



**TENNESSEE HUMAN RIGHTS COMMISSION**  
WILLIAM R. SNODGRASS TENNESSEE TOWER  
312 ROSA L. PARKS AVENUE, 23<sup>RD</sup> FLOOR  
NASHVILLE, TN 37243-1102  
615.741.5825 FAX 615.253.1886  
[www.tn.gov/humanrights](http://www.tn.gov/humanrights)

**January 25, 2019**  
**Board of Commissioners'**  
**Meeting Minutes**

**Commissioners Present:**

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

**Commissioners Absent:**

**Staff Present:**

Beverly Watts, Executive Director  
Veronica McGraw, Communications Director  
Lynn Cothren, Special Assistant to the Executive Director  
Sabrina Hooper, Deputy Director  
Gabrielle Lyons, Title VI Compliance Director (Phone)  
Dawn Cummings, General Counsel (Phone)  
Saadia Williams, Housing Coordinator (Phone)  
Lisa Lancaster, Executive Assistant  
Gretchen Reese, Compliance Officer

**Guests:**

Allen Staley, Fiscal Officer

**Call to Order**

Chair Houston called the meeting to order at 9:21 a.m. CST following some phone difficulties. Following a moment of silence the roll call was taken.

The minutes of the November 16, 2018 Board of Commissioners' meeting were reviewed. Commissioner Sloss made a motion to approve the minutes and Commissioner Crafton seconded the motion. A vote was taken and passed.

**Strategic Plan Discussion**

Chair Houston thanked the Commissioners for their input. Commissioner Derryberry shared that the retreats and discussions were time well spent and commended the Commissioners for a good plan going forward. After a review of the Goal Setting document

from December 6, 2018 discussion Chair Houston accepted Commissioner Derrberry's move for adoption of the plan. Commissioner Behler seconded the motion and a vote was taken and passed.

Chair Houston asked Commissioner Derryberry to assume a leadership role to assist the Commission in moving the strategic planning goal setting process forward. Commissioner Derryberry agreed to help.

Commissioner White asked for clarification under the SMART Goals section of the document to include the years making it July 1, 2018 – June 20, 2019. Corrections will be made.

### **Executive Director's Report**

Executive Director Watts began her report noting that the agency is in the process of filling the housing investigator position in Knoxville putting the staff at 28. We have filled the employment investigator in Chattanooga, The investigator and front desk positions in Nashville. It was noted that training for the investigators is complete.

Executive Director Watts noted that General Counsel Cummings will make a detailed about the Legislative session and bills the agency is tracking. Other specific requests of questions regarding investigation, the budget and communication will be made by staff in their reports.

Allen Staley is her to discuss the budget. We are currently on the 2020 Senate Budget questions. We are requesting that the Budget and Audit Committee meet and review the document before it is due on March 7,2019. Dates for the THRC Budget hearing have not been set.

Commissioner Arnwine made a motion at accept the Executive Director's Report and Commission Martin seconded the motion. A vote was taken and passed.

### **Employment Case Report**

Deputy Director, Sabrina Hooper shared that in regards to our electronic complaint form and in keeping with the previous Governor's commitment for a customer focus state government, the Commission located a form that was able to be adapted to an agency online complaint form which would allow the public to submit electronically. The form will be posted on our website next week (January 25, 2019). We will monitor the submissions and website participation over the coming weeks and provide updates. This is another avenue for the public to submit complaint form; the paper forms are still sent out and received.

The Survey process has been reviewed and it indicates that limiting questions may increase participation. The 10 question survey has been reduced to 4 questions and will go into effect on February 1, 2019; the front desk staffs are asking one question at the customer service level. The investigator survey forms will be sent at the end of the investigation and random calls will still be made by staff throughout the process. Monitoring will continue until the end of March to see if results improve.

We were allowed to reallocate \$50K in the budget for the digitization of our files and we were waiting to see if EEOC was going to allow us to use their system for this purpose.

However, EEOC's IMS Next Gen is a document repository only, therefore, we are continuing our efforts to build a case management system. The use of IMS Next Gen allowed us to eliminate copy files and delivering case files to EEOC offices as of January 10, 2019. We will send a spreadsheet to EEOC and the monitor will choose which cases to review and we will upload documents into IMS Next Gen.

We are in touch with another FEPA which has a case management system and meeting with an outside vendor for pricing. In meantime I will be having meetings to discuss workflow processes. Commissioner Behler offered his assistance with the workflow process as he has just completed it in his office. He also suggested that the question be asked of the vendor about cost of updates and tweaks.

Lastly information was requested about the cost per case. Federal dollars were never expected to cover the cost of case processing but to supplement the costs.

Commissioner Sloss made a motion for accept the Employment case report. Commissioner Behler seconded the motion. A vote was taken and passed.

Chair Houston asked Deputy Director Hooper to reach out to Commissioner Behler for his input on the case management system development workflow mapping. Executive Director Watts added that staff is working on this diligently and additional funding will be required.

