
Executive Committee Meeting Agenda | August 16, 2023

1. **Call to Order | Randy Heady, Chairman**
 - a. Prayer
 - b. Pledge of Allegiance
2. **Roll Call | Sherry Thurman**
3. **Approval of Consent Agenda | Randy Heady, Chairman**
 - a. Executive Committee Meeting Minutes – June 21, 2023
4. **UCDD Financial Report | Ginger Stout, Finance Director**
5. **UCDD Loans | Megan Choate, Director of Lending and Economic Development**
 - a. Credit Reporting Policy
 - b. RLF Delinquent Loans
6. **Action Items | Randy Heady, Chairman**
 - a. Title VI Implementation Plan
 - b. Title VI Policies and Procedures
 - c. Four-Factor Analysis and Limited English Proficiency (LED) Plan
 - d. Equal Employment Opportunity Policy
 - e. Complaint Intake Forms
 - f. Statutory Bonds
 - Mark Farley, Executive Director
 - Ginger Stout, Finance Director
7. **Program Updates | Mark Farley, Executive Director**
 - a. Rosa Smith Presentation
 - b. Recomplete Grant Opportunity
8. **Executive Director Report | Mark Farley, Executive Director**
9. **Regional Partners | Randy Heady, Chairman**
10. **Old Business | Randy Heady, Chairman**
11. **New Business | Randy Heady, Chairman**
12. **Public Comments | Randy Heady, Chairman**
13. **Adjourn | Randy Heady, Chairman**

**Upper Cumberland Development District
Executive Committee Meeting**

DRAFT MINUTES	JUNE 21, 2023	10:00 A.M.	COOKEVILLE, TN
MEETING CALLED BY	Chairman Randy Heady		
TYPE OF MEETING	UCDD Executive Committee Meeting		
FACILITATOR	Chairman Randy Heady		
NOTE TAKER	Sherry Thurman		
MEMBERS PRESENT	Dale Reagan, Allen Foster, Jimmy Johnson, Randy Heady, Steve Jones, Sam Gibson, Laurin Wheaton, Jeff Mason, David Sullivan, Terry Bell, Marvin Lusk, Denny Robinson, Jerry Lowery		
MEMBERS ABSENT	Greg Mitchell, Andy Duggin, Luke Collins, R. J. Crawford, Matt Adcock, Josh Miller, Harvey Stowers, Lloyd Williams, Jerry Wilmore, Steven Barlow, Curtis Hayes, Stephen Bilbrey, Randy Porter, Stephen Babcock, Alisa Farmer, Ryle Chastain, Representative Cameron Sexton, Senator Paul Bailey		
	CALL TO ORDER / PRAYER / PLEDGE OF ALLEGIANCE		CHAIRMAN RANDY HEADY
CALL TO ORDER	Chairman Randy Heady called the meeting to order. Executive Director Mark Farley announced that a long-time employee, Jim McCaleb passed away on Monday. Jim worked in the aging department for 20+ years. He was a special person. Remember his family in your prayers.		
PRAYER	Chairman Randy Heady asked City Mayor Jerry Lowery to opened the meeting with prayer.		
PLEDGE OF ALLEGIANCE	The Pledge of Allegiance was cited.		
	ROLL CALL		
ROLLCALL	Sherry Thurman called the roll and the attendance is recorded above. There was a quorum of the committee members present.		
	APPROVAL OF CONSENT AGENDA		CHAIRMAN RANDY HEADY
DISCUSSION	Chairman Randy Heady advised that the consent agenda consist of the following: <ul style="list-style-type: none">Executive Committee meeting minutes – April 12, 2023Lease agreement between Upper Cumberland Development District and Upper Cumberland Human Resource Agency A motion was made to approve the Consent Agenda.		
ACTION	<u>Motion to Approve</u> Motion made by: Steve Jones Motion seconded by: Jerry Lowery Chairman Randy Heady asked for discussion or comments on the motion. Motion carried unanimously.		

	UCDD FINANCIAL REPORT GINGER STOUT, FINANCE DIRECTOR
DISCUSSION/ ACTION	Ginger Stout presented the July 1, 2022 through April 30, 2023 financial report for Upper Cumberland Development District. A motion was made to approve the financial report.
ACTION	<u>Motion to Approve</u> Motion made by: Denny Robinson Motion seconded by: Jeff Mason Chairman Randy Heady asked for discussion or comments on the motion. Motion carried unanimously.
	GUEST SPEAKER EXECUTIVE DIRECTOR MARK FARLEY
DISCUSSION	Executive Director Mark Farley advised that Evan Spann, Deputy Director of Field Operations for the TDEC Division of Remediation expressed interest in speaking to the board on the Brownfields Program. Mr. Spann wasn't present.
	UCDD LOANS MEGAN CHOATE, DIRECTOR OF LENDING & ECONOMIC DEVELOPMENT AND MINDY TRAMEL, LOAN OFFICER
DISCUSSION	Megan Choate introduced the new UCDD loan officer, Mindy Tramel. Mindy Tramel presented a loan request for Jackson Kayak located at 3300 McMinnville Highway in Sparta. The loan request will be used to purchase and set up a new Rotomold oven in the Sparta manufacturing facility to support existing and new contract business. <ul style="list-style-type: none"> • Project Amount: \$850,000 • Loan Amount: \$350,000 • Industrial Development Board: \$300,000 • Jackson Kayak: \$200,000 • Proposed Interest Rate: 7.5% • Proposed Terms: 10 years • Collateral: 54/46 split with the White County IDB on the new and existing rotomold ovens. A motion was made to approve the loan request.
ACTION	<u>Motion to Approve</u> Motion made by: Denny Robinson Motion seconded by: Allen Foster Chairman Randy Heady asked for discussion or comments on the motion. Motion carried with a roll call vote. Thirteen board members voted yes.
DISCUSSION	Mindy Tramel presented a loan request for Highlands Cabinets located at 1975 Browns Mill Road in Cookeville. The loan request will be used to handle the growth they have experienced as well as future growth. They will need to upgrade each area of production to meet existing demand while maintaining and increasing quality. <ul style="list-style-type: none"> • Project Amount: 550,000 • Loan Amount: \$400,000

<p>DISCUSSION/ ACTION</p>	<ul style="list-style-type: none"> • Borrower's Amount: \$150,000 • Proposed Interest Rate: 7.5% • Proposed Terms: 10 years • Collateral: Second lien on the building and additional land located at 1975 Browns Mill Road; first lien on new equipment; second lien on existing equipment. • Personal guarantees on Jason Beaty and Justin Hill <p>A motion was made to approve the loan request.</p>
<p>ACTION</p>	<p><u>Motion to Approve</u> Motion made by: Steve Jones Motion seconded by: Jimmy Johnson</p> <p>Chairman Randy Heady asked for discussion or comments on the motion.</p> <p>Motion carried with a roll call vote. Thirteen board members voted yes.</p>
	<p>ACTION ITEMS CHAIRMAN RANDY HEADY</p> <ul style="list-style-type: none"> • FY 2024 Budget • 2023-2024 Work Plan • Meeting Date – Executive Committee, June 19, 2024
<p>DISCUSSION</p>	<p>Executive Director Mark Farley gave an update on the Action Items.</p> <p><u>FY 24 Budget</u> Finance Director Ginger Stout presented and gave an overview of the FY-2024 budget for UCDD. Included in the budget is a 3% cost of living increase for employees at UCDD.</p> <p>Executive Director Mark Farley advised that the Tennessee General Assembly gave the Development Districts an additional one-time appropriation. We haven't received the dollar amount.</p> <p>Executive Director Mark Farley advised that the Development District office building falls under Cumberland Regional Development Corporation. UCDD plans to submit a request for bid to add 40-45 additional parking spaces and seal the parking lot. The UCDD programs will cover the cost.</p> <p>A motion was made to approve the budget as presented.</p>
<p>ACTION</p>	<p><u>Motion to Approve</u> Motion made by: Dale Reagan Motion seconded by: Lauren Wheaton</p> <p>Chairman Randy Heady asked for discussion or comments on the motion.</p> <p>Motion carried with a roll call vote. Thirteen board members voted yes.</p>
<p>DISCUSSION/ ACTION</p>	<p><u>2023-2024 Work Plan</u> Executive Director Mark Farley presented the 2023-2024 Work Plan for the UCDD. If there are additions that need to be included in the plan let us know. The plan will be submitted to the state.</p> <p>A motion was made to approve the 2023-2024 Work Plan.</p>

ACTION	<p><u>Motion to Approve</u> Motion made by: Jeff Mason Motion seconded by: Marvin Lusk Chairman Randy Heady asked for discussion or comments on the motion. Motion carried unanimously.</p>
DISCUSSION	<p>Meeting Date – Executive Committee, June 19, 2024</p> <p>Executive Director Mark Farley advised that the June 19, 2024 meeting will fall on the new state and federal holiday, Juneteenth. The executive board agreed to move the meeting date to Tuesday, June 18, 2024.</p>
DISCUSSION	<p>PROGRAM UPDATES MARK FARLEY, EXECUTIVE DIRECTOR</p> <p>Tyler Asher and Aaron Lay gave an overview of the Select USA Investment Summit they attended in Washington, DC.</p> <p>Tyler Asher announced that Aaron will be leaving the UCDD to attend Harvard Law School.</p> <p>Executive Director Mark Farley announced that Madeline McLaughlin will be replacing Aaron as the Economic Development Planner.</p> <p>Tommy Lee advised that the Broadband Ready Community Adoption Ready program is a certification designation by the State Department of Economic and Community Development for communities that pass a resolution supporting broadband appointment. The grant will allow local communities to apply for digital adoption funds up to \$100,000. The grant is an 80-20 match. The grant is an opportunity for citizens to have access to technology that they would not normally have. In order to apply for the grant, a resolution will need to be passed saying that you accept the program. The grant application will open August, 2023. Applications will be due in the Fall and awards will be announced in December. City Mayors can apply but it must be through the county.</p> <p>Executive Director Mark Farley advised that \$100,000 has been allocated to all ninety-five counties.</p> <p>Tommy Lee gave an update on the Statewide Infrastructure Grant for the TDEC ARPA funds.</p> <ol style="list-style-type: none"> 1. Contracts need to be signed. If contracts haven't been signed get with your administrator. 2. If contracts are signed, we will make sure that your procurement for the engineer is valid. 3. Engineering agreements need to be turned in. 4. When agreements are turned in, plans and spec needs to be submitted to TDEC for approval. 5. Ready for construction. <p>Tommy Lee advised that the Wish You Were Here, Episode 5 will air on June 29th at 7:00 p.m. The locations will be in:</p> <ul style="list-style-type: none"> • Ish Foundation in Warren and Van Buren counties

<p>DISCUSSION</p>	<ul style="list-style-type: none"> • Grinder House Coffee in Cumberland County • Farmers Storehouse in White County • Tuscany Inn in Smith County • Waterloo on the Overton and Putnam county border <p>Tommy Lee advised that the Development District will be hosting a City Mayors Retreat on August 11, 2023. Save the Dates will be sent out soon. The retreat is for City Mayors, City Administrators and any key staff.</p>
	<p>EXECUTIVE DIRECTOR REPORT MARK FARLEY, EXECUTIVE DIRECTOR</p>
<p>DISCUSSION</p>	<p>Executive Director Mark Farley advised that the UCDD may receive funding to do an Arise planning grant through the Appalachian Regional Commission. UCDD has been working with ARC, the Tennessee Chamber of Commerce and a couple other chambers across 5-6 states. The planning grant will last six months to a year. The grant will be set up to work with employers to create a recovery friendly workplace. The Development District will partner with the Tennessee Chamber of Commerce to help implement the grant across the State of Tennessee as well as other states.</p> <p>Executive Director Mark Farley gave an update on the Opioid money. UCDD has been looking at the applications for state funding. The Development District is putting together an application to hopefully secure certified peer recovery specialist in all fourteen counties. The goal is to try and put at least two individuals in each of the fourteen counties over a three-year period and embed them in non-profits in all fourteen counties doing the opioid work. The individuals will be overseen by the clinical staff in Cookeville but they will be working through the nonprofits locally in each of the communities. We are talking with TTU to do some research to determine if project is working or not. If UCDD shows that we have built a program that works, hopefully in year four or five the counties will take some of their opioid funds to put into the project.</p>
	<p>REGIONAL PARTNERS CHAIRMAN RANDY HEADY</p>
<p>DISCUSSION</p>	<p>Chairman Randy Heady asked for updates from the regional partners.</p> <ul style="list-style-type: none"> • Boyd Barker with the Tennessee Department of Agriculture announced that the department received \$50 million from the federal government as part of the COVID Response. It was divided between three application periods. The department received 259 applications requesting seven million dollars for the Forestry Agriculture Rural Market program. There were eighteen million dollars awarded to twenty businesses. Three of the businesses were in the Upper Cumberland 1) nursery in Warren County; 2) logger in Clay County; and 3) meat processor in White county. The businesses received approximately \$900,000 each. There will be another round of funding in the Fall, 2023 and Spring, 2024. • Taylor Belcher with the Tennessee Valley Authority announced that the launch date for the TVA sites will be in mid-July. If there are properties that needs to be updated, added or removed, give Taylor a call. • Amanda Sexton with Tennessee Central Economic Alliance had no updates. • Bonnie Warren with Senator Bill Hagerty's office and Jennie Spurlock with Congressman John Rose's office advised that their offices help constituents with passports and immigration issues.

DISCUSSION	<ul style="list-style-type: none"> • Tanner Cox with Senator Hagerty's office announced that the Senator is currently in Washington working on immigration legislation and continuing to work on the farm bill. Senator Hagerty will be in Fentress county next week attending the UT medical facility opening. • Blake Neeley with Senator Marsha Blackburn's office announced that the Senator is dealing with regulation for artificial intelligence. The Senator was in Cookeville a couple weeks ago and will be in Overton and some of the other northern counties next week. • Sonya Rimmer with Volunteer Energy Cooperative had not update. • Angela Regitko with the Tennessee Department of Economic and Community Development announced that the Governors Convention will be held September 18th and 19th in Chattanooga. The Upper Cumberland Development Summit will be held August 3rd at Tennessee Tech. The focus of the meeting will be on tourism, workforce, and economic development. 	
	OLD BUSINESS	CHAIRMAN RANDY HEADY
DISCUSSION	No old business was presented for discussion.	
	NEW BUSINESS	CHAIRMAN RANDY HEADY
DISCUSSION	No new business was presented for discussion.	
	PUBLIC COMMENTS	CHAIRMAN RANDY HEADY
DISCUSSION	There were no public comments presented.	
	Tommy Lee introduced the two new employees in the Planning and Community Development department, Megan Reagan and Jessica Duke.	
	ADJOURN	CHAIRMAN RANDY HEADY
ACTION	<p>Chairman Randy Heady advised that he would accept a motion to adjourn.</p> <p><u>Motion to Adjourn:</u></p> <p>Motion made by: Steve Jones</p> <p>Motion seconded by: Jimmy Johnson</p> <p>The UCDD Executive Committee voted unanimously to adjourn the June 21, 2023 meeting.</p>	
CONCLUSION 10:50 a.m.		

 Randy Heady, Chairman

 Jimmy Johnson, Secretary

Credit Reporting Policy

Upper Cumberland Development District

Cumberland Area Investment Corporation

The purpose of the Credit Reporting Policy of the Upper Cumberland Development District/Cumberland Area Investment Corporation is to ensure credit reporting is applied equally and fairly to all qualified loans in UCDD's and CAIC's loan portfolio. The policy was established to:

1. Ensure the accuracy and integrity of information being furnished about consumers
2. Allow consumers to formally dispute the correctness of certain information that is furnished about them to Credit Reporting Agencies (CRA) directly with the data furnisher.

WHAT IS REPORTED

All active loans in our portfolio will be reported regardless of account status. Credit reporting procedures are applied equally to all loans; in no case shall procedures be modified and applied on a loan-by-loan basis.

In order to maintain the accuracy and integrity of the consumer files, historical consumer credit information must be reported in a factual and objective manner. Paid derogatory accounts, such as collections, should be reported as paid; they should not be deleted. It is imperative that inaccurate data be corrected and only inaccurate accounts be deleted from the credit reporting agencies' file.

UCDD/CAIC will "clearly and conspicuously" provide consumers with an address to dispute data reported.

Information may not be furnished that we know- or consciously avoid knowing- is inaccurate.

Loans made to Industrial Development Boards will not be reported to the credit bureaus.

DATA REPORTING

UCDD/CAIC is a member of the Credit Builders Alliance (CBA), a nonprofit organization established to help non-traditional financial and asset building institutions serving low and moderate income individuals build client credit and financial access in order to grow their businesses and/or personal assets. CBA provides community lenders the ability to report loan repayment data to the major Credit Reporting Agencies (CRA) such as Experian, Equifax, and Transunion.

Standard data reporting format known as "Metro 2" is used to report data to the consumer Credit Reporting Agencies via CBA. Metro 2 is the current standard format for reporting consumer credit. It meets all the requirements of the Fair Credit Reporting Act (FCRA), the Fair Credit Billing Act (FCBA), and the Equal Credit Opportunity Act (ECOA). It allows most accurate and complete information on consumers' credit history.

