



TENNESSEE HUMAN RIGHTS COMMISSION
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January 19, 2018
Board of Commissioners'
Meeting Minutes

Commissioners Present:

Commissioner Arnwine (Phone)
Commissioner Behler (Phone)
Commissioner Derryberry (Phone)
Commissioner Crafton (Phone)
Commissioner Crider (Phone)
Chair Houston (Phone)
Commissioner Martin (Phone)
Commissioner Sloss (Phone)

Commissioners Absent:

Commissioner White

Staff Present:

Beverly Watts, Executive Director
Lynn Cothren, Special Assistant to the Executive Director
Sabrina Hooper, Deputy Director
Dawn Cummings, General Counsel
Jesse Harbison, Associate General Counsel
Saadia Williams, Housing Coordinator
Lisa Lancaster, Executive Assistant

Guests:

None

Call to Order

Chair Houston called the meeting to order at 9:06 a.m. CST and asked for a moment of silence followed by the roll call. Executive Director Watts welcomed and asked Commissioner Scott Arnwine to introduce himself to the Commission. Commissioner Arnwine stated that he is a native Memphian and attended the University of Memphis and is in the institutional investment consulting business. He has been married for 25 years and has two children.

Chair Houston asked for a review and approval of the November 17, 2017 Board of Commissioners' meeting minutes. Commissioner Derryberry made a motion to approve the minutes and Commissioner Sloss seconded the motion. A vote was taken and passed.

Education and Outreach Report

Chair of the Education and Outreach Committee Commissioner Martin reported that the committee met on January 8, 2018 to discuss the Jocelyn D. Wurzburg Civil Rights Legacy Award. Two nominations have been received for the award. Commissioner Derryberry nominated previous Commissioner Rev. Paul McDaniel and Commissioner Sloss and Commissioner Crafton nominated Mayor Megan Barry. The committee elected to bring both nominees to the full Commission for a vote and to give those nominating to speak to why they felt the person should receive the award and to then have the vote for the winner.

After a discussion regarding the process Chair Houston explained that Commissioner Derryberry recused herself as a member of the committee because she nominated Rev. McDaniel. Commissioner Crafton made a motion to give the award to both deserving nominees as co-recipients and it was seconded by Commissioner Sloss.

Discussion was provided by Commissioner Derryberry regarding Rev. McDaniel's qualifications for the award. Chair Martin noted that if we have co-recipients it will change the way the award was intended which was to have one deserving person receive the award. The committee determined that the full board was the proper place to have the discussion regarding the deserving nominees. Commissioner Crafton felt the discussion should have taken place at the committee level.

Commissioner Sloss agreed, noting the full Commission does not have to pick the winner. Chair Houston indicated we can take this back to the committee and come back with a nominee and those wishing to participate will be invited and given opportunity to speak. It was also noted that the form should be modified to reflect that nominations are confidential.

Commissioner Crider made a motion to indefinitely defer the discussion so that the committee can come back to the board with one recipient. Commissioner Sloss seconded the motion. Commissioner Crafton withdrew his motion for co-recipients to be awarded.

Commissioner Crider restated his motion to indefinitely defer this discussion until another time. A roll call vote was taken and the discussion was deferred with a vote of 6 yes and 2 no.

Chair Houston noted the discussion will go back to the Committee and those nominating recipients will have an opportunity to speak to the reasons their nominee should receive the award and a vote will be taken afterwards for the winner. As soon as the committee meeting is scheduled commissioners will be notified of date and time.

Commissioner Martin, Chair of the Education and Outreach committee made a motion to approve the report. Commissioner Crafton seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director Watts began her report giving an update on the two Title VI positions that have been filled. Gabrielle Lyons will begin on February 1 as the Title VI Director. She

has worked with EEOC, Texas Human Rights Commission and as an OPM Investigator. The Title VI Compliance Officer position has also been filled and Jesse Madsen started on January 16. She is a former state employee that worked for Finance and Administration conducting analysis and research reports. Interviews for the housing investigator position will be held beginning January 25, 2018.

The first Budget hearing will be held on Feb 6, 2018 with State Government Committee for the House. On December 12th THRC presented before the Joint Subcommittee Education, Health and General Welfare regarding the Audit and provided the same presentation given to this Commission at the November Commission meeting. It was noted that we had one instance related to housing. No questions were asked and no additional action was taken.

