



**TENNESSEE HUMAN RIGHTS COMMISSION  
CENTRAL OFFICE**  
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**March 21, 2014**  
**Board of Commissioners Meeting**  
**Minutes**

**Commissioners Present:**

Commissioner Cocke (Phone)  
Commissioner Coleman (Phone)  
Commissioner McDaniel  
Commissioner Miller  
Commissioner Houston  
Commissioner Horne  
Commissioner Martin  
Commissioner Selberg (Phone)  
Commissioner White (Phone)  
Commissioner Wurzburg (Phone)

**Commissioners Absent:**

Chair Garrett  
Commissioner Jones  
Commissioner Pierce  
Commissioner Starling  
Commissioner Walker

**Staff Present:**

Beverly Watts, Executive Director  
Sabrina Hooper, Deputy Director  
Shalini Rose, Associate General Counsel  
Richard Gadzekpo, Housing Coordinator  
Susannah Berry, Special Assistant to Executive Director/Communications Specialist  
Lisa Lancaster, Executive Assistant  
Richard Ettensohn, Housing Investigator

**Guests:**

Dennis Blackman, State Audit  
Paula Casey (Phone)  
JoAnn Kamuf Ward (Phone)

**Call to Order**

Vice Chair Miller called the meeting to order at 9:05 a.m. CST in the absence of Chair Garrett and welcomed those in attendance and asked for a moment of silence for the missing Malaysian plane. Vice Chair Miller then called the roll. Minutes of the January 17, 2014 meeting were reviewed. Commissioner Houston noted a spelling mistake on page two. Commissioner McDaniel made a motion to accept the minutes with the correction and Commissioner Houston seconded the motion. A vote was taken and passed.



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

Executive Director Watts began by introducing JoAnn Kamuf Ward from the Columbia School of Law, Human Rights Institute which has been working with the International Association of Human Rights Agencies (IAOHRA) and we are a member agency. Ms. Ward thanked Executive Director Watts for the invitation to speak to the board. Ms. Ward explained that she works on a project that develops and promotes the use of international human rights to advance social justice within the United States.

She explained that the Human Rights Institute (HRI) conducts research, policy and analysis and participates in selective litigation and training. Ms. Ward explained that the HRI is a part of a national human rights campaign called the Human Rights at Home Campaign. The partnership with International Association Of Human Rights Agencies (IAOHRA) has been a critical part of advancing the way that human rights informs governance at the federal, state and local levels.

The Human Rights At Home Campaign's work with state and local governments has two main goals. First to raise awareness of human rights standards and strategies and second to build the capacity of commissions as well as policy makers, including council people, and mayors to use human rights. It also supports these efforts through training, development of tool kits, reports, outreach and more targeted resource materials. The Campaign also supports local efforts to draft legislation, resolutions, and to raise awareness of the work that agencies are doing through opinion article in newspapers and other advocacy pieces. The campaigns goals are to build human rights into the way government operates. This is accomplished through advocacy with the DOJ, EEOC, HUD, the state department and also with education and awareness raising campaigns at the community level, and advocacy at the United Nations where human rights were born.

She shared that the HRI partnership with IAOHRA has resulted in a number of written a number of reports on state and local agency initiatives to promote civil and human rights, to highlight best practices that can be shared across the country. These reports are available to Commissioners through THRC staff or online. One example of those practices is the hearings and the report that the THRC is embarking on this year. This is one of the best practices we have seen and is important that it is bringing together communities and policy makers with the commission in a forward looking way to advance policy.

With IAOHRA, the HRI also do trainings and presentations for commissions. HRI conducts research if they receive requests from commissions to help support legislation, framing and local resolutions. The HRI will bring testimony at the Nashville hearing in May to testify on how local governments are using human rights and the valuable role of agencies like the THRC.

Ms. Ward shared that state and local governments are using human rights in a lot of different ways across the country. There are local ordinances that address gender discrimination using human rights treaties that the US has not ratified but that are part of the international human rights system. There are localities using human rights impact



assessments to look at how budgets and services are being allocated. There are cities passing local resolutions which call for addressing critical issues such as domestic violence and housing as human rights. Some of those even include funding and implementation mechanisms.

