



TENNESSEE HUMAN RIGHTS COMMISSION
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January 22, 2021
Board of Commissioners'
Meeting Minutes

Commissioners Present:

Commissioner Arnwine
Commissioner Behler
Commissioner Crafton
Commissioner Crider
Chair Derryberry
Commissioner Hayes
Commissioner Houston
Commissioner Martin
Commissioner Sloss

Staff Present:

Beverly L. Watts, Executive Director
Carla Johnson, Compliance Officer
Veronica McGraw, Communications Director
Lynn Cothren, Special Assistant to the Executive Director
Dawn Cummings, General Counsel
William Wade, Associate General Counsel
Tanya Webster, Title VI Compliance Director
Saadia Williams, Housing Coordinator
Allen Staley, Finance and Administration
Dazaly Reyes-Montalvo, Administrative Assistant
Jonathan Velasquez, Employment Intake Officer
Xandria Johnson, Administrative Assistant

Guests:

None

Call to Order

Chair Robin Derryberry called the meeting to order at 9:05 a.m. CST and requested a moment of silence given the situations in our daily lives. The roll call was taken with nine commissioners present. The minutes of the last Commission meeting were reviewed and no corrections were needed. Commissioner Houston made a motion to approve the minutes and Commissioner Behler seconded the motion. A vote was taken and passed.

Executive Committee Meeting

Chair Derryberry called attention on the minutes from the meeting held on December 18th of 2020. The three amendments proposed for professional responsibility are going to be reduced to two items, the third item has been deleted for consideration and recommend for the passage of the first two amendments for the bylaws. Motion to approve minutes by Arnwine and seconded by Commissioner Sloss. A was vote taken and passed.

Law Legislative Committee Report

Chair Derryberry called for a report from Julius Sloss, Chair of the Law & Legislative Committee. Committee Chair Sloss began a discussion concerning the pending Attorney General memo. Committee Chair Sloss reviewed the memo and his answers to the pending questions. As part of the discussion, Commissioner Crider questioned—how the issues raised in the memo apply to the determinations of no reasonable cause and administrative closures. Commissioner Sloss stated that under the current law, the Commission Chairperson has the oversight authority to randomly review completed and closed investigations without violating the confidentiality.

General Counsel Cummings was asked to provide comments. General Counsel stated that based on Commission Chair's interpretation, the Commission's rules, regulations, and statutes need to be addressed. Providing the Commissioners with oversight for no reasonable cause cases and administratively close cases creates another avenue for complainants and respondents to appeal/reconsider their case. This additional avenue needs to be clear in our rules, so all parties are provided notice. In addition, a system or a process needs to be put in place so we do not violate individuals' due process rights. We also should consider the affects this interpretation has on conflict of interest issues concerning reviewing final orders. With the confidentiality issue, we need to make sure Commissioners do not talk to the members of the public about an investigation. Sunshine laws also need to be addressed. There is no exemption for Commissioners to discuss investigative cases outside of a public meeting, although an exemption can be proposed legislatively. Chair Derryberry ask the General Counsel if she had the opportunity to review each of the bullets provided. Dawn confirmed she had read them.

There was a motion to accept report by Crafton and seconded by Commissioner Martin. Chair Derryberry ask if there are any other questions referring to this report. Commissioner Houston noted that she would like the Law and Legislative meeting minutes to be revised concerning her comments about oversight authority. A motion to approve was then made by Commissioner Houston and seconded by Commissioner Behler. A roll call vote was taken. The motion was approved.

Executive Director Report

Executive Director Watts began by introducing two new staff members. She introduced Xandria L. Johnson, front desk employee and Jonathan Velasquez, Intake Officer. She noted there were 28 employees on board and the Deputy Director position is open, but interviews were ongoing. The FY 2022 Budget questions has been submitted to the House Finance, Ways, and Means Committee with the hearing set for January 28, 2021.

Director Watts asked Allen to provide information on the budget. Allen indicated the FY 2022 budget submitted which will be recommended by the Governor on February the 8,

2021 has no cost improvement or increases, has a 2% budget reduction but we are unsure if it will necessary. He noted that we will know on the afternoon shortly before the Governor gives his State of the State address. As for the current FY 2021 budget, the financial statement is attached but there are no issues of note and the negative number relates to the federal revenue timing difference. No questions for Allen in the report.

