



**TENNESSEE HUMAN RIGHTS COMMISSION**  
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**January 27, 2017**  
**Board of Commissioners'**  
**Meeting Minutes**

**Commissioners Present:**

Commissioner Crafton (Phone)  
Commissioner Derryberry (Phone)  
Commissioner Horne (Phone)  
Chair Houston (Phone)  
Commissioner Sloss (Phone)  
Commissioner White (Phone)

**Commissioners Absent:**

Commissioner Crider  
Commissioner Martin

**Staff Present:**

Beverly Watts, Executive Director  
Sabrina Hooper, Deputy Director  
Matthew Stephenson, Title VI Compliance Director  
Shalini Rose, General Counsel  
Erika Wynn, Communications Director  
Saadia Williams, Housing Coordinator (Phone)  
Lisa Lancaster, Executive Assistant

**Guests:**

Allen Staley, Fiscal Officer  
Janae Stevens, MTSU (Phone)

**Call to Order**

Chair Houston called the meeting to order at 9:03 a.m. and asked a moment of silence followed by the roll call.

The minutes of the December 2, 2016, Board of Commissioners' meeting were reviewed. Commissioner Horne made a motion to approve the minutes and Commissioner Sloss seconded the motion. A vote was taken and passed.

**Law & Legislation Committee Report**

Commissioner Sloss, Chair of the Law and Legislative Committee, reported that on December 14, 2016, he was the only member of the committee in attendance. The purpose of the meeting was to determine if the Nominating Committee should meet to appoint officers. Chair Sloss recommended that we keep the officers as they are now and

have the Nominating Committee meet and make recommendations for officers at the same time that the Committee Assignments are announced in July. Commissioner Derryberry made a motion to accept the recommendation of Commissioner Sloss extending the terms of the officers until July. It was noted that Commissioner Crider concurred with his recommendation via email. Commissioner Horne seconded the motion. A vote was taken and passed.

Commissioner White signed on to the meeting.

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

In the absence of Chair Martin, Executive Director Watts reported that the committee met on January 6, 2017 to review the Title VI Compliance Annual Report and make a recommendation to the board for approval and to introduce Erika Wynn, Communications Director to the committee.

Thanks were extended to Commissioner Derryberry for her assistance with editing the report and Commissioner Sloss made a motion to accept the report of the committee and also approved the Title VI Annual Report which will be posted on the website today. The motion was seconded by Commissioner Crafton. A vote was taken and passed.

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

Executive Director Watts began her report noting that one housing investigator and one employment investigator position have been filled and they will begin on February 1, 2017. The Special Assistant to the Executive Director position is being advertised and will close on February 2, 2017. Interviews will be scheduled after that date.

The Annual Risk Assessment is completed and was submitted in December. It addressed IT and case processing issues which were raised by the audit. Monitoring continues on HUD and EEOC contract progress. It was reported that intake numbers in both housing and employment are increasing. Because of the increase in employment, Frank Guzman is assisting with the intake analysis.

The Governor's State of the State Address will be Monday, January 30, 2017. At that we will know if our request for additional funding is in the budget. In December Finance and Administration talked with Executive Director Watts concerning the additional funds request and noted that our Fiscal Analyst and others have been advocating for the agency to receive the additional funds. We will notify Commissioners whether we are successful or not.

Commissioner Sloss asked what the amount requested was and what it would be used for. Executive Director Watts reminded the Commissioners that \$195,000 was requested to fund three new investigator positions and one support staff position for Knoxville; \$20,000 for Outreach and Education which has been requested for the past seven years; and \$75,000 for salary upgrades which would make our salaries consistent with similar positions with state agencies which has been requested for the last two years.

Commissioner Sloss asked how many investigators were on staff. Executive Director Watts noted that we have eight (8) employment investigators and four (4) and a half housing investigators with some three (3) cross trained in housing. The agency has a total of 29 staff.

The Senate budget questions are due next week and they include questions on the audit and the request for additional funds.

Executive Director Watts noted that we have aged cases in housing which are because of the vacancies we have had. She stated that a plan was developed to address how we will process these cases. It was submitted to HUD on December 23, 2016 with an update in early January 2017 based on questions.

