



**TENNESSEE HUMAN RIGHTS COMMISSION
CENTRAL OFFICE**
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**November 15, 2013 Telephonic
Board of Commissioner's Meeting
Minutes**

Commissioners Present:

Commissioner Coleman
Chair Garrett
Commissioner Houston
Commissioner Horne
Commissioner Jones
Commissioner Martin
Commissioner McDaniel
Commissioner Pierce
Commissioner Starling
Commissioner Walker
Commissioner White
Commissioner Wurzburg

Commissioners Absent:

Commissioner Blalock
Commissioner Cocke
Commissioner Miller

Staff Present:

Beverly Watts, Executive Director
Shalini Rose, 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:

None

Call to Order

Chair Garrett called the meeting to order at 10:00 a.m. CDT and thanked Commissioners for attending. She asked that we observe a moment of silence for typhoon Haiyan victims in the Philippines and roll call was taken. Minutes of the October 3, 2013 meeting were reviewed. Commissioner Starling made a motion to accept. Commissioner Pierce seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director Watts began by discussing the budget that was approved for submission at the last board meeting. The budget hearing is set for November 21, 2013 and we will meet with Finance and Administration. We are asking for an additional \$20,000 for education and outreach and this request will likely be discussed. The budget cuts from the last three to five years have been from variety of sources, including education and outreach. This additional \$20,000 will help us to connect with the public. This will be further discussed in the Education and Outreach committee report.

We have some additional revenue coming in that is targeted for HUD partnership agreement with National Community Reinvestment Coalition in the amount of \$50,000. These funds will further our efforts in fair lending efforts throughout the state of Tennessee. We had an agreement with NCRC last year for training and have a report that was developed from those efforts. This agreement will take the partnership to the next level and will provide additional events and training.

We have one vacancy in the Knoxville housing office that we are currently accepting applications on and hope to begin interviews in early December.

Thanks were offered to all staff and commissioners for the 50th Anniversary Event on October 4, 2013. We have received great reviews and Susannah Berry deserves much credit for her tremendous job on this event. Many thanks were offered to Ms. Berry for all her efforts and the staff that worked with her that day helping to host and hostess our guests.

Director Watts noted that she will keep Commissioners informed of any issues that may arise from the budget hearing. The Commission will hold its annual all employee meeting on December 5 from 9:00 am to 1:00 pm and will be held on the 3rd floor of the Tennessee Tower and any commissioners that would like to attend are welcome.

Our Strategic Plan has defined our core goals as: case processing, compliance and education and outreach. These goals were provided to human resources to be integrated with Edison and the employee performance standards. We will review our goals with staff at the all staff meeting on December 5, 2013.

Customer Service Survey reports were provided to Commissioners in their packet of materials. We are continuing to do the surveys to define issues and deal with any that arise and report those to you. The current reports cover July to October period.

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

Education and Outreach Committee Report

Chair McDaniel offered greetings to the board and reported that the Education and Outreach Committee met on November 12, 2013 with Executive Director Watts and Susannah Berry present.

There is a report of the 50th Anniversary committee in your packet. Co-Chair Patricia Pierce commented that the event was really wonderful and we appreciate all the staff and Susannah's help with the event. Chair Garrett thanked the committee and staff for the phenomenal event. Chair McDaniel agreed with those comments and visitors were impressed and thanks offered.

Susannah Berry noted that it went really well and there is a summary noting that we had 255 attendees and the Commission received a good amount of press and video coverage.. We have video from the event forthcoming that will be shared with those who could not attend. We also have copies of the videos that were shown that day and both will be added to our website in the near future.

We were able to stay within our budget. Revenue intake covered our expenses.. Commissioner Wurzburg noted that a wonderful by product of the celebration was the compilation of the history of the Commission and the event that we can contribute to the archives. She noted that it is exciting to know that everyone in the past brought us to this celebration and that the commission is doing what it is designed to do.

