



**TENNESSEE HUMAN RIGHTS COMMISSION**  
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**July 19, 2019**  
**Board of Commissioners'**  
**Meeting Minutes**

**Commissioners Present:**

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

**Commissioners Absent:**

Commissioner White-Deceased  
Commissioner Crider

**Staff Present:**

Beverly L. Watts, Executive Director  
Sabrina Hooper, Deputy Director  
Veronica McGraw, Communications Director  
Lynn Cothren, Special Assistant to the Executive Director  
Dawn Cummings, General Counsel  
William Wade, Associate General Counsel  
Saadia Williams, Housing Coordinator  
Lisa Lancaster, Executive Assistant  
Gretchen Reese, Compliance Officer  
Karla Hewitt Miller, Commission Counsel

**Guests:**

Allen Staley, Fiscal Officer (Phone)  
Stephanie Roberts, Holifield, Janich & Ferrera PLLC  
Al Holifield, Holifield, Janich & Ferrera PLLC  
Micheal Reider, The Tennessean  
Tracey Miru, HR Rep Applicant  
John Rust, TCCY

**Call to Order**

Chair Houston called the meeting to order at 9:00 a.m. CDT and following a moment of silence, roll call was taken.

The minutes of the May 17, 2019 Board of Commissioners' meeting were reviewed. Commissioner Derryberry made a motion to approve the minutes and Commissioner Behler seconded the motion. A vote was taken and passed.

## **Judgement Deliberation:**

Deliberations opened in the *Matter of Tennessee Human Rights Commission vs. East Tennessee Periodontics, Inc.* Commission Counsel, Karla Hewitt Miller, was introduced. Ms. Miller noted that the only issue before the Commission is to review the Administrative Law Judge's March 29, 2019 initial order granting Ms. Hayes damages.

Pursuant to statute, Chair Houston noted the Commission may affirm the Judge's award of \$24,170 in damages; reserve and/or modify the damages award; or remand the case back to the Court for further proceedings.

The Commission may consider the Judge's Findings of Facts and Conclusions of Law in reviewing this matter. In considering this matter, the Commission should not consider evidence outside the technical record or statements of counsel that pertain to matters outside the scope of this review.

Chair Houston noted the following: The technical record, along with the post-hearing briefs submitted by the Parties were provided to the Commissioners prior to the meeting. There were no statements or questions from the Commission concerning these materials.

The voting to approve the Judge's award of \$24,170 in damages was as follows: Arnwine-Yes; Behler-Yes; Crafton-absent; Crider-absent; Derryberry-yes; Houston-abstained; Martin-Yes; Sloss-yes. There were five votes to affirm the initial order, one abstention and two Commissioners absent. The majority voted to affirm the Judge's award of \$24,170 in damages; and therefore, the Commission adopted the findings of the Court.

Deliberations concluded.

## **Strategic Plan Discussion**

Commissioner Derryberry noted that in the Commissioner packets there is a one page document that covers strategic planning that reviews the past year. We have done some wonderful work during the last year in regards to education, understanding, efficiencies and efforts.

Education: For many years the emphasis was put on enforcement over education and that has changed with the focus now on education.

Understanding: Through the process we found a better way of communicating and that when staff and the commission worked together we prioritized key messages and efforts that promote a more congenial atmosphere and opened lines of communication.

Efficiencies: Staff has been wonderful and we believe that strong efforts and processes have been put into place making meeting run more efficiently and much more strategic.

Efforts: From casework to communication the commission now works as a team to meet the needs of those we serve. There is a lot more trust between all of us and in many instances the Commission is going to stand back and let you do what you do best.

The Education and Outreach Committee recommends the adoption of the annual review plan with a goal for the future to make the Tennessee Human Rights Commission operate as one of the most effective organizations in state government.

Commissioner Behler noted that in the understanding section the word “that” should be deleted and with that correction made a motion to adopt the committee’s recommendation. The motion was seconded by Commissioner Sloss. A vote was taken and passed.

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

Chair of the Committee, Commissioner Derryberry noted the committee met on July 1, 2019 via conference call to discuss the logistics and details of the Wurzburg Award as reflected in the Committee minutes in your packets.

