



**TENNESSEE HUMAN RIGHTS COMMISSION**  
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**November 17, 2017**  
**Board of Commissioners'**  
**Meeting Minutes**

**Commissioners Present:**

Commissioner Behler (Phone)  
Commissioner Crafton (Phone)  
Commissioner Crider (Phone)  
Chair Houston (Phone)  
Commissioner Martin (Phone)  
Commissioner Sloss (Phone)

**Commissioners Absent:**

Commissioner Derryberry  
Commissioner White

**Staff Present:**

Beverly Watts, Executive Director  
Lynn Cothren, Special Assistant to the Executive Director  
Sabrina Hooper, Deputy Director  
Dawn Cummings, General Counsel  
Jesse Harbison, Associate General Counsel  
Erika Wynn, Communications Director  
Saadia Williams, Housing Coordinator  
Lisa Lancaster, Executive Assistant

**Guests:**

Allen Staley, Fiscal Officer

**Call to Order**

Chair Houston called the meeting to order at 9:05 a.m. CST and asked for a moment of silence for the affairs of our nation followed by the roll call.

The minutes of the September 15, 2017 Board of Commissioners' meeting were reviewed. Commissioner Sloss made a motion to approve the minutes and Commissioner Behler noted that on page 10 corridor should be correlation and with that correction seconded the motion. A vote was taken and passed.

## **Budget & Audit Committee Report**

Chair of the Budget & Audit Committee Crider turned the meeting over to Deputy Director Hooper to give an overview of the HUD Performance Assessment Response document that was reviewed at the meeting held on November 9, 2017 and noted that there were five findings that were related to the HUD Standards that we are asked to comply. The first and fifth are 50% of cases should be closed within 100 days or less and 95% of aged cases to be closed within the federal fiscal year. Finding two and three discussed having lengthy gaps in investigations and having extremely aged cases. The final finding, number four, discussed closing extremely aged cases as administrative closures because of failure to locate or failure to cooperate.

Our overall response to all the findings was that we had housing staff turnovers at least three times leaving only two staff in place. Over the period there was one seasoned investigator and 4 staff with less than 2 years. It was noted that comprehensive training had been developed and was held in the Knoxville housing office. Additional staff has been cross-trained to investigate housing cases. In October 2016, a plan was developed to close the 50 extremely aged cases identified. We have currently close 44 of those and two of them have been caused with six remain open; these cases are projected to be closed by December 31, 2017.

The performance assessment is an annual review conducted by HUD. The recommendation from HUD is that THRC remains a substantially equivalent agency and they know that we are performing well.

Chair of the Budget and Audit committee Crider asked for questions and entertained a motion to approve the report. Commissioner Sloss made the motion and it was seconded by Commissioner Behler. A vote was taken and passed.

## **Executive Director's Report**

Executive Director Watts began her report by noting that we currently have two vacancies which are the Title VI Director and the Title VI Compliance Officer. The Title VI compliance officer has received a promotion in another agency and her last day is today. As an update we currently have 47 Implementation Plans which have received a first review. The expected completion is set for December.

The agency has an audit follow-up on December 12, 2017. This will be an update to our September audit presentation. If you have any questions I will be happy to answer now. Sabrina will have more information in her report.

During the next several weeks there are International Human Rights Day events in Nashville and Chattanooga. Work continues on the development of the agency strategic plan and the retreat in consultation with the Chair. More details and information will be shared by the chair as it becomes available.

With no questions a motion was made by Commissioner Martin and seconded by Commissioner Sloss to accept the report of the Executive Director.

## **Employment Case Report**

Deputy Director, Sabrina Hooper reporting on the period from September 1, 2017 to October 31, 2017 noted that 171 inquiries were received resulting in 64 charges being accepted for investigation. During the period 38 charges were closed with an average charge age of 267 days. Our open inventory at the end of October 2017 was 226 cases.

