



**TENNESSEE HUMAN RIGHTS COMMISSION  
CENTRAL OFFICE**

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**March 16, 2012**  
**Board of Commissioner's Meeting**  
**Minutes**

**Commissioner's Present:**

Commissioner Blalock  
Commissioner Cocke (Phone)  
Commissioner Davis  
Chair Garrett  
Commissioner McDaniel  
Commissioner Miller (Phone)  
Commissioner Osborne  
Commissioner Pierce  
Commissioner Starling  
Commissioner Wiggins  
Commissioner Wurzburg (Phone)

**Commissioner's Absent:**

Commissioner Jones  
Commissioner Pride  
Commissioner Walker  
Commissioner Hewitt

**Staff Present:**

Beverly Watts, Executive Director  
Sabrina Hooper, Deputy Director  
Shalini Rose, General Counsel  
Richard Gadzekpo, Housing Coordinator  
Marcus Thomas, Title VI Compliance Director  
Lisa Lancaster, Executive Assistant  
Rachel Appelt, Associate Counsel  
Cathy Abramowitz, Secretary

**Guests:**

Allen Staley, Shared Services Solutions

**Call to Order**

Chair Garrett called the meeting to order at 9:06 a.m. Roll Call was taken. Chair Garrett reviewed the reports to be heard at this meeting noting that there is good news among the challenges and appreciation to the staff for their work. Minutes of the January meeting were reviewed. Commissioner Wiggins made a motion to accept. Commissioner Davis seconded the motion. A vote was taken and passed.

## **Executive Director's Report**

Executive Director, Beverly Watts began her report by asking Allen Staley, Shared Services Solutions, to speak about the 2013 Budget hearings for both the House and Senate which took place on February 7, 2012. The NAACP Day on the Hill was the same day.

Mr. Staley passed out a copy of recommended 2013 Budget sheet that includes the current years estimated budget and the 2010-2011 actuals and noted that the hearings went well, the atmosphere was friendly and most questions were programmatic.

The total budget recommended to the Governor was \$2,413,900 with state appropriations of \$1,652,200 and federal appropriations of \$761,700. To date the legislature has not changed any items on the budget and it should pass as submitted which includes a 3.8% base reduction in benefits equity in the amount of \$65,200 which should not affect operations.

The governor asked departments to identify long term vacant positions that could be reduced but this did not apply to the Commission and also a component about core services restoration which also did not apply. Overall the Commission has fared very well this year and hopefully the legislature will pass the budget as recommended.

Director Watts noted that we have no vacant positions and introduced Cathy Abramowitz the secretary at the front desk, Sabrina Hooper our new Deputy Director and noted that Susannah Taylor will come on board at the end of the month as Special Assistant to the Executive Director.

A summary of the customer service survey activity and witness verification survey activity for the period from June of 2011 to December 2011 was passed out and reviewed by Director Watts. This document will be provided to all commissioners not in attendance this afternoon. There were 700 paper surveys sent out of which 43 or 6.14% returned. These surveys are sent to respondents and complainants at the end of the investigative process.

In addition to the surveys and as a part of the audit we conduct witness interviews to verify that they have been contacted by the investigators during the investigative process. This is in response to a previous employee that fraudulently reported that he had contacted witnesses when in fact he had not. The state and local government committee felt we should continue this process. Currently Paula Casey is conducting these calls.

Commissioner McDaniel asked how the figures compared with last year's figures. Executive Director Watts noted that there are not any previous figures as the agency thought that enough safeguards had been put into place to correct this error but we were cited on it during the audit. The system has been revised and we now called 157 witnesses.

We randomly choose 2 cases per month for employment and 1 case per month for housing. We call each witness at least twice. Most responses were favorable for positive experiences with THRC. Some negative comments were given and will be reviewed to see what resolution can be implemented to correct the negative responses.

In June we will provide a final report on this and will include pictures and color. Commissioner Starling asked who the negative comments came from. Executive Director Watts noted that they were from witnesses contacted about the case and the complainant. It was noted that

most respondents were satisfied with the outcome of the investigations and in a large percentage of our cases no reasonable cause is found. In some instances it was noted that investigators were professional in interviews and complainants stated that we did not do a good job that they should have won the complaint, that it was hard to hear on conference call and disabled people should be treated better.

