



**TENNESSEE HUMAN RIGHTS COMMISSION
CENTRAL OFFICE**
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July 26, 2013
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Blalock
Commissioner Cocke (Phone)
Commissioner Davis
Chair Garrett
Commissioner Hewitt Miller
Commissioner Horne
Commissioner Martin
Commissioner McDaniel (Phone)
Commissioner Pierce
Commissioner Starling
Commissioner Walker
Commissioner White
Commissioner Wurzburg

Commissioner's Absent:

Commissioner Jones
Commissioner Miller
Commissioner Wiggins

Staff Present:

Beverly Watts, Executive Director
Sabrina Hooper, Deputy Director
Shalini Rose, Associate General Counsel
Tiffany Taylor, Title VI Compliance Director
Richard Gadzekpo, Housing Coordinator
Susannah Berry, Special Assistant to Executive Director/Communications Specialist
Lisa Lancaster, Executive Assistant

Guests:

Allen Staley, F & A Centralized Accounting
Kaleda Bentley, THRC
Paula Casey
Thierno Bah, THRC

Call to Order

Chair Garrett called the meeting to order at 9:30 a.m. CDT and thanked Commissioners for attending. She noted that newly appointed Commissioner Bill Martin was present and asked him to introduce himself. He has been with Cushion Corporation for 18 years after spending 20 years in the Air Force. A moment of silence was observed and roll call was

taken. Minutes of the May 17, 2013 meeting were reviewed. Commissioner Davis made a motion to accept. Commissioner Hewitt Miller seconded the motion. A vote was taken and passed.

Presentation of Service Awards

Chair Garrett presented service awards to Lisa Lancaster for 15 years of service, Kaleda Bentley for 5 years of service and Thierno Bah for 30 years of service. Congratulations were expressed by the board.

Executive Director's Report

Executive Director, Beverly Watts welcomed commissioners to our new space located in the Tennessee Tower and invited them to tour the space following the meeting. She reported that we are in the process of closing out the current year budget and offer a report at this meeting but that the close is not complete and a report will be given when details are available.

It was noted that we are looking at shortfalls in our budget with respect to our federal contracts. Our EEOC contract is at a 16% cut which will affect our next year's budget. The HUD contract seems to be at the same level but that could change as their budget has not been approved for the next federal fiscal year which starts October 1. We are hoping that it will remain at the same level and that no restrictions will be placed on THRC. We currently have one housing staff vacancy in Knoxville and we have decided to hold that vacancy open until we can get a better picture of what our budget is going to look like.

The position has been vacant since April of this year and while staff has struggled they still managed to close 100 cases and 51% of those cases were closed within 100 days to meet the HUD efficiency goal.

Allen Staley noted that we are in the process of closing fiscal year '13 which ended on June 30, 2013 and have two to three more weeks left in the closing process and final numbers will be available after that point. We will be able to close within our budget even though it has been a tight year with EEOC reductions due to the sequestration as the contract lowered the revenue by 16%. We have some Katrina Outreach funds from a couple of years ago that we have kept in reserve in the amount of \$64,000. We are going to use those funds to close fiscal year '13.

Closing means that we are able to stay within our state appropriated dollars. Each agency is given their state appropriated dollar amount and you have got to stay within that amount or budget gets very unhappy. The Commission also has a carry forward amount in the appropriations act we are able to carry forward up to \$200,000 any time we have residual savings. That balance is \$84,000 and we do not anticipate using any of those funds.

On the issue of how the sequestration of 2014 will affect us, the budget office has asked us to identify how we think we will be affected. We have given preliminary numbers to the budget office and we think they will reduce the current year budget federal funds to allow for the reduction from the sequestration. We have received the approved 2014 budget back from the legislature who passed it in mid-April but we don't actually get the final

current year budget until mid to late August because there are budget adjustments that have to be done that include insurance, the 1.5% payroll increase in salaries. We won't get the final current year budget until later in the year. We will report that information when it becomes available.

