



TENNESSEE HUMAN RIGHTS COMMISSION
WILLIAM R. SNODGRASS TENNESSEE TOWER
312 ROSA L. PARKS AVENUE, 23RD FLOOR
NASHVILLE, TN 37243-1102
615.741.5825 FAX 615.253.1886
www.tn.gov/humanrights

March 17, 2017
Board of Commissioners'
Meeting Minutes

Commissioners Present:

Commissioner Crafton (Phone)
Commissioner Crider (Phone)
Commissioner Derryberry
Chair Houston (Phone)
Commissioner Martin (Phone)
Commissioner Sloss (Phone)
Commissioner White (Phone)

Commissioners Absent:

None.

Staff Present:

Beverly Watts, Executive Director
Lynn Cothren, Special Assistant to the Executive Director
Sabrina Hooper, Deputy Director
Matthew Stephenson, Title VI Compliance Director
Shalini Rose, General Counsel
Erika Wynn, Communications Director
Saadia Williams, Housing Coordinator
Lisa Lancaster, Executive Assistant

Guests:

None.

Call to Order

Chair Houston called the meeting to order at 9:01 a.m. and asked for a moment of silence followed by the roll call.

The minutes of the January 27, 2017 Board of Commissioners' meeting were reviewed. Commissioner Derryberry made a motion to approve the minutes and Commissioner Sloss seconded the motion. A vote was taken and passed.

Budget & Audit Committee Report

Executive Director Watts reported that the Budget and Audit Committee met on February 27, 2017. It was noted that the Chair of the committee, Commissioner Horne has resigned from the Commission and Chair Houston called the meeting to order. The purpose of the meeting was to review the Commission's status report to the Comptrollers Division of Audit Office which outlined the progress made on the audit findings from the September 8, 2016 Performance Audit.

A copy of the completed document which was submitted to the Comptroller's office on March 1, 2017 will be sent to all Commissioners at the end of the Commission meeting today. It was noted that there was one acknowledgement letter date missed in December but met all the benchmarks in February. We continue to monitor these areas.

Commissioner Sloss made a motion to accept the Budget and Audit Committee report and Commissioner Martin seconded the motion. A vote was taken and passed.

Commissioner White signed on to the meeting via telephone.

Executive Director's Report

Executive Director Watts began her report by introducing Erika Wynn, Communication Director who started on November 1, 2016 and Lynn Cothren, Special Assistant to the Executive Director who started with the agency on March 6, 2017. His background includes serving as the Director of Administration for the Girl Scouts USA, serving as Special Assistant to Coretta Scott King, and as the Community and Education Director for the Martin Luther King Center. Both were welcomed by the Commission.

It was announced that Associate General Counsel Rachel Appelt will leave the agency on March 24, 2017 to return to the Department of Health as Associate General Counsel. Recruiting for her replacement has begun.

Our Fiscal Director, Allen Staley provided a budget overview report that shows that we are currently at 67% of the budget for the fiscal year. Projections show that we will be somewhere around 90 % of our budget at the end of the fiscal year in terms of spending and expenses. Allen Staley will be present at our next Commission meeting and will have a more complete report for the fiscal year which will close thirty days later. It was noted that the President released his budget blueprint and reductions yesterday which includes a 13% cut. Specifics of those cuts are not known, but they total over \$7.6 billion. The FHAP program is small, but the cuts may be across the board and could affect our HUD revenue. The EEOC is not a major agency and was not listed the report and updates will be given as more information is received.

All of the agency budget hearings are complete and during the presentation to the House Finance Ways and Means Committee, Rep. Sargent asked if the agency had enough money to cover all of the salary adjustments to help retain staff that are leaving for higher salaries. He suggested that agency staff meet with him and Rep. Kamper about the salary adjustments for the Human Rights Representatives staff positions that

would bring them into line with other investigative salaries across state government. It was determined that \$60K would enable the agency to cover all the market salary adjustments for investigators both housing and employment. Rep. Sargent and Rep. Kamper are moving the request forward.

The THRC Sunset Hearing was held on Wednesday, March 15, 2017 Senate Bill 0077 before Senate Government Operations and was passed with a 9 to 0 vote to extend the agency for four years or until June 30, 2021. The bill was sent to calendar in the Senate. House Bill 0241 sponsored by Rep. Faison has not been put on the calendar. We will share with Commissioners when the date is set.