Commissioner Starling added his thanks for a world class event that was second to none and stayed line within the budget which is very remarkable.

Susannah Berry gave a quick overview of the other items. Education & Outreach Committee is proposing to create a Jocelyn D. Wurzburg Civil Rights Legacy Award that will be given annually to an individual who embodies civil rights ideals and principles. A subcommittee consisting of Commissioner Pierce and Commissioner Wurzburg has been formed to look at criteria and will bring more information to the January meeting.

Commissioner Wurzburg thanked everyone who brought this proposal and noted she is grateful that this award was given and she was totally surprised.

We will be using our new technology for the first time by doing a webinar on December 3, 2013 from 3 to 4 pm live CST. It will be an interactive power point with presenters speaking over that. The topic will be an overview of human rights history focusing on the United States, the Universal Declaration of Human Rights paring this with International Human Rights Day on December 10, 2013 and an overview of the commission and its history. Presenters will be Executive Director Watts and Deputy Director Hooper. Sign-on information will be emailed to all commissioners.

The last item discussed were the new hearings that the Commission will launch this spring. These hearings have grown out of the Roundtable Discussions and questions that are asked frequently asked such as where are we today with human rights in Tennessee. We will ask individuals across the state to bring written and oral testimony that will be combined into a final report by city. The schedule of dates and cities starts in January in Memphis, Chattanooga in February, Knoxville in March, Johnson City in March and Nashville in May. Other dates and cities may be added.

There will be a variety of information and issues that we hear about. Some will be jurisdictional and some will not be. These discussions will give us a flavor for where we are and what the issues are and what the trends might be certain sections of the state.

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

Nominating Committee Report

Executive Director Watts gave the nominating committee report in the absence of Commissioner Miller. The Nominating Committee met on November 5, 2013 and determined a slate of officers to be presented and approved at this meeting. The slate is as follows: Chair Stacey Garrett for Chair of the Board; Commissioner Miller as Vice Chair of the Middle Division; Commissioner Paul McDaniel as Vice Chair of the East Division; Commissioner Ralph White as Vice Chair of the West Division and Commissioner David Cocke as Secretary.

Commissioner Starling made a motion to accept the slate of officers and Commissioner Wurzburg seconded the motion. A vote was taken and passed.

Lisa Lancaster read the committee assignments for 2014 for Law and Legislation: Chair Wurzburg; McDaniel; Houston; Jones; Blalock; Starling & Miller. Education and Outreach: Chair McDaniel; Wurzburg; Cocke; Coleman; Starling; Martin; Walker; Horne & Pierce. Budget and Audit: Chair Miller; Horne; Cocke; Martin; Garrett; Jones; Pierce & Walker.

Commissioner McDaniel made a motion to accept the committee assignments and Commissioner Jones seconded the motion. A vote was taken and passed.

Employment Case Report

Housing Coordinator Richard Gadzekpo combined the employment and housing reports in the absence of Deputy Director Hooper. In employment for the period September 1, 2013 to October 31, 2013 124 inquiries were received that resulted in 77 charges of which 73 were dual filed and 4 were THRC only. The agency closed 48 cases with a closed charge age of 234 days. There was an open inventory of 301 cases with an average age of 236 days.

There were 9 mediations closed with in the period resulting in \$68,922 in monetary benefits to complainants. There were 3 settlements closed with \$10,048 in monetary benefits to complainants.

In comparison to last year we received 153 inquiries resulting in 82 charges of which 72 were dual filed and 12 were THRC only. During the period 29 cases were closed with a charge age of 305 days and an inventory of 347 cases with an average open age of 198 days. There were 2 mediations closed resulting in \$39,790 in monetary benefits to the complainants and there were 4 settlements closed resulting in \$18,100 in monetary benefits to the complainants and there were 2 were settled with non-monetary benefits.

