



**TENNESSEE HUMAN RIGHTS COMMISSION**  
WILLIAM R. SNODGRASS TENNESSEE TOWER  
312 ROSA L. PARKS AVENUE, 23<sup>RD</sup> FLOOR  
NASHVILLE, TN 337243-1102  
615.741.5825 FAX 615.253.1886  
[www.tn.gov/humanrights](http://www.tn.gov/humanrights)

**September 20, 2016**  
**Board of Commissioners'**  
**Meeting Minutes**

**Commissioners Present:**

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

**Commissioners Absent:**

None.

**Staff Present:**

Beverly Watts, Executive Director  
Sabrina Hooper, Deputy Director  
Matthew Stephenson, Title VI Compliance Director  
Shalini Rose, General Counsel  
Saadia Williams, Housing Coordinator  
Lisa Lancaster, Executive Assistant  
Gretchen Reese, Employment Investigator  
Lauren Speer, Title VI Compliance Officer/Legal Assistant  
Kaleda Bentley, Intake Officer (Phone)

**Guests:**

Allen Staley, Fiscal Officer (Phone)

**Call to Order**

Chair Houston called the meeting to order at 9:06 a.m. and asked for a moment of silence. Executive Assistant, Lisa Lancaster, called the roll.

The minutes of the July 22, 2016, Board of Commissioners' meeting were reviewed. Commissioner Horne made a motion to approve the minutes and Commissioner Derryberry seconded the motion. A vote was taken and passed.

### **Law & Legislation Committee Report**

Commissioner Sloss, Chair of the Law and Legislative Committee, asked General Counsel Rose to give an overview of the committee's update on the Bylaws of the Commission. Ms. Rose noted that it has been over ten years since they were last updated and explained that there would not be a vote taken today as the changes have not been in review with the Board for 30 days as required by the current bylaws.

She noted that some of the bylaw changes were necessary due to the restructuring of the Commission under current law. The Law and Legislation committee met with all members present on August 9, 2016. The recommended changes include decreasing the three Vice Chairs to one given the decrease in the number of Commissioners on the board; noting that Commissioners may serve no more than two consecutive terms on the board per current law, and clarifying that all Commission and committee meetings would conform to the Tennessee Open Meetings Acts (T.C.A. § 8-44-101 et seq.). There was also a recommendation to restructure and rename the committees and reduce the notice to the Board of future bylaws' revisions from 30 days to 10 days.

Other suggestions to the bylaws which were offered by Commissioner Derryberry were shared. Chair of the Committee Commissioner Sloss asked that the changes noted be incorporated into the bylaws and sent out to Commissioners for review. A motion to accept the Law and Legislation committee report and recommendations was made by Commissioner Horne, and it was seconded by Commissioner Martin. A vote was taken and passed.

Executive Director Watts noted that this has been a labor intensive time for committee work with the Audit, Budget documents due, the Annual Report which all required committees to meet and make recommendations to the board.

### **Budget and Audit Committee Report**

Chair of the Budget and Audit Committee, Commissioner Horne, reported that the committee met telephonically on August 29, 2016, and per law, voted to go into a closed session to discuss three audit findings. All commissioners should have received an email from the Comptroller's office on September 12th with the Audit findings. If commissioners have questions about the audit, they should be sent to the Executive Director.

The Committee met telephonically again on September 12, 2016, to discuss the FY 2017-2018 proposed Budget of \$2,634,800.00 and recommended approval and submission to the full board for their approval. It was noted in the minutes of the meeting on page two that Commissioner Crafton was the person that asked the question about the \$1000.00 difference on the line item for professional services. The minutes will be corrected.

Allen Staley, Fiscal Officer, noted that the budget document due for submission on September 29, 2016, is the 2017-18 Budget that covers July 1, 2017, to June 30, 2018. The Commission has the authority to carry forward \$200,000.00, and we closed the year from July 1, 2015 to June 30 2016, with a savings of \$35,000.00 which is added into the carry forward making the total approximately \$170,000.00 that we will carry forward. This leaves us in a good position and the year-end went well.

Commissioner Sloss asked if carry forward funds always carried forward or could they sometimes revert back to the general fund. Mr. Staley noted that any amount over the \$200,000.00 would revert back to the general fund, making sure that it is within the appropriation language of the budget. If that language is not present, it would all revert back to the general fund.