Comments were also complimentary of investigators from complainants whose cases were determined to be no cause as well. Commissioner Starling asked if we have statistical information on cases that are mediated. Executive Director Watts noted that we do not currently collect those statistics but noted that we will follow-up with his suggestion that we collect surveys on mediation cases to see what the satisfaction level is with regard to our mediation program.

Commissioner Davis asked how commissioners can keep up with cases that they have referred to the agency. Executive Director Watts noted that because of the privacy laws information can only be shared with complainants, respondents and/or their attorneys or agents that are listed in our case file. She also noted that no public comment will ever be made by THRC about any case status. Commissioner Osborne noted that whenever he refers someone to THRC and they call asking status questions, he forwards the questions to the Executive Director who will check on the case and will report back to the complainant.

Executive Director Watts noted that some statistical details on the mediation process that happens during the first 45 days of a case will be provided without breaking confidentiality issues at the next board meeting.

The April 4<sup>th</sup> Foundation has awarded the Tennessee Human Rights Commission the Open Door Award which will be presented at the Foundation event. We are currently producing a 3 minute video for this presentation. A draft of the video was watched. Details for the event will be made available for all Commissioners that would like to attend. We will have a table for the event which will be held on April 4<sup>th</sup> at the Cook Convention Center in Memphis beginning at 5 p.m. Previous winners of this award are Joseph Lowery and Jeremiah Wright. Commissioner Wurzburg was recognized and thanked for sharing Commission historical documents which were used in the making of the video.

Executive Director Watts recognized Commissioner Wurzburg for being awarded the Grayferd Gray Award for public service in mediation at Lipscomb College. Also she shared an award which was presented by the Memphis Theological Seminary which honored the east Memphis housewives who met with the wives of sanitation workers to see the poverty that city workers were living in. The women then marched on city hall and demanded that the union come back to the bargaining table who in 1969 which averted a second sanitation workers strike. Congratulations were offered.

Congratulations were offered to Chair Garrett who won the TSU Women of Legend and Merit Award last evening.

Director Watts noted that the National Community Reinvestment Coalition approached us regarding partnership money available from HUD. We developed a proposal and about two weeks ago we received \$30,000 in grant money from HUD to fund NCRC which will develop HMDA report about mortgage lending data in Tennessee; two three day training sessions, the

first will occur on April 30, 2012 through May 2, 2012 in Knoxville Tennessee and the second will occur in Nashville sometime in November. When further details become available they will be shared with the board. Because of this partnership, our July Board meeting has been changed from a telephonic meeting to an in person meeting. David Barenbaum, vice president of the National Community Reinvestment Coalition, will be in Nashville to make a presentation to the THRC Board at that meeting, about issues in mortgage lending. We will invite Tennessee Housing Development Agency and TN Department of Economic and Community Development and others that are engaged in housing and mortgage lending issues and other state and local agencies that may include the Bankers Association and others for the presentation.

The NCRC will do the presentations and training and serve as a resource to us which will enable our staff to go to them for their mortgage lending expertise. The night before the July Board meeting, a Commissioner's retreat will be held and more information will be shared as it becomes available.

The YWCA Stand Against Racism resolution was read. This event will be held on April 12, 2012 at the YWCA office on Woodmont Boulevard here in Nashville. The resolution is in recognition of YWCA's work on the stand against racism. The National and Local YWCA's mission is to deal with domestic violence and to stand against racism. Commissioner Starling made a motion to approve the resolution as it is written. The motion was seconded by Commissioner Pierce. A vote was taken and passed.

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

### **Employee of the Year Presentation**

Chair Garrett read the resolution for the Annual Employee of the Year Award which was presented to Richard Gadzekpo. Congratulations were offered by the board.

### **Employment Case Report**

THRC's new Deputy Director, Sabrina Hooper was welcomed by the Executive Director and the board and she reported on the period January 1, 2012 to February 29, 2012 during which time 137 inquiries were received and 100 were accepted for investigation. During the same timeframe the agency closed 55 cases and of those, 46 were dual filed cases and 9 were THRC only cases. The average charge age for open cases is 226 days and closed charge age of 255 days. There were 8 settlements resulting in \$24,064 monetary benefits.

In comparison to last year we received 141 inquiries and 73 were accepted as charges and we closed 103 cases with open charge age of 280 days and closed charge age of 304 days.

The comparisons reflect that our inquiries are down by only 3% however charges accepted has increased by 37%. The amount of cases closed is down. We are reviewing this to see if there were any other reasons for these numbers other than the vacancies of the deputy director and associate attorney. Commissioner Starling thanked Deputy Hooper for a great job.

