



EAST TENNESSEE STATE  
UNIVERSITY

# Title VI Compliance Report and Implementation Plan



FY 2022-2023







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# EAST TENNESSEE STATE UNIVERSITY

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2022-2023

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## Overview

East Tennessee State University is a state-supported, coeducational institution governed by a Board of Trustees. Prior to the implementation of a local governing board, ETSU was a member of the Tennessee Board of Regents (TBR). Eight of the ten-member Board of Trustees for ETSU have been appointed by Governor Bill Lee, joined by a faculty representative and a student representative. The university's appointed trustees have authority to appoint the campus president, manage the university budget, set tuition, and oversee other operational tasks.

ETSU's Board of Trustees consists of ten members. Their biographies are found at:

<https://www.etsu.edu/trustees/members/board-members.php>

There are eight white members of the Board of Trustees, one African American member, and one member of Middle Eastern descent; 20% of the board is minority representation. The composition of the membership of the Board, the terms of office, and the conditions of membership are as provided in T.C.A. § 49-8-201 et seq., and are appointed by the governor. The ETSU Board of Trustees assumed responsibility upon the first called meeting by Governor Haslam held in March 2017. An organizational chart of ETSU under the Localized Board of Trustees is included as **Attachment 1** and can also be found at:

[https://www.etsu.edu/human-resources/documents/etsu\\_organizational\\_charts.pdf](https://www.etsu.edu/human-resources/documents/etsu_organizational_charts.pdf)

### ETSU Mission and Values

ETSU provides a student-centered community of learning, reflecting high standards and promoting a balance of liberal arts and professional preparation, and continuous improvement. The university conducts a wide array of educational and research programs and clinical services including a comprehensive Academic Health Sciences Center. Education is the university's highest priority, and the institution is committed to increasing the level of educational attainment in the state and region based on core values where:

PEOPLE come first, are treated with dignity and respect, and are encouraged to achieve their full potential; RELATIONSHIPS are built on honesty, integrity, and trust; DIVERSITY of people and thought is respected; EXCELLENCE is achieved through teamwork, leadership, creativity, and a strong work ethic; EFFICIENCY is achieved through wise use of human and financial resources; and COMMITMENT to intellectual achievement is embraced.

ETSU endorses the value of liberal education and provides enriching experiences in honors education, student research and creative activity, study abroad, service learning, and community-based education.

ETSU honors and preserves the rich heritage of Southern Appalachia through distinctive education, research, and service programs and is actively engaged in regional stewardship.

ETSU affirms the contributions of diverse people, cultures, and thought to intellectual, social, and economic development.

ETSU offers students a total university experience that includes cultural and artistic programs, diverse student activities, a variety of residential opportunities, and outstanding recreational and intercollegiate athletic programs.

ETSU awards degrees in over one hundred baccalaureate, master, and doctoral programs, including distinctive interdisciplinary programs and distance education offerings that serve students from the region and beyond.

*(Approved by the ETSU Board of Trustees 9/17/2021)*

ETSU provides outstanding programs of study, enhanced access to education, and distinctive educational and research opportunities to attract students from around the region and the world. ETSU has a population of approximately 15,000 students, which includes undergraduate, graduate, and professional students. Although the majority of students are from Tennessee and the surrounding southeastern region, approximately 49 states and 65 foreign countries are also represented. Approximately 96 percent of the university's students receive federal, state or private sources of financial aid.

*T.C.A § 4-21-101, et. al., mandates that any agency which receives federal assistance develop an implementation plan for enforcement and compliance with Title VI of the Civil Rights Act of 1964.*

## Responsible Officials

President Brian Noland has overall responsibility for ensuring that East Tennessee State University complies with Title VI. Dr. Noland's information and signature are below.

Dr. Brian Noland  
President  
East Tennessee State University 1276  
Gilbreath Drive, PO Box 70734  
Johnson City, TN 37614-1710  
Phone: 423.439.4211  
Fax: 423-439-4004

Signature  Date 1/30/24

Dr. Noland has designated Garrison Burton, Title IX/Title VI Coordinator, Compliance Officer, to be responsible for gathering the Title VI information and developing and producing the annual Title VI implementation plan. Mr. Burton's information and signature is below.

Garrison Burton  
Director of University Compliance, Title VI Coordinator  
East Tennessee State University  
PO Box 70271, Johnson City, TN 37604-1710  
Phone: 423.439.8544  
Fax: 423-439-48540

Signature  Date 1/30/2024

## **Definitions**

1. **Assurances:** As required by 34 CFR § 106.4, every application for Federal financial assistance for any educational program or activity shall, as condition of its approval, contain an assurance from the applicant or recipient that each program or activity operated by the applicant and to which the regulations apply, will be operated in compliance with Title VI and the implementing regulations.

2. **Educational Program or Activity:** "Educational program or activity" encompasses most operations of ETSU.

3. **Federal Financial Assistance:** "Federal financial assistance" is defined by 34 CFR §106.2(g) as:

- a. A grant or loan of Federal financial assistance, including making funds available for:
  - i. The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and
  - ii. Scholarships, loans, grants, wages, or other funds extended to any entity for payment to or on behalf of students admitted to that entity.

b. A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.

c. Provision of the services of Federal personnel.

d. Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.

e. Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

4. **Recipient:** Defined by CFR 34 § 106.2(i) as any State ... or any instrumentality of a State ... of whom Federal financial assistance is extended directly or through another recipient and which operates an educational program or activity which receives or benefits from such assistance ...

5. **Board of Trustees:** ETSU's governing board consisting of ten members, eight of whom are appointed by the Governor of Tennessee, along with a faculty and student representative.

6. **Beneficiaries:** Those persons to whom ETSU provides instructional, research, or public service assistance, service, or benefits.
7. **Compliance:** The fulfillment of the requirements of Title VI and other applicable laws and implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin.
8. **Contractor:** A person or entity that performs services at or for ETSU at a specified price.
9. **Discrimination:** To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.
10. **Federal Assistance:** Any funding, property, or aid provided for the purpose of assisting a beneficiary.
11. **Noncompliance:** Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing regulations.
12. **Subrecipient:** Any entity or individual with which ETSU contracts to perform services funded in whole or in part by federal funds.
13. **Vendor:** A person or entity that supplies goods or services at an agreed-upon price, at the promised time, and without the need for the University's intervention, renegotiation, or continued expediting.