Commissioner Crafton made a motion to accept the Budget and Audit Committee report and the proposed budget, and the motion was seconded by Commissioner Sloss.

### **Education and Outreach Committee**

Chair of the Education and Outreach committee, Commissioner Martin, reported the committee met telephonically on September 8, 2016, to review the Annual Report. He noted that the staff did a wonderful job on the document. Executive Director Watts recognized new staff member, Lauren Speer, who started in April and was able to pull together the report with the help of the staff who supplied the information. The report will be posted on our website by next Monday.

Commissioner Horne made a motion to accept the Education and Outreach committee report, and Commissioner White seconded the motion. A vote was taken and passed.

### **Executive Director's Report**

Executive Director Watts began her report by introducing Gretchen Reese who began August 15, 2016. She comes from the Pennsylvania Human Relations Commission and has 13 years of experience as an investigator.

We have filled slots in Housing and are advertising for an administrative person in our Communications division who will do our social media. Commissioner Derryberry asked to see the ad before it goes out for this position. Executive Director Watts will send her the special questions and the job description.

Mr. Staley reported that we closed the budget this year with a surplus, which is good. We would face challenges if the 2% reduction is taken out of our budget, but we have asked for additional funds this year also.

The Sunset Hearing is today at 1 p.m. in Legislative Plaza Room 12 with the Joint Government Operations Subcommittee.

We continue to look at vacancies, and we currently have three. We are reviewing the digitizing process that was asked about and Deputy Director Hooper will talk more about that in her report. Records management is looking at this issue statewide on a three to five year project.

Commissioner Crafton added that if needed he has a scope of work that could be used. It was used to digitize over 300,000 pages and is cost effective. It gives what should be asked if we have to complete the process ourselves. Executive Director Watts noted that it will be good to have someone onboard that can help with our base of knowledge and assist with questions about equipment, software and processes and costs.

During the Sunset Hearing, Executive Director Watts will give the committee our response to the audit and an overview of where we have been over the last three to five years with case processing time for our housing cases in regard to HUD's efficiency goal of 50% of cases being closed within 100 days, which we have met for the last five years. We will tell the committee that during our HUD evaluations we have met all their standards and have changed our law to be in compliance and these are in addition to what was reported in the audit.

Commissioner Crider noted that we have a vacancy on our board. Executive Director Watts noted that Commissioner Rieta Selberg resigned due to personal reasons. She was appointed by the Governor to represent West Tennessee and her term will not end until June 30, 2017.

Executive Director Watts shared a letter from the EEOC penned on September 14, 2016, by Katherine Kores, District Director, who will be at the Sunset Hearing today. It is in recognition of the critical working relationship between THRC and EEOC. It explains that we have worked effectively and that over our years of existence speaks to our progress in education initiatives in unlawful discrimination issues.

Commissioner Martin made a motion to accept the Executive Director's report, and Commissioner Horne seconded the motion. A vote was taken and passed.

### **Employment Case Report**

Deputy Director, Sabrina Hooper, reported on the period from July 1, 2016 to August 31, 2016, and noted that 121 inquiries were received resulting in 48 charges: 42 dual filed and 8 THRC only. During the period, 64 charges were closed with an average case age of 331 days. Our open inventory at the end of August 2016 was 230 cases. Two mediations closed within this timeframe, resulting in \$11,000 in monetary benefits to the Complainant and two complaints closed as settlements with the same amount of money to the complainants.

A previous Commissioner requested that we report the number of complainants and respondents that were represented by counsel for mediations. We have been tracking that for two years and as of July 2016 there have been six mediations where four respondents were represented and one complainant was represented.

Last year at this time we received 126 inquiries resulting in 73 charges being accepted for investigation and 90 cases were closed with an average age of 280 days. Open inventory at the end of August 2015 was 224 cases.

At the end of August the Investigators completed the EEOC contract and the last cases will be submitted for closure on September 30, 2016 to allow for the reconsideration period.

For the witness customer service surveys sent out for Employment, Public Accommodation and Housing for July 1, 2016 – August 31, 2016 staff placed 27 calls and interviewed 5 witnesses with no witnesses making comments.

On the 10 question survey for Employment, Public Accommodation, and Housing, eight surveys were returned in the mail and three email responses through Survey Monkey. Not all responders provided comments. The general comments were around the need for more detailed communication with complainants.

