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July 20, 2018
Board of Commissioners'
Meeting Minutes

Commissioners Present:

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

Commissioners Absent:

Commissioner Martin

Staff Present:

Beverly Watts, Executive Director
Lynn Cothren, Special Assistant to the Executive Director
Sabrina Hooper, Deputy Director
Gabrielle Lyons, Title VI Compliance Director
Dawn Cummings, General Counsel
Saadia Williams, Housing Coordinator
Lisa Lancaster, Executive Assistant

Guests:

Allen Staley, Fiscal Officer
Tracy Davidson, IT

Call to Order

Chair Houston called the meeting to order at 9:00 a.m. and asked for a moment of silence followed by the roll call.

Chair Houston thanked Commissioner for their participation in the Retreat. She indicated the retreats objectives were for getting to know one another; to learn more about how the agency operates; gather Commissioners thoughts about what is important for the agency and to explore information regarding our roles as commissioners. Commissioner Derryberry was congratulated for her reappointment to the Commission until 2023.

Chair Houston shared that the Academy for Women of Achievement has announced that our Executive Director, Beverly Watts has been selected for the award along with Kasar Abdulla, Chief Diversity, Equity and Inclusion Officer at Valor Collegiate Academies; Sara Finley, Principal, Threshold Corporate Consulting; Thelma Harper, State Senator of Tennessee; Latrisha Jemison, Regional Community Affairs Manager at Regions Bank; Sarah Trahern, Chief Executive Officer of the Country Music Association; and Nicky Weaver Cheek, Philanthropist.

Executive Director Watts was thanked for representing THRC and for the work she has done. The award is for individuals who are dedicated to improving our community and the lives of women, children and families living in it. The award will be presented in October.

During the meeting last evening, the Commission talked about the outcomes of the Strategic Board Retreat held in June. Any further responses should be returned to the Chair as soon as possible so it can be reviewed and compiled before the next Commission meeting in September. Wanting to capture strategies moving forward and start working on things that we can do that will have an immediate impact and things we need to look at for in the long term.

One of the items discussed was information about the role of the board to any new board members. Commissioner Behler and Commissioner Arnwine are willing to help us with showcasing information that you think would be pertinent. If there are others on the Commission that have information that you think should be included, please share that with Chair Houston.

One important item is communication of concerns and information or ideas that would be beneficial to the Commission. Please share that information with Chair Houston who will then share information with Executive Director Watts. If Chair Houston is not aware of information it makes it difficult for her to follow up. Also talking directly to staff is sometimes problematic. Staffs have expressed concerns about being approached directly by Commissioners and are unsure of how to respond. Preferred communication will need to come through the Chair or Executive Director.

Commissioners were asked if there were questions with the raw data discussed last night that need to be addressed today. Commissioner Derryberry shared that it was good information and noted that her bottom line is: what are some efficiencies that we can do that are helpful to the organization. What are the top three things we can do in the next 30, 60, 90 days and what can we do over the next year. She noted here experience shows that if you go through and focus on one part of the plan, take time to discuss it and on an annual basis review the plan and discuss if it will work for us or not, why not and what do we need to do to make it work. We have a great agency with great employees and Executive Director. We need to be as helpful as we can to the organization. We also need to be aware of the challenges that they face and provide answer to any questions we can.

Chair Houston provided a 30 day turnaround time for Commissioners to provide their comments to her. Commissioner Behler asked if Commissioners would be receiving additional information from the facilitators in the form of an update to what was provided or

should Commissioners respond to what was provided last night. Chair Houston noted that the facilitator will continue to work on the update of the data but no time frame was provided so Commissioners should respond to the current data with their comments.

The minutes of the May 11, 2018 Board of Commissioners' meeting were reviewed. Commissioner Derryberry made a motion to approve the minutes and Commissioner Arnwine seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director Watts began her report noting that the DOHR talent search for a Communications Officer has begun and they will source the resumes received and get candidates to us in a week to ten days.

There is a summer study for the disability bill. The Commission on Aging and Disability (CAD) is staffing the study which will be held every Thursday in August; the 9th, 16th, 23rd and 30th. We will testify on August 23, 2018 from 10:30 a.m. to 12:30 p.m. General Counsel Dawn Cummings will attend all the meetings. The CAD has sent us some questions to answer for them. Commissioner Derryberry asked if any support was needed from the Board. Executive Director Watts noted that Summer Study was different from hearings and we will notify Commissioners if their presence would be helpful. The Budget and Audit Committee will be called to review the testimony responses. The Summer Study testimony will include an overview of the agency and responsibilities, how we compare to other state agencies across the country, what disabilities issues we are reviewing and what issues are we enforcing. It will be a presentation about THRC enforcement responsibilities and capabilities and an overview of accomplishments from the agency annual report.

The EEOC new District Director has been contacted about testifying. Chair Houston noted that Commissioners wishing to attend on the 23rd should contact Executive Director Watts.