At that point we will begin preparing for the 2015 budget which will be due on October 1st so preparations will begin in September. During this time of the year it gets confusing as we are dealing with three fiscal years at once.

Commissioner Starling noted his concern about the staff vacancy in the housing office and wondered if THRC goes before a fiscal review how will they view the vacancy. Executive Director Watts noted that we do not know when we will fill the vacancy. We could fill the vacancy at any time between now and the first of January 2014 depending on what the dollars look like however, right now we are not filling it because we need to know what our real numbers are before we fill the position.

The one thing I don't want to do is fill the position and then have to deal with whether or not we can perform. If we don't have enough money to fill the position we do have enough staff that are cross trained and we can cross train some more to do housing cases. We are concerned that we would like a full dedicated position but we know that we have the resources inside. Some things will get put to the side such as education and outreach. This position has only been vacant since April. If it had been vacant for a year I would say be concerned because usually vacancies over a year they say you have been performing for a year without it so therefore we think you don't need it.

The fiscal review rule is a year and housing staff has struggled but they have managed and we have not had any cross trained staff doing any kind of assistance. Could we have done more if we had another position? Yes but I don't want to put another body in and have to look up say how do we make up these shortfalls that might come because federal or state funds are low or less than we had anticipated.

Commissioner Horne asked if the Katrina funds were money that was from HUD and questioned if they were going to require us to refund it back to them. Allen Staley noted that was why we were anxious to go ahead and spend it since we have held on to it for a few years and we are glad that we did because of cases like this but at the same time we don't want to keep it too long or we are afraid that HUD will want it back. Commissioner Horne asked even if you spend it you don't think they will come back you to refund it. Allen Staley answered no.

Executive Director Watts noted that the funding and the activities have been covered in previous years. The monies were set aside in this siloed account and we have used it specifically for disaster related issues including updating our brochures and other things in education and outreach and we have had enough of these activities to cover the amount.

Executive Director Watts recapped that Mr. Staley has updated the close of the 2013 budget; possible adjustments for the 2014 budget due to the lack of federal funding issues; and the development of the 2015 budget.

The budget and audit committee will meet before the next board meeting on October 3, 2013 to discuss all of these issues and will report back to this body. We do not know the effects of what is happening with respect to the Washington budget. We do know that EEOC has asked if we want an upward modification and we are in the process of requesting that as we think we can make some additional money by completing additional cases by the September 30, 2013 deadline which in reality requires us to close cases by August 30, 2013 due to the 30 day reconsideration issue. We do not have an approval at this time.

The HUD Performance Assessment was conducted in May and we received notice on July 15, 2013 of its completion. We met with Budget and Audit committee and revealed the concerns and our responses. The first concern was that at the time of the assessment we had not reached our 50% efficiency standard to close cases in 100 days or less. At this time we have reached that goal at 51% at the end of the contract.

The second issue dealt with how we notified parties of the case closure. The letters go out from the Nashville office because the attorneys are here and they do the final review but they wanted to see certified green cards through the post office. We have instituted a process to do green cards and those will be sent to Knoxville to be placed in the hard copy file and we hope they are satisfied but have had no response from HUD.

HUD has an automated system called TEAPOTS which is a paperless file and they can access it anywhere. The green card issue is a hard paper file that they looked at when they were in our office doing our performance assessment. We had not been doing the green cards. This process will add approximately \$500 per year to our expenses to send out the cards.

The third issue involves confidentiality and this is something that we have talked to them about. If it is a cause case it is automatic that it becomes public knowledge because we are going to a hearing. We don't have a problem when we settle a conciliation that is a cause case making that document public however, on others we do. We agreed with them in part and told them that we would have no problem with conciliation being public on cause cases but for no cause cases confidentiality would prevail and that would not be confidential. We are waiting for HUD to get back with us on that.

Last year during the performance assessment we had many more items including some investigative performance issues but this year they are pretty limited. We are up for certification this year as a FHAP agency and they have asked about some things they have never questioned before including a case that was in court which we automatically have to relinquish because the complaining party went to court on their issues and they are trying to figure out what the status is.

