TENNESSEE HUMAN RIGHTS COMMISSION
FY 2020
ANNUAL REPORT

SAFEGUARDING INDIVIDUALS FROM DISCRIMINATION THROUGH EDUCATION AND ENFORCEMENT

The Tennessee Woman Suffrage Monument in Nashville, Tennessee features the following five women on the cover of this report:

Carrie Chapman Catt: In 1900, she was elected to succeed Susan B. Anthony as president of the National American Woman Suffrage Association (NAWSA). She led the women's rights movement for more than 25-years and played a pivotal role in the adoption of the 19th amendment.

Abby Crawford Milton: The last president of the Tennessee Equal Suffrage Association and the first president of the League of Women Voters of Tennessee. As a suffrage leader, she traveled across the state giving speeches and organizing suffrage leagues in small communities. During the fight to ratify the 19th amendment, Milton spent time in Nashville lobbying members of the general assembly to secure pro-suffrage votes.

Anne Dallas Dudley: One of Tennessee's most influential suffragists, she founded the Nashville Equal Suffrage League, served as president of the Tennessee Equal Suffrage League in 1915, and as vice president of NAWSA in 1917. She was an avid campaigner for the final ratification effort in 1920 and helped introduce a suffrage amendment to the state constitution.

J. Frankie Pierce: An outspoken advocate of equal suffrage and equal rights. She was a speaker at the May 1920 state suffrage convention, the first meeting of the Tennessee League of Women Voters, held in the House chambers at the Capitol. She was the founder of the City Federation of Colored Women's Clubs in Nashville, co-founder of the Tennessee Federation of Colored Women's Clubs and co-founder of the Negro Women's Reconstruction Service League.

Sue Shelton White: Helped organize the Jackson Equal Suffrage League and became Tennessee's chairperson of the National Woman's Party. In 1913, she served as recording secretary for the Tennessee Equal Suffrage Association. She was an equal rights activist and first female attorney in Jackson, TN.

Beverly L. Watts, Executive Director

Bill Lee, Governor

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SEPTEMBER 30, 2020

Governor Bill Lee
State Capitol, 1st Floor
600 Dr. Martin Luther. King, Jr. Blvd.
Nashville, TN 37243

Members of the General Assembly
Cordell Hull Building
425 5th Ave N
Nashville, TN 37243

To Governor Bill Lee, Members of the General Assembly and Citizens of Tennessee:

I am honored to share the FY 2020 annual report on behalf of the Tennessee Human Rights Commission. This report details the Commission's education, outreach and enforcement actions and initiatives to safeguard the public from discrimination.

This year the Commission, as everyone across Tennessee and the country has been presented by many challenges. Our state was impacted by devastating tornadoes in Nashville, Crossville and Chattanooga that claimed many lives. Then we were impacted by the global coronavirus pandemic that has put a pause on everyday life as we know it which continues to provide other challenges in the human rights arena. We then saw a global response concerning racial inequalities and systemic racism that is putting our nation in a necessary unrest. We will continue to address ongoing human rights issues, stay strong and identify solutions to the challenges faced in 2020.

I would like to thank our Board Chair and members of our Board of Commissioners who continue to provide leadership our mutual quest to meet the Commission's mission and goals.

We look forward to the important work ahead and appreciate your continued support.

Sincerely,

Beverly L. Watts
Executive Director

SEPTEMBER 30, 2020

Dear Fellow Tennesseans,

It's an honor for me to provide you with the agency's annual report for 2019-2020. Like every agency and business across the state, COVID has caused us to pivot to new ways of doing business. On a personal note, I'd like to offer a special thanks to the staff who've done a great job as they continue to meet their marks during this time.

This report provides information on employment, housing and public accommodations cases that were received and investigated by the Commission during the fiscal year. In the following pages you will find details about our accomplishments, education and outreach activities, statistical information and case outcomes.

Along with this information are two key facts that are worth sharing. During the fiscal year,the Commission went before the Senate government operations committee for a sunset hearing. The hearing was to decide whether the Commission would continue to exist. During the hearing it was recommended by the committee that the Commission receive a five-year extension as an independent state agency.