### **Budget Report**

Fiscal Officer Staley reported that as of November 30, 2018 we have expended \$961K of our budget which represents 36% of the annual budget and we are on track with fiscal year spending projections. During our annual budget on December 6, 2018 there were no surprises. The Governor will present his budget recommendations in March, 2019. There were no questions.

### **Housing Case Report**

Housing Coordinator, Saadia Williams reported on the November 1, 2018 to December 31, 2018 time frame noting that to meet the HUD efficiency goal for closing cases is 50% of cases must be closed within 100 days. We currently stand at 46%

Our timing milestones for sending out acceptance and notification letters and 100 day letters were all met. There were 7 conciliations conducted for \$31,596 in monetary benefits to complainants. One complainant received a waiver for monthly rental payments for two years making the total higher than usual. We have a new housing investigator on board.

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

### **Title VI Compliance Report**

Title VI Compliance Director, Gabrielle Lyons reported that all 48 Implementation Plans have been reviewed. The plans are due on October 1 each year and include compliance from the past year and what their plan is for the next year. Compliance Director Lyons and Compliance Officer Madsen reviewed the plans and issued final findings to all 48 departments. Out of those, four or 8% were non-compliant in one area. The other 44 or 92% were in compliance.

The agencies that received findings are asked to submit their comments. The final IP findings and agency comments will be reported in the Title VI Annual Report. The IP findings will also be one of the focuses during the annual training this year.

Staff completed the Compliance review on the TN Department of Commerce and Insurance. The review resulted in one finding for not monitoring their sub-recipients for compliance with Title VI. They are currently implementing new processes and correcting that finding. Our next Compliance Review will be of the Department of Veteran Affairs.

We continue to receive a high number of complaints from Department of Corrections and the State Universities in reference to investigations.

With no questions a motion was made by Commissioner Arnwine to accept the Title VI report and seconded by Commissioner Sloss. A vote was taken and passed.

### **Legal Report**

General Counsel, Dawn Cummings reported that the Employment Law Seminar planning has begun and is scheduled for June 12, 2019 at One Century Place. Possible topics for presentations are conducting internal investigations, Retaliation, pregnancy discrimination and accommodations, social media, disability and equal pay. We are in the process of getting speakers for the seminar.

We are preparing for a hearing on February 28, 2019. Details are in the legal report case #1. The depositions have been completed and this is an employment case for retaliation.

Legislation includes the pregnancy accommodation bill, a couple of bills addressing Administrative Procedures act and a bill to address harassment for contract employees. We will monitor these bills and provide updates as available.

There were no questions for legal and Commissioner Behler made a motion to accept the legal report and Commissioner Martin seconded the motion. A vote was taken and passed.

### **Communications Report**

Veronica McGraw, Communications Director reported that as of December 31, 2018 we have reached 1.6 M individuals through education and outreach endeavors by events, exhibits, program ads and social media. We should reach 2.5M by the end of the fiscal year.

Commissioners strategic planning sessions set a goal to increase our commissioner involvement and to increase our reach to the public. To accomplish this we are asking commissioners to identify events in your areas and sharing that information with the Communications Director.

The Elevator Speech was shared with the commission packet which tells what our agency does. Chair Houston noted edits submitted by Commissioner Derryberry. Changes will be corrected and the document resent to Commissioners.

The West TN Fair Housing Conference is in the planning stages and is scheduled for April 11, 2019 at the National Civil Rights Museum in Memphis TN and additional information can be found on the Outreach Calendar.

Commissioner Behler noted that he and Commissioner Derryberry attended the December 10, 2018 Chattanooga International Human Rights Day event and Chair Houston asked that her participation be added as well.

Commissioner White made a motion to accept the Communication report and Commissioner Arnwine seconded the motion. A vote was taken and passed.

There were no public comments.

Executive Director Watts added that we have an opinion on a case that went to hearing. We are waiting for the full transcripts and will send that information to Commissioners along with the opinion of the ALJ, our proposed findings of facts, conclusions and laws probably before the next commission meeting. The Commission's attorney will be our Associate General Counsel, William Wade and you can request a meeting with him to ask legal questions. The decision will have to be made at a public meeting.

Also you will be receiving a report from legal similar to the Communications Calendar that addresses the legislation we are monitoring. The Law & Legislation Committee will need to meet to talk about that process and the Budget & Audit committee will also need to meet on the 2020 Budget documents before the next Commission meeting.

Chair Houston thanked Commissioner Arnwine for agreeing to serve on the Budget and Audit Committee and Commissioner Behler for agreeing to serve on the Law & Legislation Committee. Information about these meetings will be shared with all.

Chair Houston asked the name of the case to be heard by the commission and Executive Director Watts responded Larry Mitchell and Freddy Mitchell which is a housing case.

The next Commission Meeting will March 22, 2019 and is an in person meeting.

Commissioner Crider made a motion to adjourn and it was seconded by Commissioner White. The meeting was adjourned at 10:00 a.m. CST.