effect compliance and implement civil rights enforcement by providing coordination of effort through the University Administration and placing responsibility for implementation at the campus level. Theotis Robinson, Jr. (Vice President of Equity and Diversity) is responsible for the development and implementation of the University's Title VI Plan and subsequent updates. He reports to the University President and is charged with providing overall direction and leadership to the University's Title VI compliance activities. Mr. Robinson's office is located at 827 Andy Holt Tower, Knoxville, Tennessee 37996, (865) 974-2241. As the University-wide Title VI Coordinator, Mr. Robinson serves as liaison with federal and state personnel on Title VI issues and concerns and is responsible for the University's overall Title VI program. The Vice President continues to serve as the top administrative leader at campuses in Knoxville, Tullahoma, Memphis, the Institute of Agriculture, and the Institute of Public Service. Chancellors serve as the primary administrative leaders at the Chattanooga and Martin campuses.

In addition, each University campus and/or institute has a Title VI Coordinator who coordinates Title VI activities for that unit and monitors compliance with Title VI in accordance with federal and state laws. A list of Title VI coordinators, including addresses and telephone numbers, and a list of Title VI Coordinator responsibilities are provided as Appendix C. All six Title VI Coordinators are African-American. Mr. Robinson works with the Title VI Coordinators at the respective campus and/or institute levels to help plan Title VI activities and identify needed professional development and training in Title VI compliance activities.

Civil Rights Policy or Guidelines

The ultimate responsibility for implementing the Title VI program at each campus or institute rests with the president, the vice president, and the chancellors. University policy in support of Title VI is found in Personnel Policy 220, Equal Employment Opportunity and Affirmative Action (Appendix D). Also, the processes for policy dissemination are found in the campus/institute affirmative action plans and in handbooks for students and staff. Guidelines for compliance with Title VI are found in existing University policies, guidelines, and reporting mechanisms as found throughout the appendices of this document. Appendix D provides examples of related policies and procedures to include:

- Personnel Policy 143, Recruiting (indicates that each campus/institute will develop procedures to fill staff exempt and staff non-exempt vacancies)
- Personnel Policy 220, Equal Employment Opportunity and Affirmative Action
- Personnel Policy 280, Sexual Harassment
- Personnel Policy 640, Grievances (method for resolution of problems that may arise between the University and regular, staff non-exempt employees)
- Discrimination Complaint Procedures—Knoxville (applies to any employee, student, applicant for admissions or employment or participant of a program or service)
- Search Procedures—UT Martin

In addition, The University files an annual progress report with the Court Monitor of steps taken to implement the *Geier* Consent Decree.

The University's policy against discrimination in its educational programs and activities is disseminated widely through inclusion of the nondiscrimination notice in University publications, contracts, catalogues, student handbooks, advertisements, and recruiting brochures, and, as referenced previously, for those situations where the University distributes federal funds to sub-recipients, the University has developed a Title VI enforcement program. This program includes a survey for sub-recipients, a mechanism to monitor responses, and a method to prevent future contracting with any sub-recipient who does not comply with Title VI requirements (Appendix A).

Definitions

Assurances: A written statement or contractual agreement signed by an authorized University official in which the University agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Beneficiaries: Those persons to whom the University provides instructional, research, or public service assistance, service, or benefits.

Compliance: The fulfillment of the requirements of Title VI and other applicable laws, and 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.

Contractor: A person or entity to perform services for the University at a specified price.

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.

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

Sub-recipient: Any entity (or individual) with which the University contracts to perform services funded in whole or in part by federal funds.

Staff and Budgetary Resources/Civil Rights Training

In regard to the University's compliance with Title VI, the Title VI Coordinator for each campus and institute is responsible for coordinating compliance and training with respect to Title VI and civil rights statutes in general. The University includes a reference to Title VI requirements at each supervisory or other training session that covers nondiscrimination issues. The Title VI Coordinators have periodic discussions with the University-wide Title VI Coordinator, which relate to training, guidance, relevant issues, and assistance in administering the University's Title VI programs. During this past year, with the absence of Ms. Kim Bandy, former State Title VI Coordinator, assistance from the State Office has been limited. But with the recent appointment of Mr. John Birdsong to that vacant post, some of the Title VI coordinators will attend the upcoming Title VI forum planned for July 2003 in Memphis. In Knoxville, the Title VI Coordinator, in conjunction with other local city, county, and state Title VI coordinators will host a one-day luncheon for Mr. Birdsong in June 2003. It is hoped that such meeting will allow an opportunity to become updated on any changes with the Title VI program and directions as to how improvements can be made within their respective programs.

