



**TENNESSEE HUMAN RIGHTS COMMISSION**  
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**September 24, 2021**  
**Board of Commissioners**  
**Meeting Minutes Via WebEx**

**Commissioners Present:**

Commissioner Joseph Albright-WebEx  
Commissioner Scott Arnwine-WebEx  
Commissioner Eric Crafton -WebEx  
Chair Robin Derryberry-WebEx  
Commissioner Mark Hayes-WebEx  
Commissioner Annazette Houston-Telephone  
Commissioner Julius Sloss-WebEx

**Commissioners Absent:**

Commissioner Bill Martin  
Commissioner Gary Behler

**Staff Present:**

Beverly L. Watts, Executive Director  
Muriel M. Nolen, Deputy 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  
Jesstin Hines, Title VI Compliance and Legal Assistant  
Katrina Carter, Human Rights Representative  
Saadia Williams, Housing Coordinator  
Allen Staley, Finance and Administration  
Dazaly Reyes-Montalvo, Administrative Assistant

**Guests:**

Jessica Sheppard, THRC Housing Intern  
Ariba Tharpe

**Call to Order**

Chair Derryberry called the meeting to order at 9:05am CST and requested a moment of silence given the situations in our daily lives. Lynn Cothren called the roll, with seven Commissioners present. Commissioner Houston joined at 9:14am. Chair Derryberry welcomed guests Jessica Sheppard and Ariba Tharpe.

Chair Derryberry requested a review of the minutes from the Board Meeting on July 23, 2021 and the THRC v. Wild Gals Old Time Photo case. Chair Derryberry asked if there were any revisions or comments that the Commission wanted to make. Lynn Cothren noted that Commissioner Houston made grammatical corrections on the July minutes.

Commissioner Crafton made a motion to accept the Board meeting minutes from July 23, 2021 and Commissioner Hayes seconded the motion. All Commissioners voted to accept the minutes from the July 23, 2021 meeting.

#### **Executive Committee Report**

Chair Derryberry noted various changes for the new term, including a proposal from Commissioners Sloss and Crider to consider forming a Personnel Committee. Commissioner Houston will lead the committee and will also be a member of the Executive Committee. Commissioner Hayes will oversee the Law and Legislation Committee. Commissioner Sloss made a remark about the committee's composition. He stated he appreciates the establishment of a Personnel Committee, but the committee's members are essentially the same as the Executive Committee, and he believes it should be more diverse. The Chair took note of the remark. Commissioner Sloss inquired as to the Chair's thoughts on having both committees be the same. Commissioner Houston, who has a history in personnel matters, will head the Personnel Committee, according to the Chair, and she is the appropriate option for that position. Chair Derryberry noted that review of the Executive Director's yearly performance evaluation has commenced, and the Personnel Committee will review. Chair Derryberry noted that the Board oversees the Executive Director, and the Executive Director oversees the staff and day to day. Commissioner Crafton noted appreciation of the Chair's efforts in putting together the committee, but he agrees with Commissioner Sloss that the committee should not be the same as the Executive Committee and should have different members. Chair Derryberry acknowledged the comment which will be considered with some additions at the next meeting. She stated this committee would not meet on a regular basis but on an as needed basis.

Commissioner Sloss made a motion to accept the Executive Committee report and Commissioner Albright seconded the motion. All Commissioners voted to accept the Executive Committee Report from September 13, 2021 meeting.

#### **Budget & Audit Committee Report**

Commissioner Arnwine noted the committee met on September 16, 2021. Director Watts and Mr. Staley submitted the FY23 budget request for \$2.9M. There will be some changes from last year. Commissioner Arnwine noted the budget department is requesting a 1% cut across the board in travel and professional services. Director Watts stated additional permanent positions were requested but temporary and contract employees are being considered as well. Lynn Cothren indicated that Commissioner Houston made grammatical corrections with this report.

Commissioner Houston made a motion to accept the report and Commissioner Hayes seconded the motion. All Commissioners voted to accept the Budget & Audit Report.

#### **Education and Outreach Committee Report**

Commissioner Houston apologized for logging in late. The Education and Outreach Committee met on September 10, 2021 with the primary goal of reviewing and approving the agency FY21 Annual report and FY21 Title VI Report. Commissioner Houston submitted both documents for approval to the Board.

Commissioner Houston made a motion to accept the reports for approval and Commissioner Sloss seconded the motion. All Commissioners voted to accept the Education and Outreach Report and approve the FY 21 Annual Reports

**Executive Director Report**

Executive Director Watts indicated the FY 23 budget request was complete. She stated that Allen Staley would answer any specifics on the FY21 budget closing, FY22 budget spending to date and the FY23 budget proposal. Spending for FY22 is about 14% and is on target for the year. The HUD vouchers have been received and the EEOC voucher has been submitted for payment.