Executive Director Watts noted we need to set case reviews for three cases McNeil vs Galway, Piatt vs H&Y Consulting Corp, and Collins vs Billingsley. She noted that staff will give an overview on their work plans over the next 6 months. After the December employee meeting, we are working on putting together a committee to talk ways to generate suggestions, stay in touch and build team spirit. Motion to accept the report was made by Commissioner Sloss and seconded by Commissioner Houston. No discussion or questions. A vote was taken accepting the report.

Employment Report

Compliance Officer Carla Jonson reported for the two-month period from November 1st through December 31st, 2020, Intake received 92 inquiries of which 71(77%) were received through the online form. This is a decrease of 21% compared to the same period last year. Seventeen inquiries have been accepted 11 dual field and 6 THRC only. As of December 31st, there are 198 pending inquiries. Due to the increased workload, Customer Service staff will be trained to support the Intake unit. This will be helpful in processing the inquiries quickly. Case Management: The agency closed 17 cases, 15 dual filed and 2 THRC only. Nine cases were closed as no cause, 1 requested a notice of right to sue, 1 was administratively closed, 6 were a withdrawal without benefits. Contract numbers for October 1, 2020-December 31, 2020: During the 1st quarter for the contract, we have closed 34 dual-filed complaints.

Our Six-Month Plan: Case Processing Strategies-coach investigators and assist in triaging their caseload and providing technical assistance to close cases more efficiently to reduce aged cases and to avoid newer cases from aging. Review SOPs to conform to ongoing adjustments and revise to enhance efficiency. Develop appropriate training for all staff investigators. Case Management System- under development; taking longer to develop and get to the beta testing stage.

Commissioner Sloss asked how many employment cases were in our current inventory. Carla Johnson responded that the number of cases is around 400. Director Watts noted there is a decrease in filings online and mail, we also have a backlog of unassigned cases, and they will be reassigned in the over the next several weeks.

Commissioner Martin made a motion to accept the employment case report. Commissioner Houston seconded the motion. Chair Derryberry asked for a roll call vote. A vote was taken accepting the report.

Housing Report

Housing Coordinator Saadia Williams stated her report covers the period of November 1, 2020 to December 31, 2020. We received 80 inquiries and 18 were processed as complaints. The number one basis for complaints was disability followed by Race, Familial Status and National Origin. We are currently at 36% regarding the HUD 50% Efficiency

Goal which represents 20 dual filed cases closed within 100 days. We are currently on task to meet our minimum case closure goal of 110 cases.

As for the 6 months Strategic Plan, we will continue and maintain rate of case closures to achieve a minimum of 110 case closures at end of fiscal year (June 30, 2021). On-going training opportunities will be provided for staff as they become available either via HUD, NFHTA or in-house to assist investigators in developing and honing skills necessary for thorough and timely investigation of cases. We will continue to monitor the efficiency and timely resolution of housing complaints. There were no questions. Commissioner Behler made a motion to approve the report with a second by Commissioner Sloss. Chair Derryberry asked for roll call vote. A vote was taken accepting the report.

Title IV Compliance Report

Title VI Compliance Director Tanya Webster report covered from November 2020 through December 2020. Staff completed initial reviews on 43 State agencies Title VI Implementation Plans (IPs) and provided Initial Review Memos to the Title VI coordinators to make required revisions. Received 56 inquiries for this report period. Of those inquires 14 of those were jurisdictional. The remaining 42 were not jurisdictional and sent to the proper agencies. There are currently 81 open Title VI complaints. Received 140 technical assistant request most were Implementation Plan revisions assistance request.

As for the 6-month plan, we will review Title IV SOPs and make any necessary changes. Finalize the Implementation Plans and send out Final Finding letters. Input IP data into access database after IP final review. Review and issue FY 2021 Title VI Implementation Plan guidelines. Develop the Title VI Annual Report. Develop and present Complaint Investigations training, Subrecipient Monitoring training and the Annual Title VI training. And continue to assign Title VI complaints to agencies and monitor all year round. There were no questions, Motion to approve Commissioner Arnwine Second Commissioner Houston. Chair Derryberry asked for roll call. A vote was taken accepting the report.

Legal Report

Dawn Cummings General Counsel presented the report. The case Echevarria v. JKA Properties is currently in Chancery Court. In Echevarria, the Aggrieved Party filed petition for judicial review of Commission Board's Final Order. Cases currently ripe for board review include McNeil v. Galway Green Homeowners Assoc. and Piatt v. H&Y Consulting Corp. Judgement of Final Order in Dixon v. Snead has been satisfied. Cases in decision include Collings v. Billingsley. Collin's briefs on remand have been submitted to the administrative law judge and will be provided to the Board for review. Martin v. Ting based on discovery issues has been resolved. There are several hearings set in next few months. Those hearings involve Pontius v. Stay set for April 6-7, 2021, Woods v. KCDC hearing to be re-set from December, and Kalantzis vs OP Village hearing to be reset for March 11, 2021.

