



TENNESSEE HUMAN RIGHTS COMMISSION
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November 19, 2010
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Blalock
Commissioner Cocke
Commissioner Davis
Commissioner Garrett
Commissioner Hewitt (Phone)
Commissioner McDaniel
Commissioner Osborne
Chair Pierce
Commissioner Pride (Phone)
Commissioner Starling
Commissioner Wiggins
Commissioner Wurzburg

Commissioner's Absent:

Commissioner Jones
Commissioner Miller
Commissioner Walker

Staff Present:

Beverly Watts, Executive Director
Bobbie Porter, Special Assistant to the Executive Director
Tiffany Baker Cox, Deputy Director
Shalini Rose, General Counsel
Richard Gadzekpo, Housing Coordinator
Marcus Thomas, Title VI Compliance Director
Lisa Lancaster, Executive Assistant

Guests:

None

Call to Order

Chair Pierce called the meeting to order at 9:00 a.m. Roll Call was taken. Chair Pierce asked that we observe a moment of silence to remember our brave men and women who have served and are now serving in the military as Veteran's Day was observed on November 11, 2010. Minutes of the September meeting were reviewed. Commissioner

Wiggins made a motion to accept. Commissioner Garrett seconded the motion. A vote was taken and passed.

Nominating Committee Report

Commissioner Wurzburg, chair of the committee, gave a report on the meeting that was held on November 1, 2010. The committee suggested a slate of the following officers for the 2011 year: Stacey Garrett, Secretary; Robert Jones, West Division Vice Chair; Edwin Osborne, East Division Vice Chair; Karla Hewitt, Middle Division Vice Chair; Patricia Pierce, Chair of the Board. Commissioner Wurzburg moved that the slate of officers be accepted and Commissioner Edwin Osborne seconded the recommendation of the committee. A vote was taken and passed.

Executive Director's Report

Executive Director, Beverly Watts began her report by reviewing the budget document that was presented on November 7, 2010. She noted that item number five pertains to other improvements to include \$100,000 for Title VI and noted that all other items are the same as the previous submissions to the Board. She noted that it has been determined that without these improvements which would fund additional resources and an additional staff member, THRC would only be able to complete a limited number of compliance reviews and that incoming complaints would not be given the attention needed.

It was also noted that a 1% cut would be \$15,900 in administrative services and a 2% cut that would include cuts to travel and sponsorships in the amount of \$31,900 for a total 3% cut of \$47,800. She reminded the board that last year we lost \$100,000 and two staff positions. Finance and Administration has a new acting administrator, Mike Morrow, as Dave Goetz notified the Governor that he was leaving.

The all employee meeting will be held in Nashville on December 7, 2010 from 9:30 a.m. until 3:00 p.m. and will include the Employee of the Year award, staff service awards, training and lunch. All Commissioner's are welcome to attend.

International Human Rights Day will be observed on December 9, 2010 at the Nashville Downtown Public Library from 3:00 p.m. until 5:30 p.m. The program will include a presentation of the Human Rights Advocate Award, a keynote address by Rev. Dr. Kelly Miller Smith, Jr., Pastor of First Baptist Church of Capital Hill, and a panel including Hedi Weinberg from the ACLU, Dr. Oscar Miller of Tennessee State University, and Kasar Abdulla from TIRRC who will speak to the theme of the day, "Speak up, Stop Discrimination".

Work has begun on the Financial Management Integrity Risk Assessment Study to identify financial threats and a disaster management plan. The study is due on December 31, 2010. We are also working on a Workforce Emergency Management Plan which will indicate procedures for staff in case of an emergency. The plan will define the agency's critical services and how we will function if there is no place for us to meet.

It was announced that the auditors are no longer working in the THRC office. The Exit Interview for the audit was conducted and some issues were identified in both the Employment and Housing divisions. It appears that the housing audit and the employment

audit are completely different; the reason for that is under review. Housing payment issues are being audited but not any performance issues. In Employment, the contract is being reviewed and auditors are checking to see if we have completed the contract process. The auditors also reviewed if we have met our contractual obligations. In the exit interview, the auditors reported that we lost a considerable amount of money on the contract based on a 100% review rather than the 50% HUD standard. HUD never expected that the agency would close 100% of the cases in 100 days.