## **Non-Discrimination Policy**

ETSU's Discrimination, Harassment, and Sexual Misconduct Policy is included as **Attachment 2**. This policy covers and prohibits all discrimination and harassment at ETSU, including equal employment opportunity. It is available online or in hard-copy form upon request to the Office of University Compliance.

The following statement, or its shortened version where allowed by law, is utilized in publicly distributed materials:

*East Tennessee State University is an AA/EEO employer and does not discriminate on the basis of race, color, national origin, veteran status, sex, disability, age, or any other protected class in its programs and activities.*

*The following person has been designated to handle inquiries regarding the non-discrimination policies: Garrison Burton, Compliance Officer and Title IX Coordinator and may be contacted at: 309 Burgin Dossett Hall, Johnson City, TN 37614, 423-439-8544. Additionally, the Title IX Coordinator is designated to monitor and oversee Title VI complaints.*

ETSU and its subrecipients and/or contractors shall make available any compliance report to be reviewed by the Tennessee Human Rights Commission (THRC) upon request.



## **Organization of the Civil Rights Office**

The Office of University Compliance monitors the University's Discrimination, Harassment, and Sexual Misconduct policy to ensure that educational and employment opportunities are available to all eligible persons without regard to race, creed, color, sex, religion, age, national origin, disabilities, veteran status, sexual orientation/gender identity, or any other protected class. The Office of University Compliance promotes an environment where people honor one another as individuals, value differences and the special gifts each of us bring to the community, and respect the right of others as human beings inclusive of race, gender, ethnicity, cultural background, sexual orientation/gender identity, class, age, disability, religion and national origin.

The Office of University Compliance consists of Compliance Counsel, the Compliance Coordinator, and two Equity Officers. The Compliance Coordinator reports directly to Compliance Counsel. The Compliance Coordinator directly supervises the two Equity Officers. The Compliance Counsel reports to the University's General Counsel, but the Office of University Compliance maintains independence in its operations in order to prevent any actual or perceived undue influence over investigations.

Maintaining records and the development of the annual Title VI implementation plan is the responsibility of the Title VI Coordinator.

ETSU is organized to effect compliance and implement civil rights enforcement by providing coordination of effort through the university administration and placing responsibility for implementation at the campus level. Dr. Brian Noland, President of the University, has overall responsibility for Title VI activities and compliance.

During the 2022-2023 fiscal year, Dr. Noland designated Garrison Burton, the Compliance Officer to be responsible for the development, writing, submission, and implementation of the University's Title VI Implementation Plan and subsequent updates. Mr. Burton served as the Title VI Coordinator during that period.

### **Title VI Coordinator Responsibilities:**

- Assures compliance with Title VI regulations.
- Investigates and resolves Title VI complaints. Establishes the process for complaint resolution and enforcement actions.
- Records and reports the number and disposition of complaints received each fiscal year.
- Notifies the public, employees, and students about Title VI requirements. Documents the specific procedures used for publicizing and distributing Title VI information (brochures, posters, etc.).
- Distributes Limited English Proficiency (LEP) information to all parties who may be involved in LEP services.
- Oversees the implementation of LEP services, including coordinating language translation services as necessary.
- Provides demographic data of advisory councils and committees
- Provides Title VI training.
- Provides an annual summary of employment utilization statistics.

## **Discriminatory Practices**

ETSU Policies and Guidelines referred to earlier in this plan are designed to address the circumstances/issues described below as they relate to examples of discriminatory practices in postsecondary education.

A. Examples of student educational discriminatory practices may include, but are not limited to:

- a. Segregated campus housing based on race, color, or national origin.
- b. Discriminatory assignment of remedial classes based on race, color, or national origin.

B. Examples of employment related discrimination may include, but are not limited to:

- a. Discrimination in the recruitment, selection, and hiring of personnel for federally funded programs based on race, color, or national origin.
- b. Subjecting an individual to discriminatory employment practices under any federal program intended to provide employment based on race, color, or national origin.

C. General prohibitions include, but are not limited to:

- a. Denying any individual any services, opportunity, or other benefit for which he/she is otherwise qualified, based on race, color, or national origin.
- b. Providing any individual with any service or other benefit, which is different or is provided in a different manner from that which is provided to others under the program, based on race, color, or national origin.
- c. Subjecting any individual to segregated or separate treatment in any manner related to his receipt of service.

In addition to the Non-Discrimination statement provided on its website, the University uses a short EEO/AA/Non-discrimination statement in paid advertisements to solicit applications for faculty and staff positions of employment, contracts for goods or services, purchase orders, and brochures.

## **Federal Programs or Activities**

ETSU receives federal funding from numerous sources. As an institute of higher education, ETSU falls under the provision of 42 U.S.C. § 2000d 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 subjected to discrimination under any program or activity receiving Federal financial assistance."

The *federal funding sources for ETSU* are shown in **Attachment 3** and total \$263,955,680.18. ETSU is therefore obligated under the aforementioned directives. These numbers include public service grants, research grants, instructional grants, and scholarships and fellowships. Because many federal funding sources overlap fiscal years, Attachment 3 includes funding sources for the most recent fiscal year and projections of such funding for the upcoming fiscal year.

For federal fund expenditures from the sources shown in Attachment 3 the following is detailed for FY 22/23:

- Equipment Expenditures: \$ 446,825.95
- Federal Salaries & Benefits: 20,651,926.26
- Direct Lending (loans) to Students and Parents: \$ 110,990,095.05
- Award Disbursements: \$131,977,840.09

*(No documented expenditures for unlisted categories).*

## Data Collection and Analysis

ETSU utilizes two systems to record student and employee data, including racial and ethnic data. For student data, we use the Banner Student System. The information that follows regarding student enrollment by race and ethnic representation and number of degrees awarded by race and ethnic representation is produced using the Banner System.