The Metro 2 file is generated by UCDD/CAIC loan servicing software "PIDC Portfol Economic Development Software". Consumer credit is reported on a monthly basis and must be submitted to the CBA website by the 7th business day of each month reporting the prior month's activity (see Appendix A, operating procedure for details on submitting Metro 2 file to CBA). To correct information on a specific consumer between monthly reports, a Midmonth Correction Metro 2 file can be sent from UCDD/CAIC to CBA with just information on that consumer.

PIDC Portfol Economic Development Software is used exclusively for managing UCDD/CAIC loan portfolio; all payments are posted to Portfol upon receipt, ensuring accuracy of the account status being reported. By using the established loan management software Portfol, the reporting of inaccurate or duplicative information is minimized.

In order to ensure the consumer is identified properly, checks and balances are put in place regarding entry of data to the loan management software. Each month following a consumer "loan closing" the Metro 2 file associated with this consumer is examined for accuracy. Specific attention is given to all identifying information, ensuring it is the same as reported in the original loan application. Any inaccuracy should be corrected before the Metro 2 file is submitted to the Credit Reporting Agencies via CBA.

RECORDS RETENTION

UCDD/CAIC will maintain its records for seven years after note expires. Records must contain enough information to substantiate the accuracy of any information furnished that is subject to direct dispute. At a minimum, invoices (electronic or hard copy), Portfol journal entry reports and monthly credit reporting logs must be maintained for each consumer.

STAFF TRAINING & CERTIFICATION

All staff responsible for reporting data to Credit Reporting Agencies via CBA are recommended to obtain Fair Credit Reporting Act (FCRA) Certification with the Consumer Data Industry (CDIA) before performing any tasks related to consumer credit reporting. CBA maintains FCRA Certification with the CDIA.

COMPLIANCE

FCRA Certified staff will keep abreast of changes and/or participate in training provided by the Consumer Data Industry Association (CDIA) to ensure compliance with requirements in the Fair Credit Reporting Act (FCRA).

HANDLING DISPUTED CREDIT INFORMATION

Direct Disputes:

Upon receipt of direct dispute notice UCDD/CAIC will:

1. Acknowledge receipt of notice;
2. Conduct a reasonable investigation with respect to the disputed information;
3. Review all relevant information provided by the consumer with the dispute notice;
4. Complete its investigation of the dispute and report the results of the investigation to the consumer within 30 days.

All dispute notices must contain sufficient information to identify the account in dispute; the specific information disputed; an explanation of the basis for the dispute; and all supporting information, such as bank statements, cancelled checks, receipts, etc. UCDD/CAIC reasonably requires substantiating the basis of the dispute.

If the investigation finds the information reported inaccurate, UCDD/CAIC will promptly notify Credit Builders Alliance (CBA) of the determination, CBA will assist in providing the credit bureaus with corrected information. All inaccurate information must be corrected in Portfol to update subsequent Metro 2 reports. To update Credit Reporting Agencies with corrected information on a specific borrower between monthly reports, a Midmonth Correction Metro 2 file can be sent to CBA with information of that consumer's corrected data. However, if UCDD chooses to wait until the next credit reporting cycle, the Metro 2 file will reflect the correct information.

e-OSCAR (Online Solution for Complete and Accurate Reporting) Disputes:

e-OSCAR is a web-based, Metro 2 compliant, automated system that enables Data Furnishers and Credit Reporting Agencies (CRAs) to respond to consumer credit history disputes in a streamlined and efficient manner. e-OSCAR is a communication tool – a credit bureau will open a case in e-OSCAR when it receives a consumer dispute to communicate the dispute to the creditor in question who is then responsible to re-verify the information being disputed and log their re-verification response through e-OSCAR.

CBA has been approved to act as an agent on behalf of community lenders. As such, CBA manages a centralized master e-OSCAR account with each community lender as a sub-account. By managing e-OSCAR centrally, CBA saves community lenders significant staff time and training while still being able to respond efficiently.

CBA will monitor the e-OSCAR account daily on UCDD's/CAIC's behalf. Anytime CBA receives a dispute on behalf of UCDD/CAIC, staff will receive an email from CBA within 1 business day.

Trained CBA staff will assist UCDD/CAIC in verifying the information and correcting it if necessary within the 30 day period.

In addition to disputes via e-OSCAR, UCDD/CAIC is responsible to respond directly to consumer disputes per the FACT ACT Direct Dispute Rule effective starting July 2010. UCDD/CAIC will investigate disputes unless it determines the dispute is irrelevant or frivolous based on the following exemptions. If

UCDD/CAIC determines that a direct consumer dispute requires investigation, UCDD/CAIC can request assistance from CBA staff on how to verify information. If UCDD/CAIC determines it is necessary to correct information related to a direct dispute, UCDD/CAIC will update Portfol and inform CBA staff to ensure that correction is correctly transferred to Credit Reporting Agencies.

Exemptions (no investigation required):

1. If the consumer dispute does not relate to:
 - a. the consumer's liability for debt with the furnisher;
 - b. the terms of that debt;
 - c. the consumer's performance or conduct concerning an account or relationship with the furnisher; or
 - d. any other information regarding an account that bears on the seven characteristics listed in the definition of "consumer report".
2. If the consumer does not submit direct dispute notice to:
 - a. an address provided by the furnisher that is included on a consumer report;
 - b. an address "clearly and conspicuously" specified by the furnisher for submitted direct disputes that is provided to the consumer in writing or electronically; or
 - c. any business address of the furnisher if the furnisher has not provided an address by one of the other two methods.
3. The consumer's dispute notice does not contain the required content.
4. The consumer's dispute notice does not contain identifying information such as name, DOB, SSN, Phone #, and address.
5. Information derived from public records, such as judgments, bankruptcies, liens, and other legal matters.
6. Information related to fraud alerts or active duty alerts.
7. Information provided to a consumer reporting agency by another furnisher.
8. Reasonably believes the dispute comes from a "credit repair organization".
9. Reasonably believes the dispute to be "frivolous or irrelevant". A dispute qualifies as frivolous or irrelevant if:
 - a. The consumer did not provide sufficient information to investigate the dispute as required;
 - b. The direct dispute is "substantially the same" as a prior dispute (whether submitted directly or through a credit bureau) with respect to which UCDD/CAIC has already satisfied the applicable requirements. A dispute with additional information submitted is not substantially the same; or
 - c. The dispute relates to one or more exemptions already listed.

Upon making a determination that a dispute is frivolous or irrelevant, the consumer must be notified of the determination within five business days by mail (or other method authorized by the consumer). The notice must include the reason for the determination and identify the information that the consumer must submit to trigger the UCDD's/CAIC's obligation to investigate the dispute.

Disputed information, once removed from the consumer file, cannot be reinserted unless it is found to be accurate at a later date.

DATA VERIFICATION

In addition to the ongoing Metro 2 file reviews outlined elsewhere in this policy, it is imperative that periodic evaluations of our practices occur. Therefore, UCDD/CAIC will review and verify random samples of information in conjunction with the annual audit.

Adopted this 16th day of August 2023, by the Upper Cumberland Development District and Cumberland Area Investment Corporation Board of Directors.

Mark Farley, Executive Director

Randy Heady, Chairman

APPENDIX A

Guidelines:

- Primary Borrower Criteria:
 - Corporation - majority owner will be listed as primary borrower.
 - LLC - First signer on the LLC documents will be listed as primary borrower.
- Co-Borrower Criteria:
 - Business is always listed as co-borrower unless d/b/a

Operating procedure:

Submitting information to Credit Reporting Agency (CRA):

1. Generate Metro2 file using Portfol Loan Management Software
 - a. From the main menu select Processing & Reporting tab.
 - b. Click on Accounting to expand the selection. Once expanded click on Portfolio Mgt. to expand the selection.
 - c. Click on Export Credit Report, a new window will be displayed.
 - d. Confirm process month ending date. This should be the last day of the month for the preceding month.
 - e. Click on Validate button. If validation is unsuccessful, correct any errors that occur. Do not proceed until the validation is successful.
 - f. Click on Preview Overrides button. Review all manual overrides. Several loans have manual overrides enabled Field 9, they are overridden to: 10 ("Business Loan (indiv personally liable)") these are ok. Any other manual override should be investigated and corrected if necessary. Do not proceed until manual override report is reviewed and confirmed.
 - g. Confirm path in step 3 - File Export box; the path should point to E:\ Data\Loan Funds\PORTFOL \Credit Reporting\Metro2Export. Click on **Export** button. Examine report produced carefully. Special attention should be paid to new loans and delinquent loans.
2. Upload Metro2 file to secure CBA site, at https address provided by CBA. Login and upload the file. You will receive an email shortly after acknowledging receipt of the file.

Note: The procedure listed above may change if Portfol updates the software.

Overrides:

If Portfol does not report Metro 2 Account Type Code= 10 you need to override the code. *Metro 2 field #9 - Account Type Code = 10 (Business Loan -individual personally liable)*

RLF delinquent loans

The following loans in the RLF Loan Program are in delinquent status. The current balance listed does not include any accrued, unpaid interest. Please review the details of each loan below and the action we are requesting for each. We will be referring to each of these loans by their number.

Loan #23-01-01: (CLS Rotational Molding)

Settlement date 1/2012

Original loan amount: \$134,195.87

Current principal balance: \$9,710.37

Amount past due: \$9,710.37

Last payment made 6/2022

The Board approved using Fox Collection Agency in Summer 2021 which prompted 2 of the 3 owners to significantly pay down the debt. The third partner did not respond to Fox's attempts to collect the remaining balance. Switching from collection activity to legal action through Fox would increase the fees, minimizing the benefit of pursuing the amounts owed. We are recommending writing off the remaining balance.

Loan #165-01-01: (Heady's Wrecker Service)

Settlement date 2/2021

Original loan amount: \$25,000

Current principal balance: \$16,888.04

Current amount past due: \$3,727.92

Last payment made 9/2022

Lack of payment and business closure prompted our actions of repossession and auction of collateral. The wrecker we repossessed was not fully functional at the time of seizure. Funds of \$6,835.41 from the sale were applied to the loan, leaving an outstanding balance of \$16,888.04. Attempts to collect by ACH have been returned for insufficient funds and the borrower is not responsive. We are recommending writing off the remaining balance.

Loans #41-01-01 and 14-01-01: (Stout Trucking)

IRP 4

EDA

Settlement date: 10/2011

Settlement date 11/2011

Original loan amount: \$150,000

Original loan amount: \$111,000

Current principal balance: \$23,490.54

Current principal balance: \$15,368.39

Current amount past due: \$20,250.15

Current amount past due: \$14,985.15

Last payment made 4/2022 on both loans

The loans were approved at the same time as one request but split over the two funds. The original owners of the business sold it to their son who has since sold the business a second time and stopped making payments on the loan. The original collateral included a deed of trust on the personal residence of the original owners. This deed was released in 2015, however, it appears no new collateral was taken in its place. The previous owners of the company signed personal guarantees but are not responding to attempts to contact. The son is also not responding to attempts to contact. We are unsure if the contact information we have on file is still accurate. We are not aware of what verbal agreements may have been made at the time of the execution of the release, therefore, we are not making a recommendation for which action to pursue. The loans are set to mature in October and November of this year, respectively.

Loan #158-01-01: (Lone Wolf Transportation- Disaster loan)

Settlement date 11/2020

Original loan amount: \$20,000

Current principal balance: \$20,000

Current amount past due: \$10,681.57

Last payment made: None

No payments were made on this loan after funding. We are unable to contact or locate the borrower and research indicates he left the state. We previously provided information to our attorney to pursue this client but have not taken any official action at this time. We are requesting legal recourse.



**IMPLEMENTATION PLAN
FOR
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
2022-2023**

August 2023

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OVERVIEW – The Upper Cumberland Development District

A. Overview of The Upper Cumberland Development District

The Upper Cumberland Development District is a governmental agency created by the Tennessee General Assembly to administer regional programs to the fourteen counties of the Upper Cumberland region of Tennessee: Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren and White. For over fifty years, our organization has been serving the residents of this region by providing solutions through regional cooperation and it is our belief that the fourteen counties, along with the many municipalities contained within, are made stronger through regional cooperation and shared resources.

1. **Information Technology (IT) Support-** Incorporates the latest technological advancements to meet the ever changing needs of the Upper Cumberland Development District. The IT staff provides technical assistance and service to all departments and offices of the UCDD.
2. **Administrative Department-** The Administrative Department preforms vital executive support for day-to-day tasks for the Executive Director as well as the functions for the Board of Directors. This consist of the front desk with its multi-function switchboard as well as internal support to achieve a well-run organization. This also includes oversight of general office functions. Public relations, marketing, and media communications are also handled by specific administrative staff. Other aspects of UCDDs physical operations are also handled by the Administrative Department.
3. **Human Resources-** is responsible for the administration and processing of all new hires, orientation, benefits, insurance, safety sensitive issues, drug and alcohol policies and compliance, employee relations, employee safety, safety committee oversight, workers' compensation, compiling and maintaining all personnel records, development and enforcement of the Affirmative Action Plans, and maintaining and updating all policies and procedures for the Agency. The department is responsible for ensuring the Agency's compliance with all regulatory agencies. Responsibilities include compliance with Employment Laws, Family Medical Leave Act Laws, Fair Labor Standards Act, OSHA, TOSHA, Workers Compensation, Affirmative Action Plans, and Agency compliance concerning personnel requirements based on contract and grant regulations.
4. **Area Agency on Aging and Disability -** The Upper Cumberland Area Agency on Aging and Disability (AAAD) offers a wide array of programs and services for individuals over the age of 60 and other adults with disabilities. In addition to providing services, the

AAAD works to ensure that the services are tailored to best meet the needs of each client.
Service Include:

- ***Home Delivered Meals-*** Nutritious meals served to the client's residence
- ***Congregate Meals-*** Nutritionally balanced meals in a social setting
- ***Homemaker Services-***Provides help with tasks such as shopping, meal prep and light housework
- ***Personal Care-*** Provides personal assistance to those having difficulties with activities such as eating, dressing, and bathing
- ***Adult Day Care-*** Structured programs for older persons who cannot be left alone
- ***Senior Center-*** Facilitating the social, emotional and physical well-being of Tennessee adults age 60 and over as part of a comprehensive & coordinated system of services and activities
- ***Family Caregiver-*** Information, assistance, counseling, respite care and limited supplementary services to support family caregivers
- ***Public Guardianship-*** Aids adults 60 and over who are unable to make financial and medical decisions
- ***Ombudsman-*** Advocates on behalf of residents of long-term care facilities
- ***Legal Assistance-*** Assistance in specific areas of law, with priority given to economically disadvantaged older adults
- ***Adult Abuse Coalition-*** Prevents abuse, including neglect and exploitation to at risk adults, through networking, community resource development, awareness and education
- ***State Health Insurance Program (SHIP)-*** Free and objective counseling to all Medicare beneficiaries and their caregivers
- ***Senior Medicare Patrol (SMP)-*** Educates beneficiaries on how to reduce and report Medicare & Medicaid fraud, waste and abuse

- ***Senior PREP-*** Planning & resources for emergency preparedness
 - ***Senior and Caregiver Expo-*** Regional expo connecting seniors and caregivers to regional service providers, information and resource
 - ***Information and Assistance-*** Connects older adults, adults with disabilities and caregivers with available services and programs
 - ***Transportation-***Transportation to doctor visits, grocery stores, county offices, nutrition sites, senior centers and more
 - ***Quality Assurance-*** Ensuring quality services are provided to clients
 - ***SNAP-*** Supplemental Nutrition Assistance Program—formerly known as the Food Stamp program
5. **Cumberland Area Investment Corporation-** Cumberland Area Investment Corporation assists businesses seeking to grow through revolving loan funds. We specialize in gap financing and partnering with traditional lenders to help support job creation and regional, economic prosperity in the Upper Cumberland.
6. **Economic and Community Development-** UCDD is committed to promoting economic growth within the region by offering Economic and Community Development services to assist residents, businesses and local government. Services include:
- ***Economic Development-*** RFI and industrial grant proposal assistance
 - ***Geographic Information Systems-*** Maps, database management and data analysis
 - ***Grant Writing and Administration-*** Technical assistance, grant writing and project planning
 - ***Historic Planning Services-*** Preserving, protecting and promoting cultural resources
 - ***Local Planning-*** Planning assistance for municipal and regional planning commissions
 - ***Retail Recruitment-*** Retail recruiting assistance through Retail Academy

- ***Rural Planning Organizations-*** Transportation planning
- ***Solid Waste-*** Solid waste management assistance, grant writing and recycling education
- ***Statistical Information-*** Regional demographics
- ***Strategic and Comprehensive Planning-*** Community strategic and comprehensive planning assistance
- ***TACIR-*** Regional infrastructure needs inventory
- ***Tennessee Downtowns/Main Street-*** Downtown revitalization assistance

7. **Housing and Family Services-** Cumberland Regional Development Corporation (CRDC) connects individuals with safe and affordable housing. We offer several different types of housing to fit the needs of individuals and families. Our complexes and units are located in the following Tennessee counties: Anderson, Cannon, DeKalb, Fentress, Macon, Monroe, Morgan, Pickett, Putnam, Smith, Warren, White and Wilson. Service include:

- ***HUD 202-*** Housing for senior citizens 62 years of age or older
- ***HUD 811-*** Housing for individuals with verifiable disabilities
- ***Low Income-*** Housing for low income individuals and families
- ***Farm Labor-*** Housing for individuals employed in the agricultural sector

Appendix A displays the organizational chart for the Upper Cumberland Development District.