Discriminatory Practices

Examples of prohibited discriminatory practices specific to the University include:

1. Denial of admission on the basis of race, color, or national origin.
2. Assignment of on-campus housing or use of other facilities on the basis of race, color, or national origin.
3. Denial of academic or student support services on the basis of race, color, or national origin.
4. Denial of scholarships or other financial aid on the basis of race, color, or national origin (with the exception of court approved race-based scholarships under *Geier v. Sundquist*).
5. Discrimination in the recruitment, selection and employment of faculty and staff.
6. Discrimination in the provision of working conditions/environment.
7. Denial of any services, or other benefits for which individuals are otherwise qualified on the basis of race, color, or national origin.

Federal Assistance/Guidance

The U.S. Congress has delegated to the Department of Justice the responsibility for the enforcement of Title VI. The Department of Justice has further delegated enforcement responsibilities to other federal agencies. Annual state audits of uses of federal funds are conducted at The University of Tennessee. If inappropriate uses of federal assistance are found, the discontinuation of federal funding could result. The University has received no assistance or dollars from federal agencies for developing Title VI guidelines or training in Title VI compliance.

APPROACH TO MAJOR CIVIL RIGHTS FUNCTIONS

Statement of Assurances

University contracts for educational programs or services contain a provision against discrimination on the basis of race, color, and national origin, as contained in Contract Standard Terms and Conditions, a copy of which is included in Appendix E. Moreover, the University requires a statement of assurance, Assurance of Title VI Compliance, from all sub-recipients of federal funds that acknowledges compliance with Title VI (Appendix A). A Subcontract Checklist, which documents compliance by each Knoxville sub-recipient, is maintained by the University (Appendix A).

Public Notification

The University of Tennessee System notifies the general public of the University's commitment to Title VI through the inclusion of a statement of policy in regard to nondiscrimination practices in all University brochures and publications made available to the public. A sample of this statement is provided as Appendix F. Through student and employee recruitment activities, eligible persons who have been historically deprived of equal opportunity are encouraged to participate fully in the University's educational programs.

Posters emphasizing the University's commitment to compliance with Title VI are distributed and placed throughout the University. A copy of this poster is provided as Appendix G. Additionally, a Title VI brochure has been developed with both an English and Spanish version. The information is the same and copies of both are included in Appendix H. Each individual campus may also use other written information (brochures, hand-outs, etc.) outlining

the University's obligations and commitments to non-discrimination in the employment and education context.

The University of Tennessee (UT) at its Knoxville campus has placed a notice on its official web site to notify the public that the University's Title VI Implementation Plan is available for review in two area libraries: Knox County Public Library-Main Branch Reference Department and The University of Tennessee Hodges Library – Reserve Section. A copy of the Title VI brochure is included in every copy of Volume I of the Affirmative Action Plan, which is distributed to all department heads, chairs of the various campus commissions, and to other faculty, staff, and students upon request. The Title VI brochure, which is available in English and in Spanish, is also distributed upon request to groups and individuals. Title VI information is contained in the Office of Equity and Diversity (OED) brochure *Federal Discrimination Laws: A Brief Summary*. This brochure is widely distributed at educational workshops/training conducted on issues of affirmative action, equal employment opportunity, or diversity. Finally, in an effort to ensure that all newly hired persons at the Knoxville campus are aware of Title VI and other anti-discrimination laws as well as the University's commitment to diversity, representatives from OED participate in the weekly orientation programs conducted by the Office of Human Resources. Informational materials about the OED, complaint procedures, and Title VI brochures (in both English and Spanish) are discussed and distributed to each newly hired employee.

The Director of Purchasing at the Health Science Center attends the monthly Mid-South Minority Business Council meetings. Title VI brochures are sent to local minority businesses identified in the campus directory of Mid-South Minority Business council members.

The Institute of Agriculture notifies the general public about Title VI through the use of the policy statement on non-discrimination practices. This includes making the Title VI poster and brochure available to the public. Title VI brochures are available to units as needed.