Allen Staley provided a one page handout to Commissioners that is a preliminary closing financial statement for the year that ended June 30, 2018 noting that closing will continue for the next three to four months and will end in September. Upon the completion of that process a final document will be provided to the commission.

There may be a few additional expenditures that are not included in this statement and we will update the final revenue figures. THRC is currently under budget which shows 88% of the budget total expenditures. The budgeted amount is \$2.7M and we have spent \$2,397,405.51 which is at 88%. The box on the state appropriations line in the amount of \$12,479.78 is projected savings which is a good place to be. This is the amount that will be reverted back to the general fund. We do not anticipate any closing problems.

Commissioner Sloss commented that the state appropriations that are not spent revert back to the general fund and asked if federal dollars not spent revert back to the general fund. Allen Staley noted they do not adding that federal monies offset expenditures first and then the net expenditures are met with state appropriated dollars. With the funding mix and other fees we collect we anticipate having about \$12K left of the state dollars. It takes

federal funding and state funding to totally fund the budget. Commissioner Sloss asked if the federal funds left unused would be carried forward. Allen Staley noted that we have a \$200K carry forward and it is the state dollars that are carried forward but it is the federal funding that allows us to not use the state dollars. When we have savings we are able to carry forward up to \$200K a year in state appropriated dollars.

Commissioner Crider asked “If you were a commissioner on this board what would you ask about?” Allen Staley shared that he might ask about professional services third party fees on line 70800 where we were budgeted \$52K and spent \$73K. That line represents professional services that include advertising and radio announcements that help get the word out about the Human Rights Commission and the resources available to help prevent discrimination as an outreach and education tool. Commissioner Crider congratulated the agency as it was a great job to come in under budget.

Commissioner Behler asked if there was a more detailed breakdown of how that professional services line item is spent. Allen Staley noted there are reports that show by vendor where the money is spent and if you would like to see that breakdown we can provide that for you. Commissioner Behler asked Chair Houston for that report as he is curious as to how the dollars are spent in line item 70800.

Commissioner Sloss asked if there is a time that you go back and look at your actuals compared to your budget amount and make adjustments. Allen Staley noted that is generally done during the budget process. The yearend closing will conclude in September and the budget process dovetails right into that to prepare for the 2020 Budget and during that process we can realign the budgeted numbers.

Commissioner Derryberry noted that in thinking about advertising in that as our demographics continue to change we can put so much more into social media boosted posts and other items like that which are very cheap to do such as \$25 and when a communications person comes on board they can take a hard look at what has been done in the past and make some recommendations moving forward that would be helpful.

Executive Director Watts noted that challenges exist with social media verses traditional media verses targeted media. We have been using targeted media such as the International Food Crawl in the Nashville Community which is run by TIRRC and they will put our banner on their website. Commissioner Derryberry noted you can also do geo targeting so that if you are out by a shopping mall and you just went inside one store you may walk out and something pops up on your phone that says guess what eggs are on sale. It is a little big brothy but it does work.

Chair Houston noted that colleges are using geo tracking. She thanked Commissioner Derryberry for her comments and noted that when recommendations have been made in the past that we have gone back and looked at what is possible. When the new communications person is on board your input and expertise will be greatly appreciated. Commissioner Derryberry shared that the new communications person should do a communications audit and set a baseline.

Commissioner Sloss asked if the savings in salaries are due to vacancies. Executive Director Watts noted they are and some of those surplus dollars are being moved over into operations and third party professional services to cover the cost for advertising and other items.

Commissioner Behler asked if supplies and materials are at 140% of budget what does that reflect. Executive Director Watts noted that if we have cost savings now we review in April. We review the budget and talk to Allen Staley to review expected revenue to determine end of the year spending.

Beginning this year we will have a monthly report showing expenses verse budgeted amount. We are a 29 person staff and we don't want to lose any staff but that is a possibility. We can always re-assess and re-class positions but we don't want to lose any positions.

Commissioner Behler asked why only 5% expenditures of the training amount of \$20K was spent. Allen Staley said some of the training may actually be in travel so that line item might we might need a better accounting during the next budget process. Executive Director Watts added we will review to note if any of the HUD training funds for housing is included in this line item or not.

Commissioner Crider noted understanding the challenges of trying to run government like a business but if taxpayers say we have invested \$2.7M and want to know what kind of return they are getting would you take \$2.7M and divide it by the number of cases/benchmark would be a number reflective of a return on the investment. Allen Staley shared that at the statewide level there is an office called customer focused government and they are focused on customers and state taxpayers trying to look at things from more of a business prospective. It is hard in government because sometimes things are mandated in the private sector differently.

Allen Staley questioned if there have ever been benchmarks like that done but is a good question and something to think about. Commissioner Crider asked him to think about it and see if he can come up with something that makes sense to you and share that with the commission. Executive Director Watts added that the interesting question is who are our customers and noted that anytime the phone rings that is a customer whether they file a case or not. That is why it is important to keep up with the number of calls we receive and walk in's. in many of those instances we don't file a case and we may have minimal interactions. It is not like sold them \$2 worth of something.