The primary goal of the Agency's Title VI Program is to ensure that all staff, contractors, sub-contractors and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. Public Chapter 502, passed by the Tennessee General Assembly and signed into law on May 31, 1993, requires each

State agency to develop a Title VI Implementation Plan. Each State governmental entity must submit an updated plan annually to the Human Rights Commission by October 1.

B. Mission Statement

We provide solutions through regional cooperation.

C. Nondiscrimination Policy

The Agency's Title VI and non-discrimination policies and statements are as follows:

Policy Compliance Statement

The Upper Cumberland Development District, complies with Title VI of the Civil Rights Act of 1964, as codified in 42 U.S.C. 2000d, which states that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance."

Affirmative Action/Equal Employment Opportunity

UCDD is an Equal Opportunity Employer. No person is unlawfully excluded from consideration for employment because of age (40 or older), race, color, national origin, ancestry, religion, sex (including gender identity, orientation, and pregnancy), disability, veteran status, genetic information, or any other category protected by State and/or Federal civil rights laws in admission to, access to, or operations of its programs, services or activities.

The Human Resources Department does not discriminate in its hiring or employment practices. The following individual has been designated to handle questions, concerns, complaints, requests for accommodation, or requests for additional information regarding Title VI of the 1964 Civil Rights Act:

Tammy Kulpa
Equal Employment Opportunity Officer
1104 England Drive.
Cookeville, TN 38501
Phone: (931) 432-4111
Email: tkulpa@ucdd.org

Americans with Disabilities Act (ADA)

It is the policy of the Upper Cumberland Development District to comply with all Federal and State laws concerning the employment of persons with disabilities. The Agency prohibits

discrimination and harassment against any qualified individual with a qualified disability as defined by the Americans with Disabilities Act and the Americans with Disabilities Act Amendment Act (ADA/ADAAA). Furthermore, the Agency shall comply with applicable requirements set forth by the Rehabilitation Act of 1973, and any other applicable laws that pertain to disability non-discrimination. Anyone wishing to request an accommodation under the ADA, or individuals seeking to file an ADA complaint, should contact the UCDD Human Resource Department directly.

SECTION 2 DEFINITIONS

- A. Beneficiary: Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any Federally-assisted program.
- B. Complaint: A written allegation of discrimination, which indicates that a program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.
- C. Compliance: Fulfillment of the requirement of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit based on race, color, or national origin.
- D. Compliance Reviews: Conducted by means of either regular inspections of Department programs to determine compliance with Title VI requirements (which may be conducted by means of on-site visits), or desk (structured paper) reviews of programs and associated documentation.
- E. Contractor: An individual, group, or company that agrees to perform services or provide commodities at a specified price pursuant to a contract.
- F. Limited English Proficiency (LEP): A person who does not speak English as their primary language and has a limited ability to read, speak, write, or understand English.
- G. Monitoring: A review process used to determine compliance with the requirements of a State and/or Federal program, applicable laws and regulations, and stated results and outcomes.
- H. Recipient: Any individual, to whom assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.

- I. Title EEO Officer/VI Coordinator: A position designated by the Upper Cumberland Development District to ensure compliance with the Equal Employment Opportunity Act and Title VI program requirements.
- J. UCDD: The Upper Cumberland Development District

SECTION 3

FEDERAL PROGRAMS OR ACTIVITIES

A. Program Coverage

Title VI prohibits discrimination in “any program or activity” which receives Federal financial assistance. UCDD receives Federal and State funding and thereby all Title VI requirements are applicable to operations of the Agency.

B. Federal Assistance

Based on the 2018 audit UCDD received \$10,868,159.00 in Federal funding/financial assistance.

SECTION 4

ORGANIZATION

The Upper Cumberland Development District has assigned Title VI responsibilities to the EEO Officer. The EEO Officer/Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring UCDD’s compliance with Title VI regulations.

Title EEO Officer/Title VI Coordinator responsibilities are as follows:

1. Receive and process the disposition of Title VI complaints.
2. Review annual Title VI reviews and audit of UCDD departments to determine the effectiveness of program activities at all levels.
3. Coordinate training programs on Title VI
3. Prepare a yearly report of Title VI accomplishments and goals, as required.

4. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 30 days. See **Appendix B- Title VI Policy**.
5. Prepare annual Title VI Implementation Plan as required by the Tennessee Human Rights Commission.
6. Disseminate Title VI information to the public and, where appropriate, in languages other than English. See **Appendix C – Title VI LEP Plan**.

The Upper Cumberland Development District ensures compliance within programs by training all agency staff on Title VI regulations annually. This is a key component in fostering the Agency’s mission to ensure all program recipients receive the best service possible in an environment free of discrimination.

SECTION 5

DATA COLLECTION AND ANALYSIS

A. Beneficiaries of Federally Assisted Programs

The primary beneficiaries of the Upper Cumberland Development District are the citizens within the Upper Cumberland region. Collection of specific participants’ race, color, or national origin data is not collected. However, the most current United States Census information is utilized to ensure compliance with all Federal and State laws regarding inclusion.

B. Minority Representation of Agency Staff

The following organizational charts displays the staff composition of UCDD as of July 2022:

Gender	Executive	Director	Manager	Specialist	Support	Front Line	Total
Male	1	4	5	7	4	1	22
Female	0	11	14	12	21	12	70
Total	2	14	19	19	25	13	92

Race	Executive	Director	Manager	Specialist	Support	Front Line	Total
White	2	14	18	16	24	13	87
Black	0	0	1	1	1	0	3
Hispanic	0	0	0	0			0
Native American	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0
Hawaiian	0	0	0	0	0	0	0
Two or more races	0	0	0	2	0	0	2
Total	2	14	19	19	25	13	92

SECTION 6 DISCRIMINATORY PRACTICES

The following activities would be considered discriminatory practices under Title VI:

- Denying any individual any service, financial aid, or other benefits offered by the Agency because of their race, color, or national origin.
- Treating individuals differently because of their race, color, or national origin.
- Using methods which directly or indirectly, through contractual relationships, defeat or substantially impair the accomplishment of effective non-discriminatory practices.

SECTION 7 LIMITED ENGLISH PROFICIENCY (LEP)

Limited English Proficiency policies and procedures for the Upper Cumberland Development District are included as **Appendix C**.

As part of the LEP services UCDD utilizes telephonic interpretative services. UCDD's vendor for telephonic interpretative services is Avaza Language Services Corporation.

Avaza Language Services Corporation

5209 Linbar Drive, Suite 603

Nashville, TN 37211

1-800-482-8292

The Upper Cumberland Development District utilized Avaza's translation services 93 times during the fiscal year July 1, 2021 – June 30, 2022.

The Agency has elected to provide its Title VI poster in both English and Spanish, the second most common language spoken in Tennessee. This poster is displayed in multiple locations. The Agency provides other written documents in Spanish as well; this includes program information on services, and EEO information. The agency website also provides information in Spanish.

SECTION 8

COMPLAINT PROCEDURES

A. Process for Filing a Complaint

A formal complaint must be filed in writing, within one hundred eighty (180) days of the occurrence of the alleged discrimination. See the Agency's Title VI Policy in **Appendix B**.

The complaint should be filed on the Title VI Complaint Form. See **Appendix D**.

The complaint may also be filed in a letter stating the elements of the complaint.

Allegations that are received by telephone, fax, or e-mail will be acknowledged and reduced to writing. However, a complaint form will be forwarded for the person(s) to sign and return to the EEO Officer/Title VI Coordinator for processing. The person to whom the complaint is made will document 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:

1. Name, address, and telephone number of the complainant
2. Location and name of the agency, facility, or other office where the alleged discrimination took place

3. Identification of the agency staff alleged to have engaged in discrimination
4. The elements of the event(s) that led to the belief that discrimination occurred
5. The basis of the complaint, i.e., race, color, or national origin
6. Names, addresses, and telephone numbers of people who may have knowledge of the event.
7. The date(s) the alleged discriminatory event(s) occurred.

A complaint alleging discrimination against the Agency, or an Agency program may be filed internally with UCDD's Title VI Coordinator. In addition, a complaint can be filed externally with the Tennessee Human Rights Commission or the Office of Civil Rights of the U.S. General Services Administration.

B. Investigation, Determination, and Ruling

The Department's supervisory staff shall forward all written complaints to the Title VI Coordinator within two (2) business days of the receipt of any complaint.

The Title VI Coordinator will:

1. Coordinate the review and investigation of complaints.
2. Notify the complainant of receipt of the complaint.
 - a. The notification will be accomplished by the most expedient means available, including e-mail, fax, or telephone call to be documented in writing and confirmed by letter.
 - b. The notification will include a request for a time and date an investigator can reach the complainant by telephone or in person to discuss the complaint.
3. Notify the complainant by certified letter of the determination and/or any remedial action that has been taken if it is determined that discrimination exists based on race, color, or national origin.
4. Maintain copies of complaints and findings for a minimum of three (3) years from the resolution of the complaint.

5. Take primary responsibility for investigating complaints and reporting findings to the Commissioner. The investigation will review, minimally:
 - a. Applicable practices and policies
 - b. The circumstances and events which led to the filing of the complaint
 - c. All other pertinent information
6. Complete the investigation and prepare a written determination on the alleged discrimination and/or make any recommendations on appropriate remedial action to the Commissioner within thirty (30) calendar days of receipt of the written complaint.

C. The Upper Cumberland Development District Complaints for Fiscal Year 2021-2022:

No Complaints was filed against UCDD during FY 2021-2022

There were no lawsuits filed during fiscal year 2021-2022 against UCDD alleging discrimination on the basis of race, color, or national origin under any federally funded program or activity.

A copy of the Agency's Title VI Complaint Log has been included as **Appendix E**

SECTION 9 COMPLIANCE INTERNAL REVIEW

The Agency agrees that as a condition to receiving any Federal financial assistance, it will comply with Title VI of the Civil Rights Acts of 1964. The Title VI Coordinator has the overall responsibility for compliance with Title VI. The Title VI Coordinator, is responsible for coordinating Title VI within the UCDD programs. UCDD will make available to the Human Rights Commission any compliance reports upon request.

The Upper Cumberland Development District has included the Title VI Audit Checklist utilized for compliance checks. It is included as **Appendix F** of this Implementation Plan.

A. Public Notice and Outreach

All UCDD departments receive Title VI posters and brochures for display and distribution. Agency program materials include standard language concerning non-discrimination practices and compliance with the requirements of Title VI.

The Title VI Coordinator is responsible for checking all Public Notice/Bulletin Boards on an annual basis to ensure all Title VI notices are posted and visible. In addition, the Title VI Coordinator is responsible for ensure all language regarding Title VI/EEO is keep up to date and in accordance with current Federal and State discrimination laws.

SECTION 10

TITLE VI TRAINING PLAN

The Upper Cumberland Development District has communicated the Title VI policy to its staff through New Hire Orientation, annual training sessions, and posters displayed in centrally located areas, dissemination of Title VI brochures, the UCDD website, and by making information available upon request about its written non-discrimination policies.

UCDD clients have access to the Title VI policy via posters displayed in centrally located areas, dissemination of Title VI brochures, the UCDD website, and by making information available upon request about its written non-discrimination policies.

In addition, the Agency includes its non-discriminatory policy clause on all pro forma Invitation to Bid and Request for Proposal contract documents. The phrase “UCDD is an EOE” is also printed on any newspaper job postings.

UCDD provides and requires Title VI training for employees on an annual basis. For the current FY year, the Title VI Coordinator provided classroom training, held in a large capacity auditorium to accommodate staff. All UCDD staff were provided training packets on the day of training containing printed materials on Title VI. Training for UCDD employees was held on March 22, 2022. Employees were provided make up days for training. A copy of the Title VI Power Point utilized for the training is provided as an attachment. **See Appendix G**

For fiscal year 2021-2022, a total of 70 employees completed the classroom training in March for Title VI, with the remainder scheduled for a make-up class (Note: new employees receive Title VI training during agency orientation). Records of training completion are maintained in the employee’s personnel files. Sign in sheets for classroom trainings are also maintained by the Title VI Coordinator. **See Appendix H**

The Title VI Coordinator will provide additional training to any employee as requested, or as needed.

SECTION 11

PUBLIC NOTICE AND OUTREACH

A. Commitment Statement

The primary goal of UCDDs Title VI Program is to ensure that all staff, contractors, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. We are readily available to provide high-quality technical assistance, resources, guidance, and any other information in regard to Title VI.

Information related to UCDDs Title VI Policy, which includes complaint procedures, is included as part of the Agency's Title VI Implementation Plan. A brief Title VI Fact Sheet created by the Human Rights Commission will also be made available on request. While this fact sheet does not contain information specific to UCDD, it does provide general Title VI information to the public in an easily accessible manner. Information on UCDDs Title VI policy will be made available on the UCDD website. In addition to electronic distribution, the Agency will provide all of these documents in print, upon request.

B. Minority Representation

UCDD does not directly control the membership of any Board or Commission. UCDD board membership is comprised of elected official, and individuals appointed by those officials as Industrial Representatives. All County Mayors (County Executives) and City Mayors of the 14 counties within the Upper Cumberland region are automatically allotted a board member position. Industrial Representatives from each county are selected by the Mayors. When possible, minorities are selected as Industrial Representatives for the board and committees to help ensure minority representation.

SECTION 12

EVALUATION PROCEDURES OF TITLE VI IMPLEMENTATION

The Upper Cumberland Development District evaluates its Title VI compliance program on a regular basis to ensure effectiveness and efficiency and considers the following information when evaluating its Title VI program:

- Compliance reports received from the Human Rights Commission
- Recent complaints received
- Department program changes and additions
- Other relevant data and information

SECTION 13

RESPONSIBLE OFFICIALS

Tammy Kulpa
Equal Employment Opportunity Officer
1104 England Drive
Cookeville, TN 38501
Phone: (931) 432-4111
Email: tkulpa@ucdd.org

6K29124 040000000



TITLE VI POLICY AND PROCEDURES



TITLE VI POLICY AND PROCEDURES

Approved By: _____

Effective Date: August 2022

Last Revision: August 2022

Purpose: To state the Commitment of the Upper Cumberland Development District to Title VI compliance.

- I. AUTHORITY: TCA §§ 4-3-1105, 4-21-901, 4-21-904, 4-21-905, 49-1-304; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.
- II. POLICY: No person based on race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program, service, or activity operated, funded, or overseen by the Upper Cumberland Development District.
- III. PURPOSE: To ensure agency compliance with the requirements of Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations.
- IV. APPLICATION: All UCDD Employees, Contractors, Subcontractors, and clients who are eligible to receive federal funds and/or services.
- V. RESPONSIBILITY: The Title VI Coordinator will coordinate all programs and activities associated with Title VI complaint investigations and compliance monitoring.
- VI. DEFINITIONS: As used in this policy, include the following:
 - A. Beneficiary: Any person or group of persons entitled to receive benefits, directly or indirectly, from any federally assisted program.
 - B. Complaint: A written allegation of discrimination, which indicates that a program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.

- C. Compliance: Fulfillment of the requirements of Title VI, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit based on race, color, or national origin.
- D. Compliance Reviews: Conducted by means of either regular inspections of Department programs to determine compliance with Title VI requirements, which may be conducted by means of on-site, or desk (structured paper) reviews of programs and associated documentation.
- E. Contractor: An individual, group, or company that agrees to perform services or provide commodities at a specified price pursuant to a contract.
- F. Limited English Proficiency (LEP): Persons that do not speak English as their primary language, and have a limited or no ability to read, speak, write or understand English.
- G. Monitoring: A review process used to determine compliance with the requirements of a state and/or federal program, applicable laws and regulations, and stated results and outcomes.
- H. Recipient: Any individual or group that receives services or assistance from any federally or state funded program or entity
- I. Title VI Coordinator: A position designated to ensure compliance with Title VI program requirements as well as all state and federal laws regarding Title VI

VII. PROCEDURES:

- A. Complaint Filing
A formal complaint must be filed in writing, within one hundred-eighty (180) days of the occurrence of the alleged discrimination.
 - 1. The complaint should be filed on a Title VI Complaint form, **under Title VI of the Civil Rights Act of 1964** available on the Agency's internet webpage as well as by request from the HR Department, and reception desks
 - 2. The complaint may also be filed in a letter stating the elements of the complaint.

3. Allegations that are received by telephone, fax, or e-mail will be acknowledged and reduced to writing. When possible, a complaint form will be forwarded for the person(s) to sign and return to Title VI Coordinator for processing.

The person to whom the complaint is made will document 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 other 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 the belief that discrimination occurred
 - e. The basis of the complaint: race, color, or national origin
 - f. Names, addresses and phone numbers of people who may have knowledge of the event
 - g. The date(s) the alleged discriminatory event(s) occurred.
4. A complaint alleging discrimination against a division or entity of UCDD may be filed internally with the Title VI Coordinator.
 5. In addition, a complaint can be filed externally with the Tennessee Title VI Compliance Commission or the Office of Civil Rights, U.S. General Services Administration.

B. Investigation, Determination and Ruling:

UCDD supervisory staff shall forward all written complaints received to the Title VI Coordinator within two (2) business days of the receipt of any complaint.

The Title VI Coordinator will:

1. Coordinate the review and investigation of complaints.
2. Notify the complainant of receipt of the complaint.
 - a. The notification will be accomplished by the most expedient means available, including e-mail, fax, or telephone call to be documented in writing and confirmed by letter.