Thanks were offered to Chair Houston for attending the All Staff meeting in December. It was shared that the Employee of the Year Award is being revamped as staff shared that it was a popularity contest. A committee is being assembled to review a survey from staff and present an alternative to the current Award. During this meeting several staff received awards for outstanding service from Executive Director Watts and presentations were made of State Employee Service Awards.

With no questions a motion was made by Commissioner Martin and seconded by Commissioner Crafton to accept the report of the Executive Director. A vote was taken and passed.

Employment Case Report

Deputy Director, Sabrina Hooper reporting on the period from November 1, 2017 to December 31, 2017 noting that employment received 82 inquiries resulting in 21 charges being accepted for investigation with 19 being dual filed and 2 THRC only. During the period 35 charges were closed with an average charge age of 279 days. Our open inventory at the end of December 2017 was 256 cases.

Two (2) mediations closed within the timeframe, resulting in \$569 in monetary benefits to the complainant and six (6) complaints closed as settlements with \$148,878 in monetary benefits to the complainants. Since As of July 1, 2017, eighteen (18) mediations were conducted; Complainant was represented 4 times and Respondents were represented 13 times.

In comparing last year at this time there was a 27% decrease in charges received and charges accepted was relatively the same. Complaints closed increased by 13 cases or 37%. Title VII based cases remains the top category with race, color, national origin, gender and religion.

For the case customer surveys in employment, public accommodation and housing since July 1, 2017, 54 phone calls have been placed and 22 witnesses have been interviewed. Responses were strongly agreed and agreed to the positively written statements. One witness for housing did not recall speaking with the investigator. However, his live-in caregiver acknowledged that he did speak with the investigator in January of 2017

The ten question survey for employment, public accommodation and housing shows 170 surveys were sent with 17 being returned and 178 surveys were emailed out and 9 responses were received. There were no new comments.

The state website introduced a new platform which went live on December 11, 2017. Most state agencies including our agency experienced broken links and missing content. Our IT staff has been working with OIR to correct the issues which should be resolved within a couple of weeks. Our staff has worked over 30 hours to correct these issues. The website issues have impacted the electronic complaint form launch. We anticipate a March start but we will keep you posted.

Commissioner Behler noted the minimal responses from the surveys and questioned what has been done to increase responses. He noted that possibly personal interviews would be more successful in gathering quality information. Deputy Director Hooper noted that any suggestions are appreciated to increase the numbers.

Commissioner Behler made a motion to accept the Employment report and Commissioner Martin seconded the motion. A vote was taken and passed.

Housing Case Report

Housing Coordinator, Saadia Williams reported on the November 1, 2017 to December 31, 2017 time frame noting that there were 52 inquiries resulting in 22 complaints being accepted. Disability was the number one basis for complaints.

Staff closed 12 dual filed complaints of which 7 or 58% were no probable cause; 2 or 17% were closed withdrawal without resolution; 2 or 17% were lack of jurisdiction; and 1 or 8% was closed with conciliation.

The HUD efficiency goal is to close 50% of cases within 100 days and we are currently at 35%. Interviews for the vacancy in the Housing Division will begin next week. Of the 50 substantially aged cases identified in December 2016, 46 of those cases have been closed and 4 remain open as we continue to strive to close these cases.

Commissioner Crider made a motion to accept the housing report and Commissioner Martin seconded the motion. A vote was taken and passed.

Legal Report

General Counsel, Dawn Cummings, reported on the November 1, 2017, to December 31, 2017 period when legal closed 9 no cause employment cases; 16 administrative closures; 7 conciliations and 2 THRC only cases and reviewed 69 Investigative Plans. There were three cause cases reviewed which is a correction from the report which shows only 2. There were no reconsiderations.

In housing, legal has closed 8 no cause cases; 3 administrative closures 6 conciliations/settlements were completed and one THRC only case was closed. Two cases

were caused, two investigative plans were reviewed, two reconsiderations were completed and six copy requests were completed.

Cause case updates include the Coffee County Sheriff's Department verses THRC case which is the Holsey matter, the hearing scheduled for January 8, 2018 was moved March 2, 2018.

Cause case updates for employment include cases listed one and three have been resolved via mediation and everything has been executed. There are three new cause cases to report listed as five, six and seven. Two involve pregnancy discrimination and one involves sexual harassment. A brief description of each appears in the legal report.