We saw no reason we needed to know the status since the complaining party opted to go to court however HUD has asked. We were able to find out and send the information to HUD and that was part of our certification process. We believe that they will certify us.

It has come to our attention that last year there were two FHAP agencies. They were THRC and KCDC. The city of Knoxville has decided to give up their standing as a FHAP agency because they received no complaints in the last year. The city of Knoxville city commission voted in June to not take cases anymore and not be a FHAP agency. This means that automatically the city of Knoxville comes under our jurisdiction which it was not in the past.

The city of Knoxville did not have any cases even though we had cases in Knox County and also calls from Knoxville that we referred to them. The FHAP agency ceased to exist on July 1, 2013 so we will be doing some things in Knoxville with the city such as putting out our brochures in city hall, the Knoxville Urban League building and some other things where we had not done any work because the City of Knoxville had jurisdiction.

Also our Knoxville office has moved from downtown Knoxville to Pellissippi Community College which is about 15 miles from downtown with no public transportation available. These issues were raised with the Department of General Services when we were advised of the move and they moved us anyway. We asked for locations that would be further in or on a bus line and did not receive that either.

Most of our cases come through our 800 number but we think that statewide we will be able to make sure that our brochures are available to the public in other places. Our Nashville office is on the 23rd floor of this building and people have still managed to find us since our move. These are the challenges our moves have presented from a public access standpoint as well as taking on the jurisdiction for the city of Knoxville.

Commissioner Pierce asked if they had a budget and if that would come to us. Executive Director Watts noted that HUD pays according to cases processed and they had no cases last year so there is no money. Last year we closed 102 cases and this year we closed 96 cases in housing.

Commissioner Pierce asked about places that THRC could meet complainants in downtown Knoxville. Executive Director Watt noted that City Hall, Urban League were available and it could be brochures, temporary space and other options to get the word out. We may do special mailings, contact churches to make sure that people can file complaints and contact us. We see the need for our physical presence in the city and will work on how to accomplish that.

Executive Director Watts sent commissioners an email asking for help identifying businesses and others who might be interested in coming to and participating in our 50th Anniversary Event. The committee will give you larger view but this is my one minute pitch. We are looking for your assistance to identify companies in your areas, companies that you might know that we can send a letter to 1. Participate in sponsorship of our event from \$5,000 to \$10,000 2. Place ads in our program from \$250 to \$1,000 3. The event will cost in the neighborhood of \$25,000 which includes the booklet, speaker costs, audio-visual costs.

Please share any contact information you have with Executive Director Watts or her assistant Susannah Berry. We are contacting not for profits, businesses, and anyone you know and people that we have collaborated with in the past.

Commissioner Horne asked if we could send those letters out to elected officials and noted that next year is an election year and candidates might be willing to place ads. Executive Director Watts noted that she would check and get back with her.

Commissioner Wurzburg asked Allen Staley what if we make a profit on this event. Executive Director Watts noted that costs will have to be met and we don't want to accept money over the amount of our expenses. I think that our problem will be meeting the goal that we currently have of \$25,000 and not exceeding that amount. Once we reach that goal we would stop asking for donations and any excess would go into education and outreach initiatives.

Commissioner Pierce noted that it would be nice to use additional funds to make some historical posters that could be used for our next anniversary event. Executive Director Watts suggested turning this discussion over to the 50th Anniversary committee and let them decide and report their findings back to this body.

Commissioner White asked if there was a deadline for notification of contacts and Susannah Berry noted that the information was needed by August 15, 2013. Chair Garrett asked if all the commissioners had received the Executive Directors email.

The witness and customer service surveys are continuing to be conducted and for the past year from July 1 to June 30, 2012 we sent out 832 surveys in employment and received 48 responses. We sent out 416 surveys to complainants and got 16 responses and we sent out 416 surveys to respondents and received 32 responses. Our overall approval percentage is 77%, complainants overall approval percentage was 63% and the respondents overall approval percentage was 91%. These numbers are slightly up from last year.

