



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

September 13, 2019
Board of Commissioners'
Meeting Minutes

Commissioners Present:

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

Commissioners Absent:

1 vacancy

Staff Present:

Beverly L. Watts, Executive Director
Sabrina Hooper, Deputy Director
Veronica McGraw, Communications Director
Lynn Cothren, Special Assistant to the Executive Director
Dawn Cummings, General Counsel
Tanya Webster, Title VI Compliance Director
Saadia Williams, Housing Coordinator
Lisa Lancaster, Executive Assistant
Gretchen Reese, Compliance Officer

Guests:

Allen Staley, Fiscal Officer

Call to Order

Chair Derryberry called the meeting to order at 9:00 a.m. CDT and request a moment of silence followed by roll call. Chair Derryberry noted that there were no visitors present at this time.

The minutes of the July 19, 2019 Board of Commissioners' meeting were reviewed. Commissioner Behler made a motion to approve the minutes with Commissioner Sloss seconding the motion. Commissioner Houston requested clarity for the Secretary nomination on page 3 of the Nominating Committee report. Commissioner Sloss stated the minutes were accurate. With the motion for approval and a second on the table, a vote was taken and passed.

Education and Outreach Committee Report

Chair of the Committee, Commissioner Houston noted the committee met on August 28, 2019 to review the agency Annual Report. The committee recognized Veronica McGraw, Communications Director for her excellent work in developing the report and providing information to Commissioners and that was not noted in the minutes and it should have been.

Committee Chair Houston asked for comments or feedback to the Annual Report. Commissioner Sloss seconded the statement Commissioner Houston made about Veronica McGraw and noted that the Annual Report was well put together and thanked her for her excellent work.

Commissioner Sloss asked about the average case age on page 14 of the report noting the drop from 337 days to 273 days and has spiked to 364 days this year. Commissioner Sloss noted that it went up 32 days. He asked Executive Director Watts to speak about that.

Executive Director Watts noted we are having discussions around the average case age. There are about 70+ cases that are over 270 days. A report will be forthcoming with the details by the end of the month. A review and analysis with specific investigators will be held to develop a plan to reduce and eliminate aging cases.

Deputy Director Hooper added that with brief review the days age can be tracked to a small number of cases where there were settlements negotiations requiring a back and forth between parties; one specific case took over 100 days to agree to terms. Some of the days come from cases identified as pre-cause where additional investigation is needed ensure enough information is collected to support cause or not. Once we extract some of those cases then we will see what the numbers really reveal. Executive Director Watts added we can give you that detail at the November meeting.

Commissioner Behler added thanks for the Memorial page for Commissioner Ralph White, it very well done and was appreciated.

Commissioner Arnwine made a motion to accept the report and Commissioner Martin seconded the motion. A vote was taken and passed. Executive Director Watts clarified that with that vote we have approval to print and Chair Derryberry agreed.

Budget and Audit Committee Meeting Report

Chair of the Nominating Committee, Commissioner Arnwine reported that the committee met on September 3, 2019 to review four points. The first was to review the final review of the current budget; some third-party line items that were questioned in the July Commission meeting; Mr. Staley, Fiscal Officer presented the 2021 purposed budget; and reviewed the Sunset Audit questions.

He clarified his comment noted on page two of the minutes when speaking about the Sunset questions. He stated that one response was vague, and he asked "if staff understood what they [audit] were talking about" but this was not directed to staff but was geared towards the question.

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

Executive Director's Report

Executive Director Watts provided the third-party line item expenses in the final current budget that were over 100% to respond to Commissioner Sloss question. Allen Staley prepares a monthly report which indicates budget progress. In April, we had an additional \$300K based on vacancies and increased reimbursements. We decided to increase advertising, promotional items, computers/scanners and paid some agency expenses for the next fiscal year. Director Watts noted that we will fill the last position soon and we do not expect this same level of saving next year. Commissioner Sloss had no further questions.

Executive Director Watts introduced our new Title VI Director, Tanya Webster who came on board on September 3, 2019. Ms. Webster noted that she was at HCA as a government programming analyst and she worked with the state Health department monitoring compliance. She was welcomed by the Commission.