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

## **Housing Case Report**

The housing report was given by Housing Coordinator, Richard Gadzekpo who expressed thanks to the Commission for the Employee of the Year resolution and noted that “to him whom much is given, much is still required”.

The report covered the period of January 1, 2012 to February 29, 2012 when 42 inquiries were received and 17 accepted as complaints. Race and disability continue to be the top bases for complaints filed and of the cases accepted for investigation, 7 were based on disability or 41% and 5 were based on race or 29%. We closed 20 complaints and 2 of those were THRC only cases which means that we did not dual file these with HUD because the respondents may have only had one rental unit which does not meet HUD’s jurisdiction.

The breakdown is as follows: 11 cases were no cause, 5 cases were conciliated, 4 were administrative closures and 2 cases were withdrawals with resolution and 1 was closed due to no contact with a complainant.

As of February 29, 2012 we had closed 65% of cases within the 100 day HUD requirement. This is much lower than the 30 cases we closed last year and we are reviewing what may have caused this drop in cases closed. Staff continues to focus on case closures within 100 days. As of today we are closing 73% of our cases within the HUD 100 day target.

During April two investigators will attend NFHTA in Washington DC and Richard will attend in May. The new attorney will complete online training in June. April is Fair Housing Month and there are many events scheduled for the month and if Commissioners would like us to attend these events in their communities they should notify THRC very soon as most dates are full.

The Executive Director noted the HUD grant and final decisions will be made next week concerning venues for the three day training event in Knoxville at the end of April.

Deputy Director Hooper and I submitted a proposal for a NOFA grant for money to assist the agency with education and outreach projects statewide. We should hear about this \$124,000 grant by the end of the year.

Executive Director Watts noted that the HUD goal is 50% and that last year we were only closing 29% of our cases within 100 days and special thanks were given to the housing staff for their improvement of this standard requirement.

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

## **Legal Report**

General Counsel, Shay Rose introduced Rachel Appelt our new Associate General Counsel who started on February 27, 2012 and comes to us from TN Department of Health. She studied at UT Austin and went to law school in Indiana. She reported on the January 1, 2012 to February 29, 2012 time period during which she closed 48 employment cases and February cases are now being reviewed. Of those closed, 7 were administrative closures, 3 failure to cooperate, 2 withdrawals, 2 were filed in court and 1 withdrawal with settlement.

In Housing 21 cases were closed with 7 conciliations, 2 administrative closures. There were 11 copy requests completed during the period.

The rule hearings are completed and the rules were filed with the Attorney General's Office for approval of legal sufficiency which was completed. The process now goes to the Governor's office for approval. They will then be filed with the Secretary of State's office and in 90 days they will be law. We will still have to go before the Government Operations Committee and sometime in May they should be completed.

We are currently monitoring 10 pieces of legislation and keeping track of about 10 more. Nothing much is happening with them, most have been continued. Next week three will come before committees, the first being the one that expands our enforcement provisions to public education and public contracting and we will be meeting with the Senator sponsoring the bill next week to discuss it with him.

Another one we are monitoring deals with our retaliation provision and deletes a section which affects the liability for individuals and THRC is trying to fight this bill. The third one being monitored is the Title VI bill that would require us to monitor charter schools and was sent to Title VI Director Marcus Thomas.

There are several pre cause cases that are being reviewed and should appear on this list by the next meeting. The cause case update of the employment case of the African American corrections officer that was fired will probably go to a hearing. EEOC was contacted to offer guidance and they suggest that we let a judge decide the case. The housing "Chinese stir fry case" went to mediation which ended in an impasse and will be set for hearing next week.

Commissioner Starling asked why the Governor has to approve rules that have received approval from the Secretary of State's office. She noted that it was not a legal process but a courtesy requested by the Governor that all rules be submitted to him for approval.

Commissioner McDaniel asked if the bill referencing the granting of preferential treatment about public education could somehow be against affirmative action. General Counsel Rose noted that was probably correct and noted that we have attached a fiscal note of \$85,000 to the bill. Executive Director Watts and she will be meeting with the Senator next week to discuss this issue.

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

### **Outreach & Education**

Executive Director Watts gave the Communications report. She shared an article that was in the Chattanooga Free Times Metro Section. A reporter was present at the Chattanooga Roundtable and 45 persons representing 31 organizations were also present. It was a great success and good feedback was received. There were two presentations requested as a direct result of this meeting.