Importantly, a critical aspect of the HRI's work is advocating on behalf of commissions to garner resources and support for your work. The HRI was in Geneva at the UN last week meeting with a 30 person government delegation to highlight the fact that state and local agencies need support and the UN experts who were reviewing the US for its human rights record took almost all of our recommendations. The HRI believes it is critical not only to have commissions doing human rights work but to have the policy makers that often decide budgets. The HRI has also been working with the US Conference of Mayors and several individual mayors to advance support for human rights and will be embarking on efforts to do outreach to counties and other policy makers over the next year.

Executive Director Watts noted that Ms. Ward has been helpful to us in pulling together the hearings.

The customer service results were sent out and this is the July to February report. The survey responses continue to come in at low numbers (year to date shows thirty-four responses) so the Commission is implementing an electronic survey (Survey Monkey) on July 1, 2014. The hope is that with the ease and ability to quickly and efficiently remind individuals, it will result in more responses.

Both Executive Director Beverly Watts and Deputy Director Sabrina Hooper are working on appropriate follow-up with complaining parties and respondents to get more details after survey responses are submitted.

In the report, the results indicate complainants don't believe that we are professional and cordial in dealing with their concerns, however respondents do. Another issue was whether that the investigator provided regular and timely updates on the case. The results indicate that four believed we were and four believed we were not. Overall respondents indicate positive responses with an occasional negative response. Only one negative response came from a respondent. Another issue of note, was the question "Would you refer others regarding unlawful discrimination in employment, housing and public accommodation to us," complainants said they would not. There were only eight responses but this is concerning. Often the responses are related to the outcome of the case or the specific investigator. The number one source of how people hear about us is from friends and family.

Director Watts noted that staff will keep Commissioners informed of the progress after the electronic survey is implemented in July.

Commissioner McDaniel 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 reported that the Budget and Audit committee met on January 29, 2014 to present the Commission's budget and issues and the committee talked about the audit. Dennis Blackman is in the audience from state audit. There are four auditors here doing a performance audit on the Commission. We shared information to the committee about that.

When the Commission initially submitted the budget, there were \$86,000 in proposed cuts that ended up being \$30,000. The Commission has received a \$50,000 grant from NCRC and that will be limited to the fair lending project.

Commissioner Martin moved the adoption of the report and it was seconded by Commissioner Horne. A vote was taken and passed.

Executive Director Watts noted that she was going to introduce the new Title VI Director this morning but that Matthew Stephenson was unable to be at the meeting. He was appointed to the Title VI Director position on March 2, 2014 and comes from the employment division where he served as regional coordinator.

### **Law and Legislation Committee Report**

Chair Wurzburg reported that the committee met on February 18, 2014. Executive Director Watts noted that the current update emphasizes three bills that we are following very actively. Senate Bill 2054 that would rename the commission the "Tennessee Affirmative Action Commission" and restructure the makeup of the committee by granting the Senate and House speakers the authority to appoint an equal number of members with the Governor which would be five each and would vacate all current commissioners as of July 1, 2014. We have a fiscal note on this bill of \$239,000.

The bill has been set for hearing in Senate Government Operations every Wednesday for the last five weeks and the bill has been rolled every time. The bill is scheduled again for Wednesday the March 26, 2014 at 8:30 a.m.

On Tuesday of this week House Bill 2449 was amended to drop the name change and restructure the commission to nine members, three from each of the grand divisions. The sponsor is Rep. Matlock who indicated that nine would be a better balance for the commission and that would be two each appointed by the Senate and House speakers and five appointed by the Governor. We have not seen a Senate amendment to that effect. We will be there on Wednesday morning. There are twenty one bills on the agenda and this bill is number twenty and the meeting is scheduled for two hours. Many of the bills are sunset hearings on the agenda.

Commissioner McDaniel asked if the legislature does not deal with these bills by adjournment of the session that things would remain as they are. Executive Director Watts answered "yes" and noted that we will continue to send commissioners an update every Thursday as we follow these bills.