With the housing surveys we sent out 159 and we got 12 responses and of those 8 were from complainants and 4 were from respondents. The survey rate for complainants was 58%. Overall we are not receiving the surveys back but we cannot stop sending them out.

On the audit issue of witness calls there were 213 witness and 73 interviews were done and in employment 52 witnesses were interviewed and in housing 32 witnesses were interviewed. Comments were 93 % and 99% positive comments respectively for last year. We must continue to conduct the witness interviews because of the audit. At the next meeting a chart will be provided to clarify the results.

Executive Director Watts noted that a situation arose in Manchester that was attended by Deputy Director Hooper and she will talk more about that event in her report.

We have a number of commissioners that are serving after their terms expired in 2012 due to no appointments or reappointments from the Governor's office. Commissioner Bill Martin was appointed to replace Commissioner Spencer Wiggins and Commissioners

Cocke, Davis and Blalock continue to serve since 2012 and Commissioner Jones, Wurzburg and Miller continue to serve since June 30, 2013 until the Governor makes an appointment or reappointment.

Commissioner Blalock noted that Commissioner Jones is facing some challenges but is doing well. Commissioner Wiggins had an op-ed about the 50th Anniversary in the Tennessean on July 23, 2013.

Commissioner Pierce made a motion to accept the Executive Directors report and Commissioner Horne seconded the motion. A vote was taken and passed.

Budget and Audit Committee Report

Executive Director Watts noted that the Budget and Audit Committee met to review and approve for submission the THRC response to the three items discussed in her Executive Director's report included in HUD's Performance Assessment. They agreed to report to the Commission and get a vote of approval from the commission.

Commissioner Hewitt Miller made a motion to approve the report and it was seconded by Commissioner Starling. A vote was taken and passed.

50th Anniversary Committee Report

Commissioner Wurzburg reported that things are going well and the committee meets often via telephone and in person. The big issue right now is money and getting sponsorships/ads and finalizing the program for the event.

The committee hopes that all commissioners will be in attendance and that they are talking about it in their communities to encourage people to attend and celebrate with us. Because we have honored people who made contributions in the past and our honor roll keeps growing because we have people who made contributions to call. Some of those we have honored have since passed or lost their eyesight. Our honorees have shared that they felt affirmed for their actions which were not always approved of by their families and peers.

We need the help of Commissioners to identify those foot soldiers and leaders who should be on the honor roll. I have received a contact that has agreed to get an email to Rev. Lawson and I will follow up with a phone number. We had hoped to have him on our main panel.

Commissioner Pierce added that the idea to recognize that for 50 years in many areas of the state there have been commissioners who served on this board and if they were involved with a business or organization it is a perfect opportunity to say to them that you should help honor this person who has been involved in the history of this group. We have reached out to Alcoa in East Tennessee because they had an early commissioner who served on the Commission and we want to honor them by contributing to this event.

She noted that Susannah Berry has worked hard on this event and the committee could not do this work without her. Susannah played the video that has been revised and edited.

She noted that the panelists that have been confirmed are John Sigenthaler and Rev. Dr. Bernard LaFayette. We hope that one more will confirm and there will also be a moderator for the panel. The agenda for the day will be pretty full.

We will feature a video of interviews with our honorees from across the state. We have partnered with UT Knoxville, UT Chattanooga and TSU and are looking for a partner in Memphis. Their diversity offices and communications offices have filmed our honorees interviews and a video will be shown as a highlight of the work that they have done over the years in different areas of the state.

UT Chattanooga has taken this a step further and are conducting longer interviews and will create their own video that will be the centerpiece of an event to be held in February 2014 celebrating the civil rights movement in Chattanooga.

Please let us know if you are aware of anyone that could partner with us to film the interviews in Memphis. University of Memphis was contacted and declined our offer to assist. So anyone that could help with this project please contact Susannah Berry with details.

We are exploring any options for ads and would love to have your contact information of anyone we could contact.