An training for all employment investigators in will be held in April .More details will be in the Employment report.

Ronda Webb-Stewart has been hired as a housing investigator in the Knoxville office which means that office is now fully staffed.

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

Employment Case Report

Deputy Director, Sabrina Hooper reporting on the period from January 1, 2017 to February 28, 2017 noted that 99 inquiries were received resulting in 54 charges, 49 dual filed and 5 THRC only. During the period 52 charges were closed with an average charge age of 349 days. Our open inventory at the end of February 2017 was 228 cases. Three (3) mediations closed within this timeframe, resulting in \$9,000 in monetary benefits to the Complainant and eight (8) complaints closed as settlements with \$22,753 in monetary benefits to the complainants.

As of July 1, 2016 we have conducted twenty (20) mediations and where eight respondents were represented and two complainants were represented.

Comparing the years we noted an increase of 5% in charges received and a 20% increase in charges accepted. Complaints closed saw a 23% increase for the timeframe. Title VIII cases are the top category of cases closed and total inventory shows a 15% decrease and we have a 50% increase of pending inventory.

Janie Sexton has been hired as an employment investigator and started February 1, 2017. She comes to us from the fraud investigation unit of CVS. Her training is moving along and she is doing well.

April 11-13, 2017 an in-house Comprehensive employment training event will be held for all employment investigators. Using HUD Partnership funds we will hold a one hour Webinar on March 28, 2017 on "Conducting an Investigation" and the second webinar will be held April 18, 2017 and covers "Fair Housing Laws" and will also be about an hour long.

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

Housing Case Report

Housing Coordinator, Saadia Williams' reported that this report covers the January 1, 2017 to February 28, 2017 time frame noting that there were 88 inquiries resulting in 19 complaints accepted for investigation. The majority of complaints came from the top three grand divisions. Disability was the number one basis of complaints received and has been for the past year.

During the period 23 dual filed cases were closed of which 5 were administrative conciliation closures and 2 were withdrawals with resolution. Seven (7) or 30% of the complaints were No Probable Cause. We also had six (6) or 26% complaints closed as conciliation; four (4) or 17% were withdrawal without a resolution case closure; two (2) or 9% were withdrawal with resolution; one (1) or 4% Lack of Jurisdiction; and one (1) or 4% was Unable to Locate Complainant.

We are currently at 40% for our HUD efficiency goal and it is expected that this goal will continue to suffer as the focus on our aged case work continues. In December of 2016 a plan was developed for closing substantially aged cases and called for twenty five aged cases to be closed during January and February of 2017. Currently twelve or 48% of those cases have been closed. We have closed fifty five cases for the year to date.

One housing case was mediated which netted the complainant \$25,000 in benefits. Commissioner Derryberry what the timeline was to accomplish this settlement. It took one day and the mediator was Kaleda Bentley out of the Nashville Intake unit. It was also noted that this information would be great social media content. During the month housing complainants received \$30,000 for mediations and \$1500 from conciliations.

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

Title VI Compliance Report

Matthew Stephenson reported on the January 1, 2017 to February 28, 2017 timeframe during which 52 inquiries were received. 19 were accepted for investigation. Six (6) cases were closed during the period leaving 72 in open inventory to include 1 in Administrative Office of the Courts, 1 in Children's Services, 1 at TennCare, 1 in Human Services, 1 at Human Services and the remaining cases are with TDOC.

The chart reflects that over the past three years the caseload has been increasing and that increase is attributed to an increase of Department of Corrections complaints filed with our office. TDOC has had some staff changes recently and we are working with them to improve their investigation process. This year TDOC has received 413 internal Title VI complaints.

Three (3) departmental complaints were reported, one (1) with Department of Intellectual and Developmental Disabilities and two (2) with Board of Regents.

There were fourteen (14) requests for Technical Assistance for the period. Nine (9) were received in January and they included implementation plan guidance for Agriculture, Labor and Health, and investigation guidance for TDEC, Board of Regents, guidance regarding and LEP log for the Department of Revenue, and sub-recipient oversight guidance for the Arts Commission and the Commission on Aging.