There was no discussion and Commission Martin made a motion to accept the report and Commissioner Sloss seconded the motion. A vote was taken and passed.

### **Nominating Committee Meeting Report**

Chair of the Nominating Committee, Commissioner Martin reported that the committee met on July 1, 2019 and noted there were nominations for the Chair of the Board and Vice Chair positions. Commissioner Derryberry was nominated for the office of Chair of the Board and Commissioner Martin was nominated for the Vice Chair position.

It was noted that Commissioner Crafton made a suggestion that the committee purpose the two nominations and ask the commission to elect a secretary since no one was nominated for that office. Commissioner Sloss nominated Commissioner Arnwine for the Secretary position. Commissioner Crafton seconded the nomination on the grounds that Commissioner Arnwine accepts the nomination.

Commissioner Behler made a motion to approve the slate of officers for the Commission. Commissioner Sloss seconded the motion and a vote was taken and passed. Chair Houston offered congratulations to the newly elected officers. Commissioner Crafton offered thanks for the extraordinary job that she has done over the last 2 terms as Chair and thanked her for her efforts. He also welcomed Commissioner Derryberry as newly elected Chair of the Board. Chair Houston noted it has been her pleasure to serve the Commission.

### **Special Award Presentation**

Incoming Chair Derryberry and Executive Director Watts presented Outgoing Chair Houston flowers and an award thanking her for everything she has done. “You have brought this group together, you have challenged all of us, you have these meetings so much easier and we are a much better organization because of your leadership. Thank you.”

### **Executive Director’s Report**

Executive Director Watts thanked outgoing Chair Houston and added that when this started in 2015 there were only five Commissioners so you have brought us together and we appreciate that and we appreciate your leadership. Chair Elect Derryberry stated, “Your collaborative spirit has been absolutely marvelous”. She thanked her for her leadership and expressed her appreciation in bringing the Commission together. At this point Chair Elect Derryberry presented Chair Houston with flowers.

The Director asked that we take a moment to recognize Commissioner Ralph White who passed away suddenly in June. It was noted that she, Commissioner Arnwine and Lynn Cothren attended the wake. She also noted that he was our north star and was always

wise with a lot of words to say. She shared a plaque with commissioners which will be shared with his wife at a later date.

Executive Director Watts noted that we have one vacancy and one resignation in Title VI unit. Gabrielle Lyon has taken a position in the auditors' office and Jesse Madsen will be leaving August 1, 2019.

Executive Director Watts noted that updates about the online complaint form, computers and scanners will be given later in this meeting. We will report on Agency strategic planning and FY reports at the September meeting.

The housing unit was recognized for exceeding their goal this year and thanks were offered to housing staff. The employment contract ends on September 20, 2019.

Fiscal Officer, Allen Staley gave a brief overview of the budget noting that we are in the preliminary stages of closing out Fiscal Year 2019. He noted that the HUD revenue were higher than projected. The budget snapshot in your packet is through June 30, 2019 shows that we have expended 92% of the budget. Operational budget items that are over 100% and that is attributed to the additional revenues received. Our anticipated savings shown is a preliminary number but we are expecting a good savings amount.

Chair Houston asked what type of consideration we are giving for increased salaries for our staff since we are losing staff due to low salaries. Executive Director Watts answered DOHR is conducting a study on this. We have asked for additional funding in previous budget years and we will ask again but have not received any additional funding for staff salaries.

Deputy Director Hooper noted a 5% market increase was received for newly hired Human Rights Representatives. There was an across the board 5% increase for executive positions and anyone below the minimum were raised up to that level. Six THRC staff received this increase. The reason they received the increase is that their salary was at the minimum salary and was raised to the new minimum salary.

Executive Director Watts noted that we will continue to provide information on the job study and analysis of the Human Rights Representative positions once it is completed.

Commissioner Sloss asked about the budget information for Professional Services Third Party line item which was budgeted \$52K and we spent \$123K please explain what the services were. Executive Director Watts noted that at the end of the fiscal year there were funds available which we used for radio advertising and other Education and Outreach items. We will supply a specific list at the September meeting.

Commissioner Derryberry made a motion to accept the Executive Report and Commissioner Sloss seconded the motion. A vote was taken and passed.