Two (2) mediations closed within the timeframe, resulting in \$1,700 in monetary benefits to the complainant and four (4) complaints closed as settlements with \$12,958 in monetary benefits to the complainants. Since As of July 1, 2017, eleven (11) mediations were conducted; Complainant was represented 1 time and Respondent was represented 7 times.

In comparing last year at this time there was a 37% increase in charges received and charges accepted was relatively the same. The influx of the inquiries was part of the workshare agreement with EEOC where we negotiated a transfer of 100 cases for investigation to assist with our inventory. As of this report we have received 84 cases. Some cases have gone back to EEOC due to issues with jurisdiction. Some of the cases have moved quickly to investigation as they already had position statements. Complaints closed increased by 13% and Title VII based cases remains the top category.

The audit overview for the Sunset timeliness issues show that timelines for investigative plans have been met. Staff met the timeliness goal for complaints being assigned within an average of 40 days. We had 131 cases and all met the ten (10) day standard for IP's to be completed. In housing staff timely sent the acceptance letter in 18-19 instances (95%); the letter was sent 1 day late (August 2017). The new procedures that have been put into place are working well.

There were three (3) reconsiderations and all three decisions were made within the 30 day standard however one case was caused and is still open; in one case the complainant has asked for an extension to provide additional information and the last case additional investigation was needed.

Commissioner Sloss asked what the average case age of the cases received from EEOC was. Deputy Director Hooper did not have that information available to respond but noted that the cases were not old cases. Executive Director Watts noted that in the negotiations with Kathy Kores it was noted that cases should be under 45 days old.

Commissioner Sloss noted that he would like to see THRC case age come down to 180 days and then we could assist EEOC with their aged cases. Executive Director Watts noted that the discussion with EEOC was about increasing our inventory with their newer cases and not case their aged cases. EEOC could not send any cases that were over 180 days old due to our statute.

Commissioner Sloss asked where we are in having a 180 days of investigation goal. Deputy Director Hooper noted that the goal was 270 days and this month we were at 267 days which is on track to meet our goal. Commissioner Sloss asked if we could decrease the goal. Deputy Director Hooper added that we still have about 50 aged cases which will

affect the current monthly number by the end of the year. Commissioner Sloss asked if we were working on aged cases first.

Deputy Director Hooper explained that priorities are “low hanging fruit” and aged cases. Executive Director Watts noted that care must be taken in closing cases administratively as our contract requires an investigation to be conducted. Legal staff are also triaging cases and assisting investigators in managing their caseloads.

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

### **Housing Case Report**

Housing Coordinator, Saadia Williams reported on the September 1, 2017 to October 31, 2017 time frame noting that there were 68 inquiries resulting in 13 complaints which included a THRC only complaint accepted for investigation. Disability was the number one basis for complaints.

Staff closed 13 dual filed complaints of which 7 or 54% were conciliations; 3 or 23% were closed withdrawal without resolution 2 or 15% were no probable cause; 1 or 8% was withdrawal with resolution.

In December of 2016 a plan was developed to address 50 substantially aged cases and that plan will be completed by the end of December of this year or at the latest in January of 2018. We have closed 44 of those cases and 6 remain open.

The two vacancies in housing investigative staff have been filled and new staff will begin on October 2, 2017 and they will receive comprehensive training the following week.

The HUD efficiency goal is to close 50% of cases within 100 days and we are currently at 41%.

Executive Director Watts noted that only 6 of the aged cases remain in inventory to be closed by the end of the year. This accomplishment is possible by additional training and triage by legal staff to speed up the process.

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

### **Title VI Compliance Report**

Executive Director Watts interim Director of the Title VI Compliance division reported on the September 1, 2017 to October 31, 2017. During this time period 30 inquiries were received and we closed 15 cases.

The unit continues to provide technical assistance to universities about complaints. We are drafting a complaint manual that will go to legal for review and feedback for use by Agency Title VI Coordinators to assist them with complaint investigations.