The draft audit report possibly will come back in December and THRC will develop our response to their findings and /or observations. As the draft report is confidential we will possibly provide it to the members of the Budget & Audit Committee and ask for their comments and observations without having a meeting. A decision will be forthcoming as to how to handle the information. Additional information is still being requested about housing.

Legal is reviewing Finance and Administration regulations to see if there is a law that covers the release of the draft Audit Report and its release to our Budget and Audit committee members.

HUD has completed its Performance Assessment covering the time period July 1, 2009 through June 30, 2010 that was conducted in August of this year. They have identified two findings, both of which were addressed in last year's report and pertain to the standard that requires that 50% of our cases will be closed within 100 days. We closed only 35% in 100 days due to staff turnover issues of nearly 100% during the review period. HUD requires us to close 95% of all aged cases during the timeframe and we closed 93%. There were a number of cases that were 300 to 500 days old and the staff worked on those first. We have only eight aged cases remaining in our inventory and last year that number was forty-three. Thanks were expressed to staff for their hard work and dedication to closing aged cases.

Currently our target is to focus on the standard that states closing 50% of cases that are 100 days or less which we met in July. Case review will continue and additional information will be provided at the January Board Meeting. A plan has been developed and submitted to HUD. Training at the National Fair Housing Training Academy will resume this year after being closed since last June and all housing investigators will be scheduled to attend as soon as possible.

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

Budget and Audit Committee Report

Chair of the Budget and Audit Committee, Commissioner Osborne gave a brief report on the meeting that was held on October 1, 2010 in which Operations Director of Shared Services Solutions, Allen Staley, gave a briefing of the Budget document that would be submitted on November 7, 2010.

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

Announcements from Chair of the Board

Chair Pierce announced the meetings for the upcoming year which will be: January 21, 2011 (Telephonic); March 18, 2011; May 20, 2011; July 22, 2011 (Telephonic); September 23, 2011 and November 18, 2011. The committee assignments for 2011 are as follows: Law and Legislation: Chair-Karla Hewitt, Paul McDaniel, Ralph Davis, Dennis Blalock, Robert Jones, A.J. Starling and Stacey Garrett. Education and Outreach: Chair-Jocelyn Wurzburg, David Cocke, Ruby Miller, A.J. Starling, Spencer Wiggins, Paul McDaniel, Joseph Walker and Edwin Osborne. Budget and Audit: Chair-Edwin Osborne, David Cocke, Spencer Wiggins, Nathan Pride, Stacey Garrett, Robert Jones, Ruby Miller, Ralph Davis and Karla Hewitt.

Employment Case Report

Tiffany Baker Cox, Deputy Director reported on the timeframe September 1, 2010 to October 31, 2010. The division received 149 inquiries which resulted in 100 charges being filed. Of that number, 81 were dual filed and 19 were THRC only. During this time 115 cases were closed; 98 of those were dual filed and 17 were THRC only. The top three bases were Title VII (54%), Title VII/ADEA (11%), and ADEA (age) (7%). Of the 16 mediations that were held, five were successful and 11 reached impasse. The mediation staff met to review processes and procedures to determine if there was a way to improve results; several suggestions were made to be implemented in the future.

There were four settlements and five mediations that were closed during the timeframe. It was noted that mediations and benefits are down from previous periods. This was a result of the high number of mediations that were held last year during Mediation Month after the Mediation Program was suspended for about a year and a half.

Charges accepted and closed is up significantly from previous years as noted on the comparative charts. The Mediation Program is successful.

Training for all staff will be held during the annual staff meeting on December 7, 2010. The training will include Title VI, Team Building and Workplace Harassment. Goals for the future will continue to focus on Vision, Mission and Values and reducing case processing time and partnering with other agencies.

A motion to accept the Employment Report was made by Commissioner McDaniel and seconded by Commissioner Cocke. A vote was taken and passed.

Housing Case Report

The housing report was given by Housing Coordinator, Richard Gadzekpo who expressed thanks for the appointment to Housing Coordinator and the legal staff for their review of all housing cases. The reported information covered the timeframe of September 1, 2010 to October, 31, 2010. The division received 37 inquiries and accepted 37 as complaints with the majority of those being from Davidson and Hamilton Counties. Race (35%), disability (20%), and gender (15%) were the top issues reported. Staff closed 29 cases: 21% in 100 days or less; 24% in 101 to 150 days; 17% in 151 to 200 days; 10% in 201 to 250 days; and 28% in over 250 days. Of those closed, 17 (60%) were no cause; five (19%) were conciliated; four (15%) were failure to cooperate; one (3%) closed due to trial; and one (3%) was failure to locate.