Director Watts started that the front desk position has been posted. She noted that two staff members; a regional coordinator, and an investigator have been on extended leave and both have resigned within the last week. All three positions have been posted. Two investigators are being recruited rather than a regional coordinator and an investigator. The regional coordinator position will be reviewed in the future. Director Watts noted the strategic planning has begun and meetings, including discussion on the process and standard operating procedures (SOPs) will take place over the next two months. A team of staff members will be working on this with the Deputy Director who has been doing a good job on this process.

Chair Derryberry asked Allen what type of trends he is seeing from other commissions and agencies for FY23. Allen responded that a few agencies are requesting cost increases. He also noted that all agencies except one had offered the 1% reduction. The 1% reduction is more favorable and amounts to \$20,000 for THRC.

Commissioner Sloss asked Director Watts about the human resource challenges as it relates to fulfilling the agency's duties and keeping staff safe as they return to the office. Director Watts replied that since COVID some of the employees have left for personal reasons. There have been three retirements and others have new jobs with promotions. Two staff have been out on long term leave and has since resigned. Director Watts noted that two investigators will be hired, and the regional coordinator position is on hold until a later date. There are two new staff, Katrina Carter and Jesstin Hines. Mr. Hines will be working in Title VI and is being cross trained in employment. Katrina Carter will be an employment investigator. Some people are essential staff that need to be in the office and not work from home. People can work from home if they are not essential staff. Chair Derryberry asked if 40% of state government employees are working from home and 60% of federal employee have that option. Director Watts replied federal is probably 100% but EEOC and HUD is 100% and state government is 40-50%. Commissioner Crafton asked if we could consider using university students or interns to work or shadow to eventually have them as permanent employees. Director Watts stated we have been working with DOHR for the past 6 months to get an interns on board. She noted we have had interns in the past. There is currently an intern in the Knoxville office, and we are exploring other options. The only problem is the limited budget resources to fund these interns. Commissioner Crafton suggested that the Communication Director speak to colleges about the benefits of THRC's intern opportunities.

Commissioner Sloss asked Director Watts if she could introduce the staff and new Commissioner Albright. Director Watts introduced Katrina Carter and Jesstin Hines and welcomed Commissioner Albright.

Commissioner Albright made a motion to accept the report and Commissioner Sloss seconded the motion. All Commissioners voted to accept the Executive Director's Report.

### **Employment Report**

Deputy Director Nolen reported for the two-month period July 1 through August 31, 2021, that 116 inquiries were received of which 101 were received through the online portal which accounts for 87% of the inquiries. This is a decrease of 9% compared to the same period last year. Seventy-two inquiries have been accepted of which 65 are dual filed and 7 are THRC only. As of August 31, 2021, there are 33 pending inquiries. Customer service staff is still supporting the intake unit and inquiries are being processed quickly. The agency closed 79 cases, 77 dual filed and 2 THRC only. Fifty-seven cases were closed as no cause determination and 22 were closed administratively. We have fulfilled our EEOC contract obligations closing 155 cases. We have submitted a voucher for 130 cases and the remaining 25 cases will be processed next week. The voucher was for \$107,960.00 including intake and the FEPA engagement fund of a \$1,000.

As of August 31, 2021, there are 486 pending cases in our inventory, 380 dual filed with the EEOC and 106 THRC only. The six-month plan is to focus on getting investigators assignments starting in September. As of August 31, 2021, we have 181 cases in Intake awaiting investigator assignment. The new EEOC contract begins October 1, 2021. Various trainings for employment investigators will begin in October 2021. The staff are working with STS on the new THRC case management system and the testing began in September 2021 and training will begin October 2021. EEOC is changing its current IMS system to an upgraded system called ARC and will go live on November 15, 2021. This system is expected to increase work productivity, simplify data input, and improve customer service. It is still not clear if the new EEOC system and the THRC case management system will be compatible. Tracy Davison, our IT Manager, is having ongoing meetings to keep us informed about this matter.

Commissioner Hayes made a motion to accept the report and Commissioner Albright seconded the motion. All Commissioners voted to accept the Employment Report.