The Institute for Public Service informs its customers of their rights under Title VI in a number of ways. All publications of the Institute include the University's nondiscrimination notice. All publications that include a registration panel also ask for voluntary disclosure of Title VI information for tracking purposes. Within the Institute for Public Service, Title VI brochures and posters are available and displayed with other training materials in the agencies that conduct open enrollment training. Finally, all home pages of the Institute's web sites display the Title VI notification.

The Space Institute (UTSI) displays the University's Title VI brochure on a table outside the Department of Human Resources and on the counter at the UTSI receptionist desk near the lobby. Most of UTSI's contract work is done through the Knoxville Facilities Planning Office. For the contract work that comes through UTSI, the contractor(s) are given a copy of the Title VI brochure along with all other applicable policies. The Title VI brochure is distributed at the orientations for new students and for new employees and mailed once a year to all faculty, staff, and students. The Title VI poster is posted in several conspicuous places on the campus.

The University of Tennessee at Chattanooga (UTC) notifies the public of its commitment to Title VI through the distribution of the Title VI brochures. During the process of bidding for products and services for campus use, UTC includes a statement detailing the requirements of Title VI. Title VI brochures are distributed to all departments and individuals receiving grants by

the Grants and Research Office. The Title VI brochures are also distributed to clients through the Offices of Business Services, Operations, and Business and Financial Affairs. Additionally, each academic and administrative department receives copies of the brochure.

A great deal of construction has been underway at UTC, and as a result, a good workable relationship has been developed between minority contractors and local construction companies. Meetings are held to provide minority contractors information about sub-contracting and other information. For example, one contractor allows minority contractors the opportunity to observe, in their on-site office various operations such as scheduling.

The University of Tennessee at Martin (UTM) continues to require all contracted agencies to comply with Title VI. All contracts with agencies include a provision against discrimination on the basis of race, color, or national origin. All publications and job announcements contain the University's anti-discrimination clause, which is as follows: *The University of Tennessee at Martin is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA employer.* If it is a job announcement, the ad will contain this statement, too. The University seeks to diversify its work force. Therefore, all qualified applicants, regardless of race, color, national origin, religion, gender, age, disability, or veteran status, are strongly encouraged to apply. Also, Title VI brochures and sexual harassment brochures are given to all candidates who interview for positions at The University of Tennessee at Martin. Moreover, Title VI posters have been placed in plain view in all buildings throughout the University.

Compliance Reviews

In regard to entities that are sub-recipients of federal funds through The University of Tennessee, the procedures for both pre-award compliance and post-award compliance are delineated in The University of Tennessee Title VI Enforcement Plan. The University requests each sub-recipient to complete and return a Title VI survey which is retained and reviewed by the University Controller. The receipt of surveys is monitored and any questions that arise during the review of the surveys are forwarded to a Title VI Advisory Committee for review and disposition.

The majority of sub-recipients of federal funds through The University of Tennessee are also direct recipients of federal funds, and therefore generally have preexisting Title VI compliance obligations. Because of this, the assurance statement and self-survey methods have been adopted to ensure compliance of the University's sub-recipients.

Pre-Award Compliance: Each organization that receives a subcontract from The University of Tennessee containing federal funds must sign an Assurance Statement that the agency will comply with the requirements of Title VI in regard to the provision of educational programs and services. The organization, by signing the contract, agrees to the following provision included in the terms of the contract:

The subcontractor shall comply with the requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act of 1990, and if applicable, sponsor regulations, the provisions of which, and all future amendments of such statutes and regulations, are incorporated by reference as a part of this agreement.

By signing the contract, the sub-recipient agrees to the Title VI assurance statement and has met the pre-award criteria. No additional procedures or tests are applied.

Post-Award Compliance: In conjunction with A-133 sub-recipient monitoring, the University will annually survey all sub-recipients for compliance with Title VI regulations. The survey method was selected as an effective and expedient tool to gauge compliance given the nature of the sub-recipients. The survey form is contained in Appendix A. The surveys are collected, reviewed for Title VI compliance, and retained by the University Controller. If any of the survey responses indicate deficiencies, additional documentation of compliance will be requested from sub-recipients. Failure to answer any part of the survey will require follow-up action by the University. Any sub-recipient who indicates noncompliance with Title VI will be given written notice that the University will suspend, terminate, or reject future contracts with that entity, if the entity fails to correct the deficiency within a reasonable period of time. Any questions that arise which concern compliance deficiencies or the action to be taken by the University will be forwarded to an ad-hoc Title VI Advisory Committee for review and disposition. Such a committee will include, but not limited to, the Vice President of Equity and Diversity, Office of the General Counsel, appropriate campus Title VI Coordinator, the Vice President of Budget and Finance, Human Resources, Office of Academic Affairs, and the Controller. In addition, the University annually and, on a random basis, will access and review public documentation on the Internet concerning anti-discrimination policies of sub-recipients.