Commissioner Wurzburg thanked staff for keeping the commissioners updated on this legislation and asked if it would be helpful for commissioners who know any of the legislators to get counsel to brief them and then talk with them about the bills. She noted that the bills seem to be sending the commission backwards instead of forward. General Counsel Rose indicated she is available for any commissioner to get a further explanation. Commissioner Wurzburg asked staff to call on commissioners if they need to come to the hearings.

Executive Director Watts reported that Chair Garrett has been at the hearings and will be at the next one on Wednesday at 8:30 a.m. and anyone that would like to come by is welcome.

Commissioner Coleman asked on the house modification HB2449 would it also require all commissioners vacate on July 1, 2014 and the answer was "yes." He suggested that we argue continuity if the bill passes so that we don't end up with a complete block of new commissioners. He suggested that we argue some kind of phased continuity rather than vacating them all at one time.

Executive Director Watts noted that staff recommended that originally when we talked to the sponsors. We have talked to the Government Operations Committee members, the sponsor in the House and the Senate and recommended that if there was a change that it should be a phased in process.

Commissioner Wurzburg asked other than balance, what rationale did the sponsors have for these bills. Executive Director Watts answered that the commission appointments were not what we focused on when we talked with legislators. We focused on the name change because we thought that would be more detrimental and we thought we would lose money if that happened. We have received good feedback from Government Operations' committee members who said that the name change would not happen.

Commissioner McDaniel asked what the rationale for the name change was, especially since the name they have proposed is opposite of what he assumed would be the mentality of the legislator. He noted we have a Human Rights Act and it seems as though you have a human rights commission that enforces those laws and since the law does not mention affirmative action.

Executive Director Watts pointed out that around the country twenty nine states are named "human rights commissions" and of the 96 agencies that contract with EEOC state and local 44 are human rights commissions. Senator Bell, the sponsor had indicated that the name was confusing and that it reminded him of international peace keeping and he thought it would be better if we were named the "Affirmative Action Commission" because it reflected more of what we did.

Senate Bill 2294 is in the House and is Rep. DeBerry's bill. It does not seem to be moving but is on the agenda again on Wednesday. This committee has a tremendously full agenda so we are not sure what is going to happen. We have talked to the sponsor and we have a fiscal note of \$119,806 because this would create a new protected class which



would be students of higher education and we don't currently enforce this protected class. We have talked to Senator Haile who is the Senate sponsor and he is deferring to Rep. DeBerry to move that forward.

Senate Bill 2126 with respect to caps on liability, we have placed a \$458,113 fiscal note on this bill because they want to remove the liability issue from individuals. The individual liability issue covers both employment and housing so the fiscal note that we have is to cover housing because if they pass this bill we would lose our substantial equivalency with HUD and would not be able to dual process cases and that would be a significant loss.

We have talked to the sponsor who is Senator Johnson and the House sponsor is Rep. Dennis and we understand they are working on this but they have not talked to us about the fiscal note and there is no way we can budge on that. All of these are coming back up next week so we will keep you informed.

Commissioner Houston made a motion to approve the Law and Legislative committee report and Commissioner Coleman seconded the motion. A vote was taken and passed.

### **Employment Case Report**

Deputy Director Sabrina Hooper reported on the period from January 1, 2014 to February 28, 2014 when 144 inquiries were received which resulted in 66 charges being accepted and of these 53 were dual filed and 13 were THRC only. In the period 51 cases were closed with a closed charge age of 306 days of investigation. Open inventory was 289 cases with an average open charge age of 259 days. Four mediations were closed resulting in monetary benefits of \$27,995 to the complainant.

Last year we received 153 inquiries which resulted in 83 charges being accepted for investigation and of those 73 were dual filed. We closed 69 cases with a closed charge age of 302 days and our open inventory was 379 cases with an average open charge age of 206 days.

Last year we closed 6 mediations with monetary benefits of \$60,152 to the complainants; 6 settlements with benefits of \$13,785 to the complainant.