Cause case updates for housing include case listed as two has encountered some discovery responses and the hearing has been moved from January 26, 2018 and a motion to continue is pending.

One new housing case has been caused due to failure to accommodate emotional support animals.

Commissioner Crafton made a motion to approve the Legal report and Commissioner Behler seconded the motion. A vote was taken and passed.

Communications Report

Communications Director Erika Wynn is out with the flu and Special Assistant to the Executive Director, Lynn Cothren reported on the period November 1, 2017 to December 31, 2017 period. November 2nd and 3rd Executive Director Watts attended the Wimberly Lawson 38th Annual Labor and Employment Law Update Conference in Knoxville, TN where she made a presentation and conducted a Q & A session and 650 people were reached.

On December 11, 2018 Executive Director Watts, Communications Director, Erika Wynn and Special Assistant to the Executive Director, Lynn Cothren and Commissioner Derryberry, Commissioner Behler attended the International Human Rights Day Celebration at the Chattanooga Hamilton County Family Justice Center which was attended by 64. Executive Director Watts spoke and Special Assistant Cothren staff the exhibition booth and Communications Director, Wynn served as facilitator with Commissioner Derryberry presenting a proclamation from the Governor. A commitment was made to return next year.

On December 7, 2018 THRC co-sponsored the International Human Rights Day program with Tennessee United for Human Rights and it was attended by Executive Director Watts and Chair Houston presented a proclamation from the Governor. There were 65 people in attendance.

Staff training was held on December 13, 2018 and Chair Houston was in attendance and assisted with staff award presentations. The Website is still under construction but there have been 8,317 views and 4,329 sessions.

Commissioner Crider made a motion to accept the Communication Report and Commissioner Martin seconded the motion. A vote was taken and passed.

Title VI Compliance Report

Executive Director Watts interim Director of the Title VI Compliance division reported on the November 1, 2017 to December 31, 2017 period. The two major activities to report are the review of the Implementation Plans by Jennell Riddle and Lynn Cothren. The goal is to notify agencies by the middle of February which puts us about 40 days behind schedule and the final report will be available in late April or early May.

The Tennessee Board of Regents compliance review update includes a December meeting with THRC met with TBR Diversity and Equity Initiative Director, their Associate General Counsel and the Special Assistant to the President where discussions about what policies, types of training, other sub-recipients and how they serviced and supplied resources to 47 institutions subject to Title VI.

A follow-up will include interviews with the President, staff at TBR offices and onsite to five campuses across the state. Executive Director Watts will work with the new Title VI staff to complete this compliance review.

Executive Director Watts noted that Commissioner Behler had requested information about complaints that were sent back to the Department of Corrections and the rationale for sending them back and noted that the information will be available at the March Commission meeting.

Chair Houston thanked the staff for their reports and noted that the anticipated Board Retreat planning continues with purposed dates of March 22nd and 23rd with a session on the evening of the 22nd and a full day on the 23rd. Discussions have taken place with Antonio Meeks and Trish Holiday who are facilitators from DOHR and are looking at the Timothy Demonbreun House as a location for the event. The retreat will focus on THRC overview orientation, mission, vision and values and roles of staff and commissioners, our governing laws and doing a SWAT analysis.

We need to get feedback from the executive committee and develop questions for the facilitators and possible dates for the retreat. We will be sending out a survey asking what you think is great about the agency and what you would like to learn.

There were no public comments but Chair Houston announced that January 31, 2018 will be her last day at the University of Tennessee. She will be going to Pellissippi State Community College working with the President as the Equity and Compliance Executive Director.

Sabrina Hooper, Deputy Director announced the retirement of Thierno Bah who has been the Compliance Officer and has been with the agency for 35 years. His last day will be February 28, 2018. Commissioners are invited to attend.

Executive Director, Beverly Watts announced that Kathrine Kores with EEOC will be retiring after 30 plus year's service. The Ceremony will be on March 2, 2018 in Memphis.

With no public comments the announcement was made that the next Commission meeting is scheduled for March 22 and 23 in conjunction with the retreat. Commissioner Behler noted that he was not available for these dates. Staff will send out a poll within the next three days and see if we can get 100% participation for the retreat and commission meeting.

Commissioner Martin made a motion to adjourn and it was seconded by Commissioner Behler. A vote was taken and passed. The meeting was adjourned at 10:16 a.m.