I am proud to share HB 1750 and SB 1672 passed in June 2020, which extends the work of the Commission to June 30, 2025. The agency has never seen this kind of sunset extension in its history and we are all extremely grateful.

I am also pleased to share that the Tennessee Human Rights Commission had zero findings during our latest audit. This is something that we take great pride in sharing. We look forward to continuing to be good stewards of taxpayer dollars as they are invested in the thorough investigation of all complaints that come before the agency.

The Tennessee Human Rights Commission is dedicated to safeguarding individuals from discrimination through education and enforcement. I hope you will be pleased with the information you are about to read and I'd like to encourage you to read the THRC Title VI annual report and learn more about the Commission by visiting the website: www.tn.gov/humanrights.

Sincerely,

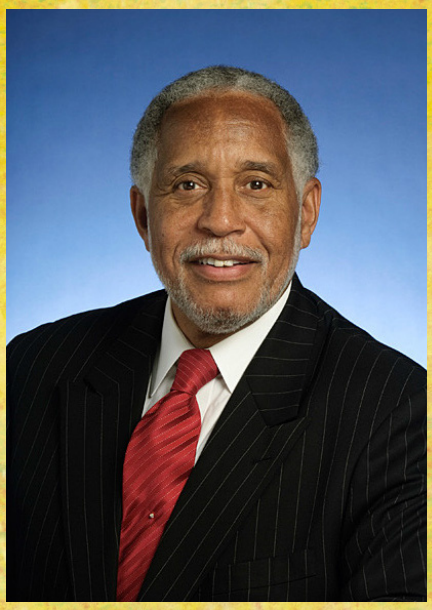
Robin Derryberry, Chair

Robin Derryberry

Board of Commissioners

BOARD OF COMMISSIONERS

ROBIN DERRYBERRY
CHAIR



BILL MARTIN
VICE CHAIR

SCOTT ARNWINE
SECRETARY

ANNAZETTE HOUSTON
IMMEDIATE PAST CHAIR

GARY D. BEHLER

ERIC CRAFTON

CHRIS CRIDER

MARK HAYES

JULIUS SLOSS

JOCELYN D. WURZBURG CIVIL RIGHTS LEGACY AWARD

This award is named in honor of Jocelyn D. Wurzburg of Memphis who has a long history of volunteer civil rights accomplishments advocating for equity, equality and non-discrimination. She served on the Tennessee Human Rights Board of Commissioners on two occasions. The very first Wurzburg Award was presented to Jocelyn for her continued efforts in civil rights and women's rights. The Wurzburg Civil Rights Legacy Award was created in 2013.

The Tennessee Human Rights Commission honored civil rights activist and Tennessee Tribune founder and publisher, Rosetta Miller Perry with the 2019 Jocelyn D. Wurzburg Civil Rights Legacy Award on July 19, 2019.

Rosetta Miller Perry is greatly dedicated to inclusion, equity, equality, access and diversity. As founder of the Tennessee Tribune she has devoted more than 26-years to battling on behalf of the poor, minorities and those who've been overlooked or underserved. She has aided the causes of civil rights through journalism, advocacy, and participation in multiple philanthropic and social organizations, and through a career dedicated to social justice and to empowerment of all citizens.

This award is presented to individuals who are long-term advocates of human rights and whose life work embodies the ideals and principles of inclusion, equity, equality access and diversity.

The agency has honored the following individuals for their outstanding commitment to these ideals

Past Wurzburg Award Recipients
Rev. Paul McDaniel (Chattanooga, 2018)
Carol Berz (Chattanooga, 2014)
Jocelyn D. Wurzburg (Memphis, 2013)

Rosetta Miller Perry along with members of the Board

Commissioner Martin presented award to Rosetta Miller Perry

Former Commissioner, Jocelyn D. Wurzburg

COMMISSION HISTORY

The Tennessee Human Rights Commission (THRC) is an independent state agency responsible for enforcing the Tennessee Human Rights Act (THRA) and Tennessee Disability Act (TDA). The Commission has a nine-member Board of Commissioners and 29 staff members in four offices across Tennessee. The founding principles of THRC was to encourage and develop fair and equal treatment for all citizens regardless of race, color or national origin. The mission of THRC is safeguarding individuals from discrimination through education and enforcement.