Commissioner Crider said we all agree that this commission has to be here but the question is how much should be invested in it. It is very hard to run government like a business. Chair Houston added that it is difficult to put dollars around Education and Outreach which is also in our mission as well as how many cases we close. When looking at the return on our investments we grapple with what is the added value of our investments. Some things you just cannot measure.

Commissioner Sloss asked Allen Staley about the operations line and questioned if some of the fees are done through old internal service fees. The answer was yes noting the last line item 72500 Professional services state agencies are billings by other state agencies to THRC. Commissioner Sloss noted that agencies have no control over these fees and Allen Staley added that in most cases agencies are given sufficient dollars to cover these charges. If costs are miscalculated the budget office will review and correct calculations.

Executive Director Watts noted that two things are going on. The space allocations have been reduced for rental space for all state agencies. When THRC moved to this building our space was reduced 25%. Phones and other charges are more efficient and costs are going down on those items. The agency has surplused all state leased vehicles in the last year so there are no maintenance costs for cars.

Commissioner Sloss asked why data processing was under Professional services state agencies. Allen Staley responded that those charges include such items as toner cartridges and those related to computer equipment and other data processing charges through the Office of Information Resources and that is located in the 72500 line item.

Deputy Director Sabrina Hooper introduced Gretchen Reese who was recently promoted to the Compliance Officer position that was open when Thierno Bah retired. The position was reviewed and some duties were added such as the supervisor of the Regional Coordinators and secondary case reviewed by the compliance officer providing any feedback to the investigator. Ms. Reese thanked the Commission for the opportunity and looks forward to the opportunities and challenges of the position. The Commission welcomed her.

Visitor Kimberly Biehl introduced herself as an applicant for the Information Officer position that is open and wanted to attend the commission meeting.

Executive Director Watts made an overall assessment about the agency strengths, weaknesses, opportunities and threats. She notes that overall the agency has seen improvements in case processing, eliminating the 2016 Audit issues through training and revisions to agency SOPs, increasing our public outreach through social media and maintaining our traditional and targeted outreach. We continue to develop specific training designed to educate housing providers, employers, providers of public accommodations and state agencies about their responsibilities under the laws to help them avoid some issues. We are challenged by budget and staff resources, effective messaging vehicles that provide comprehensive coverage. We have good partners throughout the state but are continuing to expand the base. Recent high profiles issues in the press offer opportunity but could pose challenges based on staff size. The Human Rights Act still has a void with respect to disability and reasonable accommodation so we researching ways eliminated this gap. Threats are the weaknesses we mentioned earlier in funding, staffing and communications that we need to enhance and improve.

Commissioners Crider asked about name recognition surveys and Derryberry noted this would be good for the new communications person. She also noted that no name recognition was better than negative name recognition.

The 2017-2018 Annual Report and Title VI reports will be released at the September meeting. We will be convening the Communications Committee sometime between now and the end of August to review the materials prior to the release of the reports.

Commissioner Behler noted in the Child Support Office in Chattanooga a video monitor was added in the lobby because people sit there for hours waiting on cases. The monitor runs public service information. Does THRC have information available that could be distributed across 95 county offices? A lot of the clientele has some of the same interests. Even if it is informational which says if you have questions about this, contact this office? We would be glad to run the information in our offices.

Executive Director Watts added that she is on the Tennessee Access to Justice Commission and has worked on the public relations committee and they do that. That is an idea that is written down to speak to the person coming about when they come onboard. Commissioner Behler noted he is also on the sub-committee and they are doing a kiosk test in the court that will roll out in August and they can make that happen.

Executive Director Watts will speak with the new person and have them meet with the Access to Justice Commission and work with them regarding this idea and thanked Commissioner Behler for mentioning it.

Additional questions regarding budget was answered by Allen Staley. Commissioner Crider added that from the retreat Commissioners are here to help and if you called any commissioners out of the bull pen and said I wish you would go talk to some of that staff that we would be glad to try. Maybe we could justify that this is something that we need and any commissioner would be glad to try to help. Executive Director Watts noted that most times we don't know that they are saying no until no is said. We will go to Finance and Administration sometime in November and make our pitch with everything on the table. Then the Governor will have his budget hearings with all the cabinet officials and then the budget will be announced at the State of the State address. We get the budget sometimes two hours before that address is made. We sometimes figure out that our requests might not be granted but there are no guarantees until we get the actual budget. We could talk about strategies about what we could do between now and the time we submit the budget and come up with a better strategy. We can talk about what we need and why and we may need to talk to Finance and Administration. They have been very receptive and on two occasions we got the Title VI budget increased based on our conversations with Finance and Administration. The Commissioner was there and was an advocate for increasing that budget and we have a three person Title VI staff as a direct result of those conversations. We have seen some increases and our best allies are Finance and Administration at the initial level as well as the legislative people who are also in those meetings but they have never given us anything.