From the Jackson Roundtable we received one requested presentation and will follow-up with the United Way staff. Thanks were offered to Commissioner McDaniel who provided the venue and food and to Commissioner Miller who was in attendance. THRC Staff who attended this

event were Samelta Glenn, Tracy Davidson, Barbara Gardner, Richard Gadzekpo, Paula Casey, and Sabrina Hooper.

We have reached 1355 people through the 24 education and outreach events that included 7 speaking events and 1 exhibit for the reporting period. The MLK event sponsored by Bone, McAllister was a standing room only crowd at the Hutton Hotel where Bernard Lafayette spoke. On MLK Day I also attended the TSU Convocation and the Vanderbilt event where John Lewis was the speaker.

Paula Casey developed 5 press releases for the Chattanooga Roundtable, ELS, April 4<sup>th</sup> Foundation Open Door Award, Commissioner Wurzburg's Grayfred Gray Public Service in Mediation Award and Chair Garrett's TSU Women of legend and Merit Award, and Sabrina Hooper's appointment as Deputy Director for THRC.

Frank Guzman responded to 35 Hispanic phone calls and explained the role of THRC, forwarded requests for complaint forms and referred callers when necessary.

The 2012 Winter newsletter was completed by Paula Casey and Tracy Davidson and posted on the THRC website on February 15, 2012.

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

Executive Director Watts announced that THRC along with several other agencies will have a Fair Housing event on April 13, 2012 in Memphis at the University of Memphis Law School. The Save the date flier will be sent out today. Attorney General Robert Cooper, Deputy General Assistant Secretary for Fair Housing from HUD, Bryan Green and Memphis Mayor A.C. Wharton, will be keynote speakers at the event.

### **Title VI Compliance Report**

Marcus Thomas, Title VI Compliance Program Director reported on the time frame of January 1, 2012 to February 29, 2012 noting that we have completed all 42 Implementation Plans for initial review and comments on plans. We are currently issuing notice of final findings which is projected to be completed by end of April.

We are excited about having additional staff to assist with these projects. An onsite of the Department of Correction is underway and notification has been sent to Tennessee Wildlife Resources Agency for their projected onsite to commence in April 2012. We are currently investigating a complaint against the TN Arts Commission which is pending.

During the period 61 inquiries were received and 12 complaints accepted with 1 case closed. Commissioner Wiggins asked about the type of complaints registered by inmates. Director Thomas noted that they run the gambit from racial slurs from staff, disability issues and religion which come from across the state and are all non-jurisdictional for Title VI which only covers race, color and national origin.

Commissioner Starling asked "what is the relief available for the complainant in the TN Arts Commission complaint if they are found to be out of compliance with Title VI". Executive Director Watts noted that the remedies are limited in Title VI. Some relief might be

more what happens going forward for the agency to be in compliance with Title VI. The National Endowment for the Arts who controls the money might not be so kind. Our role is to identify and get changes to any problems that might prevent us from getting money into the state. It is important to note that the buzz word for Title VI is voluntary compliance.

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

### **Announcements**

Commissioner Pierce noted that March 26, 2012 the Nashville Athena Awards which honor women will take place at the Schemerhorn Center this year. There are 30 nominees to be honored.

Also on March 27, 2012 Commissioner Pierce will be in Washington DC for a discussion at the White House on women's issues as part of the Vision 20/20 Project and she will be bring information back to the board. She will be speaking in Knoxville on April 21, 2012 at the American Association of University Women's Conference and again on June 15, 2012 at the East Tennessee Women's Summit in Knoxville about women's issues. Notification will be sent out to commissioners.

The YWCA will have their Annual Academy of Women Achievement in October but selections will be made in June and a call for nominations will be coming out in April and it is hoped that nominations will come from Middle Tennessee. Maybe someone could nominate our chair of the board for this award.

Chair Garrett asked for good thoughts to go out to Commissioner Wurzburg who will undergo surgery on Monday. It was noted that the next board meeting will be May 11, 2012 and it was suggested in the future that we include that information on the Agenda for each meeting. Thanks to the staff and commissioners for their support of her in her duties as chair of the board.

Commissioner McDaniel would like to have a real name tag and it was noted that it is on order and will be here by the next meeting. Commissioner Blalock asked prayers for Commissioner Robert Jones as he is very ill.

Chair Garrett adjourned the meeting at 10:20 a.m.