Executive Director Watts noted that the University of Memphis has said no but if anyone has connections or ideas on how to get them to say yes, let us know. Their communications office said they did not have the resources or the time to assist us with the project. All that is needed is a camera, cameraman and a location as Susannah Berry will do the rest.

Commissioner Wurzburg noted that we might contact the Hooks Institute on the University of Memphis campus.

Ms. Berry noted that ticket purchasing is online and available now. The save the date information will go out this afternoon and tickets are \$35 each and purchased online they are \$37 due to a \$2 processing fee.

Commissioner Wurzburg voiced her desire for every commissioner to help fill a table of 8 with friends, relatives and supporters. Commissioner Pierce hoped that all will attend. It will be at the Marriott Airport Hotel and starts at 10:30 am and ends at 1:30 pm on October 4, 2013. The board meeting will be held on Thursday October 3, 2013 from 3:00 to 5:00 pm.

Commissioner Davis made a motion to accept the report and Commissioner Starling seconded the motion. A vote was taken and passed.

Employment Case Report

Deputy Director, Sabrina Hooper reported on the period May 1, 2013 to June 30, 2013 during which time 136 inquiries were received resulting in 87 charges filed. 81 were dual

filed and 6 were THRC only. During the timeframe 86 cases were closed with a closed charge age of 296 days. At the end of June the open inventory was 343 cases with an average charge age of 211 days.

Six mediations were conducted that resulted in \$93,753 in monetary benefits to complainants. Three settlements were resolved for \$40,544. This year monetary benefits are up. For the full fiscal year we closed 44 mediations and 25 settlements for \$581,920.

Last year's numbers were 186 inquiries were received that resulted in 111 charges of which 103 were dual filed and 8 were THRC only. We closed 52 cases which shows an increase of 67% this year. Also last year we closed 4 mediations resulting in \$57,180 in monetary benefits and also some non-monetary benefits were received.

We are on track to complete our EEOC contract and have requested an upward modification that would increase our revenue by \$33,000 if we receive it.

A meeting for the American Muslims was held in Manchester TN and I was in attendance. It was supposed to be a town hall meeting to affect an open exchange between town residents. When I arrived there was a protest of about 300 people screaming go home, we don't want you here, terrorists. There were signs everywhere. Inside there was an over capacity crowd of 700 to 900 people with standing room only.

I felt like I was back in the 60's. The US Attorney, Bill Killene was there and another FBI agent. There were lots of hurlings from the crowd and the speakers could not complete their speeches. It made NPR news. The US Attorney and the FBI agent came down to tell the American Muslims what their 1st Amendment rights were to be able to speak and not cross the line into hate.

Commissioner Pierce asked if Deputy Director Hooper spoke at the event and she answered no. Commissioner Wurzburg asked if there was any support for the Muslim community. Deputy Director Hooper noted that she thought there was support there but it did not show itself that night. The mayor was there but he did not stand up and try to speak. There was a lot of hate. We still have a lot of work to do.

Commissioner Wurzburg asked what does this tell us in our education and outreach issues to work with discrimination and not just prejudice but prejudice as an active form of discrimination.

Executive Director Watts noted that we are working with another group called our Muslim Neighbors has a program going on in Middle Tennessee and the invitation came from them and a group called the Family of Abraham in Nashville and they are spread out over the area and they are doing some proactive kinds of education issues and the Muslim community, understanding the religion of Islam, Islamaphobia was part of this discussion.

By working with them we are able to get brochures to them and information to those groups. The largest groups are in Nashville, Manchester, Columbia and Murfreesboro. General Counsel Shay Rose noted that the Manchester location was not random. She

noted that some will remember the city commissioner that _____ shotgun... it was on the news. That is why they chose Manchester, to try to deal with that situation.

Executive Director Watts said that event was what precipitated a lot of this. We are just sharing information with this Commission. The incident is Murfreesboro with the mosque is still being litigated and it has not been decided if the city commission acted illegally when they granted the right of the mosque to build.