On September 30, 1963, Governor Frank G. Clement signed Executive Order 18 creating the Tennessee Human Relations Commission. The Commission's original purpose was to advise the public of their rights, research and report on human relations and relay these findings to the governor. The commission accomplished this by working alongside other government agencies with similar responsibilities.

In 1978, the Tennessee Human Rights Act (THRA) became law, transforming the commission from an advisory agency to an enforcement agency. Former Commissioner Jocelyn Wurzburg of Memphis Tennessee was the author of this legislation; her leadership was critical to its passage.

In 1979 and 1980, the law was amended to include disability and age as protected classes.

In 1983, the Commission officially became the Tennessee Human Rights Commission (THRC). In 1984, the law was amended to prohibit discrimination in housing. In 1990, the expansion was extended to include familial status and disability as protected classes.

In 2009, the THRA was expanded and THRC was given the authority to verify that state government entities comply with requirements of Title VI of the Civil Rights Act of 1964. Title VI prohibits recipients of federal financial assistance from discriminating on the basis of race, color, and national origin.

In 2014, legislation was passed that amended the THRA (T.C.A. §4-21-201) by reducing the THRC's board from 15 members to nine members with two members being appointed by leadership from the Senate and House, and five appointed by the governor. The new board structure became effective on January 1, 2015.

Today, the THRA prohibits discrimination based on race, color, creed, religion, sex, national origin, age (40 and over in employment), disability and familial status (in housing). THRC has maintained collaborative partnerships with the Federal government for nearly forty years. These relationships allow us to investigate complaints involving alleged violations of Title VII of the Civil Rights Act of 1964, the Age discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 and Title VIII of the Civil Rights Act of 1968 (Fair Housing).