We are currently conducting two compliance reviews. The Department of Revenue will be completed next week. We had two issues regarding the complaint process because they failed to refer people to THRC and they failed to refer internal investigations to THRC for approval prior to issue their findings.

The Tennessee Board of Regents review is much larger than expected and include 47 universities, community and technical colleges. It was noted that University of Tennessee is not included in this review. We may not complete this review before April of 2018 as we will do targeted onsite campus reviews.

We are continuing to interview for the Title VI Director and are advertising for the Compliance Specialist. We expect to complete this process within the next month. We have not seen the type of experience for the Title VI Director so far. More information will be presented at the next board meeting.

All of the Implementation Plans are in and were submitted timely. We had one agency that we thought was untimely. The Tennessee Student Assistance Corporation notified us they did not receive federal funds and is not required to submit a plan as stated in the report.

We are reviewing how we can provide technical assistance to Title VI personnel and will be developing an ASK Title VI email box so that requests can be monitored to determine what issues and questions are being requested so that so that we can shared with others. We are reviewing online training that other agencies have to see if it can be adapted for use by other agencies.

Commissioner Sloss asked if the bulk of Title VI complaints received were coming from Tennessee Department of Corrections. The complaints listed on the report are those that allege discrimination based on race, color or national origin. We also receive a large amount of complaints that are not jurisdictional that are routed to the assistant commissioners and wardens at the Department of Corrections. We are working to resolve issues with corrections around investigations being done incorrectly or not at all and are talking with them about training.

Commissioner Sloss asked if these complaints comprise more than 50% of complaints received and Executive Director Watts said yes. She noted there are a lot of investigations taking place in agencies that are not being reported to us and we are following up.

Commissioner Sloss asked which agency follows Corrections in the most complaints filed. Executive Director Watts noted that she would be happy to research that and provide that at the next meeting.

Commissioner Behler would like to see a breakdown with the types of complaints that are received concerning dietary requests, transfer issues, healthcare related issues, general population issues, first amendment issues, disability issues and others since they are not jurisdictional for THRC they are sent back to the agency for investigation based on a review of our log

We will try to get that to you and provide to all commissioners. A follow-up question from Commissioner Behler was what type of issues you are seeing with universities. Executive Director Watts noted faculty interactions, student's beliefs that lectures are biased and students questioning balance. We have some issues concerning housing and housing issues, student tuition, and benefits removed without due process.

Commissioner Sloss made a motion to accept the Title VI report and Commissioner Behler seconded the motion. A vote was taken and passed.

### **Legal Report**

Associate General Counsel, Jesse Harbison, reported on the September 1, 2017, to October 31, 2017, period when legal closed 16 no cause employment cases and have caused one employment case. Legal closed 14 administrative and reviewed 30 Investigative Plans. During the period legal has assumed the task of reviewing all investigative plans for all investigators and completed 2 reconsiderations.

In housing, legal has reviewed two no cause cases and closed them and closed 5 administrative closures. There were 16 conciliations completed and caused 2 cases in addition to completing 2 reconsiderations.

Cause case updates include the Coffee County Sheriff's Department verses THRC case which is the Holsey matter, the Attorney General's office filed a petition to Enforce the Commission's Judgement and Coffee County filed a motion to dismiss, and the hearing has been moved to December 12, 2017 because the judge recused himself.

Legal attended mediation on a case that was caused in July 2016 and all parties were represented by counsel and a settlement was reached where the complainant received \$110K and THRC received \$5K for outreach and education.

An employment case will be conciliated through judicial mediation and another cause employment case was settled through judicial mediation and the complainant received \$10K and THRC received \$3.500 for outreach and education. Another employment case is pending and is set for trial in the Spring of 2018 but the parties will mediate but the date has not been scheduled.