When we requested the \$50K for IT in this year's budget the legislative staff along with Finance and Administrative Staff suggested that we take \$50K from your carryforward to use for that purpose. So that is what we are doing due to the great feedback and support from them. We have gone before committees and asked them to put more money in our budget even if the budget comes back and does not look the way we submitted it. We

move around to find allies and we could strategize around that area. If we put it in the budget and it was not granted what can we expect and what are some things that we can put together through the Budget and Audit Commission and the full commission.

Chair Houston noted that before going to Finance and Administration in November we can make sure that the Commissioners are aware of those meetings and if they would like to attend we can make sure notify and make arrangements for them to attend.

Commissioner Behler asked as a commissioner on this board would be appropriate for him to call Commissioner Hunter at DOHR and say to her we have a bunch of staff that are under paid and it would be coming from a different source and might bring it to her attention. Executive Director Watts added that we can provide more details before you ask. Commissioner Derryberry noted that it was a long time relationship with Commissioner Behler who noted that she is also Hamilton County's HR person and they are still working together on salary adjustments for his staff. Commissioner Behler referred back to the retreat conversations and asked if there is something that as Commissioners they can do to something to help to continue to bring these issues to the attention of DOHR and Finance and Administration. Executive Director Watts stated she will provide some overall details on what the agency has done, the results and how that may be done based on this knowledge.

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

Commissioner Crider noted that we have some new commissioners and how new they are and he asked who the senior member of the board was. It was noted that Commissioner White has been on the Commission for seven years, then Chair Houston and Commissioner Martin for 6 years.

Employment Case Report

Deputy Director, Sabrina Hooper reported on the period from May 1, 2018 to June 30, 2018 and combined the work plan information with the case report information. She is over enforcement which includes Customer Service, Intake, Employment, Public Accommodation and Housing. Everything begins at the Customer Service level with phone calls coming in and for the year there were 6,878 incoming calls. From those calls 693 were referred to other agencies and the top agency for these calls is Labor with 463. This number is due to the automated answering service for Department of Labor which has one of their options as discrimination. When this option is chosen the call is routed to THRC.

Commissioner Crider asked who the other calls were routed to and the answer was other agencies, social security and non-jurisdictional calls. He also asked if we tell them they don't have a case and it was noted that circumstance is not handled on the front desk. If they have a concern then a complaint form is sent to them. Complaint forms mailed out totaled 1,398 and 154 of those were for housing complaints. Executive Director Watts noted that some calls take a long time to address and this is a work indicator. We have to respond to all calls for good customer service and to alleviate calls to the Governor's

office. They will call whether they have anything that is jurisdictional or not. This number includes callers that keep calling back multiple times.

Of the complaint forms sent out 618 forms were returned to us via mail, email or fax and these are routed to our intake staff to determine if they are jurisdictional. Customer service also assigns cases to investigators and 280 cases were assigned and distributed to investigators in the regional offices. Customer Service also processes copy requests with assistance from the legal department. Over the year, 63 copy requests were received and 43 completed to provide to complainants and respondents of closed cases information to use if they are filing in court. Some information will be redacted by the legal division per agency statute.

The case report for May and June shows that we received 112 inquiries and 59 were accepted for investigation. Of those 46 were dual filed which means both the state and federal laws apply (15 or more employees) but only one investigation and 13 were THRC or state only, meaning 8-15 employees. The number of cases prepared for assignment during the timeframe was 62.

On the work plan slide for the year with two intake staff reviewed at 660 complaint forms. From those 243 inquiries reviewed and asked for additional information which was not received or did not state a claim they were closed. Cases that were transferred to EEOC numbered 95. Of those, 52 were disability accommodations bases which speak to Executive Director Watts's discussion regarding the summer study being conducted. Because our law does not include reasonable accommodation we transfer case to EEOC, the summer study is about THRC adding disability accommodation by changing our law to include so that we could then accept these cases for investigation.

Over the year 279 cases were accepted for investigation and 284 cases were prepared for assignment to investigators.

For the May 1 to June 30 timeframe 35 cases were closed with an average age of 269 days and at the end of June we had 265 cases in inventory.

For the year we closed 278 cases and 26 of those cases were considered pre-cause cases. That means the investigators are reviewing the cases and notice a violation of the law and they sent a recommendation for pre-cause for legal to review. The average case age was 273 days and our goal is to close cases in 270 days. We also looked at the fact that when a charge comes in the days start counting. When cases are received from EEOC the same applies and the days continue to add up after we receive them.

Upon review it was noticed that cases transferred from EEOC had longer case age. In looking at when it was received by THRC and closed. It is a manual process to review each case. Case assignments to investigator to closure dates were reviewed and staff age was determined to be more accurate and the average age was 163 days once it is assigned.

Commissioner Sloss asked if that information had ever been shared with the Board. Deputy Director Hooper noted that it had not been shared and Commissioner Sloss noted it was a key point for Commissioners to understand that a lot of days pass before the actual investigation starts. He followed up with what percentage of those cases started out at EEOC. Deputy Director Hooper noted that we received 100 cases from EEOC during this fiscal year and is not aware of how many of those cases have been closed.