Executive staff is developing training for investigators in both housing and employment which will include the regional coordinators. Training for the regional coordinators is also being developed. We are looking to enhance our overall team from leadership to support staff with ongoing training.

The Title VI Annual Report has been approved by the Commission and will be posted on the website. Erika Wynn will update you on our social media plan and events. General Counsel Rose will update you on legislation including the disability bill and sponsorship.

Commissioner Sloss asked Allen Staley, Fiscal Officer if it was typical for departments not to know if their requested improvements will be granted since it is so close to the State of the State address. Mr. Staley noted that the budget office is very tight lipped about divulging any information until the Governor makes his overall presentation. He noted that there is a meeting on Monday morning with David Thurman, the Finance and Administration Budget Director to provide a high level overview of the budget but the actual budget is not available until later just before he address.

Commissioner Sloss made a motion to accept the Executive Director's report and Commissioner Derryberry seconded the motion. A vote was taken and passed.

### **Employment Case Report**

Deputy Director, Sabrina Hooper reporting on the period from November 1, 2016 to December 31, 2016 noted that 113 inquiries were received resulting in 29 charges. During the period 22 charges were closed with an average charge age of 294 days. Our open inventory at the end of December 2016 was 298 cases. One (1) mediation closed within this timeframe, resulting in \$800 in monetary benefits to the Complainant and two (2) complaints closed as settlements with \$24,000 in monetary benefits to the complainants. As of July 1, 2016, we have conducted sixteen (16) mediations; Complainant was represented two (2) times and Respondent was represented seven (7) times.

Last year at this time we received 102 inquiries resulting in 54 charges being accepted for investigation and 27 cases were closed with an average age of 233 days. Open inventory at the end of December 2015 was 276 cases. Four (4) mediations closed with \$16K and two (2) settlements closed with \$18K in monetary benefits to the Complainants. Comparing

the years we noted an increase of 10% in charges received and a 46% decrease in charges accepted. Complaints closed saw a 22% decrease for the timeframe. Staff is focusing on reviewing inquiries received to increase our charges accepted rate and closing cases. The new employment investigator will begin on February 1, 2017.

Please note that an addendum was sent out for the witness surveys via email. For the witness customer service surveys sent out for Employment, Public Accommodation and Housing for July 1, 2016 – December 31, 2016 placed fifty-six (56) calls and interviewed twelve (12) witnesses in employment. To all five of the questions the answers were agree or strongly agree. One (1) witness chose to disagree because she thought the Complainant should have won her case.

On the ten (10) question survey for Employment, Public Accommodation, and Housing surveys one hundred forty two (142) surveys were sent via mail and one hundred thirty one (131) were sent via survey monkey. Sixteen (16) were returned in the mail and eight (8) Survey Monkey responses were received. Again, the responses were strongly agree and agree. Previous comments noted not receiving timely updates and three (3) were not satisfied with the outcome of the case. There were no new comments for November and December.

Commissioner Sloss asked about cross-training of non-investigatory staff being trained to investigate cases with the uptick of complaints being received and aged cases. Executive Director Watts noted that management will be looking to see who is available to assist with investigations in addition to staff duties and can those duties be put on hold. We also will look at triaging cases that can be processed quicker. The agency has fewer trained mediators now as well. We will assess what tools can be put in place to assist investigators to move through the investigations more quickly. We may also implement case conferences to assist with case processing moving as quickly as possible.

Commissioner Sloss requested the budget information regarding the federal funds and state funds the agency receives. Executive Director Watts noted that we receive \$1.7M from the state and \$783K from EEOC and HUD.

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

### **Housing Case Report**

Housing Coordinator, Saadia Williams' reported that the report covers the November 1, 2016 to December 31, 2016 time frame noting that there were seventy-three (73) inquiries resulting in twelve (12) complaints accepted for investigation. Disability was the number one basis in seven (7) cases or 58% followed by race with two (2) or 17%. Gender, familial status, and National Origin tied for third spot with one (1) each or 8.3%.