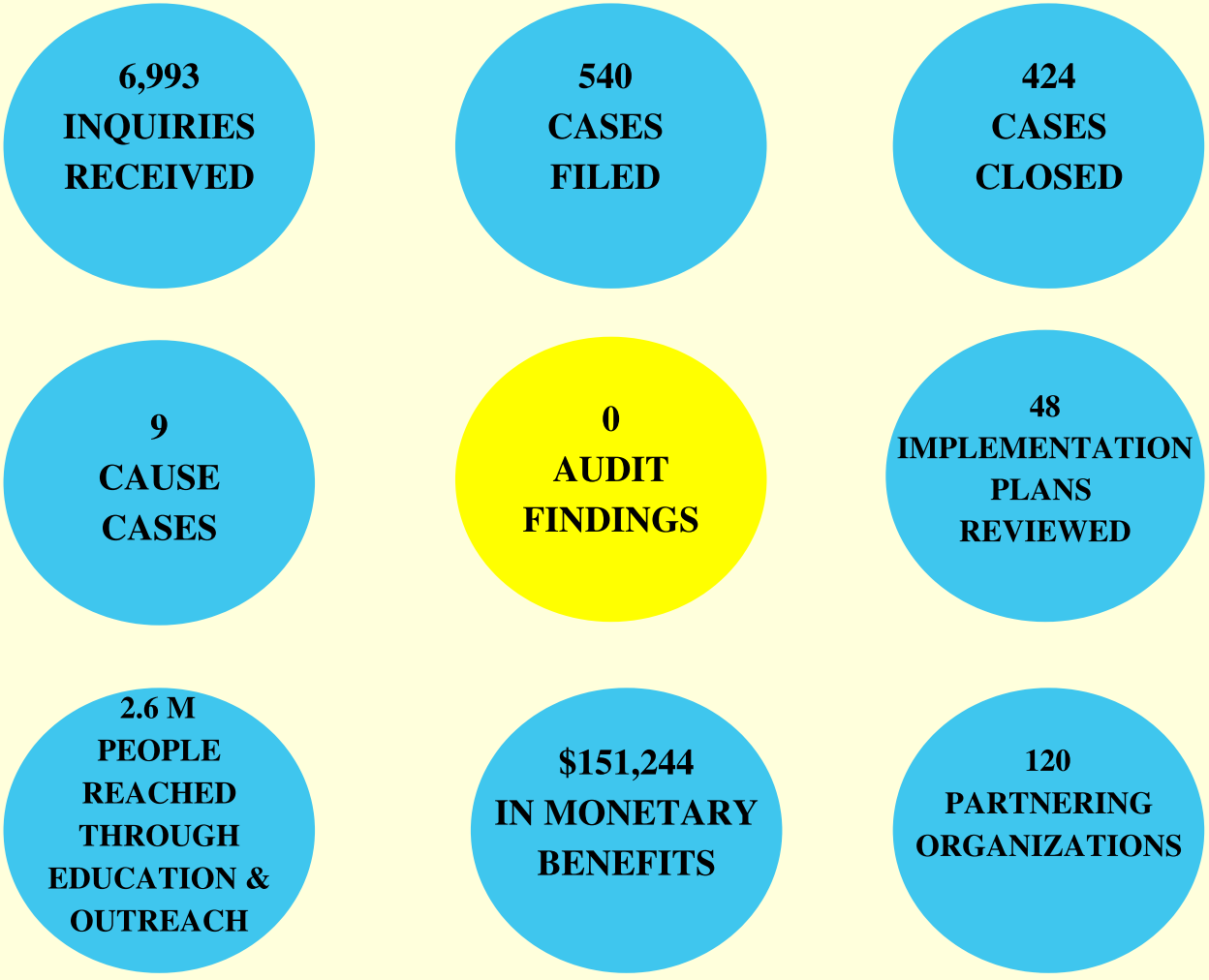
AGENCY OVERVIEW

The Tennessee Human Rights Commission receives and investigates complaints of allegations of discrimination in employment, housing, public accommodations and ensures compliance with Title VI for state agencies who receive federal financial assistance.

Complaints are assessed to determine whether the allegations are jurisdictional charges under the Tennessee Human Rights Act, Tennessee Disabilities Act and Title VI of the Civil Rights Act of 1964.

Customer service and intake serve as the initial point of contact and individuals can obtain assistance with filing a discrimination complaint. The staff provides information on how to file a complaint, sending out complaint forms to requesting parties and also make referrals to other agencies as needed.

AGENCY OVERVIEW BY THE NUMBERS



EDUCATION & OUTREACH

Education & Outreach is a key part of the Commissions mission. Through these efforts, the agency brings awareness about the work we do. The agency partners with state and federal agencies along with employers, housing providers, faith-based and non-profit organizations and others who want training to achieve this goal. The agency educates the public about the rights and responsibilities through education and outreach, traditional and social media. During the fiscal year THRC partnered with more than 120 organizations.

THRC has participated in 110 outreach activities during the fiscal year. These activities included conducting workshops, educational presentations, exhibits, distributing agency materials at events, ad campaigns and educational seminars. Through these efforts, THRC reached 2.6 million individuals. In addition to traditional media, THRC uses social media as a tool to communicate our mission and inform the public.

EDUCATION AND OUTREACH BY THE NUMBERS

2.6 M Individuals Reached

21 Educational Presentations

110 Outreach Activities

10 Event Exhibits

1,900 Social Media Followers

1,339
Followers on Facebook

561
Twitter followers

94,949
Website visits

2 million
people reached through radio ad campaigns

24 million
impressions through transit ad campaigns

This year, THRC hosted its premier Employment Law Seminar in partnership with the Department of Human Resources (DOHR). The seminar is designed to educate legal professionals, human resource professionals, organizations and employers on their responsibilities under the state and federal anti-discrimination laws. This year's Memphis Area Employment Law Seminar was held on February 13, 2020 at the University of Memphis Cecil C. Humphries School of Law. There were CLE credits and HRCI credits provided to the nearly 60 attendees. Several employment law attorneys gave presentations on the following topics: Sexual harassment & bullying in the workplace, EEOC updates, and Implicit Bias.