The EEOC IMS system for case management does not have the capability to cross reference but I will have to track those cases manually and will do that and provide that information to Commissioners in my case report. Commissioner Sloss asked if the 163 days will be comparable if the case does not start out at EEOC. Deputy Director Hooper noted that it will be close with the exclusion of THRC only cases because they tend to remain in inventory longer as the priority is to close dual filed cases to meet contractual obligations for the purpose of revenue.

Commissioner Sloss asked the Deputy Director to make sure when reports are developed that cases are sorted so that Commissioners are able to determine what the real numbers are. Commissioner Derryberry added that due to the efficiencies of the agency that staff is not bogged down in the minutia that you don't have time to focus on the work. She added that the staff does a great job and I don't know how many hours the staff spends getting ready for these meetings but would rather see you focused on the work than having to worry about these reports. If there is a good balance to find there because of your expertise I yield to you but don't want you spending a lot of extra time with the details.

Commissioner Sloss explained that the biggest complaint he has heard from agencies like EEOC and also attorneys is how long it takes to do the investigation. That makes it important for us to be able to track that to make sure that we don't have investigators that are holding cases and taking too long to investigate cases. A lot of times it is a strategy of companies to delay sending responses for information back.

Deputy Director Hooper asked if Commissioners communicate with respondents to ask them to be quick to respond to requests for information so that we can more effectively get the case age down. Commissioner Sloss added that the strategy is to wear down the Complainant so that they will forget about the case. Deputy Director Hooper noted that there is lag time while waiting for responses from the respondent's attorneys.

Commissioner Sloss asked if the respondent responses are statutory. Deputy Director Hooper noted it was a class misdemeanor but this also adds time because we have to go to the Attorney General's office to get help with forcing a response. We do send letters from our attorney's which helps some. Commissioner Sloss added that it shows that the problem is not THRC staff but respondent's response times that cause cases to age.

Commissioner Sloss added that when he is told that the average days of investigation is 300 days he questions what is taking so long. Executive Director Watts added that all the numbers have continued to go down with the exception of a few periods where we see staff vacancies and this has been consistent over that last six year. Deputy Director Hooper and her staff do a good job of balancing out and putting together plans to reduce

age. There are a lot of things that are not said in meetings that we are doing to help the process move. If you look at our SOP's, we have a tight timeline for when they have to do certain actions and activities and they can't hold a case for more than 30 days without activity and without us asking a question. Commissioner Sloss asked that we don't want complainants going to legislators saying they have had this complaint for over a year and nothing is happening.

Executive Director Watts noted that the numbers are down on those too and we can give you information on those calls. I receive seven or eight calls per quarter from the Governor's office or legislators about issues that they have not been able to resolve. I think that is quite significant and we also have frequent complainers who complain to us every day. I have also received three calls at my home on Sunday, Monday and Tuesday nights. And they also call the Governor's office because everybody is unhappy. Commissioner Sloss noted it is not a friendly environment.

Deputy Director Hooper continued with the Commission Case report noting that four mediations were closed during the May and June timeframe which resulted in \$75,500 in benefits to the complainants and four closed as settlements with \$7,100 in monetary benefits to the complainants. In tracking mediations from July 1, 2017 to June 30, 2018 we found that 35 were conducted and the complainant was represented 13 times and the respondent was represented 31 times.

For the year 42 mediations were scheduled by one intake supervisor who does all mediation assignments and schedules. Seven of those were cancelled by one party or the other decided they did not want to mediate, got sick or some other reason. There were 35 mediations were conducted and of those 18 cases were closed and had successful agreements for the year. Benefits received from 22 mediations that closed was \$174,274 paid to the complainants. Four of the closed mediations were non cash benefits and two of the settlements were non cash benefits which could be a neutral reference letter.

There were 22 settlement negotiated which took place out in the field with the investigators, in the middle of investigation the parties begin negotiations to settle the case and resulted in \$259,574 in monetary benefits to the complainant.

An example of settlement case is complainants alleged age discrimination followed by retaliation and harassment and eventually discharge of a wire technician. The supervisor called them into a meeting and told them we think because of your age you are messing up with your work and not following procedures and having a hard time so I think you need to go be a Walmart greeter.

The next morning the complainant filed a grievance with the union and their procedure is to notify the supervisor of the filing. The supervisor was on vacation for a week and upon his return heard about the grievance and fired the complainant which is retaliation.

The complainant filed with us and during the investigation the violation was noted and the attorney for the respondent suggested attempting to settle the case before it was caused. The settlement agreed upon by the parties was \$25K.

Commissioner Behler noted that is about \$14,400 per settlement and if you subtract out the mediations that closed with non-cash benefits that is the average settlement. What is the range of settlements? Deputy Director Hooper noted that they are from \$150 to \$130K.