### **Employment Case Report**

Deputy Director, Sabrina Hooper reported on the period May 1, 2019 to June 30, 2019 we received 177 inquiries; of those 107 or 60% were received through the online complaint form. Customer service has reflected a decrease in the number of calls received during the same period.

We have received the statement of work from SharePoint in regards to the case management system. Discussions are taking place to develop workflow and begin building the system. There will be two phases of the process. The first will be the basic work system followed by any enhancements needed after working in the systems.

At the end of the fiscal year data is being reviewed and all the standards seem to be on task. There were a few IP's that were missed but we continue to operate at 98% of timely submission.

Commissioner Sloss asked what the current inventory is for employment. Deputy Director Hooper noted that inventory stands at just over 300 complaints. Commissioner Martin noted that was good response to the online complaint form. Commissioner Behler added that was significant given the fact that there was no promotion of the form. Executive Director Watts and Deputy Director Hooper added that there has been no advertising at all for the online form. Commissioner Behler added that is indicative of how people are doing business today.

Commissioner Sloss asked if there would be additional dollars in the new fiscal year for advertising regarding the online form. Executive Director Watts noted that there are a few dollars but not to the extent that we had last year. We do have a campaign from HUD for bus placards in four major cities which will start in September for housing. Our 800 number will include all of our services on the tag line.

This could also create additional work for us. We are tracking the numbers of complaints that are coming in to present during the budget process when we ask for additional staff for intake, investigations and mediators. DOHR has offered the services of their Rule 31 mediators if we need them. We are looking at additional training for current investigators on case management to assist if we do not receive funding for additional staff.

Commissioner Sloss added that it will be easier to make a case for additional staff to be funded in the budget if more cases are coming in due to the online form and this will also increase revenue from EEOC and HUD as we will work more cases with additional staff.

Commissioner Behler made a motion to accept the Employment Case Report. Commissioner Arnwine seconded the motion. A vote was taken and passed.

### **Housing Case Report**

Housing Coordinator, Saadia Williams reported on the May 1, 2019 to June 30, 2019 noting that the fiscal year for housing has ended and staff closed 133 with the assistance of the Deputy Director, General Counsel and Associate General Counsel. During the period 99 inquiries were received and 20 charges were accepted for investigation with disability remaining the top bases.

Timing milestones for acceptance and notification letters sent within ten days were met and our HUD efficiency goal of closing 50% of cases within 100 days stands at 25% due to the number of aged cases that were closed. In 2019 there was an effort to close aged cases and as of June 30, 2019 we have closed and/or caused 30 or 88% of those cases.

Commissioner Derryberry made a motion to accept the Housing Report and Commissioner Sloss seconded the motion. A vote was taken and passed.

### **Title VI Compliance Report**

Executive Director Watts, acting Title VI Director, thanked previous Title VI Compliance Director, Gabrielle Lyons for the work that she did before she left. During the period 61 inquiries were received. Also staffing the Title VI unit are Jennell Riddle and Lynn Cothren.

Our Annual Training for Title VI Coordinators will be conducted on Tuesday July 30, 2019 at Tennessee Towers Multi Media room on the 3<sup>rd</sup> floor and will include training on Implementation Plans and requirements for Title VI will be explained for them.

Compliance reviews are being completed on (DSHF) Department of Safety and Homeland Security and the Department of Intellectual and Developmental Disabilities .We found deficiency in services to persons with Limited English Proficiency (LEP). DSHF developed a plan to address these concerns which was accepted by THRC. During the upcoming Title VI Training we will focus on LEP requirements.

Chair Houston commented that she serves as an equity compliance officer for Tennessee Board of Regents and it is good to hear that THRC was spoken about in such a high manner and Gabrielle Lyons did an excellent job. She offered thanks and appreciation to the agency.

With no questions a motion was made by Commissioner Behler to accept the Title VI Report and seconded by Commissioner Martin. A vote was taken and passed.

### **Legal Report**

General Counsel, Dawn Cummings thanked the Commission and Associate General Counsel for the work they have done with the cause cases. During the relevant time period of this report, Legal has caused three housing cases with two of them dealing reasonable accommodations and one with familial status. It was noted that many of the housing cases deal with disability and reasonable accommodations.