MWOB Purchasing Task Force

To improve the performance of the University in awarding contracts to Minority and Women-Owned Businesses, President John Shumaker has asked the Vice President of Equity and Diversity, Theotis Robison, Jr., to chair a MWOB Purchasing Task Force. This Task Force

will review all policies, regulations, and programs relating to the awarding of contracts for goods and services by all University campuses. The Task Force is composed of members of the Board of Trustees, senior administrators, and representatives from the community. The Task Force will make recommendations on both policy and programmatic changes designed to improve performance in awarding contracts to MWOB's.

Complaints of Discrimination

Each campus and institute of the University has a discrimination complaint procedure, which indicates how the Title VI Coordinator will handle Title VI complaints at the respective campus/institute. An example of a campus discrimination complaint procedure is provided as Appendix I. The University's student handbooks, faculty handbooks, personnel manuals and affirmative action plans notify students and employees of the procedure for filing a complaint of discrimination on the basis of race, color, or national origin. The complaint procedure is also documented in the Title VI brochure (Appendix H).

During the time period from July 1, 2001, through June 30, 2002, the University investigated nine complaints or inquiries, filed by employees and/or students alleging race as their basis. Although none of the complainants specifically alleged a violation based on Title VI, they were investigated in accordance with Title VI guidelines (Appendix J).

Data Collection and Analysis

Extensive data collection and analyses concerning the University's compliance with Title VI are included in the Appendices. Included in Appendix K are data for UT, UTC and UTM as follows: African American undergraduate enrollment from 1998-2000; progression of freshmen who return as sophomores from 1998-2000; retention rate for African-American freshmen from

1998-2000; undergraduate graduation rates from 1997-2000; and undergraduate enrollment by race by campus units from 1997- 2000. Included in Appendix L is a list of degrees awarded by race and by campus. This information is used by the campuses to monitor the progress in recruitment and retention of minority students. UT has placed recruiting offices in Memphis and Nashville to ensure that the University is reaching out to all students in the state and, particularly, to broaden its efforts toward reaching minority students.

Appendix M provides a summary report of orders by UT, UTC, and UTM awarded to minority-, women-, and small-owned businesses for the fiscal year.

Extensive data regarding employment statistics and racial composition of the University's workforce are compiled annually through the Integrated Postsecondary Education Data System (IPEDS) report, which is used for biennial reporting to the Department of Labor. Selected information from this report, as of the last official reporting period of November 2002, is included in Appendix N along with employment utilization reports for some of the campus/institute.

Title VI Activities By Units

President Shumaker has developed the "President's Scorecard" of progress (Appendix O). Diversity in employment and student enrollment are major factors of concern identified as part of the Scorecard. These goals are complementary to those identified earlier via the *Geier* Consent Decree efforts. In implementing the Consent Decree, The University of Tennessee System established several committees to address the elimination of the vestiges of a segregated dual system in higher education on its campuses. Those committees were as follows:

A. The Statewide Faculty and Administrative Hiring and Retention Committee, which had three charges and accordingly is composed of three subcommittees. Those charges were to:

(1) to review “national best practices” at comparable institutions of higher education and to review current practices and programs within the University system for changes and modifications designed to more effectively recruit and retain African American faculty and administrators; (2) to review current procedures for granting tenure and promotion to determine if any disparities based on race exist and to review salary levels to determine if any disparities based on race exist; and (3) to examine the implementation of a Post-Doctoral and Visiting African American Scholars programs at the University as methods of increasing the numbers of African American faculty and graduate students. The committee, chaired by the President of the University with the Vice President for Equity and Diversity as vice-chair, had 21 members, nine of whom were African-American. Two members of the Board of Trustees served on the committee, one of whom was African American. The consultants recommendation as amended and adopted by the committee will continue to guide the University and are included in Appendix P.