Above: The Honorable Judge Bernice B. Donald, Circuit Judge of the United States Court of Appeals for the Sixth District was the featured closing speaker for the 2020 Memphis Area Employment Law Seminar. Judge Donald presented on, Implicit Bias and Ethical Issues in the Workplace.

Left: DOHR Commissioner, Juan Williams welcomed attendees.

Right: Univ. of Memphis Law school Dean Katharine Schaffzin gave opening remarks to attendees.

Left: Attorney Don Donati presented on sexual harassment and bullying in the workplace.

Right: Attorney Faye Williams from EEOC Memphis district provided updates on employment law

Above: ELS Attendees

Above: Former THRC Commissioner Jocelyn Wurzburg introduced speakers

Above: ELS attendees

Above: Executive Director Beverly Watts welcomed attendees

ENFORCEMENT

EMPLOYMENT

The agency is responsible for investigating allegations of discrimination in employment and public accommodation with complaints on the basis of race, color, creed, national origin, religion, sex, disability* and age. The agency has a work share agreement with the U.S. Equal Employment Opportunity Commission (EEOC) to investigate complaints of employment discrimination.

*Allegations of disability for public accommodation are referred to the U.S. Department of Justice.

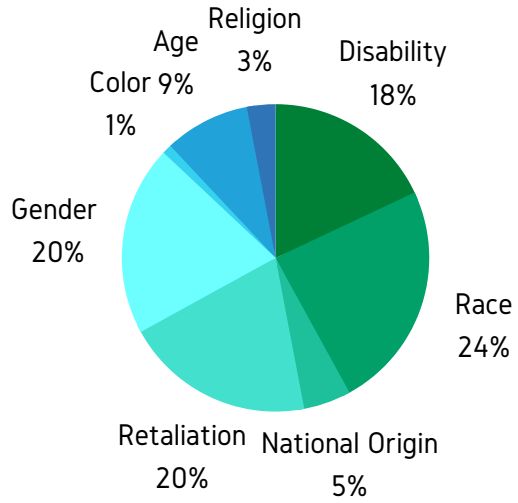
EMPLOYMENT COMPLAINTS BY THE NUMBERS

781
INQUIRIES RECEIVED

302
COMPLAINTS ACCEPTED

216
CLOSED CASES

EMPLOYMENT COMPLAINTS BY BASIS OF ALLEGED DISCRIMINATION



EMPLOYMENT SETTLEMENT BENEFITS

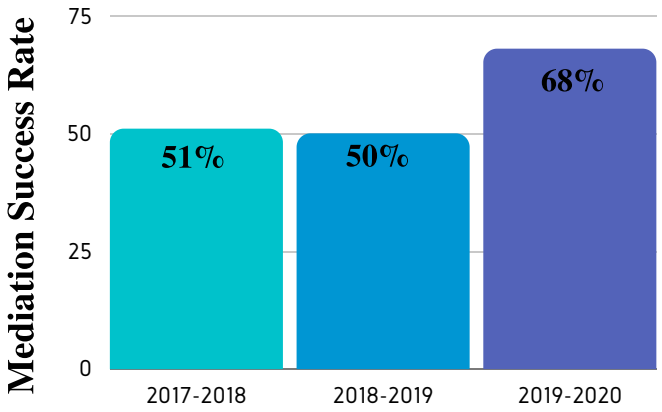
- Six cases resolved through settlements, with **$12,114** in monetary benefits.
- Individual monetary benefits ranged from **$1,000 - $5,000**.
- Examples of non-monetary benefits include: training, neutral reference letters and reinstatement.

The purpose of mediation is to facilitate an atmosphere for both parties to discuss their perspectives on the conflict at hand and work toward a potential resolution.

Mediation is an alternative to undergoing a full investigation or litigation. Mediation is provided at no cost to either party and is done in a secure and controlled environment. Complainants and respondents must agree to enter into the mediation process.

If mediation results in terms both parties find acceptable, the case is resolved the same day. If an agreement cannot be reached, the case will undergo the investigation. All mediations are confidential.