Executive Director Watts added that the Outreach Calendar has been updated through December by Veronica McGraw, Communications Director and is included in the packet. Please notify her if you wish to attend any of the events.

Commissioner Crider made a motion to accept the Executive Director Report and Commissioner Houston seconded the motion. A vote was taken and passed.

Employment Case Report

Deputy Director, Sabrina Hooper reported that the EEOC contract will end on September 30, 2019. At this point, the contract will be not fulfilled. There were four vacancies which impacted case processing and the completion of the contract. However, this year the federal reimbursement was increased by from \$700 to \$800 dollars; this increase will assist in closing the budget with saving even though we did not fulfill the contract. Staff indicated the investigation plan process was problematic. We provided investigator training for the investigative plans yesterday to assist them in streamlining the process.

During the timeframe from July 1, 2019 to August 31, 2019, we received 173 inquiries; 99 or 57% were from the online complaint form. In reviewing the online complaint inquiries from implementation in January 2019 through June 2019 for employment, housing and Title VI complaints the data showed a 12% increase from last year. However, isolating employment, there is a 36% increase in inquires during the same timeframe from the previous year. We will continue to monitor the impact moving forward.

For the SharePoint case management system, staff has built the initial intake portion of the system. Over the next 60 - 90 days we will be testing and providing feedback for additional updates. The next phrase will be to build the investigation portion. The goal is to have full implementation with 12 – 16 months.

The Sunset Review Audit questions have been received from the auditors. There were 32 questions and we are developing the responses. The agency response is due on October 3, 2019. We will meet with the Budget and Audit Committee on September 24, 2019 at 10:30 a.m. CDT to review the draft responses. The Sunset hearing will be October 16, 2019 at 9:00 a.m. with the Joint subcommittee, Education, Health, General Welfare, Rep. Ragan is the Chair of the committee. We will send details to Commissioners and request your attendance.

Commissioner Sloss noted regarding the online form that he is encouraged that this will give more people access to our services but expressed concern that inquiries almost doubled from 92 last year to 172 this year but the acceptance rate is low. He wondered what the reasons were for the higher complaint rejections. Deputy Director Hooper noted that not all the inquiries received have been reviewed, it is a revolving process. Reasons for rejection or non-jurisdictional inquiries are the correspondence did not state a claim, did not respond to our request for more information, some untimely for both agencies and others are transferred to the EEOC.

In May 2019, it was reported that HUD conducted their risk assessment to review agencies that need additional technical assistance. We were initially assessed meeting 10 of 13 standards. We provided further information and HUD accepted our response by revising our rating to 12 of 13 standards being met which placed us at low risk rating. The standard we are still working to meet is closing 50% of investigations in 100 days or less.

The job study for the Human Rights Representative positions will occur on September 16 & 17, 2019. A representative from each office will participate in the discussion with staff from Class Comp from DOHR. The goal is to ensure the position is classified correctly and compensated appropriately.

Commissioner Crider made a motion to accept the employment case report. Commissioner Arnwine seconded the motion. A vote was taken and passed.

Housing Case Report

Housing Coordinator, Saadia Williams reported on the July 1, 2019 to August 31, 2019 noting that the fiscal year for housing has ended and staff closed 133 cases for the previous year. During the period 89 inquiries were received and 38 charges were accepted for investigation with disability remaining the top basis.

Timing milestones for acceptance and notification letters sent within ten days were met and our HUD efficiency goal of closing 50% of cases within 100 days stands at 24%. In 2019, there was an effort to close aged cases and as of June 30, 2019 we have closed all but one of those cases.

Commissioner Sloss asked if Housing was using the online form as well and Housing Coordinator Williams noted they were, and the comparisons were quite different.

Commissioner Behler asked about the 2019 and 2020 dates on the chart on page one. It was noted that refers to Fiscal years.

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

Executive Director Watts noted that housing exceeded their contract and in doing so increased the budget by case processing payments.

Title VI Compliance Report

Tanya Webster, Title VI Compliance Director reported that 335 inquiries were received, 71 complaints were filed, and 57 complaints closed during this reporting period.