When looking at comparisons we are down in charges accepted and we are tracking this to see if there is any effect on our case closures. Even with that decrease we are on track to close 75% of our EEOC contract during the measurement period.

A motion to accept the Employment report was made by Commissioner McDaniel and seconded by Commissioner Horne. A vote was taken and passed.

### **Housing Case Report**

Housing Coordinator Richard Gadzekpo began his report by introducing new housing investigator, Richard Etensohn who joined the Knoxville staff on January 13, 2014. He previously worked for Los Angeles Unified School District where he investigated discrimination and developed policy for employment law clients.



Mr. Gadzekpo reported on the timeframe of January 1, 2014 to February 28, 2014 during which 56 inquiries were received and 22 inquiries were perfected for investigation. The chart indicates receipts by county and race and disability were the primary bases in this period. Of the inquiries received 15 were disability complaints which represents 68% of the cases accepted for investigation.

We closed seven dual filed housing complaints with six of them being administrative closures and one no cause. Five of the administrative closures were conciliations and one failure to cooperate.

When comparing with last year the inquiries received and accepted has increased and benefits received have increased and we are doing well at resolving cases. Our HUD efficiency goal stands at 60% right now and the goal is 50% and we are on track to reach this goal. We hope that with the investigator position filled we will reach the goal.

April is Fair Housing Month and you will hear about the events from the Communications report. We have started an outreach event in the Knoxville City building and at our first event we had 25 complaint forms handed out. At the next event we will stamp the forms so that we can track them when they are received as complaints.

Executive Director Watts noted that as of July 1 we are the only federal fair housing enforcement agency in the state that can dual file cases with HUD. This is due to the fact that Knoxville gave up their program. We spoke with the city officials and agreed to go into the building and do housing outreach.

Commissioner Horne thanked Richard Gadzekpo for his excellent job during the Fair Housing Seminar that was held in Chattanooga in connection with the Office of Multi Cultural Affairs, MLK group and the Unity group. She asked about the receipts by county chart and if the Hamilton County Housing Authority is affected by our investigations. Executive Director Watts noted we do not give case details at public meetings due to confidentiality requirements.

A motion to accept the Housing report was made by Commissioner Martin and seconded by Commissioner Houston. A vote was taken and passed.

### **Legal Report**

General Counsel Shay Rose reported on the January 1, 2014 to February 28, 2014 period where of 51 employment cases, 5 were administrative closures with 4 conciliations/mediations; In housing, we closed 4 cases with 1 administrative closure, and 3 mediations/conciliations. Legal also completed 6 copy requests.

Thanks were offered to Rachel Appelt, Associate General Counsel and John Elrod, Legal Intern for preparing and researching the fiscal notes for legislation this session which is projected to be completed by mid April.

The first cause case update concerns the corrections officer case that went to hearing in November 2012, and we are still waiting for the decision.



In the second case, that is a pregnancy case for failure to hire in middle Tennessee. The employer interviewed the complainant and offered her the cashier position and withdrew the job offer when they found out that she was pregnant, noting that they have a policy of not hiring pregnant women for their own safety due to heavy lifting required. Kaleda Bentley mediated the case and it settled for \$13,500 to the complainant, \$1,500 to THRC for Outreach and Education and the employer will develop a new hiring policy that is non-discriminatory and all staff will attend a training event.

The first housing cause case involves the complainants' emotional support animals and the landlord considered them pets and evicted the resident because they have a "no pet" policy. The landlord did not understand that support animals are considered a medical aid such as a walker or wheelchair, not a pet. This case settled for \$3,000 for the complainant, \$2,000 for THRC Outreach and Education and training for the respondent and a policy change for reasonable accommodations.

The second cause case in housing involves the failure to grant a reasonable accommodation request when the complainant, who has a disability, requested a transfer to a ground floor apartment. The respondent did not grant the request. The case was to be mediated in January but fell through. The complainant wants to file in federal court and if they do, we will settle with the respondent for training that is needed.

There is a third cause case that was caused this month and is also a failure to accommodate an emotional support animal. More details will follow.