There were five (5) requests for Technical Assistance in February. Assistance was given to the Department of Mental Health with their compliance requirements to FEMA and the Board of Parole with a complaint that was then directed to the Department of Corrections. The Department of Children's Services inquired about LEP requirements in relation to their Youth Development Services Program. We also assisted the Department of Labor with their Implementation Plan and an employee of the University of Tennessee's County Technical Assistance Service with regard to LEP policies for a local sheriff's office.

The chart shows the breakdown of the topic areas of Technical Assistance requests for the fiscal year.

The Implementation Plan from the Department of Agriculture was received and was in order but is still recorded as non-compliant due to timeliness.

To date we have completed four (4) Compliance Reviews for the fiscal year. The Tennessee Arts Commission had one finding related to their procedures for verifying training with sub-recipients. We found Commission on Aging and Disability, Department of Human Resources and Tennessee Regulatory Commission all received no findings.

Compliance Reviews are currently being conducted on the Department of General Services and Economic and Community Development and details will be available at the next Commission meeting. We will also conduct Compliance Reviews on the Department of Revenue and the Board of Regents before the end of the fiscal year.

On March 8, 2017 a special Title VI training was conducted with TDEC staff and will have a complete report at the next Commission meeting. The same subject matter should form the basis of a webinar that we are developing for the TDOC.

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

Legal Report

General Counsel, Shalini Rose, reported on the January 1, 2017, to February 28, 2017, period when legal closed 54 employment cases. Twelve were administrative closures and ten were conciliations/settlements. In housing, twenty three cases were closed: ten

were administrative closures and six were conciliations/settlements. Four copy requests were completed, and one is in inventory.

Legal department updates include the four cases appealed to state court where we are being represented by the Attorney General's Office. In the Holsey/Coffee County case, Respondent filed a motion to go back to the ALJ's initial order issued in the case. The AG filed a motion on our behalf to appeal the motion as untimely. The motions will be heard next month.

In the Little case, there was a hearing yesterday and we assume that the judge took it under advisement. In the Ruff case, there has been no movement, and in the Clovis case he appealed the case to Chancery court and there were oral arguments made on March 7, 2017. The Judge has taken the case under advisement.

The online complaint that we have been working with the UT Law Class has made no progress. We will follow-up with the professor.

For training and outreach Legal participated in three trainings for this period.

The vacancy of Associate General Counsel has been posted. Rachel Appelt who is currently in the position will be leaving on March 24, 2017, to return to Health. We are currently reviewing applications for the position. Interviews will be held next week.

The first employment cause case listed was on the bases of race and age where an African American complainant was subjected to the "n-word" on a regular basis throughout his 14 year employment and also told that he was getting to old to do his job. Respondent said he was discharged because of his behavior but this was not supported by the evidence. Mediation was held last month that was an impasse. On March 1, 2017 we filed the case with the Secretary of State and an ALJ was appointed and a conference call is scheduled for today to set a date for a hearing and a schedule for discovery.

In housing, the first cause case is where the landlord found out the Complainant has PTSD and would not communicate with him concerning the property, and preferred to communicate with his wife. We found he was being treated differently because of his disability. The complainants have retained an attorney and mediation is scheduled for April 7, 2017 in Jackson.

The second cause case involves an eviction and a failure to grant a requested accommodation from Complainant with a disability and failure to respond to other accommodation requests. Mediation was scheduled for November and was cancelled when the Complainant became ill. At the last mediation that was scheduled in January, the complainant did not show up but his attorney did and we are working with him to reach a settlement.

The third cause case is a person with a disability who made several reasonable accommodation requests. She had a companion animal and she provided documentation and the landlord did not believe it. They had a policy in place that was discriminatory and the complainant knew her rights. The respondent has an attorney and the complainant is willing to settle.

Commissioner Sloss asked about the Coffee County case for clarification. The respondent appealed the case to Chancery Court in Davidson County and there was no movement on it and the Judge was going to dismiss it. Then the respondent filed a motion to revert the board's decision back to what the ALJ's initial order. The AG's office filed a response to dismiss it as untimely on behalf of THRC. This was based on THRC law there is a 30 day timeframe to file a response. This has been moved to early April for the hearing on the filings.