The Compliance Review of Department of Intellectual & Developmental Disabilities is complete, and the corrective plan has been accepted. The Annual Title VI Training was conducted on July 30, 2019 with 61 persons in attendance. Implementation plans are due on October 1, 2019 and will be reviewed for all state agencies.

With no questions a motion was made by Commissioner Arnwine to accept the Title VI Report and seconded by Commissioner Houston. A vote was taken and passed.

Legal Report

General Counsel, Dawn Cummings noted a format change to her report to separate the cause cases to give more information about what is going on in legal. Legal cases will be separated into cases that are in decision, cases set for hearing, followed by the rest of the working cause cases.

There are currently three cases in decision. The Hayes case decision was upheld by the Commission at the July meeting. No Judicial Review has been filed to date. We are currently awaiting decisions in the Echevarria case and the Dixon case. We expect a decision in the Echevarria case any day now. The Dixon case was heard in July.

There are six cases set for hearing. The first two listed have already been set for hearings but those had to be postponed. The Short case was rescheduled due to discovery issues as the Commission was not provided with production of documents in a timely manner.

In the Free case, on the day of travel, the Respondent turned the case over to their insurance company who then requested postponement to prepare for hearing.

The Collins case will be rescheduled in January due to discovery issues. The rest of the cause cases are set up through February. It appears that the Cook case will be taken off the docket, because it has settled, and an agreement is being prepared.

Commissioner Houston made a motion to accept the Legal Report and Commissioner Arnwine seconded the motion. A vote was taken and passed.

Commissioner Crider asked why we are still using a cassette tape recorder for our meetings and suggested that the agency provide a more modern digital recorder for the recording of commission minutes. It was noted by Executive Director Watts that we are in a room that does not have recording devices available and this room was the only one available for today. She noted that we will look at purchasing a digital recorder.

Communications Report

Veronica McGraw, Communications Director reported that the Annual Report will be released by the end of the month after approval for printing by the Commission.

The THRC by the Numbers complete with QRC code that takes you to the full report will also be released by the end of the month. She asked for any questions or feedback on the document. Chair Derryberry noted that she loved the piece and the use of the QRcode makes it so easy and is right up there with the newest technology and congratulations.

Communications Director, Veronica McGraw added that copies of the Annual Report will be sent to 6 state libraries that collect and preserve state publications, the Governor's office and all legislators. Our Community partner numbers have increased from 122 last year to 138 this year which reflects an increase of 16 new partners that built over the year.

At the last Commission meeting Commissioner Behler asked about the average time spent on our website and how we might grow that number. The state of Tennessee strategic technology solutions department provided data that confirmed that individuals spend more than average time on our website, with 2 ½ to 3 minutes being a solid amount of time. The average for state websites is 1 minute 37 seconds.

The state uses resources outside the state websites to gather data. At Spinutech.com it said that a good average session is about 2 to 3 minutes which is the industry standard. Databox benchmark standard is about the same at 2 to 3 minutes and state websites average is 1 minute 37 seconds. Our average is about 2.5 minutes for THRC's website. The Neilson Norman Group says that users often leave web pages in 10 to 20 seconds.

Chair Derryberry added that as our demographics change and shift generation Z which was born in 1997 have attention spans of 9 seconds and a goldfish has an attention span of 8 seconds. She added that anyone who is following us on social media, Facebook, and twitter should give our page a like and a follow. That would be awesome and will share the news so that the stats continue to go up and we continue to get good reach.

Commissioner Houston shared that the Eighth of August City wide Celebration sponsored by the Beck Cultural Center had 1200 people in attendance.

Commissioner Behler made a motion to accept the Communications Report and it was seconded by Commissioner Houston. A vote was taken and passed.

Chair Derryberry noted again that there are no visitors present at this meeting and no one to make public comments.

It was announced that the next board meeting will be November 15, 2019 and will be a telephonic meeting. She thanked the staff for the great work that they continue to do. She appreciates the Commissioners that spend so much time going through the information to ask questions and make comments. It makes this organization a better organization and it is a pleasure to be here with all of you.

Commissioner Martin made a motion to adjourn which was seconded by Commissioner Arnwine. A vote was taken and passed. The meeting was adjourned at 9:45 a.m. CDT.