On the subject of records digitization, there would be a one-time cost of \$600 for each license. We are considering 5 to cover our regional offices and the Nashville office which would total \$3,000.00. There would be a staff member to assist with the setup and he charges \$95 per hour and it proposed for an average of 60 hours which would total \$5,700.00 and desktop scanners for \$4,000.00.

There would be a monthly fees such as a user fee of \$17.50 per investigators and a super user; a storage fee which is \$0.40 per gigabyte and we would need 400 gigabytes; Software maintenance fee for each user. The grand total currently is \$35,000.00 for initial set up and \$6,400.00 per year after that.

Commissioner Sloss asked if that would allow us to scan all our cases. Deputy Director Hooper noted that EEOC still requires us to maintain at least one paper file for the closed case, and we could scan the copy file. We are currently sending our files to storage which has a storage fee.

Commissioner Sloss asked for clarification of the scanner user fee and software fees. It was explained that the user fee would be an annual fee and the licensure fee would be a one-time cost. We would purchase the scanners and still have to pay a one-time licensure fee and an annual user fee.

Commissioner Horne made a motion to accept the Employment Report and Commissioner White seconded the motion. A vote was taken and passed.

### **Housing Case Report**

Housing Coordinator, Saadia Williams reported that two investigator positions have been filled and Sherri Gregory and Zachery Fullerton were on board and moving ahead.

This report covers the July 1, 2016 to August 31, 2016, time frame noting that there were 102 inquiries resulting in 14 complaints accepted for investigation. Disability was the number one basis in 7 cases followed by familial status in 3 cases. Race followed with 2 cases, and National Origin and Gender with 1 each.

During the period 10 dual filed cases were closed, of which 7 were administrative conciliation closures, and 1 withdrawal with resolution, 1 withdrawal without resolution, and 1 lack of jurisdiction.

Our HUD efficiency goal stands at 60% which exceeds the goal of 50% required.

The comparison reflects an increase in inquiries received, but a decrease in the number of inquiries accepted. Other noted increases included, number of case closures, number of conciliation/mediations and monetary benefits. Executive Director Watts recognized the

staff of three that did this work. Vee Cooper came onboard in December and Saadia Williams and Laura Burch have been able to accomplish training a new employee and closing these cases.

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

### **Title VI Compliance Report**

Matthew Stephenson reported on the July 1, 2016 to August 31, 2016, timeframe during which 40 inquiries were received. Twelve were accepted for investigation. Six cases were closed during the period, leaving 70 in open inventory to include 1 in Revenue, 1 in Children's Services, 2 at TennCare, 1 in Human Services and the remaining cases are with TDOC. Internal complaints were reported by Safety and Homeland Security.

There were seventeen requests for technical assistance and were related to their Title VI Implementation plans, complaint procedures and sub-recipient oversight and were resolved within one day of the request.

On July 26, 2016, the Annual Title VI Coordinators' training was held. During the morning session, department heads were brought up to speed on their department's compliance and any issues. There was an introductory training for new coordinators and an extensive session discussing the responsibilities related to monitoring sub-recipients. There were 66 attendees, and evaluations were very positive overall.

Chair Houston noted that the training was discussed at the last meeting and advance notice of training would be appreciated in the future so that Commissioners would be able to plan to attend.

Executive Director Watts noted that Compliance Director Stephenson has been working with a number of agencies such as Finance and Administration, General Services, Tennessee Department Economic and Community Development of to develop on line Title VI training and verify that the training already online is consistent across the board. The training should be available by January 2017.

The agency Implementation Plans are due on October 1, 2016. Coordinators have begun to send plans in. We hope to have 100% goal of receiving all plans on time this year.

Commissioner Horne made a motion to accept the Title VI Report, and Commissioner White seconded the motion. A vote was taken and passed.

### **Legal Report**

General Counsel, Shalini Rose, reported on the July 1, 2016, to August 31, 2016, period when legal closed 63 employment cases. Twelve were administrative closures, and three were settlements. Two reconsiderations/appeals were completed. In housing, we closed 10 cases: two were administrative closures and four were conciliations/settlements. The rest were no cause. We completed 5 copy requests.

Legal department updates include the cases appealed to state court where we are being represented by the Attorney General's Office.