Between next week and October there are four hearings. The Echevarria case had a hearing on May 1, 2019 and we are waiting for a judge to make a decision sometime within the next 90 days. One judicial mediation is scheduled in August. In the report, many of the cases have been settled, and we are waiting for compliance. We have one case with the Attorney General's office for collection.

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

### **Communications Report**

Veronica McGraw, Communications Director reported that at the end of the year over 5M persons were reached due to two radio ad campaigns and newspaper ads during the year which increased the numbers. Currently working on the layout and content of the Agency's Annual Report which will be presented to the Education and Outreach Committee in August for review and will be submitted for approval to the Commission at the September Commission meeting.

As Executive Director Watts mentioned we have received a \$35,200 grant from HUD for Partnership funds to do a transit campaign to put placards on buses in Memphis, Nashville and Chattanooga and a radio campaign which will start in September with iHeart Radio which has 63 stations across the state. Once the deliverables are approved by HUD the campaigns will begin.

Commissioner Sloss asked why Knoxville was not included in the transit campaign. Communications Director McGraw shared that the transit department in Knoxville was not open to ads even though they were included in the original proposal. Knoxville will be included in the radio campaign.

Chair Houston offered her assistance with contacts in the Knoxville area and noted that the work that THRC is doing with WJBE is excellent and ads are heard a lot during the day. Commissioner Derryberry asked if we could partner with THDA or local housing authorities to leverage what we are doing. She noted that the Chattanooga Housing Authority has a robust presence on social media and might be willing to partner with THRC.

Executive Director Watts noted that those are local government and it is not as easy to collaborate as it should be. On social media we can do some tagging and different things which do not cost us anything. We will talk to THDA's public relations person and Director Sperry and bring back information at the September meeting. Commissioner Derryberry noted she has a direct contact with the department.

The statement of work that we submitted to HUD has been approved and they will need to approve the ad that we want to use.

Commissioner Behler asked if we could dig deeper into the website analytics and break it down and talk about that. How can we increase duration on the website? What is the average length of time on a site? Are the hits in state or out of state? Communications Director McGraw will look for creative ways to drive traffic to the website and increase those numbers. Our website address will be visible on the transit ads that we will be using in the campaign.

Commissioner Behler noted that if our reporting is driven by electronic means then we need to make the website more user friendly. Commissioner Derryberry asked how long the transit campaign will last. Director McGraw noted it will be a six month campaign.

Executive Director Watts added that additional ways to drive traffic to the website might include educational webinars that are 30 to 60 minutes long or PowerPoint presentations around certain topics and we could advertise those to increase traffic.

Commissioner Behler made a motion to approve the Communications Report and it was seconded by Commissioner Sloss. A vote was taken and passed.

Executive Director Watts announced the Women's Suffrage and that 2020 is the 100<sup>th</sup> anniversary of women's right to vote. The Women's Equality Day Celebration: The Tennessee Suffrage Movement is in Centennial Park and they have offered THRC the opportunity to lay a wreath at the monument. Executive Director Watts asked Chair Elect Derryberry if she would like to attend on Saturday August 24, 2019 and she said yes. We

have been working with the TN Women's Suffrage Monument Group for three years helping to raise awareness for the monument.

The THRC All Employee Meeting will be Friday, December 6, 2019 and all commissioners are invited to attend and participate in training and team building. Last year an ugly sweater contest was conducted and that was won by Chair Houston. There is also a repast around these activities. Please put this on your calendars and plan to attend.

Commission Counsel, Karla Hewitt Miller announced that we would like to enter the order of the Commission's deliberation for the Kristi Hayes case which was reviewed by Commission Counsel and signed by Chair Houston who presided over the deliberations.

Chair Houston thanked Commissioner Derryberry for the lapel pins that were given to staff and Commissioners.

With no additional business to address, Chair Houston asked for public comments. There were none.

It was announced that the next board meeting will be September 20, 2019 and will be an in person meeting.

With no other business to address, Commissioner Sloss made a motion to adjourn which was seconded by Commissioner Martin. A vote was taken and passed. The meeting was adjourned at 10:10 a.m. CDT.