Concerning the Legal six-month action plan: Department will continue to review investigations, process cause cases (approximately 9), file notice of charges, monitor legislation monthly and report possible legislation that may affect the Commission. The Legal Department will research the Commission's subpoena authority.

In response to questions from Commissioner Sloss: General Counsel indicated that there were no cases pending with an administrative law judge that were over a year and that the list provided were all the cases that are currently pending. There were no other questions or comments. There was a motion to approve by Commissioner Behler and a second by Commissioner Sloss. Chair Derryberry asked a for roll call vote. A vote was taken accepting the report.

Commissioner Sloss excused himself from the meeting due to prior engagement.

Communications Report

Veronica McGraw the Communications Director gave a report providing information about various events: On December 8, 2020, the first Fair Housing and COVID-19 webinar was held in partnership with Habitat for Humanity of Greater Memphis. The webinar title was "What you need to Know: Housing Discrimination and COVID-19" with 100 attendees. The presenters were Carlos Osegueda, Regional Director, Office of Fair Housing and Equal Opportunity (FHEO), U.S. Department of Housing and Urban Development (HUD) and Milandria King- Managing Attorney, Memphis Area Legal Services. On December 10, 2020, the International Human Rights Day Celebrations in Chattanooga and Nashville were held. In Chattanooga, Ron Harris, Vice President for Diversity and Inclusion for Blue Cross and Blue Shield of Tennessee was the guest speaker for the Chattanooga event. Chair Derryberry, Commissioner Behler and Director Watts were all on the program and the was held via WebEx and there 120 in attendance. The Nashville International Human Rights Day Celebration included Chair Derryberry who presented the Proclamation on behalf of the Governor and Executive Director Watts who moderated a panel that included former Commissioner Jocelyn Wurzburg and Nashville civil rights activist Justin Jones. This his event was held via Zoom and streamed live on Facebook with nearly 300 views. Most of these events have been posted on the THRC webpage. She provided an update on the HUD Cares Act/COVID 19 and the partnership funds: The Cares Act radio ads began airing on iHeart radio on January 18, 2021, the radio ads focus on housing discrimination and COVID-19. The next Cares Act webinar in partnership with Habitat for Humanity Memphis is in the planning stages for March. The next fair housing partnership program using HUD partnership funds will be in partnership with the Tennessee Fair Housing Council and is scheduled for March 9, 2021.

As for my 6-month communications action plan. Communications Action Plan Through June 30, 2021. Continued planning of the fair housing and COVID-19 activities using HUD CARES Act funds through the end of the fiscal year. There are two additional fair housing and COVID-19 webinars that will be scheduled through the end of the fiscal year. The next webinars will take place between March and May 2021, planning is currently taking place. The partner for the 3-part fair housing and COVID-19 webinar series is Habitat for Humanity of Greater Memphis. Fair housing and COVID-19 ads are currently airing statewide 64 iHeart radio stations. These ads started airing on January 18, 2021. Additional fair housing and COVID-19 radio ads will air on Cumulus media, NPR TN and WJBE radio in Knoxville and will be air between March -June 2021. Continued planning of the fair housing webinar activities using HUD partnership funds will include three additional fair housing webinars that will be scheduled through the end of the fiscal year. The next webinar is scheduled for Tuesday, March 9, 2021. The partner for the March webinar is the Tennessee Fair Housing Council. Additional webinar partners are the City of Chattanooga fair housing department and Equality Coalition for Housing Opportunities in Knoxville. The

additional webinars are being planned to take place April and June 2021. The planning process for educational outreach activities include , the West Tennessee Fair Housing Celebration for National Fair Housing Month in April 2021 where we hope to have a virtual program in conjunctions with our Memphis partners in April 2021; the THRC Employment Law Seminar in June 2021 which we determine if it will take place via WebEx or in-person; increased social media presence on Facebook and Twitter with post 2-3 time weekly and monthly updates on the THRC website; and begin to gather data the FY20-21 annual report including the cover design and other items to ensure a September 2021 release date. There were no questions, Motion to approve Commissioner Martin with a second Commissioner Hayes. Chair Derryberry asked for a roll call vote. A vote was taken accepting the report with all Commissioners present at the time except Commissioner who left the meeting earlier.

The next Commission meeting will be held on March 19, 2021 at 9:00am CDT.