### **Housing Report**

Housing Coordinator Saadia Williams reported for the months of July 1, 2021, to August 31, 2021, noting the housing division received 155 inquiries, 24 of which were accepted as complaints which included one THRC only. The most common reason for complaints was disability, followed by race and gender. In terms of the HUD 50% efficiency goal, have closed a total of 20 dual-filed complaints in the last two months 9 or 45% being closed within 100 days. She noted the unit anticipates reaching the 50% closure goal in the next 2 months. During the months of July and August, timelines for sending acceptance and notification letters to the appropriate parties within 10 days were evaluated and all letters were issued on time.

Chair Derryberry inquired if housing anticipates any increases related to current trends, to which Saadia said that she had recently discussed it with employees and that no increase had occurred yet. Commissioner Sloss is relieved to hear there are no big changes, since there was concern at a previous meeting that the rent program will expire in July. Saadia noted that when there is a court ruling it will spur interest in the filing of related claims. Director Watts noted the housing issues we see are normally 60 to 90 days behind and we will monitor current trends closely. Commissioner Houston praised the housing team for their efforts.

Commissioner Houston moved to accept the report and Commissioner Sloss seconded the motion. All the Commissioners voted to accept the Housing Report.

### **Title VI Compliance Report**

Title VI Compliance Director Tanya Webster's report covered July 1, 2021 to August 31, 2021. She noted the findings for FY 21 implementation plans will be removed from three of the five noncompliance agencies. All three agencies have rectified the noncompliance findings by submitting complaints and the required documentation. Two agencies remain noncompliant. The finding is final, and it will be reported in FY21 Title VI Annual Report. The findings letter will be sent out to the agencies and the department heads to acknowledge their receipt, resulting in a compliance rate of 96%.

Title VI Director Webster also noted that 65 inquiries were received. Twenty-seven were determined to be jurisdictional and were assigned to state agencies for investigation. The remaining 38 inquiries were determined to be non-jurisdictional. To date there are 65 open Title VI complaints. Title VI staff received 79 technical assistance requests. Topics of technical assistance requested were implementation plan findings, training requests, LEP, complaint processing and investigation questions. The Annual Title VI training was held on August 19 - 20, 2021 via WebEx. There were 41 attendees on the first day of training and 77 on the second day of training. Five implementation plans have been received.

Commissioner Sloss asked about the two noncompliance agencies, who they were and the nature of their noncompliance. She responded that one is the Department of Education for failure to give information about the complaints they received. The second was MTSU for failure to provide Title VI training, but they will rectify this following year. Department of Education did not give the information stating FERPA as the reason. Commissioner Sloss asked what FERPA means which she explained as privacy protections for the student's information. Director Watts noted that we are planning to meet with the head of the Department of Education to address these issues.

Commissioner Albright made a motion to accept the report and Commissioner Houston seconded the motion. All Commissioners voted to accept the Title VI Report.

### **Legal Report**

General Counsel Dawn Cummings reported the highlights of the unit that might have changed since July. There are three cases in judicial review and one of them is Echevarria v. JKA Properties. The hearing is set for December 16, 2021. Associate General Counsel William Wade and General Counsel Cummings will attend but the Attorney General's Office will represent the Commission. There are three election cases from the housing department with no movement on any of them. Back in July the Woods v. KCDC hearing was conducted, and a decision is expected December or January. When the decision is received a record will be presented to the Board for a review. No further cases are set for hearings.

Commissioner Hayes made a motion to accept the report and Commissioner Sloss seconded the motion. All Commissioners voted to accept the Legal Report.

### **Communications Report**

Communications Director Veronica McGraw reported an update of upcoming events. The Nashville Human Rights Day Celebration will take place in December 2021 and the planning started last week. The planning of the Chattanooga Human Rights Day Celebration will begin within the next few weeks. The planning for the THRC Employment Seminar will begin within the next few weeks. The THRC FY 21 Annual Report and Title VI Report, will be posted for the public on the THRC website September 30, 2021. The report will be sent to the Department of

General Services for printing and distribution to the public and then the report will be sent to the Governor's Office, the Legislators, and Tennessee Public Libraries.

Commissioner Sloss made a motion to accept the report and Commissioner Houston seconded the motion. All Commissioners voted to accept the Communications Report.

**Announcements**

Commissioner Sloss announced that TN Supreme Court Justice Cornelia Clark has died. Director Watts noted that Justice Clark's contributions will be missed in TN and within the legal community.

The next Commission meeting will be held on November 19, 2021 9:00 am CST, 10:00am EST, through WebEx. A decision on an in-person meeting will be considered at a later day.

There was no further discussion or questions. Commissioner Crafton made a motion to adjourn, and Commissioner Houston seconded the motion.

The meeting was adjourned at 9:54am CST.