The Comptrollers State audit findings that are being tracked from July 1, 2017 to June 30, 2018 include the timeliness goals for assigning cases in an average of 40 days and in 298 cases assigned to investigators we are meeting that goal with an average of 37 days. The goal for investigative plans being submitted within ten working days shows that we are at 99% with 311 cases total one was missed by one day. There were 12 employment reconsiderations and all met the 30 day goal for completion.

In Housing there were 125 ten-day letters sent out once the case is deemed jurisdictional and they are 92% and one was missed by one day in August of 2017. There were 15 housing reconsiderations which is where the investigation is completed and the complainant within 30 days can request a review of the case and the goal is to complete these within the statute 30 days and the goal was met in all cases.

Deputy Director Hooper noted that due to the limited information received from the surveys a review is taking place to develop a more efficient way to capture information such as possible automated calls. A request was made of commissioners to share any ideas they may have with regard to polling complainants and respondents about their contact with THRC to determine our effectiveness with our clients.

Chair Houston thanked Deputy Director Hooper and THRC staff for being responsive to Commissioners requests for additional information and explanations of information shared in commission reports.

An update was given on the Electronic Complaint form that has been under construction since September of 2017. A complete rebuild of the website took place in 2017 to adhere to the Governor's format and updates. When the new website was uploaded only 60% of the data was available requiring the other data to be manually uploaded with the help of the Adobe team in February of 2018. Since the Governor's focus is on Customer Service agency forms are being reviewed to update them to be online access. We want our form to be more like the EEOC forms which include pop-ups that give additional information as the forms is filled out.

EEOC also asks six questions that allow filers to make an appointment to meet with staff to file a complaint. Executive Director Watts added that there is more work to do and it is moving slow. The Formstaff program that was used to create the forms has limitations and the Adobe program is more detailed. Commissioner Behler added that his office found that the Formstaff program had limitations and there was better software to accomplish the task and it was better to take the time necessary to make the forms as efficient as possible in the beginning. Executive Director Watts noted that our IT person continues to consult with the data group and Adobe team to produce the best result.

Deputy Director Hooper concluded her report noting the goals for the upcoming year which include conducting a thorough investigation as efficiently as possible and reduce case age by 10% and to meet the goal for submitting investigative plans within 20 days.

It was noted that staff turnover causes cases to be reassigned to remaining staff and this reallocation causes investigators to have heavy workloads.

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

Housing Case Report

Housing Coordinator, Saadia Williams reported on the May 1, 2018 to June 30, 2018 time frame noting that there were 27 complaints accepted with disability being the top basis followed by gender. For the fiscal year that closed on June 30, 2018 there were 126 complaints closed by the housing staff. Of that number 119 were dual filed with HUD and 7 were THRC Only cases. Our HUD efficiency goal of closing 50% of cases within 100 days stands at 37 cases or 31% for the fiscal year just ended.

It was noted that the plan that was developed to close aged cases has been met. In regards to the timing milestone of sending out the Acceptance and Notification letters to the parties within 10 days that all letters were sent timely in May and June.

Accomplishments for the year were 488 inquiries received and 317 inquiries were closed due to untimeliness, no response by the charging party to requests for additional information. Ten inquiries were referred to HUD due to being non-jurisdictional such as the property being a USDA property. We accepted 119 complaints and closed those along with 7 THRC only complaints for a total of 126 closed for the year.

The average case closure is 235 days. We are still dealing with aged cases due to not being fully staffed which causes the case age to go up.

It was noted that housing investigator Jerry Skelton will be leaving at the end of the month due to a salary increase of \$8K more than he makes here.

Benefits received for the 41 conciliations conducted were \$47,009. Chair Houston offered congratulations for meeting your plan. Housing Coordinator thanked Deputy Director Hooper, General Counsel Cummings and Associate General Counsel Harbison for their assistance to close the cases and meet the goals.

Commissioner Behler asked what the range of the benefits were in housing amounts. He noted that the average amount was \$1100. Ms. Williams noted that they range from \$200 to \$15K.

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

Title VI Compliance Report

Gabrielle Lyons reported on the units accomplishments for the last fiscal year. She came on board on February 1, 2018 and most of the activities of Title VI are spelled out in the law and guidelines. The implementation plans of 48 agencies and universities are submitted by October 1st each year and those reviews were conducted.

There were 48 implementation plans and three were received untimely but after first round revisions every IP was in compliance. This year Implementation Guidelines have already been distributed and they will be reviewed with the agencies on August 1, 2018 at the Annual Title VI Training event. We will be helping agencies to improve the plans give them more information to assist them in preparing their implementation plans.

Regarding complaint processing we received 375 inquiries and 100 of those were jurisdictional which leaves about 275 non jurisdictional inquiries were reviewed and referred back to state agencies to resolve those issues. There were 126 complaints closed. The Title VI Annual Report will include this information and will be released in September.

About 80% of Title VI complaints are from the Department of Corrections and so for incoming and closed complaints 15% to 18% are from Educational issues form K – 12 or Higher Education which are the six four year institutions. There are also a few other complaints from other agencies.