During the period fifteen (15) dual filed cases were closed of which seven (7) or 46% were administrative conciliation closures. There were six (6) or 40% No Probable Cause case closures, one (1) or 7% Failure to Cooperate case closure and one (1) or 7% was a Withdrawal with a resolution case closure.

As of December 31, 2016 we are at 53% for our HUD efficiency goal. Of the fifteen (15) dual filed cases closed during the period, five (5) were under 100 days; four (4) between 101 and 150 days; six (6) over 250 days. In comparison to last year for the same time period, the agency had closed 33 dual filed complaints of which sixteen (16) or 48% were under 100 days.

A new housing investigator has been hired and will begin on February 1, 2017. A plan to address aged cases has been developed and is currently being worked. There are thirteen (13) aged cases that need to be closed during the month of January and eight (8) closed or caused and one (1) more anticipated closure before the end of the month.

Commissioner Sloss asked if the vacancy in the housing unit had been filled. Executive Director Watts noted that both vacant investigator positions have been filled and will begin on February 1, 2017 which leaves the Special Assistant to the Executive Director position the only opening the agency has at this moment.

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

### **Title VI Compliance Report**

Matthew Stephenson reported on the November 1, 2016 to December 31, 2016 timeframe during which sixty-four (64) inquiries were received. Seventeen (17) were accepted for investigation. Twelve (12) cases were closed during the period leaving sixty-two (62) in open inventory to include one (1) in The University of Tennessee, one (1) in Department of Human Services, one (1) in TennCare, one (1) in Department of Revenue and the remaining cases are with TDOC.

Six (6) departmental complaints were reported, two (2) with Board of Regents and one (1) each from Department of Transportation, District Attorney General's Conference, Department of Environment and Conservation and Mental Health.

There were seven (7) requests for technical assistance. Three (3) from TDEC related to potential complaints with their sub recipients and one (1) did become an internal complaint.

Two (2) were from Department of Education and Tennessee Arts Commission related to sub recipient training. The remaining requests were related to investigations at Board of Regents and Mental Health.

The agency Implementation Plan process is complete and reviews of forty-one (41) of the plans are in compliance. The Department of Agriculture's plan is untimely and has not been submitted to date. Breakdown of plans included in report.

The Compliance Review for the Department of Human Resource has been completed and we have presented our initial findings. They were found to be in compliance.

Our review of the Tennessee Regulatory Authority is being conducted and findings will be available shortly. We have notified the Department of General Services of their compliance review and requested initial documentation and their response is due next week.

The Title VI Annual Report was just approved by the Commission this morning.

Commissioner Sloss asked who in the Department of Agriculture the notice was sent to. Director Stephenson responded Commissioner Jai Templeton with copies to their Title VI Coordinator. Executive Director Watts noted that she will follow-up with the Commissioner on Monday.

Commissioner Horne made a motion to accept the Title VI Compliance report. Commissioner Sloss seconded the motion. A vote was taken and passed.

### **Legal Report**

General Counsel, Shalini Rose, reported on the November 1, 2016, to December 31, 2016, period when legal closed twenty (20) employment cases. Seven (7) were administrative closures and two were settlements. There were no reconsiderations/appeals during the reporting period. In housing, we closed fourteen (14) cases: two (2) were administrative closures; six (6) were conciliations/settlements. There was one (1) reconsideration. We completed nineteen (19) copy requests and have none in inventory.

Legal department updates include the cases appealed to state court where we are being represented by the Attorney General's Office. There has been no movement on any of these cases. The online complaint that we have been working with the UT Law Class has made no progress, they will have to update the software before the project can be completed. General Counsel Rose will touch base with the professor for an update.

The new Legislative session started on January 10, 2017, and legislators are now in recess until Monday. Our Sunset Bill which would extend THRC to June 20, 2021, requires the Division of Audit to perform a limited audit to address findings in THRC's 2016 audit report. The bill has been sent to Senate Government Operations. The bill to add reasonable accommodations in employment to our law has been discussed by staff and stakeholders and possible sponsors and the decision has been made to not file the bill this session.