To begin implementation of recommendations made by the Statewide African American Faculty and Administrative Hiring and Retention Committee, the Office of the Vice President of Equity and Diversity has a search underway to hire a Faculty and Administrator Recruiter. This person will work with all the campuses within The University of Tennessee System to identify and recruit African American and other faculty and administrators of color. This will be done through the creation of a data base for ready identification of potential candidates for positions as they become available; attendance at national meetings by academic discipline and profession to identify and recruit potential candidates and the establishment of communication channels with doctoral programs at other institutions and organizations such as the Southern Regional Education Board (SREB) for identification of emerging candidates for faculty positions.

Additionally, the University of Tennessee Board of Trustees has adopted a “Statement of Commitment to Diversity and Equal Opportunity” (Appendix Q). This Policy Statement sets forth the Board’s vision of the importance of diversity in the classroom and the workplace within the University.

Further, it ties pay increases and bonuses of senior administrators to performance in the achievement of diversity. The Diversity Policy statement has been distributed to all University employees in their pay envelopes.

A separate report entitled *The University of Tennessee 2002 Revised Report on the Geier Consent Decree* is submitted with this Title VI Report. The adjoining report serves as an update on the progress made thus far to implement fully the directive, intentions and goals of the January 4, 2001 *Geier* Consent Decree. Based on this report, it can be seen that “ the University recognizes its racial and cultural biases and is striving to move beyond past failure and disappointments to become a solid and respected national role model for campus diversity in an educational environment and in employment practices.”

Recognizing the need to find more effective means of engaging the resources of the University in support of under served communities, the Vice President of Equity and Diversity has developed a concept of “Communiversality Programs” to interdict and positively impact communities across the state (Appendix R). The concept has been embraced by the President of the University. Communiversality programs designed to have economic, social, and cultural impacts are underway in Chattanooga and Knoxville in the development of affordable housing. Through communiversality partnerships throughout the state, the University will continue to address its mission to serve the people of Tennessee.

To enhance recruitment and to further strengthen ties to the African American community, the Vice President of Equity and Diversity has announced a new University

initiative on scholarships awarded by historically Black sororities and fraternities. The University has agreed to match any scholarship awarded by historically Black sororities and fraternities to students attending undergraduate school at any of the University's campuses. This announcement was made at an Alpha Kappa Alpha Scholarship Brunch in December 2002 and at a Delta Sigma Theta Scholarship Brunch in June 2003. The announcement was well received on both occasions.

At The University of Tennessee, the Knoxville campus is working in conjunction with Project Grad to provide programs, to include a summer institute, designed to identify and encourage African American students at high-risk public institutions to stay in school and prepare for college opportunities, to include those at UT. For the second summer, a pre-summer enrichment program, known as KAPS (Knoxville Area Pre-College Students) will be conducted at the Knoxville Campus to prepare rising juniors and seniors in the areas of college courses and college life. These programs continue in addition to the efforts conducted under the African American Achievers Program and the African American Incentive Grant Program—both of which are designed to provide funding sources to African American students entering as college freshmen and matriculating through the University. Students must meet and maintain academic requirements in order to continue to receive such funds. Various support services are provided to help ensure their successful progress at the University.

The African Semester program (see the *Geier* Report) was conducted throughout the Spring 2003 semester, which provided cultural and academic programs for the campus and Knoxville community at large to enjoy. And, as already stated, from an employment standpoint, efforts continue to make all employees aware of their rights under Title VI. Particular emphasis has been placed on acquainted new employees at their point of employment orientation of Title VI and the existence of the Office of Equity and Diversity.

The Health Science Center is developing a Center for Minority Health, (Appendix S) which will focus on eliminating health disparities for African Americans and Latinos in Tennessee. The primary goal of the Center is to improve the health of all citizens of Memphis, Shelby County, and West Tennessee with a concentration of those efforts being directed toward African Americans and Latinos living in the Memphis area. Research projects are underway in the areas of cardiovascular diseases, hypertension, diabetes, HIV-AIDS, hepatitis, cancer, and glaucoma.

The Center will also focus on strengthening the relationships between the Health Science Center and the Health Loop, a network of clinics, which serve a high proportion of ethnic minority patients. Research efforts will also focus on developing mechanisms for analyzing treatment patterns, disease prevention, and health education.