For the last year Executive Director Watts conducted the Annual Title VI Training last August where agency heads were among the attendees. At the meeting they receive a report card which gives the details of how many complaints were received and what their IP looks like. These are designed to keep the agency head or their designee apprised of what is happening with respect to Title VI issues with their agency. This will also be included in the 2018 training coming up. We are also working with General Counsel Cummings and Title VI staff to develop the training.

There are also technical assistance calls that request information about how to file a complaint and respondents that need assistance with their responses and also random requests from local health services agencies wanting to know how to access posters and information about interpreters.

The most recent request was for the hard of hearing and even though that does not fall under Title VI we try to assist when we can. We also deal with the scheduled compliance reviews and are finishing up with Tennessee Board of Regents which included 47 schools that were under TBR. After the analysis there were seven findings and we shared this information with the Chancellor and the acting Title VI director. About half of the findings were specific to the universities which have larger budgets and more sub recipients. We created a corrective action plan which shows them how to address those issues of Title VI postings in regards to complaint processes and Limited English Proficiency among others. Also working on the schedule for the compliance reviews that will be conducted in 2019 and those letters will go out soon.

Additional events for the year include a meet and greet in March for Title VI coordinators and supervisors to have the opportunity to meet the Title VI Compliance Director, Gabrielle Lyons and also attended TBR Equity Officer Meetings to keep them apprised of Title VI happenings.

The Commission report which covers May 1, 2018 to June 30, 2018 we received 63 inquiries and referred 16 complaints and closed 21 complaints. These numbers are consistent with previous years. We receive about 30 inquiries a month and file about half of those and close about the same number. Our year to date numbers show that we received 382 complaints last year and 375 this year and last year closed 63 cases and this year closed 126 with the difference being that staff were focusing on aged cases from the Department of Corrections.

Title VI staff also assisted with the Employment Law Seminar this year in June. Chair Houston noted that she is part of the TBR system and shared that the unit did an excellent job with the Compliance Review and working with staff has allowed us to have strategies in place moving forward and we are stronger because of your work. I appreciate your work and admit that we are a tough bunch to work with.

In regards to the time spent working with Department of Corrections is it possible that we could do some education with them and maybe a letter to the Department head. Title VI Compliance Director Gabrielle Lyons noted that has been a goal since her arrival in February and is in communication with the Title VI Director at TDOC to set up a meeting with both teams to discuss the issues. They are a unique agency and the discussions will help streamline the process and if you have ideas they would be helpful.

Legal Report

General Counsel, Dawn Cummings shared the accomplishments of the unit and stay away from the numbers and tell you what we do and how do we know that we are doing a good job. We review rationales and investigative plans for about 637 cases. We review cases on the front end with investigative plans and the back end through rationales and talk about that case more than once during the investigation.

With IP's we want to make sure that investigators have a good start to their investigation, looking at the right issues, that they clarify what the complainant is alleging and that we are requesting the right information from the respondent. Correct information, relevant information and not too much information. In this plan we have all the documents that the complainant has supplied us and we have all the information that the respondent has given us is listed and an explanation of why this information is important.

At this point we have to determine what we need next and make a list of those items and we do a pre analysis of the prima facie elements of the case but the court gives us a roadmap of elements which helps us know what we have to have to show discrimination. We review this information with investigators we edit information and send it back to them for their review and then we meet and discuss it. At the end of the investigation we review all rationales to make sure the investigation is solid, make sure they have the right legal evidence.

The second responsibility of legal is in the post cause cases. In a lot of agencies across the state this is the element that is lacking in the investigations. The question is we have a cause case now what do we do with it.

Our Associate General Counsel, Jesse Harbison has helped us develop a system through the Administrative Law Judges with the Secretary of State's office who is able to process these cases taking to hearings, and have mediations and be able to resolve these cases. We are trying to resolve these cases within a year and trying to review investigations and make sure we are looking at the right things.

How do we know we are making good decisions? We are developing ongoing training for both employment and housing investigators every quarter and reviewing the SOP's and keeping them updated.

Commissioner Sloss asked how many attorneys we have and the answer is two. Commissioner Derryberry noted they do a great job.

The commission report which covers May 1, 2018 to June 30, 2018 and the cause case updates include the Coffee County case has been around for a while. The case has been through a contested hearing with an ALJ made a decision which the Commission did not agree with and reversed the decision. Now it is in court with a motion to dismiss and there was a hearing and the court ruled in our favor however, the judge said that THRA is extremely confusing and internally inconsistent and he did not know that he was coming up with the right decision, which appears to be an invitation for the other party to appeal.

We don't believe he signed the order so the point at which the judge signs the order gives the party 30 days to appeal. A lot of the Civil Rights Statutes at the state or local level don't get very much litigation so it leaves a lot of room for interpretation. A lot of procedural issues and subsequent issues are left hanging out there waiting to be heard by the court and wait for clarification and it does not happen often.