- b. The notification will include a request for a time and date an investigator can reach the complainant by telephone or in person to discuss the complaint.
3. Notify the complainant by certified letter of the 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.
4. Maintain copies of complaints and findings for a minimum of three (3) years from the resolution of the complaint.
5. Take primary responsibility for investigating complaints and reporting findings as needed. The investigation will review, minimally:
 - a. Applicable practices and policies;
 - b. The circumstances and events which led to the filing of the complaint
 - c. All other pertinent information.
6. Complete the investigation and prepare a written determination on the alleged discrimination and/or make any recommendations on appropriate remedial action within thirty (30) calendar days of receipt of the written complaint.

C. Internal Appeal Process:

If the complainant is not satisfied with the Title VI Coordinator's findings and/or the remedial action taken, an appeal may be filed with the Executive Director and/or Grievance Committee, which constitutes the last level in the internal complaint system.

1. Upon an appeal, the Director of Human Resources and the Title VI Coordinator will assist the Executive Director and the Grievance Committee in reviewing the matter and making a determination.
2. The appeal process can include, but is not limited to, discussing the complaint with the complainant, the alleged offender, the initial recipient of the complaint, available witnesses, and the Title VI Coordinator whose finding is appealed.

D. External Review Process:

A complaint may be filed simultaneously with the Tennessee Human Rights Commission or the Office of Civil Rights, U.S. General Services Administration and with UCDD. In such case, the external complaint supersedes the internal UCDD complaint. Accordingly, the internal complaint procedures will be

suspended pending the outcome of the Tennessee Human Rights Commission or federal review procedure, unless there is a request from the external agency for assistance in the investigation.

E. UCDD Program and Activities Internal Monitoring Process:

1. The Title VI Coordinator will:
 - a. Coordinate desk audits and on-site reviews.
 - b. Ensure proper notice is given to employees and outside parties regarding the Department's nondiscrimination policy.
 - c. Ensure that LEP guidelines are followed and that Title VI materials are available.
 - c. Collect and maintain data on race and ethnic categories, if applicable.
2. Upon completion of the Review:
 - a. Prepare a corrective action plan outlining the steps that will be taken to correct findings, if any, identified in the monitoring report.
 - b. Provide the name(s) of the contact person(s) responsible for corrective action, the corrective action planned, and the anticipated completion date.

F. Title VI-Compliance Review and Implementation Plan:

1. The Title VI Coordinator will develop the UCDD, Title VI-Implementation Plan and monitor agency compliance.
2. The Implementation Plan will be prepared in accordance with guidance issued by the Tennessee Human Rights Commission (HRC).

Signature Page

VIII. Title VI Assurance

As required by contractual agreement, the Upper Cumberland Human Development District will comply with the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs. This policy outlines the steps and procedures taken to ensure compliance.

VIII. Signature of Title VI Coordinator

As required by the contractual agreement, the Upper Cumberland Development District will comply with the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs and fulfill all above mentioned duties to ensure compliance.

Signature of UCDD Title VI Coordinator

Date

IX. Declaration of Administrative Head: Executive Director and Board Chairman

I declare that I have reviewed and approved the information provided in this Title VI Policy and Procedures on this date.

Signature of Executive Director

Date

Signature of Board Chairman

Date

APPENDIX C
FOUR FACTOR ANALYSIS AND LEP PLAN



**FOUR-FACTOR ANALYSIS
AND
LANGUAGE ACCESS PLAN FOR
LIMITED ENGLISH PROFICIENCY (LEP) PERSONS**

August 2023

Purpose: In compliance with FTA C. 4702. 1. A. The Upper Cumberland Development District (UCDD) has developed the following Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

History: Title VI of the Civil Rights Act on 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination. Persons who, as a result of national origin do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

UCDD Four-Factor Analysis: The following Four Factor Analysis will serve as the guide for determining which language assistance measures the Upper Cumberland Development District should provide to guarantee access to the program services offered by and/or through grant programs by LEP persons.

- 1. Number of proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).**

Currently, the US Census does not provide data regarding Limited English Proficiency below the County Level. Therefore, for determining the LEP population, for the Upper Cumberland Development District communities the estimated census social chart was utilized to determine the estimated LEP population in the UCDD district. This is an estimation of the LEP population and does contain a small margin of error, as indicated on the census charts. (please see attached US Census information)

All citizens are eligible for program services and participation activities administered by the Upper Cumberland Development District and most of all the agency's programs are open to the general public. As a result, LEP persons are likely to come into contact with program activities and program staff.

The overall 14 county percentages of people that speak a language other than English is 4.08%. However, only one language (Spanish) in the counties of DeKalb, Putnam and Warren was identified as exceeding the five percent (5%) benchmark, or 1,000 population mark. Eligible participants speaking "English less than very well" is greater than 5% or 1,000 therefore brochures and Title VI literature will be made available in Spanish. The language line and language cards with over 100 languages supported are provided and made available to all employees of UCDD and contractors to assist as needed with any participant needing interpretation services

2. The frequency with which LEP persons come into contact with the program.

For the FY 2021-2022 year UCDD utilized AVAZA 93 times.

Given the LEP population percentages identified by the 2010 census, it is estimated that LEP persons routinely are exposed to UCDD programs. As a result, program information, including materials such as a customer pamphlets are available in Spanish and offered to the public.

3. The nature and importance of the program, activity, or service provided by the program.

All UCDD programs and activities have the potential of encountering a person speaking a language other than English. UCDD programs provide services that allow LEP members of the community to interact with the public. This interaction can include, but is not limited to: the ability to travel to community functions, provides access to receiving medical care, and in home care, housing services, food assistance, and many others.

In short, the program services for the LEP community are exactly the same as for the English speaking population. Without these public services LEP populations may be less likely to engage in seeking assistance from their community due to language barriers. UCDDs goal is to allow LEP populations to have the same community experiences as their English speaking counterparts.

4. The resource available and costs to the recipient.

Currently, language cards and access to a language line can be utilized to translate in over 100 languages and some written materials. Cost to the agency is billed per minute per phone call. AVAZA can also offer onsite translation services for events such as meetings or seminars. Translation needs are an eligible administrative expense covered by the programs. Accommodating LEP needs via these services are reasonable given the resources available to UCDD to fulfill its obligations.

Certification: Based on the above Four-Factor Analysis, the Upper Cumberland Development District is required to develop a Language Access Plan (LAP) UCDD has and will make all reasonable attempts to accommodate language access needs of residents requesting oral translation during participation activities and program services.

Language Access Plan: As a result of the preceding Four-Factor Analysis, the Upper Cumberland Development District has identified that language assistance be made available and provided on an as needed basis by UCDD through a language service.

- All UCDD contractors, and programs will make available as needed: Citizen Participation documents, project-related resolutions, public notices, and other requested material

to the identified LEP Language (Spanish) and upon request of other participants speaking a language other than English.

- Additionally, all published citizen participation advertisements in the counties of Dekalb, Putnam, and Warren will include a statement in LEP language (Spanish) as identified to indicate other program materials are available in LEP language upon request.
- If other populations of LEP persons are identified in the future, the Upper Cumberland Development District will consider additional measures to serve the language access needs of those persons.

Authorized Signatures:

Preparer Signature/EEO officer

Date

Preparer Signature/ HR

Date

Executive Director Signature

Date

Board Chairman Signature

Date

Population 5 Years and older	
English Only	
Speak English less than "very well"	
Spanish	
Speak English less than "very well"	
Other Indo-European Languages	
Speak English less than "very well"	
Asian and Pacific Islander Languages	
Speak English less than "very well"	
Other Languages	
Speak English less than "very well"	

Count	Percentage
12,695	97.10%
381	2.90%
116	0.90%
230	1.80%
110	0.86%
43	0.34%
6	0.05%
4	0.03%
0	0.00%
34	0.26%
0	0.00%
20,728	

Count	Percentage
53,514	96.80%
1,747	3.20%
662	1.20%
1,106	2.00%
500	0.90%
401	0.76%
53	0.10%
100	0.19%
62	0.12%
63	0.12%
47	0.09%
4,891	

Count	Percentage
2,159	98.10%
132	1.90%
74	1.00%
106	1.10%
62	0.30%
14	0.20%
0	0%
32	0.20%
12	0.10%
0	0%
0	0%
48,947	

Count	Percentage
16,549	92.20%
1,427	8%
915	3.10%
1,075	6.00%
779	2.3%
160	0.90%
133	0.70%
151	1.10%
3	0.00%
1	0.00%
0	0.00%
18,025	

Count	Percentage
16,648	90%
344	2.00%
63	0.04%
244	1.40%
46	0.30%
44	0.30%
58	0.30%
0	0%
0	0%
0	0%
5,312	

Count	Percentage
10,800	99.20%
86	0.80%
14	0.10%
60	0.60%
12	0.10%
30	0.30%
2	0%
0	0%
0	0%
17,407	

Count	Percentage
20,150	96.10%
779	3.10%
490	2.10%
619	3.00%
490	2.10%
27	0.10%
0	0%
133	0.60%
0	0%
0	0%
0	0%
24,442	

Population 5 Years and older	
English Only	
Launguage Other Than English	
Speak English less than "very well"	
Spanish	
Speak English less than "very well"	
Other Indo-European Languages	
Speak English less than "very well"	
Asian and Pacific Islander Languages	
Speak English less than "very well"	
Other Languages	
Speak English less than "very well"	

Estimate	Percentage
308,317	95.92%
13,124	4.08%
6,533	2.03%
9,470	2.95%
5,185	1.61%
1800	0.56%
603	0.19%
1190	0.37%
472	0.15%
664	0.21%
273	0.08%

Total	Estimate	Percentage
321,441	308,317	95.92%
	13,124	4.08%
	6,533	2.03%
	9,470	2.95%
	5,185	1.61%
	1800	0.56%
	603	0.19%
	1190	0.37%
	472	0.15%
	664	0.21%
	273	0.08%



Over-the-Phone (OTP) interpreting remains the most popular method of delivery for the interpreting industry. We believe that OTP services should be quick, flexible and managed to allow the best practices and minimize missed opportunities for our clients and the individuals that are Limited in English Proficiency (LEP).

Quality from the start...

Each of our Call Center Coordinators must initially complete at least 20 hours of training before they are ready to take calls. This enables us to better assist you in professionalism, accuracy, and precise monitoring. With these three attributes, we are able to gather detailed information and connect you to an interpreter in a matter of seconds.

Professional Training...

AVAZA interpreters follow nationwide standards of interpreting from the leading training organizations and curriculums. From ethics to practice, and confidentiality to compliancy, interpreter trainings are continuous, effective and integrated with call center processes and customer care trainings. In addition, AVAZA interpreters submit to the mandatory completion of the nation's leading medical interpreter training program (Bridging the Gap Medical Interpreter Training) and further professional development in healthcare.

Technology...

Providing quality language services over-the-phone requires scalability in telephony systems and/or server platforms that meet redundancy, reliability, security, and performance needs. While our systems engage in those fundamental needs, we continuously race to integrate the newest technologies that only support efficiency in the deployment of our services.

Delivery of Services...

- User-friendly
- Support in over 100 languages and dialects
- 24/7 access
- Qualified medical interpreters
- Proficiency in active languages
- Aggressive quality control
- Emphasis on clarity, customer care, and consistency
- Billing for usage only
- No monthly or annual fees

**The best in over-the-phone
language support, available
24/7, 365 days a year**

615.534.3400 | fax: 615.810.8506 | 800.482.8292
www.avaza.co

© 2011 Avaza Language Services Corp.



How to Connect to AVAZA Language Services

In the event that you need an interpreter, we have created a simple process to contact us. However before beginning, here are the ground rules:

- Interpreting is the conversion of language orally.
- Translating is the conversion of language on documents.
- LEP (Limited English Proficiency) is a person described as being unable to communicate effectively, in this case, English.

Here is how you can access our services. This can be done in many ways:

1. When the LEP person is present at your location.
 - a. If the LEP person is present with at your location, dial the assigned AVAZA number.
 - b. Be ready to provide your access code, your name, and the language that you are requesting.
 - c. Provide the information above and you will be connected to an interpreter.
2. When the LEP person is on the telephone with you.
 - a. If the LEP is on the telephone with you, place them on hold and dial the assigned AVAZA number.
 - b. Be ready to provide your access code, your name, and the language that you are requesting.
 - c. Provide the information above and you will be connected to an interpreter.
 - d. Once you have the interpreter on the line, conference in the LEP, yourself and the interpreter. If you do not know how to use your conferencing feature on your telephone, please contact your telephony administrator.
3. When you need to contact the LEP and conference in the interpreter.
 - a. If you need to contact the LEP person at home, dial the assigned AVAZA number.
 - b. Be ready to provide your access code, your name, and the language that you are requesting.
 - c. Indicate that you need to perform a "call out" (understand that you must have the LEP person's contact number).
 - d. Provide the LEP person's contact number and our agents will call that number and conference in all parties.

Here are your corresponding numbers for AVAZA Language Services for the various regions in the state of Tennessee:
NUMBERS TO DIAL TO ACCESS AN AVAZA INTERPRETER

(615) 534-3405 – Nashville
(901) 257-3190 – Memphis
(865) 342-7788 – Knoxville area
(731) 410-2911 – Jackson area
(931) 472-0448 – Clarksville area
(423) 424-0950 – Chattanooga area

If you have any questions or concerns, please feel free to contact me:

Timothy Capra, Senior State Manager
t.capra@avaza.co
(615) 534- 3403

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5209 Linbar Drive, Suite 603
Nashville, TN - 37211

Phone: 615.534.3400
Fax: 615.810.8506

www.avaza.co

LANGUAGE IDENTIFICATION GUIDE

Do you speak English?	Point here and an Interpreter will be assigned to you, at no cost.	English
¿Habla Español?	Señale aquí y se le asignará un intérprete sin costo.	Spanish
هل تتكلم العربية ؟	أشر هنا والمترجم سيكون موجوداً مجاناً .	Arabic
هه کوردی ده‌خانی ؟	ئیشارت هه به که ته جومان بێ تهازر دکهن ، به خورای .	Kurdish (Behdini)
ئايا كوردى قسه ده‌گهیت ؟	ئيشارت لئه به كه موته رجيم بو ئاماده ده‌كهين ، به خوڤراي .	Kurdish (Sorani)
آیا شما فارسی صحبت می‌کنید؟	تروصب مه چترمه ئه یهینک مراهبا لهجیا بگرگا رلیگان مر اختیار شما قرار میگردد.	Farsi
Bạn nói tiếng Việt phải không?	Chỉ vào đây và sẽ có người thông dịch viên giúp đỡ Bạn. Bạn không phải trả gì hết.	Vietnamese
Maku hadashaa afka somaaliga?	Halkaan farta ku-fiiq turjubaan kacag la-an ayaad heleysaa.	Somali
Da li govoriš Bosanski?	Pokažite ovdje i prevodilac će vam biti obezbijeđen, besplatno.	Bosnian
Parlez-vous français?	Ici, un interpréteur sera assigné pour vous, sans avoir payé.	French
ທ່ານເວົ້າພາສາລາວໄດ້ຫຼືບໍ່?	ກະຊ່ວຍບອກຕຳແໜ່ງທີ່ຕ້ອງມີຄົນເປັນພາສາລາວມາຮັບໃຊ້ທ່ານໂດຍບໍ່ໄດ້ເຈັບຈົນ.	Laotian
你會講中文嗎？	請點在這裡我們為你免費提供翻譯服務。	Chinese (Mandarin)
日本語を話せますか？	ここを指して下さい。無料の通訳者を指定します。	Japanese
Je-una azungumza kiswahili?	Nyoesha kidole hapa na utatafsiriwa bila kufipa chochote.	Kiswahili
Voce fala Português?	Aperte aqui e um intérprete lhe será fornecido sem custo algum.	Portuguese
क्या आप हिंदी बोल सकते हैं ?	इस जगह पर क्लिक करें, भाषांतर करने वाले विनामूल्य मिल जायेंगे।	Hindi
한국어를 하십니까?	이곳을 지적해주시면 통역자가 무료로 호출됩니다.	Korean
Вы говорите по-русски?	Укажите сюда, и совершенно бесплатно Вам будет предоставлен переводчик.	Russian
እርሻ ይናገሩኝ?	በዚያ ቦታ ላይ የሚገኙትን አማካኪዎች በነፃ እንዲሰጡ ይጠየቃል!	Amharic
Eskw ou pale kreòl?	Pwen isit la e yon entèprèt ap vin ede w gratis.	Haitian Creole
Jin kwani Thuok nuera?	Wane eme deri thuok nuera jek ke kwic du a thil kok.	Nuer
તમે ગુજરાતી બોલી શકો છો?	અહિયાં ટાપવો કરો, ભાષાંતર કરનાર વિનામૂલ્યે મળી જશે.	Gujarati
Turkçe biliyor musunuz?	Burayı gösterirseniz, ücretsiz tercuman size yardım edecektir.	Turkish
คุณพูดภาษาไทยหรือเปล่า?	กรุณามองไปที่กราฟิกเพื่อดูตัวเลือกการแปล	Thai
Afaan Oromoo nidubata	Harkake asiid baasi gangasa Afaan hikka malaqa duwa argaata.	Oromo

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www.avaza.co

tel: 615.534.3400
fax: 615.810.8506
800.482.8292

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Nashville, TN 37211
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615.534.3400
800.482.8292
fax: 615.810.8506

**HOW TO PLACE A CALL TO
AVAZA LANGUAGE SERVICES
(OVER THE PHONE INTERPRETING)**

1. Place Limited English Proficient person on hold or ask to wait if present.
2. Dial 615-534-3405 (Nashville) or your OTP TELEPHONE NUMBER.
3. Press 1 for Spanish or 2 for Other Languages.
4. Be able to provide:
 - Access Code
 - Client ID
 - Agency Representative Name
 - Target Language
5. Wait for Interpreter.
6. Brief Interpreter.
7. Conference Interpreter with caller.
8. Say "end of session" upon completion.