A motion to accept the Employment report was made by Commissioner Hewitt Miller and seconded by Commissioner Pierce. A vote was taken and passed.

Housing Case Report

Housing Coordinator, Richard Gadzekpo, reported on the May 1, 2013 to June 30, 2013 timeframe noting that 57 inquiries were received and 17 were accepted as complaints. Disability and race remain the top bases. There were 19 dual filed cases closed and 17 conciliations and 2 were no cause cases. The 17 cases were all closed within 100 days to meet the HUD standard.

The benefits received for complainants were \$32,592 and when compared to last year it shows a vast improvement. The HUD efficiency goal was met by contract end with 51% closed within 100 days. He thanked the staff for their hard work and Executive Director Watts for daily challenges and Deputy Director Hooper would call daily and say where are we? And thanks to the Legal staff for burning the midnight candle to review the cases for closure.

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

Executive Director Watts also thanked the legal staff because without them the goal would not have been met.

Commissioner Wurzburg noted that while we do mention the kinds of restitution that is received I do not want us to fall into the trap of more money is better as there are many other remedies that we do receive and those of us who mediate see that it is not about the dollars. We should not think that money is the most important thing to make comparisons about. There are many other remedies that occur. Money is not our success barometer.

Legal Report

General Counsel Shay Rose reported on the May 1, 2013 to June 30, 2013 timeframe during which time the legal department closed 72 cases in employment and reviewed 18 investigative plans and three reconsiderations were completed.

In housing we closed 19 cases. She thanked Richard and the Housing staff for their efforts to conduct conciliations because they are very easy to close and both sides get something. Ten cases that were conciliated were closed. One copy request was completed.

Legal staff assisted Susannah Berry with the Employment Law Seminar on June 6, 2013 and Rachel attended NAFHTA for week 2 training and Investigator training was held on July 18, 2013 for all investigators.

The legal cause case update for employment includes the case where a correctional officer was terminated and it was clear that it was based on his race because his counterparts were not African American and they did much more egregious things that were overlooked. He complained about serving breakfast and the others allowed prisoners to escape and do drugs and get in brawls and no action was taken against them. This case went to a hearing in November of 2013 and we are still waiting for the judge to get back with us on his decision.

The housing case update includes the child with a disability who is wheelchair bound and the family wanted to build a ramp and the landlord would not approve the location because it would be an eyesore. The case has gone to a judge but we are still working on a settlement.

The second case is a refusal to rent where the complainant called and spoke with the landlord about the availability of the apartment and the landlord suspected he was black from his voice and asked him and he said he was and the landlord then said the apartment was not available. The complainant wants to sit down with the landlord and have dinner and

The third case is an eviction notice based on familial status. The complainant was a maintenance person for the property and lived at the property in a three bedroom apartment with his fiancé and their four kids. The apartment complex has a policy of only two people per bedroom and when the fiancé became pregnant and the landlord found out they were told they had a year to move. This would require the complainant losing his job because the maintenance person was required to live on the property and there were no four bedroom apartments at the complex.

This case is always one that is on the line because it comes down to judgment as to whether or not the two person per bedroom policy falls within local ordinances or not. In this case there was no local ordinance; it was just the policy of the apartment complex. It is pretty common guidance from HUD to understand that a baby is not considered a whole person and so they would not fall under that two person per bedroom policy as an infant could stay in the bedroom with the parents for several years. The complainant was killed in an automobile accident around Memorial Day so his attorney is substituting the next of kin on this case. The parties did want to mediate and hopefully still will.

General Counsel Rose reported on two Supreme Court cases that just came down at the end of June and both involve employment. The first is Vance v. Ball State and both opinions were 5 to 4 judgments so they were close votes and both negatively affect what we do.

The first one is Vance versus Ball State University and she is an employee at Ball State and she thought that a fellow employee was racially harassing her and threatening her.

The other employee was a supervisor but not her direct supervisor but she did control Ms. Vance's duties of what she could do. The Supreme Court defined supervisor which had not been done before and they said that this woman was not her supervisor even though she could control her duties because she could not hire or fire her.

