



SPECIAL REPORT

Annual Report on the Status of Submission of Title IX Implementation Plans

November 2024

Jason E. Mumpower
Comptroller of the Treasury



DIVISION OF STATE AUDIT

Katherine J. Stickel, CPA, CGFM, *Director*

State Agency Audits

Kandi B. Thomas, CPA, CFE, CGFM, CGMA
Assistant Director

Dena W. Winningham, CGFM
Audit Manager

Audit Special Teams

Amber L. Crawford, CGFM, SPHR
Assistant Director

Amanda S. Adams
Amy W. Brack
Editors

Comptroller of the Treasury, Division of State Audit
Cordell Hull Building
425 Rep. John Lewis Way N.
Nashville, TN 37243
615.401.7897
comptroller.tn.gov/office-functions/state-audit.html
Mission: Make Government Work Better





JASON E. MUMPOWER
Comptroller

November 13, 2024

The Honorable Randy McNally
Speaker of the Senate
The Honorable Cameron Sexton
Speaker of the House of Representatives
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the annual report on the status of submission of Title IX implementation plans. This review was conducted pursuant to the requirements of Section 4-4-123, *Tennessee Code Annotated*.

Sincerely,

A handwritten signature in blue ink that reads "Katherine J. Stickel". The signature is fluid and cursive, with the first name "Katherine" and last name "Stickel" clearly legible.

Katherine J. Stickel, CPA, CGFM, Director
Division of State Audit

KJS/dww

Contents

Introduction	1
Audit Authority	1
Objectives, Scope, and Methodology	1
Purpose and Applicability of Title IX	1
Federal Department of Education	2
Conclusions	3
Submission of Title IX Implementation Plans	3
Title IX Monitoring	3
Complaints Under Title IX	4

Introduction

Audit Authority

Section 4-4-123, *Tennessee Code Annotated*, requires state agencies subject to the requirements of Title IX of the Education Amendments Act of 1972 to develop a Title IX implementation plan. By statute, these plans are due to the Department of Audit by October 1 every year. The section requires the Department of Audit to publish, at least once a year, a cumulative report of its findings and recommendations concerning compliance with the statute's requirements. This report is intended to fulfill that requirement.

Objectives, Scope, and Methodology

The objectives of our review were to summarize the purpose and applicability of Title IX, to evaluate the state agencies' compliance with the statutory reporting requirements, and to report the number of Title IX complaints filed against the state agencies for the fiscal year. We have included the state agencies' plan submission dates for the past four fiscal years in the Conclusions section of this report.

Purpose and Applicability of Title IX

Title IX of the Education Amendments of 1972 states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The law is intended to prohibit gender-based discrimination in any educational program or activity that receives federal funds, including protection against sexual harassment. With some exceptions, Title IX covers all aspects of an educational program or activity, and prohibits discrimination in

- treatment of students, access to programs and courses, access to and use of facilities, counseling and guidance materials, vocational education, physical education, athletics, graduation requirements, student rules and regulations, benefits, treatment of married and/or pregnant students, housing, financial assistance, health services, and school-sponsored extracurricular activities;
- admissions; and
- employment, including access to employment, hiring and promotion, compensation, job assignments, leaves of absence, fringe benefits, and terms of collective bargaining agreements.

According to Tennessee Attorney General Opinion No. 99-035,

1. As a general rule, if a state agency directly or indirectly receives federal financial assistance and conducts an education program or activity that benefits from the assistance, the state agency must comply with Title IX throughout the operations of the entire agency . . .
2. Title IX will apply even if the agency receives federal financial assistance from a source other than the United States Department of Education.
3. . . . the federal financial assistance [must] directly or indirectly benefit an agency's education program or activity. . . . [But it] need not be earmarked for the education program or activity for Title IX to apply.

Title IX applies to every recipient and to each education program or activity operated by such recipient that receives or benefits from federal financial assistance. For example, Title IX applies to the Tennessee Department of Education (the recipient of federal funding) and Tennessee's local education agencies (subrecipients of federal funding) because all of these benefit from federal assistance. The law also applies to the Tennessee Board of Regents, the six locally governed institutions' Board of Trustees, the University of Tennessee Board of Trustees, and their subrecipients.

According to the report *Without Regard to Gender: Tennessee State Agencies and Title IX of the Education Amendments of 1972*, published in 1999 by the Comptroller's Office of Research and Education Accountability, for the purpose of compliance with federal and state laws, state entities should be aware of the circumstances that require compliance with Title IX (even if not officially notified by the federal agency), such as receiving federal funding and having any type of educational program or activity, whether or not the federal funding is used directly for the educational program or activity.