ACCESS CODE
36605

CLIENT ID
900559

OTP TELEPHONE NUMBER
(615) 534-3405

TO REACH AVAZA FOR OTHER SERVICES:



1. Dial 615.534.3400 (Local) or 800.482.8292 (Outside Nashville ONLY)
2. Press 2 for On-Site services or
3. Press 3 for Business Office (for all Other Services)

Agency will provide an agency account number, access code, and language guide to Agency. Agency shall be fully responsible for all use and of service to its client, patient and/or user only. Copyright © 2011 Avaza Language Services Corporation.


AVAZA

Transfer

To Transfer an active call:



1. Press  (**TRANS/CONF**).
2. Dial the number of the third party.
3. Do one of the following:
 - To complete the Transfer, hang up.
 - To announce the Transfer, wait for an answer, consult, and hang up.
 - To cancel the Transfer, press  (**CANCEL**).

To transfer an active call during headset operation:

1. Press  (**TRANS/CONF**).
2. Dial the number of the third party.
3. To complete the Transfer, press the **Release** feature key.

Conference

To form a Conference when a two-party call is already in place, or to add another party to an existing Conference:

1. Press  (**TRANS/CONF**).
2. Dial the number of the next party.
3. Wait for an answer.
4. Press  (**TRANS/CONF**).

To leave a Conference:

- Hang up or press  (**CANCEL**).

Conference Split (5324 IP Phone only)

To Split a Conference and speak privately with the original party:

- Press the **Split** softkey.

Add Held (5324 IP Phone only)

To move a call on hold to another line appearance:

1. Press an available line key.
2. Press the **AddHeld** softkey.
3. Press the flashing line key.

To add a call on Hold to an existing conversation or conference:

1. Press the **AddHeld** softkey.
2. Press the flashing line key.

2020 Census information is attached to the original

**FOUR-FACTOR ANALYSIS
AND
LANGUAGE ACCESS PLAN FOR
LIMITED ENGLISH PROFICIENCY (LEP) PERSONS**

**If you desire to access this information in its entirety please
contact the UCDD Title VI Officer**

APPENDIX D TITLE VI COMPLAINT FORM

Upper Cumberland Development District Title VI of the Civil Rights Act of 1964 *Discrimination Complaint*

Federal law prohibits discrimination against persons based on their race, color, religion, sex or national origin. You have the right to complain to the Upper Cumberland Development District if you feel that you have been discriminated against for these reasons.

Please provide the following information so that your complaint can be investigated thoroughly. If you need help in completing this form, please let us know.

1. TYPE OF COMPLAINT. *Circle which type of complaint you are filing-.*

a. Race b. Color c. Sex d. National origin e. Religion

2. COMPLAINANT CONTACT INFORMATION. *Provide your name and address.*

Name _____ Address _____
Telephone _____ City _____
() _____ Cell() _____
E-mail _____ County _____ State _____ Zip _____

3. RESPONDENT CONTACT INFORMATION. *Provide the name and address of party(ies) that you believe discriminated against you:*

Name _____ Address _____
Type of Business _____ City _____ State _____ Zip _____

(For Employment Only) Name of Immediate Supervisor _____ Telephone _____ County _____

Upper Cumberland Development District
Title VI of the Civil Rights Act of 1964
Discrimination Complaint

4. WHEN DID THE DISCRIMINATORY ACT(S) OCCUR?

Beginning date of the alleged discriminatory act? _____

Most recent date of the alleged discriminatory act? _____

Is the alleged discriminatory act ongoing? *Please circle one:* Yes No

5. In your own words, explain what happened and who you believe was responsible. Please be as specific as possible. You may attach additional sheets if needed.

6. Have you tried to resolve this complaint with the institution, agency or person?

Please circle one.

Yes

No

If yes, what is the status of the complaint?

Upper Cumberland Development District
Title VI of the Civil Rights Act of 1964
Discrimination Complaint

7. Are you filing this complaint for someone else? Please circle one.

Yes

No

If yes, against whom do you believe the discrimination was directed?

First Name _____ Last Name _____

8. Have you filed this complaint with any other federal, state, or local agency, or with any federal or State court? *Please circle one.*

Yes

No

9. What is the name of the contact person at the agency/court where the complaint was filed?

Name _____

Agency/Court _____

Address _____

City, State, and Zip Code _____

Telephone Number () _____

8. Please sign below. You may attach any written materials or other information that you think can be helpful to us in looking into your complaint.

Complainant's Signature

Date

Mail this form to:

Title VI Equal Opportunity Office
1104 England Drive
Cookeville, TN 38501
Phone: 931-432-4111

Filing a complaint with our Title VI Office is voluntary. However, without the information requested above, our Title VI Office may be unable to proceed with your complaint. We collect this information under authority of Title VI of the Civil Rights Act of 1964, and other civil rights statutes. We will use the information you provide to determine if we have jurisdiction and, if so how we will process your complaint. Information submitted on this form is treated confidentially and is protected under the provisions of the Privacy Act of 1974. Names or other identifying information about individuals are disclosed when it is necessary for investigation of possible discrimination, for internal systems operations, or for routine uses, which include disclosure of information outside the department for purposes associated with Civil Rights compliance and as permitted by law.

DISCRIMINATION COMPLAINT LOG

Name of Entity: **Upper Cumberland Human Resource Agency 2014-2022**

[illegible]

APPENDIX F TITLE VI AUDIT CHECKLIST



Title VI Audit Checklist

UCDD OFFICE SITE: _____

ADDRESS: _____

CHECKLIST COMPLETED BY: _____

DATE: _____

1. Are Title VI Posters prominently displayed within the facility? _____ YES _____ NO

If yes, where? _____

If no, please explain: _____

2. Has the office developed and implemented policies and procedures for the monitoring and enforcement of Title VI compliance? _____ YES _____ NO

3. Does the office have copies of existing written policies regarding Title VI (Non Discrimination)?
_____ YES _____ NO

4. Are records kept of any/all Title VI complaints received at the office? _____ YES _____ NO

Where are the records kept? _____

Number of complaints received during the last fiscal year: _____

5. State name(s) and title(s) of person(s) who reviews/receives and make reports of all complaints:

6. Were the Title VI complaints received forwarded to the Title VI Officer in a timely matter (within 3 days)? _____ YES _____ NO

If not, Why? _____

7. Has the office developed and implemented policies and procedures for monitoring and enforcement of Title VI compliance? _____ YES _____ NO

8.. Is information on Title VI and laws requiring equal services to all on the basis of non discrimination disseminated to the general public, including minority groups?
_____ YES _____ NO _____ N/A

If yes, state by whom and method
used: _____

9. Has your staff received training on the policy for Title VI/Limited English Proficiency (LEP) compliance? _____ YES _____ NO

10. Has your entire staff been trained on how to utilize the translation services provided to the agency? _____ YES _____ NO

Auditors Signature

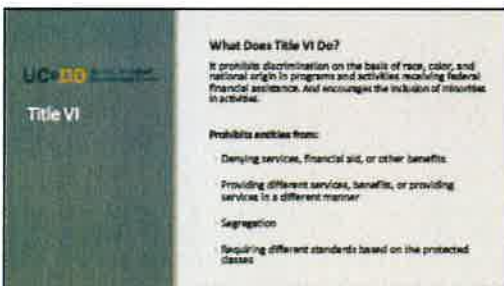
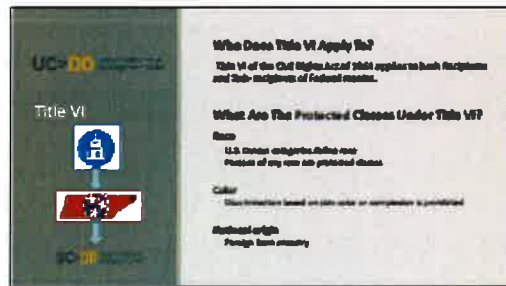
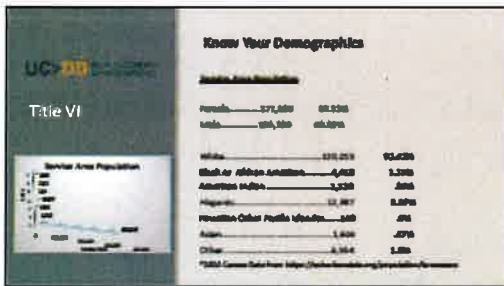
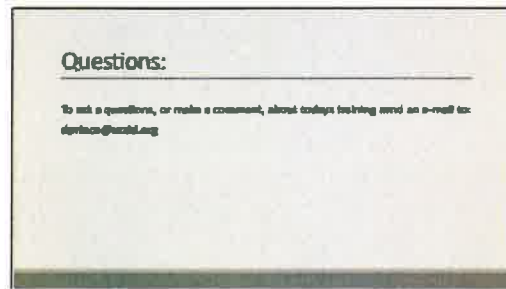
Date

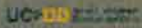
Site Supervisors Signature

Date


APPENDIX G

TITLE VI POWERPOINT TRAINING





Title VI
To ensure that all students, regardless of race, color, or national origin, have equal access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP

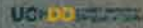


Limited English Proficiency (LEP)

Title VI regulations also require that responsible steps be taken to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP.

LEP: Persons for whom English is not their primary language and who have limited ability to speak, understand, read or write English.

It includes BORN people who reported to the US Census that they do not speak English well AND people who reported that they do not speak English at all.



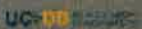
Title VI
To ensure that all students, regardless of race, color, or national origin, have equal access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP

Limited English Proficiency (LEP)

Requires information and services be provided in languages other than English when significant numbers of beneficiaries are of limited speaking ability.

Requires entities to notify the respective population about applicable programs.

Title VI regulations also require that responsible steps be taken to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP.

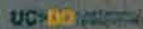


Title VI

Disparate Treatment and Disparate Impact

Disparate Treatment: An intentional decision to treat individuals differently based on a protected class.

Disparate Impact: A facially neutral policy or practice that has a disproportionate adverse impact on members of a protected group.



Title VI

Filing a Title VI Complaint

Program participants or potential beneficiary of any ADHO program should submit complaints to:

Comms. Intake
Hill University Title VI Officer
1604 Highland Drive,
Cookeville, Tennessee 38506



ADA



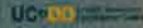
Americans With Disabilities Act

Section 504 of the Rehabilitation Act of 1973
Prohibits discrimination based on disability for entities receiving federal financial assistance.

No individual with a disability, civil, shall be denied the benefits of, or be subjected to discrimination under any program or activity that receives federal financial assistance.

Title II of the Americans with Disabilities Act of 1990 is amended:
Prohibits discrimination based on disability by state and local government entities.

Subject to the provisions of this title, no individual shall, by reason of disability, be excluded from participation in or denied the benefits of any service, program, or activity, or be subjected to discrimination by any such entity.




ADA


Americans With Disabilities Act

Who is covered?

- Individuals with a disability**
Definition of Disability: Physical or mental impairment that substantially limits one or more major life activities.
- Individual that is Qualified.**
Meets essential eligibility requirements, and
Can perform essential function with or without reasonable accommodation.




HIPAA



Health Insurance Portability and Accountability Act

Referred law passed by Congress in 1996
Guidelines implemented in April 2003
HIPAA regulations were designed to:

- Protect patient right to privacy and confidentiality
- Assure integrity of personal information transferred or distributed in any form



HIPAA

What does HIPAA do?

Gives individuals more control over their personal health information (PHI).

Set boundaries on the use and disclosure of health records.

Establish safeguards to protect all PHI.

Hold violators accountable through civil and criminal penalties.

Prior to HIPAA, no generally accepted set of security standards or ground requirements for protecting health information existed.



HIPAA

What is PHI?


Health information, including demographic information
Relates to an individual's physical or mental health or the provision of or payment for health care

Identifies the individual

- Name
- Address
- Date of birth
- Unique Identifier Number

Also includes e-PHI ("electronic protected health information")

45 CFR 164.501



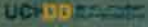
HIPAA

General Rule


Covered Entity may not use or disclose PHI, except as permitted or required by Privacy Rule.

Information can be disclosed to PHI, to investigate or determine compliance with Privacy Rule

45 CFR § 164.504



HIPAA

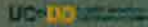


Permitted Uses and Disclosures

Individual
A covered entity may disclose protected health information to the individual who is the subject of the information.

Treatment, Payment and Health Care Operations
A covered entity may use and disclose protected health information for its own treatment, payment, and health care operations activities. If a covered entity also may disclose protected health information for the treatment, payment of any health care provider.

Opportunity to Agree or Object
Individual permission may be obtained by asking the individual, or if individual is incapacitated, to an emergency situation, or not available, covered entities generally may make such use and disclosure, if in the exercise of their professional judgment, the use or disclosure is determined to be in the best interests of the individual.

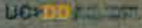


HIPAA


Permitted Uses and Disclosures

Public Health
Required by Law: Covered entities may use and disclose protected health information without individual authorization as required by the following:

- Reporting, or about reporting, of child abuse, neglect or domestic violence.
- Law Enforcement Purposes: to identify or locate a suspect, fugitive, material witness, or missing person.
- Judicial Use and Disclosure: information being asked and related to the "substantive matters."



HIPAA



Protection

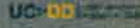
PHI should be shared with only the individuals as needed to ensure personalized service and then only to the extent described by the individual's role.

Do not discuss PHI in common areas.


Protect and secure files.

Include a Confidentiality Notice on email messages, files, etc.

Don't share PHI in text.



HIPAA




Potential Consequences of HIPAA Violations

Civil penalties (no willful neglect)
\$100 per violation
Ceil of \$25,000 per year

Criminal penalties (willful violations)
Up to \$50,000 & one year imprisonment
Up to \$100,000 & five years imprisonment
Fine or prison
\$250,000 per year, up to six years in prison

Report violations to the Human Resources Department



FACTA

FACTA: Fair and Accurate Credit Transactions Act

FACTA is an amendment to [FCRA](#) (Fair Credit Reporting Act) that was passed, primarily, to protect consumers from [identity theft](#) and consumer fraud.

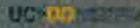
The Act regulates requirements for information privacy, accuracy and disposal and limits the ways consumer information can be shared.

Effective June 1, 2008

All companies in United States affected by this legislative act.

Why was FACTA needed?

Identity theft is considered the fastest growing crime in the country according to the Federal Trade Commission.



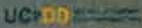
FACTA

FACTA

It enforces the proper destruction of consumer information such as: name, address, SSN, credit information and the data compiled from this information.

It gives consumers the right to one free credit report a year from the credit reporting agencies.

FACTA requires that all businesses, regardless of size and industry, properly protect and dispose of the personal information they collect about their customers and employees. *(Certificate of Destruction)*

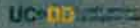


FACTA


FACTA

If you fail to comply with FACTA regulations and become a victim of a data breach leading to identity theft cases for your customer, you can expect to face class action lawsuits that will be financially crippling.

FACTA states that failure to comply can lead to fines of up to \$1,000 per individual violation, *even if the consumer did not suffer damages from identity theft.*



Whistleblower



Whistleblower Protection Act

Whistleblower rights and protections were initially addressed by the [Civil Service Reform Act of 1978](#). In 1989, Congress passed the Whistleblower Protection Act to "strengthen and improve protection for the rights of federal employees, to prevent reprisals, and to help administer wrongdoing within the government." One way that law did this was by clarifying the procedures by which government employees could report violations and seek redress.

A violation of law, rule, or regulation
Gross mismanagement
Waste of funds
Abuse of authority
Substantial and specific danger to public health or safety

The Federal False Claims Act (see later) provides a one of the strongest whistleblower protection laws. It allows private parties to bring lawsuits on the government's behalf with a

UC-DB University of California
Database

Fraud, Waste & Abuse

Definition of Fraud

An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable federal or state law.

Can include:

- False statements or deliberate omission of information that is critical to the determination of **eligibility and payment** for services.
- Billing for services that were never rendered**
- Billing for more expensive services as procedures than were actually provided or performed**


Waste

Waste is the inappropriate or inefficient use of resources.

Waste also refers to useless consumption or expenditures without adequate return, or an act or instance of wasting.

UC-DO

Fraud Warning & Abuse



Frequent Fraud and Abuse

Exposure of sensitive information you submit to companies and the control provided by the host internet of your client

All provided the following guidelines

- Never e-mail the right card and verified regularly
- Never provide the credit identity
- Is the service necessary?
- Do I have the correct email
- Are the dates of credit control and length of card expires accurate?
- How the service fit with your billing time performance?

Protects a culture of compliance

UC+DD

Fraud, Waste & Abuse

Violations

Procedural rules and abuse is regulated by law.