We had our Employment Law Seminar on June 6, 2018 at Vanderbilt University with 168 attendees. There were interesting topics and the top was Workplace Violence.

The cause cases have gone through the investigation and pre-cause process and then sent a letter of determination to the parties letting them know we found cause. Then the legal department tries to resolve the case by having a discussion with the parties and if that is unsuccessful we try to have a judicial mediation. We use the Secretary of State Administrative Law Judges to schedule a judicial mediation and the ALJ will mediate and help THRC resolve these cases.

If parties do not agree to Judicial Mediation or it fails then it goes to a contested hearing. Before a contested hearing if either side files for a summary judgement that means that we are alleging that there are no facts and it is a legal dispute and try to communicate with briefs and not have to go through a contested hearing. There are two or three cases that say the Commission is preparing to file a motion to dismiss.

We did have one contested hearing that went well and we deposed the complainant and the respondent in the case which takes a lot of time. During the hearing investigator Barbara Gardner from Chattanooga was required to testify and she did an awesome job. We will not know the results of that hearing until December of this year.

You will see that during the judicial mediations in contested hearings we will be asking for Outreach and Education funds these will help cover our expenses such as filing fees and deposition fees and diversion resources. Courts have allowed agencies to collect modest fees for putting resources in a cause case and that takes away from our mission.

Commissioner Sloss asked which court the Coffee County case is in. General Counsel Cummings noted it was not in Coffee County because the judge had a conflict and the Attorney General is litigating that case and right now it is in Chancery Court and from there would go to the court of appeals.

Commissioner Behler asked about the Aunt Jemima Halloween costume case where negotiations reached an impasse and the next step is discovery? We will do an interrogatories and depositions. The case is from Chattanooga.

There is a staffing change in the legal division. Jesse Harbison, Associate General Counsel has resigned and her last day will be July 31, 2018. Commissioner Sloss asked if there were any prospects. General Counsel answered no.

Commissioner Behler made a motion to accept the Title VI report and Commissioner Derryberry seconded the motion. A vote was taken and passed.

A motion to accept the Legal report was made by Commissioner Behler and seconded by Commissioner Sloss. A vote was taken and passed.

Communications Report

Lynn Cothren, Special Assistant to the Executive Director reported that there were 146 Outreach events in the past year. Due to a lot of outreach at the end of the year we reached 1.5M people throughout the state through radio ads on NPR stations in Knoxville, Memphis, Chattanooga and Nashville. These were stations in all markets from country to R & B across the state. We blanketed the state with Education and Outreach money that we had at the end of the year that we needed to spend. Our numbers went way up to 3M that were reached for this fiscal year.

On June 13, 2018 Director Watts received another award from CABLE which is a women's organization for the last 30 years which is basically a rotary club for the women of Nashville. Executive Director Watts received the Spirit of Leadership Award. The Commission offered congratulations.

Executive Director Watts noted that there were 146 events for the year along with four Fair Housing events where THRC was the managing agency or partnered with folks in the four major markets. Saadia Williams went to Johnson City with an annual training event. It is difficult to get all over the state and do these events.

The tree planting in Chattanooga shows Commissioner Behler attending and Carol Berz who is a city council woman and the tree was planted in her district. The additional picture in the report is the International Human Rights Day in Nashville. Commissioner Behler noted that the tree was planted right outside the Family Justice Center which is the result of a long process of getting services consolidated into one place. It includes the Children's Advocacy Center; Violence Victims have a one stop shop so they don't have to be chased all over.

Executive Director Watts added that Communications is a multi-faceted aspect of what we do here at THRC. We do educational seminars for employers and housing providers, we do exhibits at events where people walk by, SHRM is the largest walk by event with employment, and we do the Disability Awareness conference. We also do specific things such as Women's conferences in Chattanooga and Knoxville and they have large numbers of attendees. We also do NAACP events which bring in large numbers also.

There is a calendar for August and September events that is included in your packet. The NAACP State Conference is the 20th through the 22nd of September. The next Commission Meeting will be September 20, 2018. The Jubilee in Knoxville and the Tennessee Alliance for Legal Services will be in Murfreesboro the 29th through the 31st. The Tennessee Labor Management Foundation which we have been doing for 20 years and Francisco Guzman will staff the exhibit and Executive Director Watts will speak on the #MeToo Movement.

The Annual Reports will be issued in September at the Commission Meeting. The Communications Committee will need to meet on those before the next board meeting. If there are events in your communities please let us know. Special Assistant to the Director Lynn Cothren noted if you would like to attend any of those events to contact him so arrangements can be made.

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

There were no public comments. The next Commission Meeting will be in person on September 21, 2018. Chair Houston reminded Commissioners if you have concerns to follow structured communication by contacting the Chair of the Board with those and not contact staff directly. I hear the staff's concerns that have been brought to me by the staff so please contact me or Executive Director Watts if you need anything from staff.

Commissioner Sloss made a motion to adjourn and it was seconded by Commissioner Derryberry. The meeting was adjourned at 11:25 a.m. CDT.