In addition, each federally funded program or activity is evaluated by the grant recipient in conjunction with the requirements of the grant. The evaluation data is reported directly back to the granter, not to the campus Title VI Coordinator.

ETSU is headquartered in Washington County, Tennessee. According to 2022 U.S. Census data, Washington County’s racial composition is as follows:

Race and Hispanic Origin		
White alone, percent		91.2%
Black or African American alone, percent (a)		4.4%
American Indian and Alaska Native alone, percent (a)		0.5%
Asian alone, percent (a)		1.6%
Native Hawaiian and Other Pacific Islander alone, percent (a)		0.1%
Two or More Races, percent		2.2%
Hispanic or Latino, percent (b)		4.0%
White alone, not Hispanic or Latino, percent		87.8%

Comparatively ETSU’s Student Enrollment composition by race is as follows:

STVTERM_DESC	American Indian or Alaska Native	Asian	Black or African American	Hispanic/Latino	Native Hawaiian or Other Pacific Islander	Nonresident Alien	Race and ethnicity unknown	Two or more races	White
Fall 2013	45	176	798	272	10	459	106	324	11890
Fall 2014	35	194	845	278	9	488	157	332	11484
Fall 2015	30	204	892	281	10	600	179	345	11186
Fall 2016	27	189	833	273	12	646	189	337	10913
Fall 2017	31	195	911	343	13	626	184	366	11096
Fall 2018	23	207	887	367	13	505	187	438	11098
Fall 2019	24	204	860	382	9	398	236	504	10972
Fall 2020	17	206	875	447	8	263	478	498	10348
Fall 2021	12	221	852	471	3	264	761	474	9692
Fall 2022	8	265	832	483	1	369	1066	389	9561

Total enrollment (beneficiaries) for Year 2022-2023: 12,974 (includes pharmacy and medicine)

Degrees Conferred Breakdowns are shown in **Attachment 4**.

Student Headcount from each country is shown in **Attachment 5**.

ETSU is subject to the TEAM Act and thus does not have Executive Staff or Preferred Staff. The breakdown of the University's workforce by race/ethnicity and sex is shown in **Attachments 6 and 7**.

Total number of employees for FY 22/23: 2,372

Summarized, the data shows that the racial composition of ETSU Employees is as follows:

American Indian or Alaskan Native:	0.38%
Asian or Pacific Islander:	4.79%
Black/ African American:	4.46%
Hispanic/ Latinx:	1.02%
Not Specified:	0.40%
White, not of Hispanic Origin:	88.95%



## **Limited English Proficiency (LEP)**

ETSU adopted its Limited English Proficiency Policy (LEP) which is included as **Attachment 8**.

ETSU's Language and Culture Resource Center provides translation services for LEP persons. These services can be provided in-person or telephonically by use of staff members Dr. Oliveira Fiuza and Scherly Cruz Martinez. These services are provided upon request by an LEP individual.

ETSU also utilizes services of Linguistica International, a company that offers multiple services for over 350 languages. Linguistica can provide language cards to help a LEP person to identify his or her primary language.

Some ETSU clinical sites also advertise the free services provided by Language Line Solutions to their clients. The posters for that service assist an LEP person in identifying his or her primary language. An example of this is also included in **Attachment 9**.

The Office of Disability Services utilizes a part-time employee for ASL interpretation, as well as contracts with ASL vendors including the Communication Center for the Deaf and Hard of Hearing. For real-time captioning, Disability Services contracts with Ai Media.

Any ETSU document can be made available in the preferred language of the beneficiary at his or her request. Linguistica International or the ETSU Language and Culture Resource Center will provide document translation services. A list of documents ETSU already provides in other languages include:

- Bilingual Resource Guide for Students
- Websites, including bilingual information for admissions
- I-9 Forms
- TN Law: Discrimination in Employment Notices
- HIPAA Information

The LEP Policy and Compliance webpage contain links to resources for persons with LEP and complaint/grievance procedures for persons who may have suffered discrimination because of LEP.

ETSU had 280 documented LEP contacts for FY 2022-2023. The LEP activities log is included as **Attachment 10**.

## Complaint Procedures, Including Total Number of Complaints Received

ETSU has a Title VI Coordinator who is responsible for Title VI discrimination complaints and investigations.

**Attachment 11** shows our Title VI complaints at the University for the year July 1, 2022- June 30, 2023, totaling four (4) complaints. This number includes complaints that were not requested to be investigated. ETSU had zero (0) requests for investigation of Title VI matters.

As of October 12, 2021, ETSU adopted its [Policy on Discrimination, Harassment, and Sexual Misconduct](#) (the Policy), the full text of the Policy is available in **Attachment 2**.

Major points of ETSU's Policy and procedures for the investigation of complaints, reports of findings, and the hearing and appeals process are summarized below.

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### *I. Initial University Response and Assessment.*

*A. Receipt. After receiving a Report of Discrimination or Harassment, the Compliance Officer takes immediate and appropriate steps to communicate with the individual who reported the alleged discriminatory conduct, provide the individual with a copy of this policy and procedure, and determine whether the alleged conduct, as described by the Complainant, falls within the scope of this policy.*

*B. Administrative Closure. The Compliance Officer has discretion to administratively close a Report of Discrimination or Harassment if, after an initial assessment the allegations as stated do not constitute a violation of this policy and procedure, or a Request for Limited Action is granted.*

...

*III. Informal Resolution. Any party may request the university facilitate an Informal Resolution to a Discrimination or Harassment Report at any time after the university's initial assessment of a Report. The Compliance Officer, at their discretion, may suggest an Informal Resolution to the parties at any time after the university's initial assessment of a Report.*

...