Similar to agencies subject to Title VI of the U.S. Civil Rights Act, entities subject to the provisions of Title IX are required to develop annual implementation plans. Title VI prohibits discrimination on the basis of race, color, or national origin in all programs that receive federal funding, while Title IX prohibits discrimination on the basis of gender in education programs and activities that benefit from federal assistance.

Federal Department of Education

Because Title IX is often linked with K–12 and higher education programs, the regulations issued by the U.S. Department of Education are the most widely cited regulations. The other federal departments' Title IX regulations differ in some respects because of the various programs administered, but all contain at least the following components, modeled after the U.S. Department of Education's regulations:

- written assurances required;
- designation of an employee to coordinate investigations;
- regular dissemination of nondiscriminatory policy to applicants, students, and employees; and
- adoption of grievance procedures for complaints.

Conclusions

Submission of Title IX Implementation Plans

The table below presents the submission dates of Title IX implementation plans for the most recent four years, fiscal years 2022 through 2025.

Submission Dates of Title IX Implementation Plans

State Entity	FY 2022 Plan	FY 2023 Plan	FY 2024 Plan	FY 2025 Plan
Administrative Office of the Courts	9/28/2021	9/30/2022	9/29/2023	9/18/2024
Austin Peay State University	9/27/2021	9/30/2022	10/3/2023	10/11/2024
Department of Children's Services	9/23/2021	9/29/2022	9/12/2023	9/27/2024
Department of Correction	9/28/2021	9/30/2022	9/29/2023	9/26/2024
Department of Education	9/21/2021	9/22/2022	10/2/2023	10/1/2024
Department of Environment and Conservation	9/24/2021	10/17/2022	9/29/2023	10/1/2024
Department of Finance and Administration	9/28/2021	9/28/2022	9/29/2023	10/3/2024
Department of Finance and Administration – TennCare	9/22/2021	9/30/2022	9/26/2023	10/3/2024
Department of Human Services	9/28/2021	9/30/2022	9/28/2023	9/30/2024
Department of Labor and Workforce Development	9/30/2021	9/30/2022	9/27/2023	10/9/2024
East Tennessee State University	10/1/2021	9/30/2022	9/29/2023	10/4/2024
Middle Tennessee State University	9/30/2021	9/30/2022	9/29/2023	9/26/2024
Tennessee Board of Regents	9/24/2021	9/30/2022	9/26/2023	9/26/2024
Tennessee Bureau of Investigation	10/20/2021	9/28/2022	9/22/2023	9/30/2024
Tennessee State University	9/21/2021	10/7/2022	10/20/2023	10/1/2024
Tennessee Technological University	9/28/2021	9/30/2022	9/27/2023	9/27/2024
Tennessee Wildlife Resources Agency	9/8/2021	9/30/2022	9/29/2023	10/1/2024
University of Memphis	10/1/2021	10/1/2022	9/30/2023	10/1/2024
University of Tennessee	9/30/2021	9/30/2022	9/27/2023	9/30/2024

Title IX Monitoring

State agencies risk the loss of federal funds if they do not comply with the requirements of Title IX; thus, each agency assigns staff to monitor compliance and investigate complaints.

For the most recent calendar year, 2024, the Division of State Audit did not release any audit reports that contained findings related to Title IX.

Complaints Under Title IX

Title IX regulations require that entities adopt grievance procedures “providing for the prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited” by Title IX. Entities that have adopted grievance procedures for Title VI of the Civil Rights Act of 1964 may be able to use the same grievance procedures for Title IX and other civil rights laws. A table showing the number of Title IX complaints the entities reported over the most recent four years appears below.

Title IX Complaints Reported During Fiscal Years 2021 Through 2024

(Agencies not listed below have not reported any Title IX-related complaints.)

State Entity	FY 2021	FY 2022	FY 2023	FY 2024
Austin Peay State University	25	13	21	36
Department of Education	7	5	2	3
Department of Finance and Administration – TennCare	9	34	21	29
Department of Labor and Workforce Development	0	3	0	0
East Tennessee State University	9	11	19	24
Middle Tennessee State University	4	10	12	0
Tennessee Board of Regents	21	25	36	49
Tennessee State University	21	15	5	17
Tennessee Technological University	7	5	4	4
University of Memphis	65	129	125	65
University of Tennessee	7	15	24	15