1. Coffee County/ Holsey case THRC issued an order in and the Coffee County Sheriff's Dept. appealed in Court. No new information.
2. Little v. THRC is in Chancery Court of Tipton County. We are waiting for Mr. Little's attorney to move the case forward.
3. Mr. Ruff who was not satisfied with his meal at a local restaurant. This case was dismissed, but he has filed a motion to amend.
4. Clovis v. THRC Chancery Court Davidson This case was dismissed on July 8, 2016, and Mr. Clovis has appealed.

The online complaint that we have been working with UT Law Class on has hit a snag as the programming software they are using is not compatible with the state website, and they will have to update the software before the project can be completed.

For Training and Outreach, both General Counsel Rose and Associate Counsel Appelt attended the HUD Cyber-Awareness training, and General Counsel Rose attended a State Budget Process CLE.

The Cause Case Report includes an employment cause case on the bases of race where an African American Complainant was subjected to the "n-word" on a regular basis throughout his 14 year employment. Respondent said he was discharged because of his behavior but was not supported by the evidence. There was no evidence that he was discharged due to his age as he alleged. Complainant is interested in mediation. He has requested a reconsideration on the age issue, which has subsequently been overturned and also found to be cause.

The cause case in housing involves the failure to grant an accommodation for the Complainant's emotional support animals - one being a dog and one being a snake. The agreement is out for signatures. Terms are as follows: THRC \$2,000.00 for Education and Outreach, Respondent staff will attend fair housing training and Complainant will be allowed to continue to be a tenant with both of her support animals. The agreement also outlines guidelines regarding the snake in certain circumstances such as when maintenance visits, or the Complainant leaves her apartment.

Commissioner Crider asked about the finding in regards to the employment case. General Counsel Rose explained that there was new information received after this report was completed.

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

### **Communications Report**

Executive Director Watts reported that we received a HUD Partnership Grant again this year and will have a Fair Housing Training on October 18, 2016 at the Nashville Public Library from 9 am to 1 pm we will do an Affirmatively Furthering Fair Housing Workshop.

We'll also be having a seminar in Knoxville on November 3, 2016, in partnership with West Tennessee Legal Services on disability. The location is to be determined. On December 6, 2016, in Memphis, we will be doing an Affirmatively Furthering Fair Housing Workshop but need a location and detailed timing. These workshops will be for local governments that must meet the Affirmatively Furthering Fair Housing rules and regulations promulgated by HUD last year. THDA has helped us do outreach on this subject as well.

We anticipate local governments from West Tennessee to come in and we have set a goal of 50 attendees. We are looking at the Civil Rights Museum in Memphis and discussions will be ongoing.

The West Tennessee Legal Services will also have a workshop in Jackson on disability in February. More details will be shared as they are available.

Chair Houston asked if those details could be emailed to Commissioners. Executive Director Watts noted that she is also preparing a calendar of events from now until January that will be shared with Commissioners. She asked Commissioners to share local events with her so they could be included.

From the period July 1, 2016 to August 31, 2016, we had 1 exhibit, 4 speaking engagements and 10 total outreach events. We reached 1,901 for the period and for the Fiscal Year. The speaking events were EEOC Technical Assistance Conference in Nashville; SHRM Diversity Lunch and Learn where she served on a panel; Tennessee Association of Legal Services Conference; and served on a panel at the EEOC Conference in New Orleans.

It was noted that Frank Guzman and Matthew Stephenson have been called on a lot to fill in attending events and thanked staff for representing the agency when called upon.

Executive Director Watts attended a week long mediation training led by Carol Berz in Chattanooga. She learned that she knows nothing about mediation, and the training is grueling. She has new respect for staff that does mediation.

Social media issues are about the same, and it is hoped that the new communications person will be able to help us with those.

Last week, Executive Director Watts and Frank Guzman were in Memphis at the SHRM Conference, and Frank Guzman was also in Knoxville and materials were sent to Johnson City for an event. Commissioner should let us know if they need brochures or any materials. We also have offices in four cities and staff that come out and do things so please contact us.

We will also do training for the public if it is requested. Larger groups are better for training.

Commissioner Horne made a motion to accept the Executive Director's report, and Commissioner Martin seconded the motion. A vote was taken and passed.



There were no public comments or announcements. The next scheduled Commission meeting which was scheduled for November 18, 2016, has been revised to December 2, 2016, and will be telephonic. Details will be sent out concerning the date change.

Commissioner Sloss made a motion to adjourn, and Commissioner Martin seconded the motion. The meeting was adjourned at 10:12 a.m. CDT.