*IV. Formal Investigation. The goal of a Formal Investigation is to reach a determination as to whether a responding party has violated one or more university policies prohibiting Discrimination and unlawful Harassment and if so, remedy the effects of a violation.*

*A. The Compliance Officer determines the nature and scope of investigations on a case by-case basis. The Compliance Officer may include possible violations of other university policies that contributed to, arose from, or are otherwise related to alleged violations of this policy and procedure in the scope of an investigation.*

...

*D. Parties to an investigation can expect a prompt, thorough, and equitable investigation of Reports, including the opportunity for parties to ask questions, present witnesses, and provide information regarding the allegations.*

...

*G. The standard of proof used in investigations is Preponderance of the Evidence. It is the university's responsibility to establish the standard of proof and gather evidence during investigations.*

...

*Q. The Complainant and the Respondent have the right to be accompanied by one (1) advisor of their*

*choosing during all stages of an investigation.*

...

*W. Following an investigation, the investigator(s) prepare a final report that includes findings and recommendations as to whether the Respondent party is in violation of university policy. The investigator(s) will confirm that the facts are correct before the final report is released. The Complainant and the Respondent receive simultaneous notice of the investigator(s)' final report.*

*X. Appropriate ETSU administrator(s) receive the final report, and are responsible for imposing disciplinary sanctions, if appropriate.*

...

*V. Appeal of Investigator's Determination. Within five (5) business days of receiving the final report, either party may request, by hand-delivery or email, an appeal of the findings in the Final Report based on one of the following bases: 1. There exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation or; 2. a procedural irregularity occurred in the investigation of the incident in question which affected the integrity or outcome of the investigation, or; 3. a conflict of interest existed at the time of or during the investigation which precluded the parties from being provided adequate due process.*

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Pursuant to this Policy, complaints of discrimination or harassment are directed to the Office of University Compliance. A sample complaint form is provided with **Attachment 12**. Use of the form is not required to report alleged discrimination or harassment, but the form is generally used by the Title VI Coordinator when performing intake of a report from a complainant.

Title VI Complaints can also be filed online through the [Office of University Compliance online reporting portal](#). This portal was established by University Compliance in August, 2020 and is also optimized for mobile phone operation.

In addition to the University's complaint process, complaints may also be filed with the Tennessee Human Rights Commission at 1-800-251-3589 or [www.tn.gov/humanrights](http://www.tn.gov/humanrights)

All investigations will have the same general components (further information can be found in the Tennessee Human Rights Commission Title VI Compliance Program Guidelines for Investigations):

- Establish jurisdiction
- Notification to THRC within 10 days prior to investigation commencement
- Develop an investigative plan
- Gather and review any relevant evidence
- Interviews
- Interview with CP
- Interview with Respondent
- Witnesses
- Analyze the evidence, including interviews
- Write investigation summary and rationale for recommendation
- Send investigation summary and rationale to THRC for review and approval
- Collaborate with THRC to make revisions/additions, if necessary, until investigation is approved
- Upon THRC final approval, notify CP and Respondent of final determination

The Title VI Coordinator logs each complaint as mandated by law:

*Each federal agency shall maintain a log of Title VI complaints filed with it and with its recipients, identifying each complainant by race, color, or national origin; the recipient, the nature of the complaint, the dates the complaint was filed and the investigation completed, the disposition and the pertinent information. The timeframe for resolution and complaint processing are found in institutional procedures. Records are maintained for annual reporting.*

Compliance for Title VI is found in existing ETSU policies, guidelines, and reporting mechanisms as described in the following documents:

- ETSU’s Policy on Discrimination, Harassment, and Sexual Misconduct  
**(Attachment 2)**
- FP-14 and ETSU BOT Policy- “Third Party Contract and Agreements” and “General Purchasing, Receipt of Materials, and Payment of Invoices”.  
**(Attachment 13)**
- “Student Scholarships, Grants, Loans/Aid”-  
**(Attachment 14)**

Title VI Litigation/Lawsuits for FY 2022/2023: **None.**

No Title VI litigation is on file for FY 2022/2023.

No federal Title VI Complaints were received from the Office of Civil Rights.

## Title VI Training Plan

All new employees are provided with Title VI information during new employee orientation.

All employees are sent Title VI training annually. For 2022-23, ETSU's online Title VI training was provided through Vector starting October 1, 2022 for current employees and was assigned as new employees were hired throughout the year on a rolling basis. (**Attachment 15**). ETSU has updated notification and reminder email communications in an effort to increase participation and completion. The training module provides a completion certificate for employees if needed for office/department licensure requirements.

Employee training data information for the year July 1, 2022- June 30, 2023 is included in **Attachment 16**.

Training data completion rates for full time and part time faculty and staff for FY22-23 as follows:

Type of Employee:	Percentage of Completion:
<b>Faculty</b>	<b>81%</b>
<b>Staff</b>	<b>55%</b>
<b>Undefined</b>	<b>31%</b>
<b>Medical Residents</b>	<b>53%</b>
<b>Student Employee</b>	<b>42%</b>
Total Number of Employees Trained:	6097 – 58.44%

ETSU has acted to increase compliance by reporting names of employees who are non-compliant with training to their supervisor for assistance; this has shown to increase completion rates dramatically.

The Office of University Compliance aims to have annual training available October 1, 2023 for returning employees and on a rolling basis as new employees are hired as part of their new employee orientation. The Office of University Compliance is also engaging numerous efforts for in-person training in the post-pandemic era.

For this fiscal year ETSU does not have any report training data for the sub recipients as all of ETSU's sub recipients received Title VI training through their agency. ETSU did not provide any training to subrecipients or contractors. See documentation provided regarding subrecipient commitments to Title VI and non-discrimination. (**Attachment 17**).