They narrowed the EEOC definition of supervisor so it will be much harder to sue supervisor for harassment and be successful. Executive Director Watts added that team leader situations which had been covered have been narrowed so that they would not have standing to file. We will take cases and look at them but that means that we might have to dismiss those cases.

Commissioner Wurzburg asked if there was now a duty for employees to go the supervisor and tell them what happened. Executive Director Watts noted that there has always been a duty for them to do that. The question is who is the supervisor. Commissioner Wurzburg added that if the supervisor does not do something about the team leader then there has to be some direct hiring and firing ability? Executive Director Watts said that if you are that person and I can't hire or fire you and I might say something out of line but there might not be any standing to file against me because I can't hire or fire you.

General Counsel Rose added that there is a different standard of liability for supervisors versus a coworker. With the supervisor it used to be an easier standard and there is a vicarious liability to the employer and now it is basically that the woman in this case is more of a coworker so the complainant has a much higher standard to prove that the respondent knew about it and they were liable for her actions.

Executive Director Watts noted that it's a lot like third party which has always been the grayest of areas. We don't know what it means and we will have to look at it and see but the courts have narrowed the scope of what a supervisor is defined as under the law at this point. It could impact cases we get and what we do.

General Counsel noted that she had read some of the articles on the decision and Justice Ginsberg did a scathing descent and she urged congress to change the law.

The second case is University of South Western Texas Medical Center versus Nassar. Nassar is a doctor and he filed a complaint of harassment based on his national origin and religion which was Egyptian Muslim and he decided that he could not take it anymore and he left employment as a faculty member with the Hospital but he stayed on as staff member and the hospital said no we are not going to allow that and they revoked his job offer. He then calls it retaliation.

This case was about retaliation and the standard that he needed to show retaliation. They decided 5 to 4 that he has to show that his protected activity was the filing of the harassment suit was the sole reason that the job offer was revoked. In the past you could show a fixed motive like it was one of the reasons and now he has to show that it was the only reason. It is a much higher standard again for retaliation and again Justice Ginsberg was very upset and urged congress to change the law.

Commissioner Starling wanted to understand about the correction officer and asked if he was a state employee. He was an employee of Coffee County. The reason for his question was he was curious how it would impact our ability to react to complaints under the TEAM act. Executive Director Watts noted that it was not a state TEAM act issue and we are not into TEAM act issues. People can always come to us and forgo the TEAM act and that is what we would continue to have. We are an independent agency not contingent on them having to do A or B before they come to us. They have always had the option and it was not taken away by the TEAM act and we are grateful for that.

Commissioner Hewitt Miller made a motion to accept the legal report. Commissioner Starling seconded the motion. A vote was taken and passed.

Outreach & Education

Communications officer, Susannah Berry reported on the period from May 1, 2013 to June 30, 2013 and during the period THRC participated in 19 education and outreach events that included 7 speaking engagements and through these efforts we reached approximately 3,937 individuals which brings our year to date total to 42,483 reached. These numbers compare to last year's 93 events where we reached 20,336 individuals which is a 37% growth in the number of events and 108% growth in the number of individual we reached.

On May 7, 2013 we held our Murfreesboro Roundtable attended by Commissioner Starling and Chair Garrett and 42 attendees from the community which included several city council members, State Rep. Mike Sparks, a representative from Senator Corkers office, the Mayor of Smyrna and the Mayor of Murfreesboro. There were several questions from the attendees and requests for speaking engagements that came from this event.

We also had several speaking engagements that Executive Director Watts did over the last couple of months. She did a training on diversity at Lincoln Memorial University as well as segment on the Commission and our complaint process at an Employment law Seminar at the Oak Ridge Power Plant. And another training session on diversity at the Tennessee Government Managers Institute and a question and answer session that Deputy Director Hopper and Housing Coordinator Richard Gadzekpo did at the Tennessee Disability Mega Conference. The session was presented for them to be able to bring any questions to us that they had.