Cause case updates for housing include a trial that is set for February 2018 and also one set for January 26, 2018 and we are in the discovery process on these cases. These cases are likely to settle before the trial dates. There is also a cause case that the Attorney General's office handling for us as the respondent exercised his option to file in court and it looks as though it will settle before trial.

There are three remaining cases that are caused and one is in settlement negotiations where a settlement looks likely and the other two cases are set for trial in March and April 2018.

Commissioner Sloss asked about the judge recusing himself on the Holsey case and would like to know if the Administrative Office of the Court will appoint someone else.

Associate General Counsel Harbison noted that in Coffee County the Circuit Court Judges sit as Chancellors as well.

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

### **Communications Report**

Communications Director Erika Wynn reported on the period September 1, 2017 to October 31, 2017 THRC participated in a total of 31 events of which 5 were exhibits, 2 speaking engagements and 27 other outreach endeavors that were attended. Three ads were placed for a total of 15,902 people reached in outreach events and 1200 reached in ads. For the year the totals are 50 events and 19,575 people reached.

Executive Director Watts and Special Projects Officer, Francisco Guzman attended the Latino Leadership Awards in Chattanooga; Special Assistant to the Executive Director, Lynn Cothren, Special Projects Officer, Francisco Guzman and Communications Director, Erika Wynn attended the Tennessee Governor's Housing Conference on September 20, 2017; Communications Director Wynn and Special Projects Officer Guzman staffed a booth at the TN SHRM Conference and Expo in October; Communications Director Wynn staffed a booth at the CABLE Marketplace and a booth was staffed at the State Employee's Benefits and charity information Fair.

Advertisements were placed in the program for the TN State Conference Annual Conference that reached 200 persons; Bolivar Hardeman County NAACP's booklet that reached 200 persons; and an ad was placed in the Knoxville Area Urban League Equal Opportunity Awards Gala which reached 800 individuals. Chair Houston attended the event on behalf of THRC.

Trainings were held by Deputy Director Hooper conducted training with employment and housing investigative staff in October. The agency Annual Report and the Annual Title VI report were published on the agency website and a link is provided. The website received 13,860 views with 6,578 sessions. Social Media reach for the period was 4054 individuals on Twitter and 984 on Face Book.

The website is currently undergoing an overhaul and there will be a state-wide migration as the website is moving to a different host and the websites are being integrated now and the date for going live has been pushed back.

Currently there are posts for the International Human Rights Day events in Nashville and Chattanooga and registration is available for both events. Both Annual Reports are also on the website.

Until the entire website is migrated regular updates will be performed to keep content current.

Current events include the International Human Rights Day in Nashville on December 7, 2017 at the First Amendment Center and there is no cost to attend. The Chattanooga

International Human Rights Day event will be held on December 11, 2017 and a tree planting dedication will precede this event on December 7, 2017 on the grounds at the Family Justice Center at 10 a.m. Registration is open for both events and the Nashville event has a cost associated with it and the Chattanooga event is free.

Your packet contains a one page description of the "Light the Holocaust of Humanity Project" which is a project between THRC and the Nashville Ballet which begins on January 18, 2018 and runs through February 3, 2017. A series of panels will lead up to opening night with the first being at Fisk University. More information will follow.

The 50<sup>th</sup> Anniversary of Fair Housing will take place in April which is Fair Housing Month. The Knoxville event will be April 6, 2017, the Memphis event which THRC will chair will be April 12, 2017 and will be held at the National Civil Rights Museum in Memphis and the Nashville Fair Housing Matters Conference will be April 17, 2017 and there will be a housing event in Chattanooga April 19 -20, 2017 and more information will be coming on this event.

We are working to integrate all event dates and information with our website and more updates will follow regarding the migration.

The Jocelyn D. Wurzburg Award nomination forms have been sent out to Commissioners who will nominate people for the award and two nominations have been received for the award. The criteria for nominations has been extended through November 19, 2017 (today). No nominations will be accepted after today. After nominations are received and reviewed by the Education and Outreach Committee before January 2018 Board of Commissioners meeting.