## Sub-Recipient Monitoring

### Pre-Award Procedures:

Periodic compliance reviews will be conducted in the annual cycle, along with the submission of an affirmative action plan. The ORSPA (Office of Research and Sponsored Programs Administration) Commitment Form (**Attachment 17**) has been developed to assist in monitoring ETSU's sub-recipients. The Subrecipient Commitment Form (SCF) includes a statement of commitment to Affirmative Action, as required by federal law, and is sent annually to sub-recipients. The survey monitors compliance with, among other things, non-discrimination, affirmative action, and Title VI for any sub-recipients. Through the SCF, ORSPA confirms that subrecipients have a Title VI program in place and trains its investigators. ETSU's Sub-Recipient policy is included in this report (**Attachment 18**). All SCFs are reviewed by ETSU staff. **Attachment 19** show ETSU pending sub-recipient awards (awaiting approval). ETSU ORSPA accepts Federal Demonstration Partnership Clearinghouse member institutions' certifications in lieu of a subrecipient renewal form. The FDP Clearinghouse is located here: <https://fdpclearinghouse.org/>.

**Attachment 20** shows ETSU projected (active) sub-recipient awards.

At ETSU, Vendors and Contractors are monitored separately from sub-recipients.

ETSU has a list of 415 vendors or contractors that have been either added in FY 22/23 or are listed in the active roster for that FY. (**Attachment 21**). Of those listed in the active roster:

- 18 are listed as African-American owned;
- 5 are listed as Hispanic owned.;
- 11 are listed as Asian American owned;
- 1 is listed as Native American owned;
- 82 are listed as Woman owned;

ETSU provides reports monthly to Go-DBE on funds that we spend with small, minority, women owned, and disabled veteran businesses, however, the information is not broken down by race, color, and/or national origin.

For subrecipient awards, ETSU has a list of 44 subrecipients for FY 22/23 (**Attachment 22**). Copies of the returned SCF forms utilized in the pre-award process are attached as **Attachment 23**. We have not yet had a subrecipient indicate that it does not adequately train its employees.

ORSPA does not have the resources to conduct on-site subrecipient monitoring. All ORSP subrecipient monitoring is conducted remotely and via documentation. ETSU notes that ETSU subrecipients are almost universally low risk.

ETSU ORSPA confirms that training related to Title VI and nondiscrimination is conducted, in accordance to the standards prescribed by federal law, via subrecipient monitoring and continued monitoring as stated via Policy (**Attachment 18**).

For federal subawards, we flow down the non-discrimination provision of the federal awarding agency. For HHS grants, for example, 45 CFR Part 80 is applicable to all of our subrecipients. For non-federal subawards, we use the following language:

Non-Discrimination. No person on the grounds of race, creed, color, sex, gender, religion, age, orientation, national origin, disability, or veteran status will be excluded from participation in, or be denied benefits of, or otherwise subject to discrimination in the performance of this Subaward.

ETSU does not keep a documented list of pending federal assistance applications in a centralized location, each department tracks pending applications. ETSU does not track Federal Program monitoring and this is not applicable to ETSU, however, compliance monitoring for sub-recipients is conducted by the ORSPA programs. Compliance for all sub-recipients is required. ETSU ORSPA conducts post-award subrecipient monitoring through its subrecipient renewal commitment form, a slightly streamlined version of our subrecipient commitment form for continuing awards. (**Attachment 24**).<sup>1</sup>

#### **Post-Award Procedures:**

Training is arranged for awardees that did not receive training previously through their agency through the Workplace Solutions portal.

All sub recipients for fiscal year 2022-2023 had indicated they were Title VI compliant and did not need additional training. All sub-recipients were considered low risk, and did not warrant audit of the outside training noted. The great majority of ETSU's subrecipients are government (state, local) entities and other colleges and universities which are required to comply with Title VI independently of their status as a subrecipient of ETSU.

#### **Non-compliance would result in the following actions:**

Upon discovering an awardee does not meet or maintain Title VI compliance, ETSU provides written notice to the sub-recipient of non-compliance. ETSU would give the sub-recipient notice to complete Title VI training in a given timeframe. If the training is not completed in that timeframe, ETSU would require that the sub-recipient take ETSU's Title VI training so ETSU may track and monitor the training without relying on any representations from the sub-recipient. If they did not complete Title VI training within the given timeframe, ETSU withholds payment until such time as the sub-recipient completes the training.

For fiscal year 2022-23 ETSU did not have any moderate or high-risk sub-recipients or contractors that did not receive training through their agency, therefore ETSU is unable to report training data.

#### **Contracting:**

The following terms of non-discrimination are included in agreements with Contractors and Vendors

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<sup>1</sup> Typically, ETSU does not collect a renewal form where supplemental funds are added in the same year or for an NCE. Our collection process is triggered by a new funding period from the sponsor.

of ETSU<sup>2</sup>:

The parties agree to comply with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, Executive Order 11,246 and the related regulations to each. Each party assures that it will not discriminate against any individual including, but not limited to, employees or applicants for employment and/or students, because of race, religion, creed, color, sex, age, disability, veteran status or national origin. The parties also agree to take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to their race, religion, creed, color, sex, disability or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection available to employees and applicants for employment

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<sup>2</sup> Precise language of terms may vary from contract to contract, but a non-discrimination term is included. The provided term language is a commonly-used example.

## **Public Notice and Outreach**

ETSU will utilize its Office of University Compliance (UC) and Human Resources (HR) websites to disseminate the Title VI implementation plan. The complaint procedures are listed on the UC and HR website under ETSU policies. The University's non-discrimination statements are included on all University publications made to the public. The statements are also posted within departments and workplaces throughout campus.

**Examples of areas where public posting occurs include:** display boards in administrative and academic buildings; office suite areas, particularly lobby areas; offices where both the campus community and the public are served- particularly our university-related health services areas; and student gathering spots on campus including on display boards in the student center building.

**Grants/ Contract Bidding Notices:** These notices are posted in print and online media outlets.

Through student and employee recruitment activities, eligible persons who have been historically deprived of equal opportunity are encouraged to participate in the university's educational programs.

ETSU Jobs are automatically posted on [www.jobs4tn.gov](http://www.jobs4tn.gov)

Jobs4TN is maintained by the Tennessee Department of Labor and Workforce Development. ETSU also utilizes such publications as Diverse Issues in Higher Education and utilizes the SERB Doctoral Program job posting site, which is available to all scholars and young faculty members.