Comparison indicates that there was a decrease in charges received and accepted however the rate of acceptance increased from 54% to 52% and there was an increase in closures by 19 cases and a decrease amount of investigation days by 31 days during the period.

In housing for the same timeframe 44 inquiries were received resulting in 16 complaints with the primary bases remain race and disability. The 15 cases that closed during the period had disability and race the number one bases. The housing division closed 22 dual filed complaints.

In comparison to last year our statistics indicate that we had an increase in our inquiries and cases accepted for investigation. The number of cases closed age and benefits were about the same. With our HUD efficiency goal we are at 75% and last year we were at 41%.

We should be able to meet this goal by the end of the contract.

A motion to accept the Employment and Housing reports was made by Commissioner Martin and seconded by Chair Garrett. A vote was taken and passed.

Legal Report

General Counsel Shay Rose reported on the September 1, 2013 to October 31, 2013 period when 42 employment cases were closed and of those, 2 were settlements and 2 were reconsiderations or appeals. In housing, we closed 18 cases, of which 9 were conciliations or withdrawals with resolutions, and there were no reconsiderations.

She commended the housing group for their hard work in making closures with resolutions for both parties. Six copy requests were completed, and only one remains in inventory.

Legal updates include several legal training sessions attended by General Counsel and Associate Counsel. Our legal intern will be leaving next week after two and a half months with us. We have enjoyed having him and will consider having another intern in the future, maybe next spring.

In the cause case update in employment, there is the case about the corrections officer who was terminated, and we are still waiting for a ruling from the ALJ.

In housing, the case concerning the child that needed a wheelchair ramp, which was a failure to allow a reasonable modification based on disability, has reached a settlement and we are waiting for the paperwork to be returned to us.

The second housing case citing discrimination in terms and conditions and eviction based on familial status where THRC felt the two person per bedroom occupancy standard was not properly applied because it was being applied to a baby and not an adult person. The complainant passed away in a car accident, and we are still trying to get the next of kin paperwork.

The third case is a failure to accommodate for disability, and the landlord has a "no pet" policy, and the complainant needed an emotional support animal. The owner told her to

get rid of her pet or move out. The complainant provided documentation to show that a doctor approved that she needed the animal for her disability, and she was still evicted. The parties are interested in mediation and THRC will facilitate that process.

The last case is a new one where the complainant has a disability and requested a transfer to a first floor apartment because she has mobility issues. There is confusion over the request, but the property owner did not grant her request and failed to enter into an interactive discussion to clear up the confusion and did not follow the process for THRC or ADA law. Respondent also required Complainant to put her request into writing which is not compliant with the law. The parties are interested in mediation, and a mediator has been assigned to the case.

Please notice that three of the four housing cases involve disabilities and that is not a coincidence - it is something that we will see especially as the population ages and disability becomes more prevalent. We will have to get out and do some education and outreach in more rural areas where we've run into these non-accommodation issues more.

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

Outreach & Education

Susannah Berry reported on the September 1, 2013 to October 31, 2013 time period where we participated in twenty-five education and outreach events, seven were speaking events and it is estimated that we reached 9,490 individuals during this period bringing our year to date total to 12,583. During the time there were five exhibits, Commission representatives attended sixteen events and had five ads in program books making our total event participation for the fiscal year is forty-three events.

Highlights from these events include: in September, Executive Director Watts presented on a panel at the SHRM state conference with two EEOC representatives and moderator Fred Bissenger, an attorney from Wimberly Lawson, and that panel will be repeated at employment law seminar in Knoxville.

We had a successful 50th Anniversary Celebration with 255 attendees; The Governor's Housing summit was attended by Executive Director Watts, Deputy Director Hooper and Housing Coordinator Gadzekpo which is hosted by THDA; The Economic Summit for Women was attended in October and there were several Leadership events for Executive Director Watts and Deputy Hooper.

Housing investigator Laura Burch exhibited at a Knoxville County Schools Parent Conference designed as a transition fair for families with disabilities; Special Projects Officer Frank Guzman exhibited at the El Protector Hispanic Community Festival hosted by the Metro Nashville Police department.