At the January Commission meeting those nominations will be announced and we have received questions about Commissioners be able to speak at the meeting about the nominations. The Education and Outreach committee will recommend a finalist to the Commission. The recipient will be a presented the award at the March Commission meeting. The Commission will have opportunity to confirm the finalist at the January meeting.

Chair Houston asked if a listing of events that are coming up could be made available to Commissioners would like to attend events have all the details they need. Communications Director Wynn noted that she will distribute a calendar with the events and details to Commissioners and those interested in attending can email her to make the arrangements and pay any registration fees required.

Executive Director Watts shared that the calendar will be updated monthly and shared with Commissioners who would like to attend events in their areas. Chair Houston encouraged Commissioners to support THRC activities and events and will share information about events as well.

Commissioner Behler asked what the beginning of the timeframe was for the 31 Outreach events that reached 15,902 individuals. Communications Director Wynn noted that it is



Fiscal Year July 1, 2017. The communications report provides a chart that gives a breakdown and some events have a smaller reach and ads are not used every month which also makes the numbers fluctuate. During this period there were several events such as SHRM Conference, luncheons and the State employee Fair that involved a large number of attendees.

Commissioner Behler made a motion to accept the Communication Report and Commissioner Martin seconded the motion. A vote was taken and passed.

Chair Houston noted that a discussion about having a Board Retreat with Commissioner Martin and Commissioner Derryberry the suggestion was made to come into the January Commission meeting the afternoon and evening before the scheduled meeting and continue the conversation at a working breakfast the next day to complete any discussion.

Discussions will center around what information the Commission would like to receive from the staff reports and what format it is presented in and to learn more about what the Commissioners role is and any other topics helpful to Commissioners. Comments from Commissioners were welcomed.

Commissioner Sloss asked if a location had been suggested. Chair Houston noted that nothing had been confirmed but Demonbreun House in East Nashville on Benson Street was suggested. Commissioner Sloss suggested that we take the show on the road and not have the retreat in Nashville. Chair Houston explained that the suggestion of Demonbreun House was that the Commission was having a scheduled physical meeting in Nashville and suggested that it could be hosted in Knoxville.

Commissioner Martin agreed that everything revolves around Nashville and he was open to any location in the state. Chair Houston asked for recommendations from Commissioner Sloss who suggested that TN State Parks could be a good alternative and was aware that some commissioners would have to drive long distances depending on the location chosen. He mentioned Montgomery Bell or Henry Horton State parks as possibilities.

Executive Director Watts suggested looking at locations within a 50 mile radius of Nashville. She noted that historically the meetings were held in Nashville due to its central location in the state. Staff will research State parks and report back to the Commission. Chair Houston asked if Commissioners were comfortable with coming in the day before and working into the morning. Commissioners Sloss, Martin and Behler concurred.

Chair Houston will contact Commissioners via email about information that should be shared and asked for responses to be sent to her. She is also looking at a facilitator to assist the commission.

Commissioner Sloss recommended that the retreat be scheduled for March due to the severity of the weather. Commissioner Martin concurred with the change.

Chair Houston asked about committee assignments and asked for input from commissioners and noted that new commissioners are on board and should be included in

the assignments. She will send that out next week and would like responses from Commissioners.

Executive Director Watts noted that the development of THRC's electronic complaint form and because of the website migration issues has been pushed back. Of the eight pages of the complaint form about five pages have been completed and we are working with OIR on some design issues. It is about 30 to 45 days out to rollout and more details will be provided at the January meeting.

With no public comments the announcement was made that the next Commission meeting will be telephonic and scheduled for January 19, 2017.

Commissioner Martin made a motion to adjourn and it was seconded by Commissioner Crider. A vote was taken and passed. The meeting was adjourned at 10:20 a.m.