East Tennessee State University continues to make efforts to recruit and retain a diverse workforce. The President, through his leadership team, has charged all managers with recruiting and retaining a representative workforce, and the Office of Human Resources has dedicated staff to assist with advertising available positions with professional groups that include diverse membership.

### **Office of Equity and Inclusion**

Build awareness of equity and inclusion institution wide, thereby affirming the educational value of a diverse and fully inclusive campus community. We aspire to become a campus enriched by persons of different backgrounds, points of view, cultures, socioeconomic statuses, and other diverse characteristics by infusing inclusion into all aspects of university life.

The Office of Equity and inclusion has a wide array of resources available for access on its webpage. Some of these include the "1619 Project," Juneteenth Resources, Resources to Understand Racism in America, Articles on Confronting Racism from Harvard Business Review, "The Struggle Is Real: Teaching the Civil Rights Movement Seminar Series," and Resources for Working with Students in Anticipation of the Derek Chauvin Verdict.

As part of the Office of Equity and Inclusion's mission, the Equity and Inclusion Advisory Committee serves as an advisory and working group for the coordination of the university's efforts relating to equity, inclusion, and cultural competency. The committee plays a lead role in advising

the creation and coordination of strategies for equitable and inclusive campus activities and outreach. The committee is comprised of a chair and eight members consisting of cross-functional representation of employee groups across ETSU's main campus and the VA campus.

The Office of Equity and Inclusion publishes a monthly newsletter that addresses and highlights various initiatives and topics to educate the university on matters related to diversity, equity, and inclusion.

The Office of Equity and Inclusion oversaw the transition of their quarterly magazine to the Jonesborough Storytelling Center. This magazine, "**Community Voices**," highlights topics related to equity and inclusion on ETSU's campus.

### **Equity and Inclusion Annual Conference**

This conference, sponsored by the East Tennessee State University Office of Equity and Inclusion, provides attendees the opportunity to reflect on their position on this campus and/or in the community and their impact on others, particularly as it relates to issues of equity and inclusion. The conference theme for this year is, "**Creating a Culture of Belonging: Building Capacity, Partnerships, and Opportunities for Progress.**"

### **Lunch and Learn Webinar Series**

Throughout the 2022-2023 fiscal year, ETSU's Office of Equity and Inclusion offered a "Lunch and Learn" series which provided students, faculty, and staff to participate in discussions related to equity, inclusion, and safety on campus. Each webinar is led by a faculty, staff or other third party with expertise in the particular topic of discussion. Some examples of these series include: "Implicit Biases"; "Inclusive Leadership"; "Wellbeing through Diversity, Equity, and Inclusion Lens"; "Critical Race Theory"; "The Biology of Skin Color"; "Debiasing Techniques"; "Allyship"; "Hate Crimes"; "Windows and Mirrors: How Do You See Me?"; "Recruiting and Retaining Diverse Populations"; and "Supporting Underrepresented Learners in an Online Environment." All of these webinars are available on demand on ETSU's website.

### **National Conference on Race and Ethnicity (NCORE)**

NCORE is the most comprehensive national forum on issues of race and ethnicity in American higher education. The NCORE webinar continues the conference's tradition of working to improve racial and ethnic relations on college campuses by providing virtual learning opportunities on effective strategies to enhance access, social development, education, communication, and cross-cultural understanding for traditionally underrepresented populations. Webinars are held monthly, on the last Wednesday of every month from 3:00 p.m. to 4:30 p.m. CST. Student webinar series focuses on ideas that speak directly to the experience of students and is either facilitated or co-facilitated by a student. ETSU faculty, staff, and students can access the list of NCORE webinars on ETSU's webpage.

### **Student, Faculty, and Staff Organizations**

ETSU has various organizations that target and foster growth for a diverse community: ABLE Organization, Black Affairs Association, Chinese Student and Scholar Association, Der Deutsche



Klub, Diversity Educators, Hispanic American Student Community Alliance, Indian Student Organization, Japanese Cultural Society, La Societe Francaise, Model United Nations, National Pan-Hellenic Council and Multicultural Fraternities and Sororities, Saudi Arabian Students Association, Sexuality and Gender Alliance, Shades of Africa, International Student Association, Neurodiversity Club and Silent Bucs as well as various political or religiously affiliated groups. Each of these organizations works with university and community leadership in their areas, which provides for outreach as well as promotion of a university environment that is committed to diversity.

### **Language and Culture Resource Center**

ETSU has a Language and Culture Resource Center (LCRC) whose vision is to bridge boundaries between the native English-speaking communities in East Tennessee and the non- native English speaking communities, such as the Latinx community. Its mission is to increase the awareness and understanding of diversity by involving the university faculty and students in hands-on, community-based learning experiences and to bring together people from every age and background to share cultural strengths and humanity through research and outreach programs as they work toward the acculturation of the local non-native speakers of English communities. The LCRC publishes *El Nuevo Tennessean*, a bilingual newspaper in Spanish and English, and provides a bilingual Resource Guide for Washington, Unicoi, Carter, and Green Counties. The LCRC also provides translation and interpretation services as well as English as a Second Language classes in the community. (**Attachment 25**).

The LCRC sponsors an annual Hispanic Student Day at ETSU for high school Latina heritage students who come to ETSU for a one-day introduction to college life. The LCRC has invited students from other non-native English speaking communities to come as well, because they all struggle with the same challenges. The goal is to encourage all attendees to complete high school and teach them about the options available for them to pursue higher education.

The LRRCR's goal for the next five years is to become a reference inside and outside of ETSU for translation and interpretation services, while also creating paths across different languages and cultures, helping to close the gap between individuals with different stories, backgrounds, and cultures. They are also a safe place where everyone is welcome.

### **ETSU Multicultural Center**

ETSU has a Multicultural Center, which is a department of the Student Life and Enrollment is located on campus. The Multicultural Center features an open student lounge where students will be able to engage in conversations, collaborate on projects, and relax. The Center also houses staff and offices from Office of Access and Student Services; International Studies; and the Office of Multicultural Affairs. The Multicultural Center is a place where all students, faculty, and staff can interact and feel welcome to share their experiences.