Though the education core of the Center, diversity within the context of health science disciplines will be addressed. Because basic and graduate professional health care programs do not uniformly teach the importance of understanding or the skills needed to assess and integrate cultural health beliefs and health practices within plans of care, the Center will assist all the colleges of the Health Science Center (medicine, nursing, dentistry, allied health, and pharmacy) in reviewing their curricula to ensure that appropriate communication and cultural awareness are incorporated within the structure of their programs. A culturally competent practice and educational model may improve communications between providers and recipients of health care as well as faculty members and students.

The Health Science Center also continues their on-going efforts by which the Office of Purchasing serves as a participant in the annual E Match Maker Forum sponsored by the Mid-South Minority business Council (MMBC) in conjunction with the Business Expo. The office submits a list of products and services that the Health Science Center campus frequently

purchases. Minority, women, and disadvantaged firms that participate in this program can submit a business profile that will be matched electronically to the lists of products and services submitted by buying organizations such as UT. Contact information is provided to those firms with profiles matching the UT requirements. The buyers in UT Purchasing Services will schedule meetings with those companies that contact them to indicate an interest in doing business with the Health Science Center.

The Director of Purchasing reviews monthly reports detailing the number and amount of regular purchase orders issued to minority and women owned businesses. Periodic reports are provided to the Title VI Coordinator. The Title VI Coordinator is a member of the Federal Contractors Liaison Association.

The University has implemented SAP R/3, software that covers Purchasing, Accounts Payable, Controlling, and Funds Management. This system, known as IRIS, will facilitate better tracking of purchases for various vendor classes (i.e., minority, women, disadvantaged) compared to the previous IMS system. Additionally, the IRIS system will provide buyers with additional information to assist with solicitation of bids from various classes of vendors. For example, a buyer with a requirement to purchase paper products could query the system to produce a list of all minority and women owned firms selling paper that were registered bidders for the Memphis campus.

Purchasing Services has a copy of the most recent copy of the MMBC Directory. This reference book provides a list of all Uniform Certification Agency (UCA) certified vendors for various product and service classes. Buyers in Purchasing Services use this book to secure sources for sending bids.

The Director of Purchasing attends the annual meeting of the Memphis Urban League. Purchasing Services is working with the MMBC to secure access to their membership database

over the Internet. Future expectations are to publicize this database information to the Health Science Center community in an effort to give departments alternative sources to consider for purchasing goods and services below the \$2,000 bid limit.

The Institute of Agriculture continues to demonstrate a positive commitment to complying with Title VI. Efforts are underway between Tennessee State University and the University of Tennessee Institute of Agriculture to establish working collaborations. Under a Memorandum of Understanding (MOU) signed in 2003, the Tennessee State University Cooperative Agricultural Research Program (TSUCARP) and the University of Tennessee Agricultural Experiment Station (UTAES) agreed to establish a Tennessee Fire Ant Research and Education Team (Appendix T and the *Geier* Report). According to the MOU, the “team will focus on controlling fire ants in the state’s nursery industry and on providing educational programs for nursery producers in counties impacted by fire ant infestation and in areas where emerging infestations are likely.”

An MOU between UTAES and the Tennessee State University Extension Program that was signed in 2002 continues to be implemented (Appendix T). This MOU covers 14 counties in which both institutions have extension programs. In those counties, programs are jointly administered, developed, and services delivered. In the counties covered by the MOU, the logos of both institutions are used on all materials jointly produced and published.

Last fall, the two universities conducted a statewide conference that included both UT and TSU program reports and directions. Another joint conference is planned for November. Further evidence of Title VI compliance efforts can be found in Appendix T. A *Civil Rights Compliance Review* is conducted annually by the Extension Service where all 95 counties are required to provide information pertaining to Title VI.

The Institute for Public Service (IPS) is committed to providing equal opportunity in all its programs. The customer groups of the Institute are defined as state and local government officials and industry representatives for small and medium sized manufacturing firms. Facilities, programs, and services sponsored by the Institute are available to all these customers regardless of race, color, national origin, age, sex, or disability. The Institute has four standing committees that advise the various program staff on priorities and delivery methods that best represent the customer group. A staff composition and standing committee reports are included in Appendix U.