Procedural Rules Claims Act

Anti-Kickback Statute

Beneficiary Reimbursement Law

Referral Statute

Whistleblower Protection Act

Other Relevant Federal PHS Laws Physician Self-Referral Prohibition (Stark Law)

Child Molestation Prohibition Law (CMPL)

Health Insurance Portability and Accountability Act (HIPAA)

Child Abuse and Neglect Act of 2000

UC+DD

Fraud, Waste & Abuse

Reporting Fraud, Waste and Abuse

1-800-522-5656

Contract Regional Office

1200 Regional Drive, Suite 200 N. W.

Columbus, TN 38503

800-428-5656

UC+DD

Anti-Kickback

5.12 Gifts and Gratuities-Acceptance Prohibited

Employees of the Agency and of its subcontract agencies, are prohibited from accepting gifts, money, and gratuities from persons receiving benefits or services of the agency or those performing services under contract or otherwise in a position to benefit from an employee action.

Anti-Kickback Statute

The anti-kickback statute makes it illegal for providers (including physicians) to knowingly and willfully accept bribes or other forms of payments in return for generating business.

UC+DD

Timesheets/Timekeeping

6.9 Timesheets and Wage Payments

The standard work week shall start at 12:05 a.m. Sunday and shall continue until midnight the following Saturday. A properly completed time sheet will be submitted two times each month on a schedule published by the Human Resources Department. Timesheets are due two (2) business days immediately following the work week. Any corrections or additions necessary to provide an employee's signed timesheet must be made by the employee within three business days of submission. Employees must then submit the corrected timesheet and request for payment. Timesheets should reflect actual time worked. Time should be changed in the correct department(s) for which the work is being done. Questions about how to record your time should be directed to your supervisor and/or Human Resources.

Your supervisor will answer any questions you may have about your pay. If you find an error has been made, bring it to the attention of your supervisor for investigation and correction as necessary. As a general rule pay check corrections will be made in the next pay check.

UC+DD

Harassment

4.3 Workplace Violence

The Agency strives to provide a safe workplace for all employees. Any action that results in a violent workplace is prohibited. Any employee who is involved in a violent workplace shall be subject to disciplinary action. Any employee who is involved in a violent workplace shall be subject to disciplinary action. Any employee who is involved in a violent workplace shall be subject to disciplinary action.

4.4 Sexual Harassment

It is the policy of the Agency to provide a safe workplace free of sexual harassment. Any employee who is involved in a violent workplace shall be subject to disciplinary action. Any employee who is involved in a violent workplace shall be subject to disciplinary action. Any employee who is involved in a violent workplace shall be subject to disciplinary action.

UC+DD

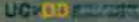
Harassment

Types of Harassment


Quid Pro Quo-the aggressor threatens to withhold, or attempts to give employment benefits in exchange for sexual favors.

Hostile Environment-harassing conduct is so severe or pervasive in the workplace that it creates an intimidating, hostile, or offensive work environment for the target of the conduct.

Retaliation of any kind is strictly prohibited. Employees should not be retaliated against for reporting, or engaging in any type of investigation or complaint.



Harassment



How to Report Harassment


3.1 Open Door Policy

Employees are encouraged to report any harassment or discrimination incident, regardless of whether or not they believe the incident is serious or whether it affects them personally. Reporting is encouraged to help the organization maintain a safe and healthy work environment. Employees should report incidents to their supervisor, the Human Resources Department, or the Office of the Vice President for Legal Affairs. The organization will investigate all reports and take appropriate action to address the incident and prevent future occurrences. Employees who do not report incidents may be subject to disciplinary action.

4.2 Grievance Procedure

Employees who believe they have been subjected to harassment or discrimination may file a grievance. A grievance is a formal complaint that an employee has been treated unfairly or discriminated against. The grievance procedure is a process for resolving disputes between employees and the organization. Employees should follow the steps outlined in the grievance procedure to file a grievance. The organization will investigate the grievance and take appropriate action to resolve the dispute.

Please see the UCSD Handbook for the entire Grievance Policy.



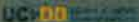
Sensitivity Training

Sensitivity Training Summary

Sensitivity Training Notes

Play your part in the workplace:

- Avoid participation in "teasing or banter"
- Respect your co-workers, regardless of differences
- Do not jump to conclusions based on actions or physical appearance
- Engage in open, honest communication
- Open to change, adjustment, or revision
- Proper Communication – verbal and email
- Participation...one of the ways...



MOVING FORWARD

Becoming A Better Agency

- Core Values & Beliefs – who we are
- Vision & Mission Statement – what we do, what we look like
- Goals – where we want to go or be
- Strengths – how we will get there
- Personality – how we behave, following rules

DO YOU WANT TO DO YOUR PART???

APPENDIX H
TITLE VI TRAINING- Sign in Sheet

UCDD Fall Training Day | September 14, 2022

1.	Kim Coneland
2.	Hannah Camrell
3.	Clay Quaring
4.	_____ (Silas)
5.	Marcie Ackerman
6.	Megan Rebus
7.	Jodi Pitts
8.	Tyler Asker
9.	Jesse Villard
10.	_____
11.	Alana Huddleston
12.	Erin Perdue
13.	Amanda Smith
14.	Sherry Bullen
15.	Sherry Shubert
16.	Rhonda Fielder
17.	Lisa Wiley
18.	Jeri Whitel
19.	Billie Hagen
20.	Jennifer Burdwell

Upper Cumberland Development District | Fall Training
Wednesday, September 14, 2022
Location: Upper Cumberland Development District

Providing solutions through regional cooperation.

21.	Susie Allen
22.	Robin Mayberry
23.	Linda Kennedy
24.	Cynthia Spivey
25.	Trent Carter
26.	PHILIP FOX
27.	Brenda Phillips
28.	Kaitlin Carride
29.	Alli Hammock
30.	Olivia Tillman
31.	Emily Sellers
32.	Anel Lewis
33.	Larry Rector
34.	Tim McCaleb
35.	Hertha Walker
36.	Marcia Hodges
37.	Ann Dunge
38.	Kathy Weaver
39.	Hannah Glover
40.	Rachel Medley
41.	Melissa Sliger
42.	Dorcas Stant

Upper Cumberland Development District / Fall Training
Wednesday, September 14, 2022
Location: Upper Cumberland Development District

Providing solutions through regional cooperation.

43.	Patty Ray
44.	Debbie Martin
45.	Sonny Sexton
46.	Nester Chavez
47.	Mike Miller
48.	MACEY KORTH
49.	Amnye Anderson
50.	Jennifer Stoker UCHRA
51.	Melissa Smith UCHD
52.	Mika Walker UCHD
53.	Jessica Roberson
54.	Debbie Oakley
55.	Kellie Nash
56.	Miranda Malin
57.	Connie Vasilev
58.	Terri Hitchcock
59.	Marcia Riddle
60.	Melissa Allison
61.	Vicki Beck
62.	Henry Bowser
63.	Ladice Landolf
64.	as nuch

Upper Cumberland Development District | Fall Training
Wednesday, September 14, 2022
Location: Upper Cumberland Development District

Providing solutions through regional cooperation.

65.	Chad Blair
66.	Amey Reels
67.	Alicia Eldridge
68.	Angie Linkford
69.	Heather Thomas
70.	Sara Martin
71.	Lisa Luck
72.	Christy Dennis
73.	Tommy Lee
74.	Nathan
75.	Jeff Hedges
76.	Mark Faby
77.	
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86.	

Upper Cumberland Development District | Fall Training
Wednesday, September 14, 2022
Location: Upper Cumberland Development District

Discrimination prohibited by Title VI

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

- Deny program services, aids, or benefits
- Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any services, aid, or benefit

Programs or services include but are not limited to:

- Transportation
- Construction
- The distribution of benefits and services
- Tax Benefits enjoyed by private agencies, fraternal and non-profit organizations (i.e. 501 (c)(3)) as well as education institutions
- Location of facilities
- Law enforcement
- Program effects on people in applicable communities
- Healthcare (i.e. Medicare, Medicaid, TennCare), social services and public welfare
- Natural resources and the environment
- Employment and job training
- Housing and community development
- Agriculture

Title VI Federal-aid Contract Provisions:

All Federal-aid contracts must include Title VI contract assurance language which requires compliance with Title VI of the Civil Rights Act of 1964. Federal-aid contractors may not discriminate in selection and retention of first-tier subcontractors; subcontractors may not discriminate in the selection and retention of second-tier subcontractors who participate in Federal aid highway construction; and contractors and subcontractors cannot discriminate in their employment practices in connection with highway construction projects or projects assisted by Federal Highway Administration.

Civil Rights Division's Mission



The mission of the Civil Rights Division is to ensure adherence to Equal Employment, Title VI, and Small and Disadvantaged Business Initiatives.

What is Title VI of the Civil Rights Act of 1964?

It is the policy of the Tennessee Department of Transportation to ensure 42 U.S.C. 2000d, "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 be subjected to discrimination under a program or activity receiving federal financial assistance from the Department of Transportation." Title VI covers all forms of federal aid except those federally funded contracts of insurance and guaranty. It does cover employment practices resulting in discrimination against program beneficiaries or where the purpose of federal assistance is to provide employment.

TDOT's Subrecipients

TDOT's subrecipients are any city, county, possession, political subdivision, instrumentality, public or private agency, organization, entity, and individual receiving federal funding, either directly or through another recipient, from TDOT. A TDOT subrecipient includes successor, assignee, or transferee, but not the ultimate beneficiary of a program or activity.

TDOT's subrecipients are required to prevent discrimination and ensure nondiscrimination in all of their programs and activities whether federally-funded or not.

How to file a complaint

You may file a signed, written complaint up to 180 days to the date of the alleged discrimination. The complaint should include:

- Your name, address and telephone number.
- The name and address of the agency, institution, or department you believe discriminated against you.
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information.
- Include the names of any person(s), if known, who the TDOT Civil Rights Division could contact for clarity of your allegations.

Your complaint must be signed and dated.



Please submit your complaint to the address stipulated below:

Tennessee Department of Transportation
Civil Rights Division
Title VI Program Director
505 Deaderick Street, Suite 1800
Nashville, TN 37243-0347
Telephone: (615) 741-3681
Fax: (615) 741-3169
Toll Free: 1-888-370-3647
TTY Relay: 1-800-848-0298

For a printable complaint form, visit our website:

www.tn.gov/content/dam/tn/tdot/civilrights/titlevi/complaint%20procedures012118.pdf

CLAY BRIGHT, COMMISSIONER



OFFICE OF THE
Tennessee Department of Transportation
Title VI

Civil Rights Division

Title VI Program

Title VI of the Civil Rights Act of 1964
Environmental Justice
Limited English Proficiency



TENNESSEE DEPARTMENT OF TRANSPORTATION

Title VI & Environmental Justice (EJ)



On February 11, 1994, President Clinton signed Executive Order 12898: an order that addresses environmental justice in minority populations and low-income populations.

The Executive Order focused attention on Title VI by providing that "each agency shall make

achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations." In support of Executive Order 12898, the US DOT issued an Order on Environmental Justice (DOT Order 5610.2a). This order clarifies and reinforces Title VI responsibilities as well as addresses the effects on low-income populations.

Adverse Impacts may include:

- Bodily impairment, infirmity, illness, or death
- Air, noise, water pollution, and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Vibration
- Adverse employment effects
- Displacement of persons, businesses, farms, or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community
- The denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities

Public Involvement



Public involvement plays an integral role in transportation planning and project development decision-making. The DOT Order (5610.2a) on Environmental Justice directs the department to provide minority and low-income populations greater access to information on and opportunities for public participation in matters that may impact human health and environment.

Title VI & Limited English Proficiency (LEP)

The Federal Government and those receiving assistance from the Federal Government must take reasonable steps so that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to think "outside the box" for creative solutions to address the needs of this ever growing population of individuals, for whom English is not their primary language.

Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply and Who Can Be Found in Violation?

All programs and activities of entities receiving assistance from the Federal Government must comply with Title VI of the 1964 Civil Rights Act.

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

¿Qué discriminación está prohibida por El Título VI?

Existen muchas formas de discriminación ilegal basadas en raza, color u origen nacional que limitan la oportunidad de las minorías de obtener igual acceso a servicios y programas. Entre otras cosas, en la operación de un programa asistido federalmente, un destinatario no puede, con base en raza, color, origen nacional, bien sea directa o indirectamente:

- Negar programas, servicios o beneficios
- Proveer un servicio, ayuda o beneficio diferente, o Proveerlos prestados de un modo diferente al proveedor a otros;
- Segregar o tratar separadamente individuos en algún asunto relacionado a recibir cualquier servicio, ayuda o beneficio.

Programas o servicios incluyen pero no están limitados a:

- Transporte
- Construcción
- Beneficios de impuestos distribuidos por agencias privadas, organizaciones fraternales y sin ánimo de lucro (por ejemplo 501 (c) 3) así como instituciones de educación
- Liberación de locaciones o centros de servicios
- Cumplimiento de la ley
- Efectos del programa en la gente en comunidades aplicables
- Cuidado de salud (por ejemplo Medicare, Medicaid, TennCare), servicios sociales y bienestar público
- Recursos naturales y el medio ambiente
- Empleo y entrenamiento de trabajo
- Vivienda y desarrollo de la comunidad
- Agricultura

Provisiones De Contratos De Asistencia Financiera Federal Del Título VI:

Todos contratos de la Ayuda-Federal deben incluir el idioma de la certeza del contrato del Título VI que requiere la conformidad con el Título VI del Acta de los Derechos Civiles de 1964. Los contratistas de la Ayuda Federal no pueden discriminar en la selección o la retención de subcontratistas de primer-nivel; subcontratistas no pueden discriminar en la selección o la retención de subcontratistas de segunda nivel que toman parte en la construcción de Carreteras de Ayuda-Federal; y los contratistas y los subcontratistas no pueden discriminar en sus prácticas del empleo con respecto a proyectos de construcción de carreteras ni proyectos ayudados por la Administración Federal de la Carretera.

COMO PRESENTAR UNA QUEJA

Usted puede presentar una queja escrita y firmada 180 días después de la fecha de la pretendida discriminación. La queja debe incluir:

- Su nombre, dirección / domicilio y número de teléfono
- El nombre y dirección de la agencia, institución o departamento que usted cree lo discrimina.
- Como, cuándo y dónde cree que se presentó la discriminación. Incluyendo lo más específico posible detallada información acerca de los actos de discriminación alegados, y cualquier otra información relevante.
- El nombre de cualquier persona, si las conoce, a quienes la división del título VI de TDOT podrán contactar para clarificar sus alegaciones.

Su queja debe estar firmada y fechada.



Por favor envíe su queja a la dirección estipulada enseguida:

Tennessee Department of Transportation
Title VI Director
505 Deadend Street, Suite 1300
Nashville, TN 37243-0347
Teléfonos: (615) 741-2881
Fax: (615) 741-3169
Llamada gratuita: 1-888-370-3547
TTY Relay: 1-800-843-0298

Para un formulario de quejas impreso visite nuestra página de Internet:
www.tennessee.gov/tdot/civil-rights/titlevi

El Departamento de Transporte de Tennessee

Oficina de los Derechos Civiles

Programa del Título VI

Título VI Del Acta De Los Derechos Civiles De 1964
Justicia Ambiental
Capacidad Limitada de Inglés



WWW.TENNESSEE.GOV/TDOT/CIVIL-RIGHTS/TITLEVI



Compromiso Del Título VI

La meta más importante del programa del Título VI del departamento de Transporte de Tennessee es asegurar que el equipo gerencial, contratistas y beneficiarios de servicios están enterados de las provisiones del Título VI y las responsabilidades asociadas con el Título VI del Acta de los Derechos Civiles de 1964. Tenemos la mejor disposición para proveer asistencia de la más alta calidad técnica, recursos, orientación y cualquier otra información con respecto al Título VI. Por favor no dude en llamar a nuestra oficina si necesita ayuda adicional.

¿Qué Es El Título VI Del Acta De Los Derechos Civiles De 1964?

Es la política del departamento de Transporte de Tennessee para asegurar 42 U.S.C. 2000d, "Ninguna persona en los Estados Unidos será excluida de participación, estar negados beneficios, o estará sujeta a discriminación con razón de su raza, color, u origen nacional, bajo un programa o actividad recibiendo asistencia financiera federal del Departamento de Transporte." Título VI cubre todas las formas de ayuda federal excepto aquellos contratos de

seguro y garantía federalmente fundados. Esta cubre prácticas de empleo que resultan en discriminación contra beneficiarios de programas o donde el propósito de la asistencia federal sea proveer empleo.

Título VI Y Justicia Ambiental

En Febrero 11, 1994 el presidente Clinton firmó la orden ejecutiva 12898: *Acción Federal para dirigir la Justicia Ambiental a las Poblaciones Minoritarias y a las Poblaciones de Bajos Ingresos.*

La orden ejecutiva centró su atención en el Título VI previendo que "cada agencia hará esfuerzos en Justicia Ambiental como parte de su misión identificando y dirigiendo, como sea apropiado, efectos ambientales o de salud humana desproporcionadamente altos de sus programas, políticas y actividades en las minorías y poblaciones de bajos recursos. En apoyo a la orden ejecutiva 12898, el US DOT emitió una Orden en Justicia Ambiental (orden DOT 5810.2). Esta orden clarifica y refuerza las responsabilidades del Título VI así como dirige los efectos en las poblaciones de bajos recursos.