The Multicultural Center seeks to promote the University's commitment of diversity, and to broaden multicultural awareness and sensitivity, and encourages cross-cultural collaborative relationships through recruitment, retention, engagement and success. The Multicultural Center is a place where our students can discuss, appreciate, and celebrate their identities, similarities, and differences through a variety of facilitated workshops, cultural programming and academic/leadership development opportunities, while also building a sense of community and

belonging. It is both a place to gather and an environment for the educational, social justice, and cultural matters that are significant to our students, faculty, staff, and the greater ETSU community.

The Multicultural Center also promotes success of the overall educational experience by helping students get connected to ETSU faculty and staff with whom they build positive and lasting relationships. The Multicultural Center is devoted to the concept that all students are important and deserve the chance to succeed. One of the goals for The Multicultural Center is that all programs and services will be known for focusing on undergraduate retention and graduation by promoting a culture which meets the cognitive, social, and institutional needs of our underrepresented undergraduate students.

Access and Student Success Programs provide assistance to underrepresented students and help meet important goals while at ETSU. The goal is to help with a smooth transition from High School to College, stay enrolled, help with any problems that might arise, and help them graduate in a timely manner. We sincerely care about our students, and we want to help them achieve their dreams, goals, and reach their highest potential during their time at ETSU. The following programs are coordinated out of this office:

- o QUEST for Success
- o BEST Mentoring Program
- o Discover ETSU
- o Summer Bridge Plus Program

The Multicultural Center would like to share these resources to promote a seamless transition to life on our campus to our International Students. The International Student Success office, located in the Multicultural Center, offers the International Friendship Program, International Buccaneer Buddies, and many more resources to help you reach your full potential

Multicultural Affairs is responsible for creating and fostering a campus-wide climate of respect for each individual and advocating for a culturally diverse and non-discriminatory campus community. Multicultural Affairs embraces all students regardless of ethnicity, gender, color, religion, national origin, disability, or sexual orientation.

Students receive many services through the office including counseling, academic advisement, numerous educational programs and social opportunities. The office provides numerous formal and informal opportunities for students of color to learn about their history and take pride in their heritage. The office affirms and celebrates the diversity of the community through signature programs, cultural programs, and programs and services. The office also advises and collaborates with student organizations to enhance intercultural understanding while assisting the university community in acquiring the knowledge, attitudes, and values necessary to live and work in a changing, diverse, and global community.

## **UMOJA Festival**

The UMOJA (Unity) Festival in Johnson City, Tennessee, marked its 26<sup>th</sup> year in 2022. ETSU has historically provided both monetary and other support for this festival which was initiated by the local African American community. The festival has grown to be inclusive of diversity and unity. The event typically draws around 10,000 attendees. A broad range of cultural

entertainment and activities are offered and celebrated.

The university has been involved in various ways over the life of the festival, however, within the past five years, the university has increased its participation in the planning, implementation, and financial support of this diversity effort. This increased participation, in large part, is to support a diverse cultural environment for our faculty, staff, and students. The university recognizes the benefits of unity within diversity and enhance the availability of diverse entertainment opportunities for our community. The university's involvement has also elevated the community's interest in this festival and is intended to promote the university's commitment to hiring and fostering a diverse community.

### **Moon Shot for Equity Initiative**

ETSU was selected by EAB to participate in the Moon Shot for Equity Initiative. This initiative is a public-private partnership focused on the elimination of equity gaps at ETSU by 2030.

As a strategy, the university implemented 15 research-backed best practices and policies proven to close the equity gaps. In addition, the university embedded changed management and implementation techniques in instructional transformation and deployed technology to advance equity and reduce bias.

The Moon Shot for Equity initiative is a regional effort that partners ETSU with community colleges that share entrance and transfer patterns. Together, the institutions will work to form an ecosystem. This initiative is an “all hands-on deck” approach to closing the equity gaps at ETSU.

### **Nikki Giovanni: “Y’all Don’t Hear Me: The Black Appalachia”**

Black American Studies’ Black American Writers Series and the Department of Art & Design’s Slocumb Galleries was proud to welcome famed poet, author, and professor, Nikki Giovanni to ETSU for a presentation and poetry reading on September 20, 2022. Her work examines, explores, and engages themes such as sexuality, race, gender, politics, and contemporary America. Giovanni is a New York Times bestselling author, winner of multiple awards, and a seven-time recipient of the highly prestigious NAACP Image Award.

More information about this event can be found here: [‘Y’all Don’t Hear Me: The Black Appalachia’ exhibition happening now \(etsu.edu\)](https://www.etsu.edu/news/2022/09/20/y-all-dont-hear-me-the-black-appalachia-exhibition-happening-now)

## ***Governing Board***

### **Board of Trustees**

Eight of the ten-member Board of Trustees for ETSU have been appointed by Governor Bill Lee, joined by a faculty representative and a student representative. The University's appointed trustees have authority to appoint the campus president, manage the University budget, set tuition, and oversee other operational tasks.

ETSU's Board of Trustees consists of ten members. Their biographies are found at:

<https://www.etsu.edu/trustees/members/board-members.php>

There are nine white members of the Board of Trustees and One African American member; 10% of the board is minority representation. The composition of the membership of the Board, the terms of office, and the conditions of membership are as provided in T.C.A. § 49-8-201 et seq., and are appointed by the governor. The ETSU Board of Trustees assumed responsibility upon the first called meeting by Governor Haslam held in March 2017. An organizational chart of ETSU under the Localized Board of Trustees is included as **Attachment 1** and can also be found at:

[https://www.etsu.edu/human-resources/documents/etsu\\_organizational\\_charts.pdf](https://www.etsu.edu/human-resources/documents/etsu_organizational_charts.pdf)