Executive Director Watts recognized the legal staff for doing an excellent job with settling cause cases and gaining additional funds for outreach and education in the amount of about \$7,000 over the last year.

Commissioner McDaniel asked about service animals and General Counsel Rose noted that a person with a disability that has a prescribed service animal overrides any "no pet" policy.

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

### **Outreach & Education**

Susannah Berry reported on the January 1, 2014 to February 28, 2014 time period where we have held two of the hearings. The first was in Memphis on January 28, 2014 where Commissioners Wurzburg, White, Jones, and Selberg were present.

Presentations were made by the Memphis Urban League talking about social inequities facing Black Americans and Tennesseans; the Memphis Area Women's Council; Memphis Mayor A. C. Wharton talking about his municipal perspective about immigration integration methods; the Mid-South Peace and Justice Center and the Memphis Center for Independent Living discussed civil rights abuse to people experiencing homelessness in Memphis; Leadership Conference on Civil and Human Rights speaking about minorities



facing discrimination on the national level; Memphis Center for Independent Living spoke about affordable housing and lack of affordable housing in the Memphis area.; Bolivar NAACP representative spoke about access to government programs and difficulties faced by African Americans from low income populations; Gloria Sweet Love from the State NAACP Conference spoke about discrimination and unemployment; Tomeka Hart spoke about inequities in education.

At the February 24, 2014, the Chattanooga hearing was held at UT Chattanooga campus some of the same issues were discussed as in Memphis. Permutations included Grove Street Settlement House speaking about violations of housing and employment and access to healthcare; a parent advocate speaking about discrimination against students with intellectual disabilities, racial disparities and education employment; the area NAACP spoke about affordable housing; Chattanooga Organized for Action; Second Life Chattanooga speaking about human trafficking and efforts to create a residential recovery center and a disability rights advocate speaking about individuals with disabilities on a global level; NAACP representative spoke about low income residents and the elderly population and disparities in housing.

Our third hearing will be in Knoxville and the agenda is full where the Mayor will speak about civil rights issues and the city's efforts to become a more diverse city; Legal Aid of Tennessee will speak about access to justice; Tennessee Immigrant & Refugee Rights Coalition will speak about the challenges faced by mixed immigration status; UT College of Law representative will speak about racial disparities in school discipline, the REACH Empowerment Institute will discuss employment discrimination for ex offenders; Violence Against Women will be addressed by Commissioner Amy Broyles.

The Nashville hearing will be May 12, 2014 at the Downtown Public Library and the agenda looks to be very full there as well. The Johnson City hearing has been cancelled due to lack of response. One person submitted testimony and they were invited to come to the Knoxville hearing and did so.

Attendance at the Memphis hearing was 60; Chattanooga 52 and Knoxville has 40 registered to attend so far. A full report will be released at the conclusion of the hearings.

The Commissions YouTube account is set up and videos of all hearings and special events are available for viewing at [youtube.com/tennesseehumanrights](http://youtube.com/tennesseehumanrights). Our Nashville hearing is scheduled for Monday, May 12, 2014 at 1:00 pm, the day before our May Board of Commissioner meeting which will be May 13, 2014 at 9 am.

Commissioner Wurzburg complimented staff and thanked them for a job well done. Commissioner Houston asked if the videos on YouTube were captioned. Special Assistant Berry noted that captioning the videos is in process but is a time intensive activity. Commissioner Houston offered to loan us a captioning product that could help with this activity.

Commissioner McDaniel thanked staff a job well done at the Chattanooga hearing where both Commissioner McDaniel and Horne were present.



During the period of January 1, 2014 to February 28, 2014 staff participated in 24 education and outreach events; 5 exhibits; 11 speaking engagements and attended 10 outreach events. We reached 4,845 individuals making the year to date total 19,100.

Richard Gadzekpo spoke at a Fair Housing Roundtable in Chattanooga on January 13, 2014 also attended by Investigator Barbara Gardner and Executive Director Watts with 30 attendees. THRC staff attended 5 MLK Day events, exhibiting and our first Knoxville City Hall outreach event occurred that will be held monthly.