Efectos adversos pueden incluir:

- Impedimentos corporales, aflicciones, enfermedades, o muerte
- Aire, ruido, y contaminación del agua y contaminación de la tierra
- Destrucción o desbaratamiento de los recursos naturales o de los hechos por el hombre
- Destrucción o disminución de los valores estéticos
- Destrucción o desbaratamiento de la cohesión comunitaria o de la vitalidad económica de una comunidad
- Destrucción o desbaratamiento de la disponibilidad de servicios y lugares públicos y privados
- Vibración
- Efectos adversos al empleo
- Desplazamiento de personas, negocios, fincas u organizaciones sin ánimo de lucro
- Congestión de tráfico incrementada, aislamiento, exclusión o separación de las minorías o individuos de bajos recursos dentro de una comunidad dada o desde la comunidad en general
- La negación de, reducción en, o significativa demora en la recepción de beneficios, programas, políticas o actividades de el Departamento de Transportación.

El involucramiento público

es parte integral de la toma de decisiones de proyecto de desarrollo y planeación del transporte. La orden DOT (5810.2) en Justicia Ambiental dirige al departamento a proveer a las poblaciones minoritarias y poblaciones de bajos ingresos en asuntos que puedan impactar la salud humana y el ambiente.

Título VI y La Capacidad Limitada de Inglés (LEP)

El gobierno federal y esos servicios que reciben asistencia financiera del gobierno federal deben tomar medidas razonables para asegurar que personas LEP tengan un acceso significativo a sus programas, servicios, e información que esas entidades proporcionan. Esto requiere que las agencias diseñen "salida-de-la-caja" para obtener soluciones ingeniosas que puedan resolver los problemas de esta población creciente, para quienes el inglés no es su primer idioma.

¿Quién es una persona de Capacidad Limitada de Inglés (LEP)?

LEP es una persona cuyo primer idioma no es el inglés, la cual tiene una capacidad limitada para leer, hablar, escribir o comprender el inglés. Estas personas tienen derecho a recibir asistencia de idioma con respecto a cualquier clase de servicio, beneficio, o situación que se pueda presentar.

¿Quién Tiene Obligación De Cumplir Y Quién Puede Encontrarse En Violación Bajo El Título VI?

Todos los programas y operaciones de entidades que reciben ayuda del gobierno federal (por ejemplo: beneficarios), incluyendo: Cualquier agencia estatal, agencia local, institución u organización privada. Cualquier entidad que reciba asistencia financiera Federal a través de otro beneficiario / entidad mencionado anteriormente, tiene obligación de cumplimiento.

"La elemental justicia requiere que los fondos públicos, a los cuales todos los contribuyentes de impuestos de todas las razas aportan, no sean gastados de ninguna manera para, animar, arraigar, subsidiar o resultar en discriminación racial." Presidente John F. Kennedy



EQUAL EMPLOYMENT OPPORTUNITY POLICY

Rev. August 2023

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Approved By: _____
Effective Date: August 2023
Last Revision: August 2022
Purpose: To state the commitment of the system to Equal Employment Opportunity.

POLICY:

The Upper Cumberland Development District (UCDD) is an Equal Opportunity Employer. No person is unlawfully excluded from consideration for employment because of race, color, religious creed, national origin, ancestry, religion, sex (including pregnancy), gender, gender identity and/or expression, sexual orientation, age (40 or older), citizenship status, marital status, status with regard to public assistance, veteran status, physical or mental disability, genetic information, or any other characteristic protected by federal, state or local law. In addition, UCDD will provide reasonable accommodations for qualified individuals with disabilities.

This Policy applies not only to recruitment and hiring practices, but also includes affirmative action in the area of placement, promotion, transfer, rate of pay and termination. Executive, management and supervising levels have the responsibility to further the implementation of this policy and ensure conformance by subordinates.

Any UCDD employee who engages in discrimination will be subject to suspension or termination. Any supervising, or managerial employee, who knows of such behavior and fails to take immediate and appropriate corrective action will also be subject to disciplinary action. Any individual who is the target of discrimination is encouraged to discuss the matter with the supervising Department Director, Human Resources, and the EEO Officer. Any individual who feels such a discussion would be, or has been futile, unsatisfactory, or counter-productive should contact the EEOC.

The EEO Officer will investigate all claims. The accused individual may be suspended pending the outcome of the investigation. Retaliation against the claimant will not be tolerated. No employee will be retaliated against because he or she filed/made a complaint.

UCDD is proud to be an Equal Opportunity Employer. We are committed to providing Equal Employment Opportunities to you and all persons without regard to race, creed, color, religion, national origin, sex, gender, gender identity and/or expression, sexual orientation marital status, citizenship status, age, veteran status or disability, status with regard to public assistance, genetic information, or any other characteristic protected by federal, state or local law.

Furthermore, we will not tolerate any form of discrimination or harassment of our employees by co-workers, supervisors, customers, or vendors. This commitment extends to our policies on recruiting, advertising, hiring, placement, promotion, training, transfer, wages, benefits, termination and all other privileges, terms and conditions of employment.

EQUAL EMPLOYMENT OPPORTUNITY:

It is the policy of UCDD to be fair and impartial in all its relations with its employees and applicants for employment. The Agency employs and advances in employment any qualified persons, with reasonable accommodation, who can satisfactorily perform the essential elements of a job. Employment decisions will be based on the principle of Equal Employment Opportunity. If you believe this policy has been violated in any way, you are to report the matter to the Agency's Equal Opportunity Officer, Human Resource Department, or the Executive Director.

POLICY OVERVIEW:

UCDD is an Equal Opportunity employer. No person is unlawfully excluded from consideration for employment because of age (40 or older), color, national origin, citizenship status, physical or mental disability, race, religion, creed, gender, sex (including pregnancy), sexual orientation, gender identity and/or expression, genetic information, marital status, status with regard to public assistance, veteran status, or any other characteristic protected by federal, state or local law. In addition, UCDD will provide reasonable accommodations for qualified individuals with disabilities.

This policy applies not only to recruitment and hiring practices, but also includes affirmative action in the area of placement, promotion, transfer rate of pay and termination. Executive, management and supervising levels have the responsibility to further the implementation of this policy and insure conformance by subordinates. Any UCDD employee who engages in discrimination will be subject to suspension or termination. Any supervising or managerial employee who knows of such behavior and fails to take immediate and appropriate corrective action will also be subject to disciplinary action. Any individual who is the target of discrimination is encouraged to contact the Human Resource Department and EEO Officer in an effort to resolve the problem.

If the matter cannot be resolved, the issue will be given to the Executive Director. Retaliation against a claimant will not be tolerated. Furthermore, the Agency will not tolerate any form of discrimination or harassment of our employees by co-workers, supervision, customers, or vendors. This commitment extends to our policies on recruiting, advertising, hiring, placement, promotion, training, transfer, wages, benefits, termination and all other privileges, terms and conditions of employment. UCDD employees should not participate in discrimination against service applicants or clients during any service process; such as, admission to, access to, or operations of its programs, services or activities.

Upper Cumberland Human Resource EEO Statement & Plan**INTRODUCTION:**

The Agency desires to practice equal opportunity with respect to all activities concerning its employees. Management has promulgated these guidelines on a strictly voluntary basis. The existence of these guidelines however should not be construed as an admission either in whole or part that the Agency has engaged in any activity whereby minorities or women have been or are presently being underutilized, concentrated or discriminated against in any way in violation of federal, state or local fair employment practice laws.

In developing and implementing this policy, the Agency has been guided by its established pre-existing policy of providing equal employment opportunity. All targets which the Agency has established shall not be considered rigid, inflexible quotas, but rather reasonable objectives to be achieved in good faith. The use of goals and timetables by the Employer shall not discriminate against an individual or group of individuals with respect to any employment opportunity for which he, she or they are qualified on the grounds that he, she or they are not the beneficiaries of affirmative action themselves since the Employer does not sanction the discriminatory treatment of any person.

EEO POLICY STATEMENT:

It is the policy of the Agency not to make any adverse employment decisions against minorities or women with respect to recruitment, hiring, training, promotion and other terms and conditions of employment, provided the individual is qualified to perform the work available.

It is the policy of the Agency to comply voluntarily with the concepts and practices of affirmative action.

An EEO officer of the Agency will review, supervise and evaluate the Company's affirmative action program and will monitor that program and make reports periodically and on an on-going basis to management. Employment decisions shall be made after considering the principles of equal opportunity (EEO). Promotion decisions shall be consistent with the principle of EEO; qualifications for promotion shall consist of merit and ability.

All personnel actions and programs including but not limited to compensation. Benefits, transfers, layoffs, recalls, company-sponsored training, education, tuition assistance and social and recreational programs will be administered in a non-discriminatory manner with respect to minorities and women, provided the individual is qualified to perform the work available.

REAFFIRMATION OF EEO POLICY STATEMENT:

The Employer shall:

- continue to provide equal employment opportunity to all qualified persons, and to continue to recruit, hire, train, promote and compensate persons in all jobs without regard to race, color, religion, sex or national origin, or any other characteristic protected by federal, state or local law; and,
- identify and analyze areas of its employment process so as to further the principles of equal employment opportunity.

Employment decisions in all areas will be made on the basis of furthering the objective of equal employment. The recruitment, testing and hiring of all personnel will be without discrimination against any individual with regard to race, color, religion, sex or national origin. Attempts will be made to contact known community sources of minority and women for potential applicants; so as to maximize the participation of such applicants. Individuals will be upgraded and promoted on the basis of their abilities, skills, and experience. Minority and women employees who are qualified, as well as those who qualify through training, will be considered for promotion. Promotions will be based on valid occupational qualifications.

Management will attempt to provide transfers of minority and women employees whenever such transfers will increase the likelihood of greater job opportunity in areas where minority and female employees may have been or may now be underutilized. If layoffs occur, they will be based on nondiscriminatory policies.

Personnel decisions affecting employees in areas such as compensation, benefits, transfers, layoffs, returns from layoff, Agency-sponsored training, education, tuition assistance, and social and recreational programs will be made and implemented without regard to race, color, religion, sex or national origin, or any other characteristic protected by federal, state or local law.

The EEO Officer will periodically review personnel actions and collect data on a continuing basis to review all actions taken.

All employee benefits will be administered consistent with federal law and steps will be taken so that personnel and management are fully apprised of the Agency's EEO policy which will be discussed and reviewed in supervisory and management meetings:

- Periodic reviews will be conducted to insure the effectiveness of these goals.
- EEO posters will be and remain placed in conspicuous locations. Equal Employment Opportunity policy will be posted on bulletin boards (in English and Spanish, where appropriate) and will continue to be displayed in the future.
- New employees will be apprised of the Employer's equal opportunity policy at employee orientation and management training programs.
- The EEO policy will be included in the Employee Handbook. Copies of the Employee Handbook will be distributed to all current employees and to new employees when they are hired and publicized in other printed materials where appropriate.
- Special meetings will be conducted when appropriate and the Agency's commitment to EEO.
- Periodic meetings may be held to re-emphasize to management and employees the Agency's commitment to EEO.

Employees are encouraged to bring questions, comments, or complaints with respect to the Agency's EEO/affirmative action policy, or the implementation and administration of that policy, to the Human Resources Department. Management has communicated and will continue to publicize that it does not tolerate or permit harassment of any employee because of race, color, religion, sex, national origin, or any other characteristic protected by federal, state or local law. All recruitment sources are reminded of the Agency's commitment to EEO and affirmative action and to be advised that the Agency actively seeks qualified women and minorities for employment.

Additionally, when employees are featured in advertising, handbooks, or similar publications, both minority and non-minority men and women will appear in the pictures. Equal Opportunity Clauses shall be incorporated in all purchase orders, leases, contracts, etc. where practical. When the employer advertises in newspapers for prospective employees, the advertisement includes the EEO solicitation: "We are an Equal Opportunity Employer" or "UCDD is an EOE". Additionally, no advertisements in newspapers will be placed in sex-segregated "Help Wanted" columns. Written notification of our EEO policy will be sent to all subcontractors, vendors, and suppliers, and they

will be requested to take appropriate action. Actions by supervisory personnel inconsistent with this policy will not be tolerated and may lead to discharge.

The Human Resources/Benefits Manager has been appointed supervisor of the Equal Employment Program and has the primary management responsibility for ensuring full compliance with this policy. This appointment has been communicated to all Agency management and employees. The Human Resources/Benefits Manager's contact information shall appear on all internal and external communications on the Agency's equal opportunity programs.

The responsibilities of the EEO Officer include but are not necessarily limited to the following:

- Developing, modifying and maintaining effective policies and procedures.
- Evaluating EEO progress and developing alternative approaches where necessary, including establishing goals and time tables that are reasonable, attainable and consistent with the Employer's affirmative action commitment.
- Designing and implementing audit and reporting systems
- which will permit continuous monitoring of EEO progress and provide management with requisite data in that regard. Such systems will be used to:
 - Measure the plans effectiveness.
 - Determine the degree to which the Employer's objectives and goals have been achieved.
 - Indicate any need for additional action.
- Serving as our representative in dealings with federal, state or local enforcement agencies.
- Serving as a liaison with minority organizations and community action groups concerned with the employment opportunities of minorities and women.
- Continually educate management in the area of equal employment opportunity.
- Resolving EEO-related charges or complaints
- Periodically auditing training programs, hiring and promotion patterns so that any impediments to achieving the goals and timetables are removed.
- Periodically conducting staff training.
- Selectively reviewing the qualifications of employees who are transferred or promoted to ensure that minorities and women are being given full opportunity with respect to such personnel actions.
- Communicating with local supervisors and other employees to apprise them of the fact that their work performance is being evaluated in regards to available opportunities.
- Assisting supervisors in preventing harassment of any employees either because of their placement through affirmative action efforts or because of their race, color, sex, religion or national origin. (or any other protected classification)
- Identifying potential problem areas. Particular attention will be paid to employee training and to those categories where minority groups and women may be underutilized. Hiring statistics should reveal no adverse impact regarding minorities and females.
 - The selection process, including position descriptions, job titles, application forms, interview procedures, the use and administration of tests, referral procedures, and final selection process, training, transfers and promotions should be analyzed to ensure that such personnel practices are being uniformly applied without regard to race, color, religion, sex or national origin (and other protected classes) and that none of the selection procedures has an adverse impact on minorities or women, statistically or otherwise.

The Agency's transfer and training experience reflects no adverse impact on minorities or women and all physical facilities, sponsored recreation and social events, and special programs, including educational assistance, are applied and made available on a nondiscriminatory basis.

REMEDIAL ACTION:

- Where underutilization in any job group exists, goals and timetables will be established.
- Application forms and related pre-employment inquiry forms have been drafted in compliance with applicable federal, state and local EEO laws.
- Position descriptions are reviewed periodically and properly identify job-related requirements.
- Where specific selection procedures for jobs are used, they are job-related.
- Minorities and women are not excluded from any Agency-sponsored activities or programs, and such programs are fully integrated.
- No de facto segregation exists at the Agency.
- No artificial barriers or restrictive seniority provisions that result in overt or inadvertent discrimination exist at the Company.
- Transportation, both public and private, is not a problem with respect of minority employment.
- Subcontractors and suppliers the Employer uses have been advised of their EEO responsibilities.
- Purchase orders contain the required Equal Opportunity Clause.
- EEO posters provided by the federal government are prominently displayed in appropriate places at the Agency.
- A thorough analysis of the compensation, promotion, selection and other policies and practices of the Agency indicate that no affected class exists among the Agency's workforce.
- Job descriptions are periodically reviewed and revised to ensure that they are job-related and consistent for the same job from one department or unit to another.
- Worker specifications are reviewed to ensure that they are job-related and do not screen out minorities or women.

WITH RESPECT TO SEX DISCRIMINATION:

Employment advertising does not express a sex preference and, if printed, does not appear in sex-segregated columns. Further, employees of both sexes are recruited for all jobs with Employer. Our personnel policy manual and employment application forms expressly state there will be no discrimination on account of sex. We recruit employees of both sexes for all positions, except where sex is a bona fide occupation qualification.

We do not rely upon a state "protective" law to deny women employees the right to any job they are qualified to perform. We offer employees of both sexes an equal opportunity for any jobs they are qualified to perform, except when sex is a bona fide occupation qualification.

- We do not make any distinction based upon sex with regard to employment opportunities, wages, hours or other terms and conditions of employment.
- We do not make any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the other sex.
- The employer does not terminate employees of one sex in a particular job group when

- they reach a certain age, unless the same rule applies to members of the other sex.
- Appropriate physical facilities for both sexes are provided.
- Women who require time away from work for childbearing are not penalized.
- The Employer's maternity policy fully complies with the 1978 Pregnancy Amendment to Title VII of the Civil Rights Act of 1964 and Medical Leave Act.
- The wage schedules are not related to or based upon sex and conform to the Equal Pay Act.
- The Employer does not discriminatorily restrict one sex to certain job groups or job classifications.

Women are encouraged to apply for all positions in the Agency for which they are qualified and to apply for all training programs which can facilitate their promote ability. We encourage minority and women employees to participate in community problems and support programs developed by organizations such as the National Alliance of Business, the Urban Coalition, and others concerned with improving the employment opportunities of minorities and women.