In 1996 The University of Tennessee Center for Industrial Services, an agency within IPS, established the Contractor Resource Center (CRC) to administer the supportive services program for the Tennessee Department of Transportation's (TDOT) Small Business Development Office. The CRC association with TDOT is through a formal grant arrangement to assist small businesses certified by TDOT as being owned and operated by woman and/or minority individuals. The supportive services program works to encourage and promote the development, and eventual self-sufficiency of these small businesses. This task is accomplished by CRC conducting a wide range of technical and business management assistance, training, and one-on-one consultations. Therefore, the small business owners are afforded the following opportunities:

- To increase their technical proficiency in bidding, estimating, and performance of contracts;
- To increase their confidence in general business operations;
- To increase their ability in developing support networks among themselves;
- To increase awareness of their presence and abilities within the highway construction industry and public; and
- To generally enhance their growth and development.

The Space Institute Title VI Coordinator serves as advisor to the UTSI Chapter of the National Society of Black Engineers. This is an avenue for promoting the recruiting and retention of minority students in addition to providing a channel for identifying minority applicants for employment.

The University of Tennessee at Chattanooga (UTC) continues to strengthen the work relationships between the campus, community, minority contractors, and construction industry at large. UTC has published and circulated their *Commitment to Diversity: The University of Tennessee at Chattanooga*, and is an institutional member of the Chattanooga African American Chamber of Commerce. Some of the many points highlighted include: Achievement of more than 4% percentage points beyond their diversity goals related to undergraduate enrollment of African American students; their on-going partnership with the Lyndhurst Foundation and M. L. King Community Development Corporation; Recognition as the Corporate Business of the Year during Minority Enterprise Development Year; A recently established academic scholarship program designed to encourage and facilitate the enrollment of M. L. King neighborhood residents to attend UTC. Of special note is the progress that UTC achieved during the current reporting period in the recruitment of African American faculty. Through the urging of Chancellor Bill Stacy and the involvement of the UTC faculty and administrators, the Chattanooga campus recruited and hired five new tenure-track African American faculty members (*Geier Report*).

The University of Tennessee at Martin (UTM) continues to be proactive in policies relative to admission of African-American students and the employment of African-American faculty. More specifically, the University intensified its efforts to recruit African-American

students proportionate to their representation in the target population. Further, the University made a concerted effort to employ African Americans in faculty positions based on availability. As of September 30, 2001, 13 (4.6% of 277 full-time and part-time faculty) African Americans were employed in faculty positions. Also, 14.7 percent of all students (5900) were African Americans.

A Title VI workshop was held in August 2001. The purpose of the workshop was to raise the awareness of employees in the Child and Family Grant Program about Title VI of the Civil Rights Act of 1964. All participants and clients served by this program were given a copy of the Title VI law and Title VI brochure.

UTM held its Third Annual Civil Rights Conference in March 2003. This year's conference focused on the voting registration campaign that occurred in the West Tennessee counties of Fayette and Haywood during the late 1950's and early 1960's. This campaign was the first ever voter registration drive in the rural South to register African American to vote. It resulted in many Black sharecroppers in those two counties being evicted from their homes by White landowners and being forced to erect tents on bare earth in which to live. The resultant community of tents became known as "Tent City," an icon of the Civil Rights Movement. A tent approximating the size of the tents where people lived during that civil rights campaign was erected on the UTM campus. Former residents of "Tent City" spoke at the conference telling students, faculty and staff their story from that period of Tennessee history (*Geier Report*).

Finally, the Equity and Diversity Officer/Title VI Coordinator continues to meet and interview all candidates for faculty, administrative, and staff positions to discuss:

- The University's success in the area of race relations;
- Fair treatment of African American students enrolled at the University of Martin

- How the Equity & Diversity Officer/Title VI Coordinator would interact with them as future University employees;
- The prevention of sexual harassment at the University at Martin at The University of Tennessee System policy.

Minority Representation

The policy-making body for The University of Tennessee is its governing board, the Board of Trustees. The composition of the Board is mandated by the Tennessee Legislature in Tennessee Code Annotated § 49-9-202. Nineteen of the twenty-four members are appointed by the Governor. The statute provides that in making appointments, the Governor shall strive to ensure that at least one person is a member of a racial minority since ensuring minority participation on policy-making planning boards and advisory commissions is vital to providing equal access to all programs. At present, one appointed member of the Board of Trustees is African-American. A list of The University of Tennessee Board of Trustees members is provided in Appendix Q.