During this period the Commission received a lot of great press through media and print articles. Tony Gonzales from the Tennessean contacted us and ran a front-page article about housing discrimination in Nashville after speaking with Executive Director Watts,

utilized our Annual Report for statistical information and narrative accounts of cause cases, and information on how to file a complaint. The front page article ran on October 7, 2013.

There were 8 articles in print from the 50th Anniversary across the state in Jackson, Memphis congratulating Commissioner Wurzburg for her award. Dr. Fred Cloud wrote an editorial thanking THRC for its work and expressing thanks to Executive Director Watts for her work. Executive Director Watts was interviewed on channel 5+ “Que Pasa” program which is designed to talk about issues for the Hispanic community and it aired 10 times in October.

At the 50th event Anne Holt from Channel 2 news covered the event on the 4:00 pm news hour which initiated a fair amount of Facebook activity. A campaign was run on Clear Channel radio that was 12 radio spots run as well as a banner on their websites for our 50th event. A report on this campaign is forthcoming from Clear Channel.

Contractor Paula Casey generated 2 press releases that generated seven articles.

Our staff participated in a training event focusing on customer service on September 10 & 11 that was conducted by Shared Services as part of the DOHR efforts.

We released our Annual report in October.

The Commission web based initiatives gained several new likes during the reporting period and had 23 posts that reached over 1,000 users and engaged 69 of those users. We continue to see a lot of growth on Facebook activity.

Special Projects Officer Frank Guzman responded to 28 phone calls from the Hispanic community and Matthew Stephenson assisted with translation on two calls.

As a reminder, there will be a December 3 Webinar from 3 to 4 pm and information will be sent to commissioners if you would like to join us.

Also December 10, 2013 is International Human Rights Day and the program begins at 4:30 pm at the Sonny West conference Center on the Howard School Campus. Please join us if you can.

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

Title VI Compliance Report

Title VI Compliance Director, Tiffany Taylor reported on the period September 1, 2013 to October 13, 2013 during which time we received our Implementation Plans which is one of the primary duties of the agency is to monitor state entities for Title VI compliance and we do this by reviewing their plans. The plans are due by October 1st or each year as stated in our statute.

Implementation Plans cover agency compliance efforts for the previous fiscal year as well as agency compliance plans for the next fiscal year. 42 agencies submitted plans and of those agencies: 39 plans were timely, 2 plans were untimely (UT & TSAC) and we received one request for an extension due to extenuating circumstances. And the Department of Education was granted that extension. There was one agency that submitted a plan that did not receive federal financial assistance. Title VI was invited to present at the Knoxville Title VI Symposium on September 19, 2013 where we delivered a presentation on Limited English Proficiency best practices. There were 90 individuals present which included Deputy Director Hooper and Commissioner Houston.

Title VI received thirteen requests for technical assistance during the period. Eleven from state entities, one community agency and one local government and most inquiries involved implementation plan assistance and training.

Title VI received seventy-nine inquiries and accepted twenty-five as complaints and we closed ten cases leaving thirty-one cases in open inventory.

Compared to last year we received forty-four inquiries resulting in four complaints and closed nine cases.

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

Announcements

Commissioner Pierce noted that Commissioner Wurzburg was recently inducted into the Tennessee Women's Hall of Fame and congratulated her.

Also Commissioner Pierce noted that Executive Director Watts has spoken to young High School girls at Lipscomb University which is part of the Music City Girls League program that is associated with the women's final four basketball tournament coming to Nashville next year and so Commissioner Pierce thanked her for doing that. She is also serving as a mentor for one of the High School girls.

The next meeting will be on January 17, 2014 and will be telephonic.

Chair Garrett wished all a Happy Thanksgiving, Happy Christmas, Holiday Season and Happy New Year closed the meeting at 11:00 a.m.