MEDIATION BY THE NUMBERS



- **25** mediations completed
- **17** successful mediated agreements, with **$57,341** in monetary benefits to complainants.
- **0** post cause judicial mediations
- Individual monetary benefits ranged from **$58 - $14,320**
- Examples of non-monetary benefits awarded include: training, neutral reference letters and reinstatement.

ENFORCEMENT

The agency is responsible for investigating and resolving housing discrimination complaints related to the sale, lease, advertisement, and/or finance of residential and commercial property on the basis of race, color, creed, national origin, religion, sex, disability or familial status. We have a memorandum of understanding (MOU) with the U.S. Department of Housing and Urban Development (HUD) to process complaints of housing discrimination.

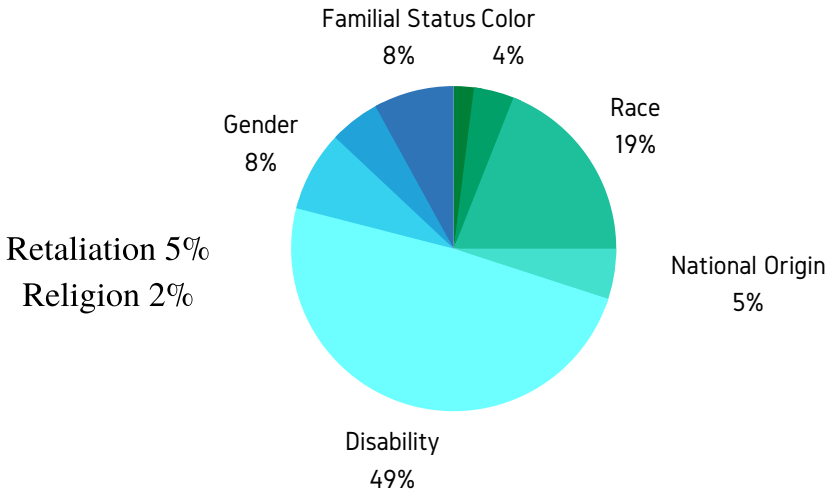
HOUSING COMPLAINTS BY THE NUMBERS

481
INQUIRIES RECEIVED

146
COMPLAINTS ACCEPTED

143
CASES CLOSED

HOUSING COMPLAINTS BY BASIS OF ALLEGED DISCRIMINATION



HOUSING CONCILIATION BENEFITS

- **22** complaints resolved through conciliation with **$81,789** in monetary benefits
- Individual monetary benefits ranged from **$35 - $15,540**
- Examples of non-monetary benefits include: reasonable accommodations, modifications, fair housing training and policy development and revision.

The Title VI compliance program is responsible for verifying state agencies that receive federal financial assistance are in compliance with the requirements of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The THRC serves as the central coordinating agency for executive branch departments seeking technical assistance, consultation and resource compliance. A major component of the Title VI compliance program involves the review of state agency Title VI Implementation Plans. In FY 2020, the Title VI compliance staff received and reviewed 48 implementation plans from departments statewide.

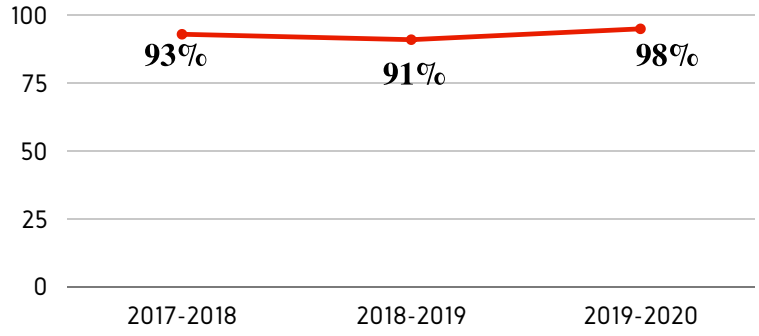
TITLE VI BY THE NUMBERS

339 INQUIRIES RECEIVED

92 COMPLAINTS FILED

65 CASES CLOSED

Implementation Plan Compliance Over Time



Above: Executive Director Beverly Watts providing an overview to Title VI coordinators

Title VI provides technical assistance to state departments and agencies on Title VI compliance. Staff responded to 977 requests for technical assistance from state departments and agencies on Title VI compliance. Topics of concern included: complaint investigation, complaint and compliance reporting, Federal programs or activities, limited English proficiency, complaint procedures, Title VI training, sub-recipient monitoring, public notice and outreach and evaluation procedures.