## *Advisory Boards*

### University Council

**Goals and duties of the board:** Review, recommend and/or approve university-wide policy, proposals to pursue new strategic agendas that include creating new entities, pursuing new initiatives, approving new commitments to programs that require significant investments of university funds. Ensure that consideration of major new goals is accompanied by purposeful critique, through assessment and consideration of impact, coordination with the budget process, and an implementation plan that provides for appropriate monitoring and reasonable evaluation of ongoing success. Communicate information to and from constituency groups regarding matters that appear before the Council such as new/ongoing university projects, changes to university policies, etc. Review the university's vision, mission, values, and strategic goals annually, overseeing development of tracking and report accountability protocols for key performance indicators and other strategic planning outcomes. Submit to the President any recommended revisions to the strategic plan and assure consideration of the university's mission in all planning activities on campus. Review and make recommendations regarding the annual evaluation and assessment of the university's institutional effectiveness, planning, and budgeting processes. Monitor the university's compliance with SACSCOC requirements and the implementation as assessment of the Quality Enhancement Plan. Scan the environment for social, economic, educational, and political developments with implications for the university, explore appropriate responses to these developments, assure that institutional processes take into appropriate account environmental factors, and report on these matters at least annually to the president.

- The Council will approve and make recommendations to the President on proposals brought before the body.
- For 23 positions, appointment is by virtue office. Three positions are selected by Council of Academic Chairs. Four positions are selected by the Deans. Two positions are selected by Student Associations.
- Appointments are made pursuant to position. Positions are published on ETSU website.
- **The total number of persons: 32**
- **Ethnic/racial composition of each board/advisory body: 29 – White; 2 – African American; 1 – Asian American**
- **Percentage of minority representation: 10%**

## Academic Council

**Goals and duties of the board:** Take action on curricular proposals emerging from Undergraduate Curriculum Committee, Graduate Council, and GEAC; Take action on University-wide admission and retention policies; Consider (and take action when warranted) on proposals to create new entities or pursue new or revised major academic initiatives/agendas/ policies (e.g., Summer School, Continuing Studies, Research, etc.); Process information, advise, and take action (when warranted) regarding proposals involving distance education, online education, cohort students, extended campus initiatives, student retention and persistence to graduation; Advise, consider, and take action (when warranted) regarding academic issues brought forth for consideration by the Provost or by any member of the Council; and Advise, consider, and take action (when warranted) regarding matters impacting academic standards, academic honors, and assessment of academic effectiveness.

- Reports to Provost; Considers and advises on matters related to academics.
- Faculty representatives are nominated by the Faculty Senate. Faculty nominees should be regular, full-time personnel at ETSU. Staff representatives are nominated by the Staff Senate. Student representatives are nominated by the Student Government Association. Other representatives are nominated by specific offices or departments (e.g., Alumni or Retirees). Community representatives should be contacted and nominated by the official (or designee) to whom the governance organization reports.
- Appointment is by virtue of office.
- The Board status is published on ETSU's website.
- **The total number of persons:** 39
- **Ethnic/racial composition:** 37 – White; 2 – African American; 1 – Indian American
- **Percentage of minority representation:** 7%

## **Compliance Reporting**

ETSU is a recipient of federal financial assistance (FFA) in the form of student aid and is subject to conditions associated with the use of these funds pursuant to the following directives:

- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d);
- Tennessee Code Annotated, T.C.A. § 4-21-904; 4-21-202 and 4-21-203;
- Tennessee Human Rights Commission Regulations on Title VI, State Administrative Regulation 1500-01-03;
- Tennessee Human Rights Commission Title VI Implementation Plan Guidelines (as revised)

ETSU will maintain copies of assurances, public notification plans, press releases and training materials. All Title VI complaints and resolutions for each fiscal year will be recorded. Title VI information will be compiled in a report by the ETSU Title VI Coordinator. The report may be furnished to other agencies of federal and state government (such as the Department of Education), the Human Rights Commission, and the TN Department of State Audit, upon request. Outside agencies may review the report, accumulate its own data, and prepare an annual report on the actions and plans taken by ETSU to comply with Title VI.

ETSU has no external Title VI audits or Title VI reviews to report for Fiscal Year 22/23. If ETSU is determined to be in a state of noncompliance, every effort will be made to achieve compliance.

ETSU compliance will be achieved by: (1) affirmative actions required by policies and guidelines; (2) corrective actions revealed by annual reporting of activities; and (3) continued review and monitoring of census and other data.

ETSU is also obligated to provide information related to demographics and other areas by way of an Affirmative Action Plan.

## Evaluation Procedures of the Title VI Implementation

ETSU will implement and continuously review and monitor activities and programs to ensure equity that is consistent with federal and state guidelines for Title VI compliance. In addition, ETSU will continue to review each policy and guideline to ensure compliance with Title VI program activities. This will be accomplished by:

- Continued communication on Title VI of the Civil Rights Act of 1964 and producing and reviewing the new implementation plan no later than October 1 of each year or the earliest date the plan is approved.
- Posting of Title VI posters to reflect ETSU's commitment to and compliance with Title VI requirements.
- Discussion at meetings of Affirmative Action, Student Affairs initiatives, and Academic Affairs initiatives regarding Title VI initiatives and goals.
- Maintaining copies of assurances, public notification plans, press releases and training materials. ETSU will provide annual reports on Title VI compliance. These reports may be furnished to other agencies at the federal and state levels of government, the Human Rights Commission, and Department of TN State Audit. Outside agencies may review the reports, accumulate data, and prepare an annual report on the actions and plans taken by the university to comply with Title VI.
- ETSU will also take steps to better evaluate data related to program access by race and ethnic representation, and to survey those beneficiaries about experiences in receiving services. These steps will include:
  - Marketing services to specific communities
  - Surveying beneficiaries broadly, and by community, to collect quantitative and qualitative data
  - Making effective changes based on responses
- Improvements noted:
  - A new Title VI training notification system for faculty and staff has been implemented to increase compliance rates with annual training.
  - Human Resources has dedicated staff addressing recruitment strategies and outlets for advertising jobs to underrepresented groups for faculty and administrative staff positions.
  - Drafting of a new LEP Policy and updated in-person training offerings.

## **Attachments**