On June 6, 2013 we had our Employment Law Seminar in Nashville. We had a great agenda for that day as we had a pay equity panel that Commissioner Pierce participated on as a representative of Vision 20 20. We had an EEOC representative, Kelly Thomas from their Memphis Office and Joshua Sudberry from Ford Harrison talking about pay equity issues in the workplace.

Kim Vance presented discrimination on the basis of gender and she highlighted some emerging topics gender identity issues and the recent ruling from EEOC on gender identity as well as pregnancy which we have been encouraging. We have been getting a lot of inquiries recently related to pregnancy discrimination so we wanted to highlight that on the agenda this year.

General Counsel Shay Rose and Deputy Director Hooper did a great segment on THRC percy violations which was a little different than what we normally do and it very well with a quiz and Q & A. The chair of the EEOC did a presentation on their updates and an update from Waverly Crenshaw and Jud Gerth at Waller Lansden on law and legislation changes from the past year and we had a segment on the Family Medical Leave Act by Kara Shea.

We got great feedback on the evaluations and the agenda was very good this year and that showed in the evaluations as well.

We attended the following events: Executive Director Watts attended the Violence Against Women hearing that hosted by the Economic Council on Women at Belmont University on May 16, 2013; Deputy Director Hooper attended the Open Forum in Manchester hosted by the American Muslim Advisory Council; Executive Director Watts, Deputy Director Hooper and Housing Coordinator Richard Gadzekpo attended a reading of the new ordinance to remove the City of Knoxville from the FHAP program.

We did one exhibit this period when Special Projects Officer Frank Guzman and Susannah Berry exhibited at the Tennessee Association for Justice Conference. Thanks go to Commissioner Miller for her assistance is setting up that exhibit.

There were no media inquiries or articles during the period but we did have a PSA and an interview with WJVE in Knoxville.

Commissioner Pierce made a motion to accept the Communications report. Commissioner Blalock seconded the motion. A vote was taken and passed.

Title VI Compliance Report

Tiffany Taylor reported on the period from May 1, 2013 to June 30, 2013 and noted that the state statute requires that entities receiving federal financial assistance to annually submit an Implementation Plan to the Commission by October 1st of each year. These plans encompass the agency's plans for the upcoming year and accomplishments for the past year regarding Title VI implementation in your agency.

One of the things that you have in your packet is a chart of our findings regarding those implementation plans. We had nine agencies to receive findings that included three agencies that submitted plans late and two agencies that received repeat findings.

We are currently monitoring 42 agencies. This spring we conducted two compliance reviews at the Department of Agriculture and one at Veterans Affairs and we conducted onsite reviews at central offices and satellite offices and any sub recipient offices they have. Those reviews are complete and are preparing to issue findings soon.

We participated in the Murfreesboro Roundtable and we also received a request for and delivered training to Metropolitan Nashville Davidson County Title VI coordinators on May 5, 2013 with 50 in attendance. The training was sponsored by the Metro Human Relations Commission.

We also received several requests for technical assistance from various agencies. Those agencies included the Tennessee Arts Commission and Arts Center, the Department of General Services, Tennessee Corrections Institute, the Department of Mental Health and Substance Abuse Services and the Bureau of TennCare.

We attended the Employment Law Center on June 6, 2013 and we have met with Fisk University. This past spring we had two interns from Fisk to help with Communications and Title VI and we are excited about that partnership.

Our statistics from July 1, 2012 to June 30, 2013 we have received 338 inquiries and 45 complaints were filed and 53 cases were closed. Compared to last year we had 382 inquiries and 60 complaints were filed and 23 cases closed.

A motion was made to accept the Title VI report by Commissioner Horne and seconded by Commissioner Hewitt Miller. A vote was taken and passed.

Announcements

There were no announcements

The next meeting will be on October 3, 2013 from 3:00 pm to 5:00 pm at the Airport Marriott. The Anniversary Celebration will be October 4, 2013 from 10:30 am to 1:30 pm also at the Airport Marriott.

Chair Garrett closed the meeting at 11:00 a.m.