The annual Title VI training was held on July 30, 2019 for 77 state Title VI coordinators. Information presented during this training included an overview of Title VI fundamentals for new coordinators, an explanation of the implementation plan guidelines for FY 2020 and regulatory authority training instruction

ENFORCEMENT

The THRC legal staff provides advice to the staff and Board of Commissioners. The staff also provides counsel on all phases of the investigative process from intake to final resolution. The legal staff is responsible for resolving reasonable cause cases and may conciliate cases through informal negotiations, judicial mediation and when necessary litigates reasonable cause cases through administrative hearings. The legal staff trains and educates staff and commissioners, conducts internal policy reviews, monitors legislation and court cases that impact our agency and conducts educational presentations for stakeholders.

LEGAL REPORT BY THE NUMBERS

ADMINISTRATIVE DECISIONS

Hayes v. East Tennessee Periodontics, LLC: Complainant was terminated two days after making sexual harassment allegations against a co-worker. Respondent did not investigate the allegations prior to its decision to discharge Complainant and claimed the allegations were false. There were text messages between Complainant and her boss linking the filing of the complaint to her discharge. The Commission filed for summary judgement. Summary judgement was granted in Commission's favor on February 13, 2019. Hearing on damages was held on February 28, 2019. The Administrative Law Judge issued a judgement to Complainant for $21,470, the Respondent settled with the Commission for a monetary amount to the agency for education and outreach. The order was confirmed by the Tennessee Human Rights Board of Commissioners at its July 19, 2019 meeting.

STAFF AND OFFICES

Bass, Candice
Bell, Laura
Bentley, Kaleda
Brookins, Carla
Buchanan, Zachary
Cooley, Shelbea
Cooper, Vee
Cothren, Lynn
Cummings, Dawn
Davidson, Tracy
Fisher, Monica
Gentry, William
Guzman, Francisco
Haddock, Billie
Hooper, Sabrina*
Lancaster, Lisa
Land, Suzanne
Lopez, Julio
Lyons, Gabrielle*
Ludwig, John
Madsen, Jesse*
McGraw, Veronica
Mikami, Pamela*
Perry, Robin*
Pete, Sherry*
Pruitt, Charlotte*
Reese, Gretchen
Riddle, Jennell
Rios, Michelle
Smith, Renee
Swartwood, Katie
Thompson, Teresa*
Ursery, Rodney
Wade, William
Watts, Beverly
Webster, Tanya
Williams, Saadia

*indicates former staff members who served THRC during fiscal year 2019-2020

THRC OFFICES

Central Office - Nashville
William R. Snodgrass Tennessee Tower, 23rd Floor
312 Rosa L. Parks Avenue | Nashville, TN 37243
Main Line: 615-741-5825 or 800-251-3589 | Spanish line: 866-856-1252

Chattanooga Office
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Chattanooga, TN 37402

Knoxville Office
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Knoxville, TN 37914

Memphis Office
One Commerce Square
40 South Main St #200
Memphis, TN 38103

For more information about THRC or to file a complaint, visit our website at
www.tn.gov/HumanRights

www.facebook.com/TNHumanRights @TNHumanRights Tennessee Human Rights

In memory and in honor of those who have worked diligently across our state to promote human rights, civil rights, and a better future for all of us.

Their legacy reflects our founding principles of fair and equal treatment for all citizens regardless of race, color or national origin.

"Leadership is found in the action to defeat that which would defeat you. You are made by the struggles you use."

- C.T. Vivian

Tennessee Human Rights Commission
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www.tn.gov/humanrights

Scan me

OUR MISSION

Safeguarding Individuals from Discrimination Through Education and Enforcement