Legal staff participated in the listed trainings during the reporting period.

The Employment cause case was on the bases of race and age where an African American complainant was subjected to the "n-word" on a regular basis throughout his 14 year employment. Respondent said he was discharged because of his behavior but this was not supported by the evidence. Complainant is interested in mediation and has retained an attorney. The Respondent has also retained an attorney. Mediation hopefully will be scheduled when contact is made with the Respondent.

The first cause housing case is where the landlord found out the Complainant has PTSD and would not communicate with him concerning the property, preferring to communicate

with his wife. We found that he was being treated differently because of his disability. Complainants are interested in mediation and we are waiting to hear from the Respondents.

The second cause case is an eviction and failure to grant a requested accommodation from Complainant with a disability and failure to respond to other accommodation requests. Mediation was scheduled for November because the Complainant was ill. Mediation was set for January 20, 2017 and the Complainant did not show up but his attorney did. A discussion took place and several options were discussed and the attorney will relay those to his client and see if a settlement can be reached via telephone.

Commissioner Sloss asked what the Reasonable accommodation bill would do for the agency. General Counsel Rose noted that it would mirror Federal Law and would increase state revenue as we would be reimbursed by EEOC for those cases. Executive Director Watts noted that we transferred seventy (70) cases to EEOC last year at \$700 per case.

Commissioner Sloss followed up with what type of responses did you receive from legislators. Executive Director Watts noted that we had not been able to lock down a sponsor, but we are currently looking at the timeline and don't want to rush the bill. Commissioner Sloss noted that legislators have a limited number of bills that they can file.

Chair Houston commented as a disability professional that she appreciates the work that the agency is doing to get this done and would like to see intentional efforts to get this done next year.

Commissioner Horne made a motion to approve the Legal Report, and Commissioner Sloss seconded the motion. A vote was taken and passed.

### **Communications Report**

Communications Director, Erika Wynn noted that for the period November 1, 2016 to December 31, 2016 there were fourteen (14) outreach endeavors that included five (5) exhibits; two (2) speaking engagements. We reached 3,640 individuals during the period and for the Fiscal Year we reached 17,542 individuals.

THRC conducted two (2) training events the first being the "Support and Service Animals: Understanding the Fair Housing Laws" on November 3, 2016 in Knoxville and "Affirmatively Furthering Fair Housing" in Memphis on December 6, 2016. Staff attended the International Human Rights Day events in Nashville and Chattanooga and both received media coverage.

There were 11,065 views on THRC website and reached 1,098 people on social media and gained 29 new followers.

In upcoming events there will be another "Support and Service Animals: Understanding the Fair Housing Laws" event on Tuesday, January 31, 2017 in Jackson Tennessee.

Director Watts will attend an Affirmatively Furthering Fair Housing Event on Monday, January 30, 2017 in Memphis.

We have been active on social media as we have been using Hootsuite to schedule social media. We did a series of tweets about the agency's mission and protected classes. We live tweeted on Martin Luther King Day and during events such as the Breakfast hosted by Bone McAllister and the Convocation event at Tennessee State University.

Commissioner Horne noted that she has a picture of the Executive Director when she attended the International Human Rights Day event in Chattanooga when Charlotte Williams was given an award. Staff requested that she send the agency a copy of the picture.

Commissioner White noted that he would like to receive the information concerning the Monday event in Memphis emailed to him. Ms. Wynn will email the information about the Affirmatively Furthering Fair Housing event that the Executive Director will attend at the Ben Hooks Library.

Commissioner Sloss made a motion to accept the Executive Director's report and Commissioner Horne seconded the motion. A vote was taken and passed.

Executive Director Watts noted Janae Stevens from MTSU has been observing our Commission meeting via telephone. She also noted that Ms. Wynn will be developing and sharing a calendar of events for Commissioners and posted on our website.

There were no public comments or announced. And the next scheduled Commission meeting will be March 17, 2017 will be in person.

Commissioner White made a motion to adjourn and Commissioner Martin seconded the motion. The meeting was adjourned at 10:00 a.m. CDT.