Media inquiries included our hearings and purposed legislation we had five articles discussing the bills; four TV and print articles about the Chattanooga hearing and the Executive Director was interviewed for the five o'clock news; a Memphis Commercial Appeal article focused on the Mayors testimony; Executive Director Watts participated in an interview with Sharon Kay which was part of the Fisk Jazzy 88 station which was a promotion for our hearings and will be returning for a follow-up interview.

We had ads in the January MLK edition of the Pride Publications in Nashville, Knoxville, Clarksville, Murfreesboro; we ran ads for the hearings in all of those cities; ran an ad in the ONYX TN magazine promoting the hearings.

Staff participated in Adobe Connect Software training and Ethics Annual training. Our agency brochure has been updated and is more clear and concise and is posted on the website.

Our facebook page has 30 new "likes" and had engagement from 8% of those reached from 53 posts. There are 29 videos posted on the YouTube account that include the 50<sup>th</sup> Anniversary events, the Webinar held in December and the video from the Memphis hearing.

Special Projects Officer Frank Guzman answered 31 calls from the Hispanic community about the role of THRC, sent out complaint forms and referred callers to other agencies. Four additional calls were translated by Title VI Compliance Program Director Matthew Stephenson or Avaza translation services.

On January 20, 2014 Executive Director Watts was in Knoxville to receive the Knoxville MLK Commission award on behalf of the agency and also gave remarks at the event.

Upcoming events are April 7, 2014 Fair Housing Conference in Jackson; April 10, 2014 NCRC Training; a Free Fair Lending Event in Memphis in the HUD location; April 11, 2014 Annual West Tennessee Fair Housing Celebration with NCRC session; April 3, 2014 Fair Housing Matters Conference in Nashville; April 11, 2014 Knoxville ECHO Annual Fair Housing Conference where Executive Director Watts will receive an award.

We announce our second Fair Housing 101 webinar in support of Fair Housing Month on April 29, 2014 from 2:00 to 3:00 pm. The webinar will be available on YouTube after the webinar is over.



Commissioner Horne thanked Susannah Berry for her hard work. She also noted that when THRC participated in the 9 United for Equality, the Chattanooga Chronicle had a nice front page picture of Executive Director Watts and other attendees. Also Rev. McDaniel is retiring and there was nice two page article in the Chattanooga Chronicle and the Commission was mentioned.

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

Vice Chair Miller presented Susannah Berry with the Employee of the Year Award for 2013 and read the resolution presented to her by the Commission. Congratulations were offered by all in attendance. A motion was made by Commissioner Houston to approve the resolution and seconded by Commissioner Cocke. A vote was taken and passed.

### **Title VI Compliance Report**

Executive Director Watts reported on the period January 1, 2014 to February 28, 2014 during which time we have completed the reviews of 38 out of 42 Implementation Plans receive federal funds are in compliance. Tennessee Board of Regents was granted an extension to March 12, 2014. A final update will be given at the May Commission meeting. We will also provide the amount of federal funds that each state agency receives.

University of Tennessee, Tennessee Attorney General and Tennessee Student Assistance Corporation were submitted untimely and we are awaiting their responses to the findings. The chart on page two of the report includes comparisons of complaint processing from current year to last year. We are conducting an audit of complaints received and the audit is being done by Matthew Stephenson and Jennell Riddle and will clarify what is going on with complaints and where they are in the process. A report will be made to me when the audit is complete and Matthew Stephenson is also reviewing all policies and procedures and will report his findings to me with proposed changes that will enhance policy and we will include that in our report at the next meeting.

Executive Director Watts has been acting Title VI Director.

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

### **Announcements**

Vice Chair Miller announced that the next Commission meeting will be an in person meeting on May 13, 2014 at 9:00 am in the Tennessee Tower, Conference room E on the 3<sup>rd</sup> floor.

Commissioner McDaniel made a motion to adjourn the meeting. Commissioner Houston seconded the motion. A vote was taken and passed. The meeting was closed at 10:25 a.m.