Commissioner Crafton noted that he is on the call.

Commissioner Derryberry made a motion to approve the Legal report and Commissioner Crafton seconded the motion. A vote was taken and passed.

Communications Report

Communication Director, Erika Wynn reported on the period from January 1, 2017 to February 28, 2017 when there were twenty five outreach events, eight speaking engagements and advertisement efforts reached 645,185 people during the period and 731,165 for the fiscal year in comparison to 6,621 for the previous year with 19 outreach endeavors.

Highlights of the period include several Martin Luther King Jr events which included an exhibit booth at the TSU MLK Day Convocation event attended by 1,000 and Executive Director Watts attended the Affirmatively Furthering Fair Housing event in Memphis attended by 80, and THRC held a "Support & Service Animals: Understanding Fair Housing Laws" event in Jackson, TN attended by 47.

The increase in people reached is due to radio ads for MLK day and Black History Month and also an ad in the Nashville Pride and the ad that was placed in the Dr. Martin Luther King Jr. Commemorative Commission Awards Luncheon booklet which was attended by 600.

Media contacts include an editorial written by Executive Director Watts and was featured in the Nashville Pride newspaper titled "Looking back as we moved forward" which reached 35,000 people. Executive Director Watts also did two "Tennessee Matters" segments on I Heart Radio and the topics were the impact Dr. Martin Luther King Jr. had on the foundation of the Tennessee Human Rights Commission and the second she discussed the agency's history in connection with major figures and events of the Civil Rights Movement for Black History Month. Each segment reached 30,000 people.

On social media tweets went out regarding MLK Day, Black History Month and Women's History Month and we covered our protected classes and promote the agency and its mission. Tweets have been going out promoting April as Fair Housing Month Save the Date, Open registration and agenda available.

Also on social media we have tweeted about the Employment Law Seminar but the registration will not open until the April events have closed. Commissioner Derryberry suggested that we tweet about internal accomplishments of the agency.

There are many events coming up in relation to Fair Housing Month to include two webinars one on March 28, 2017 at 1:00 p.m. and another webinar on April 18, 2017 about Fair Housing Laws. There will also be another radio interview in the month of April and information about that airing will be shared when available. The West Tennessee Fair Housing Celebration in Memphis at the Memphis Botanic Garden beginning at 8:00 a.m. on April 5, 2017. All of these events will be shared with Commissioner following this meeting.

On May 23, 2017 at 8:00 a.m. at the Goodwill Training Center, we are participating in a Fair Housing accessibility training which will be designed toward the design and construction aspects of fair housing. This is in partnership with John Ritsue, an architect based in Chicago. There is no cost for this training but the link is on our website to register.

The Employment Law Seminar June 22, 2017 at 8:30 a.m. will be at Trevecca Nazarene. The save the date was sent and registration will open in a couple of weeks. The ECHO 2017 Spring Housing Conference will be April 7, 2017 at 8:00 a.m. in Knoxville and the HEAT Fair Housing Matters Conference on April 19, 2017 in Nashville at the Embassy Suites. Registration for both events is linked on our website.

Commissioner Derryberry noted that as the agency looks at the advertising budget of \$10,000 that \$100 for social media posts would be a good value to boost postings at \$5 or \$10 and they can be geo targeted toward the areas that the events will be in.

Commissioner Derryberry also suggested a free app called the Perch Report to view comparisons of other Human Rights agencies from state to state.

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

Executive Director Watts shared information with Commissioners about the resignations of Commissioner Rieta Selberg and Commissioner Chrystal Horne and terms will expire on June 30, 2017 for Commissioner Eric Crafton and Commissioner Derryberry. Executive Director Watts will contact the Governor's office and the Lt. Governor about possible appointments to fill these four vacancies.

The next Commission meeting will be May 19, 2017 and commissioners will be present in Nashville.

Commissioner Derryberry suggested that maybe Commissioners could bring their own laptops with the electronic files that are emailed out prior to the meetings and the agency would not have to supply the notebooks for each meeting which would save money by not printing which would save toner, paper and staff resources.

Chair Houston adjourned the meeting at 10:00 a.m. CDT.