Advisory and planning committees at all levels of University administration typically include minority representation. For example, the Institute for Public Service has fifteen committees that advise various program staff on priorities and delivery methods that best represent the customer group. At the Knoxville campus, this past year, the Black Recruitment and Advisory Committee (BRAC) and the Commission for Blacks (CFB) were combined to form one workable body. The commission is co-chaired by two faculty persons, both of whom are African Americans. Membership includes faculty, staff, and student representatives. The Commission meets to address the issue of retaining and recruiting people from underrepresented population groups. The co-chairs have monthly meetings with Dr. Loren Crabtree, Chancellor

and Vice President of Academic Affairs, to share the concerns voiced by the Commission members. In addition, the Black Faculty and Staff Committee, literally composed of all African American faculty and staff at the Knoxville campus, meet periodically to discuss issues of concern. The composition of major University committees by campus are provided in Appendix U.

Documentation of Minority Input in the Development of the Plan

The University is committed to the inclusion of minority input in the implementation of the Title VI Plan. The Knoxville office meets periodically with other local Title VI representatives to discuss their programs and how avenues of coordination. Some of the agencies actively involved as part of this local coordinating effort include representatives from the Knoxville Mayor's office, Tennessee Department of Transportation, Tennessee Department of Labor and Workforce Development, McGhee Tyson Airport—contracting unit, and The University. Others kept abreast of proposed activities include the Knoxville Urban League, local NAACP, and Department of HUD. In June 2003, a local meeting will be held with Mr. John Birdsong, the new State Title VI Coordinator to discuss his future efforts and vision with Title VI. Among the many issues that the local Title VI coordinators want to address will be (1) outreach needs and activities for the growing Hispanic population in the Knoxville geographic area/region and (2) ways to involve the local community more in the Title VI programs.

Compliance Reporting

The University maintains and reports the compliance records as required by its federal funding agencies. Sub-recipients are required to report their compliance with Title VI in accordance with The University of Tennessee Title VI Enforcement Plan (Appendix A). The Offices of Equity and Diversity, on occasion, are also asked to sign off on Title VI surveys received by UT offices that receive federal grants and/or funds, to indicate compliance with Title VI programs.

Coordination with Other Agencies

The University of Tennessee Administration develops general guidelines for the enforcement of Title VI across all of the campus and institutes in the UT system through the development of the Title VI plan. The University coordinates its compliance with Title VI under the *Geier* Consent Decree with the Tennessee Board of Regents and the Tennessee Higher Education Commission by developing student objectives and the steps taken by each campus to accomplish stated objectives. Federal student assistance programs are monitored by the federal agency controlling the funds. Students maintain direct contact with these federal agencies.

Effecting Compliance

A description of the Enforcement Program for Sub-recipients which is used by the University to effect compliance with Title VI is provided as Appendix A. In addition, language, encouraging participation of minority-owned businesses in state-funded capital improvement projects has been added to the bid documents for such projects.

In every case where a sub-recipient indicates noncompliance with Title VI, the agency in question is asked for voluntary compliance. If that does not occur, as stated in the University's Enforcement Program (Appendix A), steps will be taken to terminate the assistance provided.

APPENDICES

- A. The University of Tennessee Title VI Enforcement Plan for Sub-recipients of Federal Funds
- B. Federal and State Allocations of Funds and Sub-recipients
- C. The University of Tennessee Title VI Coordinators and Coordinator Responsibilities
- D. University of Tennessee Personnel Policies Relevant to Title VI
- E. University of Tennessee Contract Standard Terms and Conditions
- F. Example of a Campus Nondiscrimination Statement
- G. Title VI Poster
- H. Title VI Brochure
- I. Example of a Campus Discrimination Complaint Procedure
- J. University of Tennessee Summary of Title VI Complaints Form
- K. Enrollment, Retention and Graduation Rates
- L. Degrees Awarded by Race and by Campus
- M. UT Knoxville's Summary Report of Orders Awarded to Minority-, Women-, and Small-Owned Businesses
- N. The University of Tennessee Faculty and Staff Data
- O. President's Scorecard
- P. Faculty Recruitment Recommendations of the *Geier* Statewide Faculty and Administrative Hiring and Retention Committee
- Q. University of Tennessee Board of Trustee Diversity Policy Statement
- R. "The Communiversality: A Concept Paper"
- S. Center for Minority Health Brochure
- T. Agricultural Extension Services Reports, Information, and Data
- U. Racial Composition of Major University Committees