WITH RESPECT TO NATIONAL ORIGIN DISCRIMINATION:

The Employer is committed to providing and ensuring equal employment opportunity to all applicants and employees without regard to their religion or nation origin. This policy is general in nature, while placing particular emphasis on persons of Eastern, Middle and Southern European ancestry, such as Jews, Catholics, Italians, Greeks and Slavs. Periodically the Employer shall review its practices to determine whether members of various religious and ethnic groups are receiving unfair consideration of job opportunities.

CONCLUSION:

It is our policy not to discriminate against minorities or women with respect to recruitment, hiring, training, promotion and other terms and conditions of employment, provided the individual is qualified to perform the work available. It is our policy to comply voluntarily with the concepts and practices of affirmative action. An executive has been designated to administer the Agency's affirmative action program and will monitor that program and make reports to senior management on a periodic and continuing basis.

All employment decisions shall be consistent with the principle of EEO. All promotion decisions shall also be consistent with the principle of EEO, and only valid qualifications will be required for promotion. All other personnel actions or programs such as compensation, benefits, transfers, layoffs, recalls, agency-sponsored training, education, tuition assistance and social and recreational programs will be administered in a non-discriminatory manner with respect to minorities and women, provided the individual is qualified to perform the work available.

The use of goals and timetables in this written statement is not intended, nor is the effect of such goals and timetables intended, to discriminate against an individual or group with respect to any employment opportunity for which he, she or they are qualified on the basis that he, she, or they are not the beneficiaries of affirmative action themselves.

SIGNATURE PAGE:

VIII. Title VI Assurance

As required by contractual agreement, the Upper Cumberland Development District will comply with the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs. This policy outlines the steps and procedures taken to ensure compliance.

VIII. Signature of Tilt VI Coordinator

As required by the contractual agreement, the Upper Cumberland Development District will comply with the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs and fulfill all above mentioned duties to ensure compliance.

Signature of UCDD Title VI Coordinator

Date

IX. Declaration of Administrative Head: Executive Director and Board Chairman

I declare that I have reviewed and approved the information provided in this Equal Employment Opportunity Policy on this date.

Signature of Executive Director

Date

Signature of Board Chairman

Date

Re: New Entry: Complaint Form UCDD

1 message

Myra Walker <mwalker@ucdd.org>
To: Sherry Thurman <sthurman@ucdd.org>

Mon, Aug 7, 2023 at 3:49 PM

Management talked to Manager Marty Frash at Peyton Manor. Manager takes out all the trash from the complex which is collected by a trash shoot in the building. The trash bag broke while the tenant put the trash shoot. Manager Marty had to pick up all the trash. In doing this Manager Marty could see who the trash belonged to. Manager Marty then went to the tenant to request her to make sure her trash was in a strong bag so it would not break. This is when the complaint was filed. A meeting was held with Project Manager Aprille Wright, Marty Frash, and myself about this problem. Manager Marty went to the tenant and apologized. The tenant accepted and all is good.

Respectfully,

Myra Walker, Director of Housing

1104 England Drive. | Cookeville, TN 38501

Office: (931) 476-4120 | Mobile: (931) 260-4872

FairHousing50th (4)

www.ucdd.org

UCDD-Horizontal_Trimmed-for-Email.jpg

A DIVISION of the UPPER CUMBERLAND DEVELOPMENT DISTRICT

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On Mon, May 22, 2023 at 8:40 AM Myra Walker <mwalker@ucdd.org> wrote:

Received, thank you.

Respectfully,

Myra Walker, Director of Housing

1104 England Drive. | Cookeville, TN 38501

Office: (931) 476-4120 | Mobile: (931) 260-4872

FairHousing50th (4)

www.ucdd.org

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On Mon, May 22, 2023 at 8:31 AM Sherry Thurman <sthurman@ucdd.org> wrote:

Myra,

This complaint form was sent yesterday.

--

Respectfully,

Sherry Thurman | Administrative Services Director

1104 England Dr. | Cookeville, TN 38501

Office: (931) 432-4111 | Direct: (931) 476-4113

www.ucdd.org | www.uchra.org

----- Forwarded message -----

From: **Anonymous** <lbetterton@ucdd.org>

Date: Sun, May 21, 2023 at 6:14 PM

Subject: New Entry: Complaint Form UCDD

To: <sthurman@ucdd.org>

UCDD Complaint Form - Online Submission

Complainant's Name

Anonymous

Complainant's Phone Number

+1 (555)555-5555

Complainant's Email

noname@noname.com

Complainant's Address

[460 Peyton Rd Lebanon TN 37087](#)

County where incident occurred

Other

Date of Complaint

05/21/2023

Complaint: Check All That Apply

Employee Actions

Who/What is the Subject of Complaint

Marty, building manager and resident of Peyton Manor

Complaint Details

Marty has been going through residents' trash and removing items, then is interrogating residents about what is in their trash. This is very embarrassing and surely illegal. It is

humiliating to have someone see your sanitary items and then harass you in person about it

How would you like this resolved?

I would like Marty to stop going through the trash, but especially to stop talking to residents about what is in their personal trash. She also needs to be informed not to touch things without asking when she is in an apartment. This is highly unprofessional. Peyton Manor is not an assisted living facility and as such, some degree of privacy is certainly warranted.

Sent from Upper Cumberland Development District

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Providing solutions through regional cooperation.

Complaint Intake Form

Complainant's Name: Teresa Adams Complainant's Phone Number: 731-614-1313

Complainant's Address: _____

County where incident occurred: Jackson, TN

Date of Incident: 9/30/2022 Date Complaint Submitted: 9/30/2022

Complaint: Check all that apply:

☐

Services Provided

☐

Services Not Provided

☐

Other

☒

Employee Actions

☐

Policy Decisions

Who/What is the Subject of Complaint: Passenger riding with Hannah Carroll

Complaint Details:

Ms. Adams stated that she was at Starbucks in Jackson, TN and a passenger in UCDD vehicle – license #1804-GC called her stupid, passenger was very obnoxious, demeaning, threatening and he came near her truck. Driver of the UCDD vehicle never engaged Ms. Adams.

Witness Details:

Name: _____ Phone Number: _____

Address: _____

How would you like this resolved?

Ms. Adams wanted management to know about the incident that took place in an agency vehicle.

Teresa Adams by phone _____

Signature

9/30/2022

Date

Received By: Sherry Thurman

Date Received: 9/30/2022

Mr. Farley spoke to Hannah about the incident. Her boyfriend was the passenger in the UCDD vehicle. She apologized that the incident happened -



SURETY'S BOND NO. LSM0746088 STATE OF TENNESSEE
UPPER CUMBERLAND DEVELOPMENT DISTRICT
OFFICIAL STATUTORY BOND
FOR OFFICER, EMPLOYEE, OR ANY PERSON SPECIFIED BY T. C. A. § 13-14-114
FOR DEVELOPMENT DISTRICT

KNOW ALL MEN BY THESE PRESENTS:

That Mark Farley of UPPER CUMBERLAND Development District,
of 253 Beecher Farley Rd Sparta TN 38583
as Principal, and RLI Insurance Company as Surety, are held and firmly bound unto **THE**
STATE OF TENNESSEE in the full amount of Two Hundred Thirty-Four Thousand Two Hundred Forty-One Dollars And No Cents Dollars
(\$ 234,241.00) lawful money of the United States of America for the full and prompt payment whereof we bind
ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

WHEREAS, The said Principal was duly authorized to receive, access, or make expenditures from public funds of and for
UPPER CUMBERLAND Development District, in the office of, employment, or authorized activity as
Executive Director of and for the named Development District for the
01 year term beginning on the 16th day of August, 2023 and ending on the 16th
day of August, 2024, and in such office, employment or authorized activity is required to give this bond by
T. C. A. § 13-14-114.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH:

- That if the said Mark Farley, Principal, shall:
1. Faithfully perform the duties of the office of, employment as, or other authorized activity as
Executive Director of UPPER CUMBERLAND
Development District during such person's term of office, employment or authorized activity or continuance therein;
and,
 2. Pay over to the persons authorized by law to receive them, all moneys, properties, or things of value that may come into
such Principal's hands during such Principal's term of office or employment or authorized activity or continuance
therein without fraud or delay, and shall faithfully and safely keep all records required in such Principal's official
capacity, and at the expiration of the term or employment or authorized activity, or in case of resignation or removal
from office or employment or authorized activity, shall turn over to the successor all records and property which have
come into the Principal's hands, then this obligation shall be null and void; otherwise to remain in full force and effect.

WITNESS our hands and seals this 18th day of July, 2023.

WITNESS - ATTEST:

PRINCIPAL:

Mark Farley

COUNTERSIGNED BY:

Tennessee Resident Agent

SURETY:

RLI Insurance Company

by:

B. W. Davis

Attorney In Fact

Barton W. Davis

(Attach evidence of authority to execute bond)



ACKNOWLEDGEMENT OF PRINCIPAL

STATE OF _____
COUNTY OF _____

Before me, a Notary Public, of the State and County aforesaid, personally appeared Mark Farley

to me known (or proved to me on the basis of satisfactory evidence) to be the individual described in the foregoing bond as
Principal, and who, upon oath, acknowledged that such individual executed the foregoing bond as such individual's free act
and deed.

Witness my hand and seal this ____ day of _____, _____.

My Commission Expires: _____

Notary Public

(over)

ACKNOWLEDGEMENT OF SURETY

STATE OF _____
COUNTY OF _____

Before me, a Notary Public, of the State and County aforesaid, personally appeared Barton W. Davis
with whom I am personally acquainted and, who, upon oath, acknowledged himself/herself to be the individual who executed
the foregoing bond on behalf of RLI Insurance Company, the within named Surety, a
corporation duly licensed to do business in the State of Tennessee, and that he/she as such individual being authorized so to
do, executed the foregoing bond, by signing the name of the corporation by himself/herself as such individual.
Witness my hand and seal this 18th day of July, 2023.
My Commission Expires: 12-05-2026



Catherine D. Geiger
Notary Public
Catherine D. Geiger

APPROVAL AND CERTIFICATION

SECTION I. (Applicable to all persons referenced by T. C. A. § 13-14-114)

Bond and Sureties approved by _____ Chairman of the Board of
_____ Development District, on this _____ day of _____, 2____.

Signed:

Chairman of the Board

CERTIFICATION:

I, _____ Secretary of the Board of _____ Development
District, hereby certify that the foregoing bond was approved by the Board of said Development District on the _____ day
of _____, 2____, and entered upon the minutes thereof.

Signed:

Secretary of the Board

SECTION II: (Applicable to all Official Bonds) (Record in county where main office of the Development District is located.)
FOR USE BY REGISTER OF DEEDS

SECTION III.
ENDORSEMENT:

Filed with the Office of the County Clerk, County of _____, this _____ day of
_____, 2____.

Signed:

County Clerk

Form Prescribed by the Comptroller of the Treasury, State of Tennessee
Form Approved by the Attorney General, State of Tennessee

POWER OF ATTORNEY

RLI Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Bond No. LSM0746088

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That the RLI Insurance Company, a corporation organized and existing under the laws of the State of Illinois, and authorized and licensed to do business in all states and the District of Columbia does hereby make, constitute and appoint: Barton W. Davis in the City of Peoria, State of Illinois, its regularly elected Vice President, as it's true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on their behalf as Surety, for the following described bond.

Principal: Mark Farley
Obligee: Tn Comptroller Of Treasury Local Finance Division
Type Bond: Development District Official
Bond Amount: \$ 234,241.00
Effective Date: August 16, 2023

The acknowledgement and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company further certifies that the following is a true and exact copy of a Resolution adopted by the Board of Directors of RLI Insurance Company, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the RLI Insurance Company has caused these presents to be executed by its Vice President with its corporate seal affixed this 18th day of July, 2023.



RLI Insurance Company

By Barton W. Davis Vice President

State of Illinois
County of Peoria

} SS

On this 18th day of July, 2023, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the RLI Insurance Company, and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Catherine D. Geiger
Catherine D. Geiger Notary Public



CERTIFICATE

I, the undersigned officer of RLI Insurance Company do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the RLI Insurance Company this 18th day of July, 2023.

RLI Insurance Company

By: Jeffrey D. Fick Corporate Secretary

A0000221

SURETY'S BOND NO. LSM0746091

STATE OF TENNESSEE
UPPER CUMBERLAND DEVELOPMENT DISTRICT
OFFICIAL STATUTORY BOND
FOR OFFICER, EMPLOYEE, OR ANY PERSON SPECIFIED BY T. C. A. § 13-14-114
FOR DEVELOPMENT DISTRICT

KNOW ALL MEN BY THESE PRESENTS:

That Ginger Stout of UPPER CUMBERLAND Development District,
 of 369 Avey Circle Cookeville TN 38506
 as Principal, and RLI Insurance Company as Surety, are held and firmly bound unto THE
STATE OF TENNESSEE in the full amount of Two Hundred Thirty-Four Thousand Two Hundred Forty-One Dollars And No Cents Dollars
 (\$ 234,241.00) lawful money of the United States of America for the full and prompt payment whereof we bind
 ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

WHEREAS, The said Principal was duly authorized to receive, access, or make expenditures from public funds of and for
UPPER CUMBERLAND Development District, in the office of, employment, or authorized activity as
Finance Director of and for the named Development District for the
01 year term beginning on the 16th day of August, 2023 and ending on the 16th
 day of August, 2024, and in such office, employment or authorized activity is required to give this bond by
 T. C. A. § 13-14-114.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH:

- That if the said Ginger Stout, Principal, shall:
1. Faithfully perform the duties of the office of, employment as, or other authorized activity as Finance Director of UPPER CUMBERLAND Development District during such person's term of office, employment or authorized activity or continuance therein; and.
 2. Pay over to the persons authorized by law to receive them, all moneys, properties, or things of value that may come into such Principal's hands during such Principal's term of office or employment or authorized activity or continuance therein without fraud or delay, and shall faithfully and safely keep all records required in such Principal's official capacity, and at the expiration of the term or employment or authorized activity, or in case of resignation or removal from office or employment or authorized activity, shall turn over to the successor all records and property which have come into the Principal's hands, then this obligation shall be null and void; otherwise to remain in full force and effect.

WITNESS our hands and seals this 1st day of August, 2023.

WITNESS - ATTEST:

PRINCIPAL:

Ginger Stout

SURETY:

RLI Insurance Company

COUNTERSIGNED BY:

by: B. W. DavisAttorney In FactBarton W. Davis

(Attach evidence of authority to execute bond)

Tennessee Resident Agent**ACKNOWLEDGEMENT OF PRINCIPAL**STATE OF _____
COUNTY OF _____

Before me, a Notary Public, of the State and County aforesaid, personally appeared Ginger Stout

to me known (or proved to me on the basis of satisfactory evidence) to be the individual described in the foregoing bond as Principal, and who, upon oath, acknowledged that such individual executed the foregoing bond as such individual's free act and deed.

Witness my hand and seal this _____ day of _____.

My Commission Expires: _____

Notary Public

(over)

ACKNOWLEDGEMENT OF SURETY

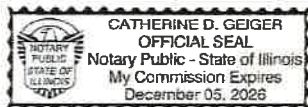
STATE OF _____
COUNTY OF _____

Before me, a Notary Public, of the State and County aforesaid, personally appeared Barton W. Davis
with whom I am personally acquainted and, who, upon oath, acknowledged himself/herself to be the individual who executed
the foregoing bond on behalf of RLI Insurance Company, the within named Surety, a
corporation duly licensed to do business in the State of Tennessee, and that he/she as such individual being authorized so to
do, executed the foregoing bond, by signing the name of the corporation by himself/herself as such individual.

Witness my hand and seal this 1st day of August, 2023.

My Commission Expires:

12-05-2026



Catherine D. Geiger

Notary Public
Catherine D. Geiger

APPROVAL AND CERTIFICATION

SECTION I. (Applicable to all persons referenced by T. C. A. § 13-14-114)

Bond and Sureties approved by _____ Chairman of the Board of
_____ Development District, on this _____ day of _____, 2023.

Signed:

Chairman of the Board

CERTIFICATION:

I, _____ Secretary of the Board of _____ Development
District, hereby certify that the foregoing bond was approved by the Board of said Development District on the _____ day
of _____, 2023, and entered upon the minutes thereof.

Signed:

Secretary of the Board

SECTION II: (Applicable to all Official Bonds) (Record in county where main office of the Development District is located.)
FOR USE BY REGISTER OF DEEDS

**SECTION III.
ENDORSEMENT:**

Filed with the Office of the County Clerk, County of _____, this _____ day of
_____, 2023.

Signed:

County Clerk

Form Prescribed by the Comptroller of the Treasury, State of Tennessee
Form Approved by the Attorney General, State of Tennessee

POWER OF ATTORNEY

RLI Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Bond No. LSM0746091

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Principal: Ginger Stout
Obligee: Tn Comptroller Of Treasury Local Finance Division
Type Bond: Development District Official
Bond Amount: \$ 234,241.00
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IN WITNESS WHEREOF, the RLI Insurance Company has caused these presents to be executed by its Vice President with its corporate seal affixed this 1st day of August, 2023.



RLI Insurance Company

By Barton W. Davis
Barton W. Davis Vice President

State of Illinois
County of Peoria

} SS

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By: Catherine D. Geiger
Catherine D. Geiger Notary Public



CERTIFICATE

I, the undersigned officer of RLI Insurance Company do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the RLI Insurance Company this 1st day of August, 2023.

RLI Insurance Company
By: Jeffrey D. Fick
Jeffrey D. Fick Corporate Secretary