The open investigator position has been filled by Michael Giove who is also trained as a Mediator. From now until May 2011, staff will attend HUD's National Fair Housing Training Academy. The division's focus will be closing 53% of all cases within 100 days and 95% of all aged cases. Commissioner Osborne noted that inquiries received and accepted are the same and asked about the change. It was reported that processes have changed and that cases received from HUD are accepted as perfected cases.

A motion to accept the Housing Report was made by Commissioner Osborne and seconded by Commissioner Garrett. A vote was taken and passed.

Legal Report

General Counsel, Shay Rose reported on the timeframe of September 1, 2010 to October 31, 2010. During this timeframe, legal closed 90 employment cases. Eighteen of those cases were administrative closures of which most were failure to cooperate. Two cases have been caused. Legal has reviewed 70 investigative plans and completed six reconsiderations. In housing, 30 cases were closed, six of which were administrative closures, four cases were caused, eight investigative plans were reviewed and no reconsiderations were completed.

Legal spends a great deal of time redacting copy requests and thanked Seth Yu and Lisa Lancaster for helping with those as well as new staff member Samelta Glenn.

The cause case update includes a case caused on August 23rd where the investigator is Matthew Stephenson. The case involves terms and conditions of termination. The complainant was an African American corrections officer who was terminated. The respondent was inconsistent with their responses to the investigation and it was discovered that other officers were doing things for which they should have been terminated but were not. The respondent is not interested in conciliation and the complainant is getting an attorney. We will docket for a hearing.

The retaliation case was caused in September of 2010 and Matthew Stephenson is the investigator. The complainant cannot be located. It will likely settle with a focus on training.

In housing, Richard Gadzekpo is investigating a failure to make a reasonable accommodation and eviction based on a disability case. The case was caused in June of 2010 in which new investigator Michael Giove was able to settle with mediation. He is also investigating a very similar case involving an emotional support animal accommodation where the complainant has filed suit in court. A retaliation case is close to settling that was being investigated by Rebecca Ramsey who is no longer with the agency.

Another retaliation case was caused this week due to the respondent failing to renew the lease the very next day after a complaint was filed. This case will be offered mediation.

Commissioner Wurzburg noted that settlements are often not about money and suggested that we report on other settlement options. Executive Director Watts noted that HUD uses dollar amounts for success of mediations and benefits that are received.

She also noted that the issue around service support animals is the number one issue for housing groups and that THRC will need to offer training in the near future to the Board and to landlords and possible newspaper editorials.

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

Outreach & Education

Bobbie Porter reported on the timeframe of September 1, 2010 and October 31, 2010. She noted that we have been very busy attending and speaking at events which include some new ventures that are value added to our mission through new partnerships. We participated in 17 outreach and education events and seven included speaking opportunities. Executive Director Watts and Commissioner Wiggins attended the NAACP State Convention as speakers where Commissioner's Osborne and McDaniel also attended the event.

In October, we conducted a CLE event with the Memphis Bar Association with assistance from Commissioner Wurzburg and the topic was "Understanding the Human Rights Act". Deputy Director Cox and Housing Coordinator Gadzekpo were speakers at a training event for the Apartment Association of Greater Knoxville on Fair Housing Practices to a crowd of about 100 attendees.

All Commissioners' were invited to attend the International Human Rights Day events in Nashville. Commissioners were asked to share any information with the staff about Martin Luther King Jr. Day celebrations in their areas.

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

Title VI Compliance Report

Marcus Thomas, Title VI Compliance Program Director began his report by introducing new staff member Samelta Glenn who will be assisting the Title VI division and the Customer Service division. Deputy Director Cox also introduced Lamont Bell who has been added as a housing investigator in the Nashville Office.

The rules have been signed by the Attorney General's Office and will now be reviewed by the Joint Government Operations Committee in December.

Forty-one Title VI Implementation plans have been received and reviewed. Fourteen of those have been returned for revision for various reasons. During the reporting period, 43 complaints have been received; 40 have been referred to other agencies; 32 have been closed, and 11 that were referred are pending.

Commissioner McDaniel asked about the high number of Department of Correction's complaints. Director Thomas explained that inmates are very knowledgeable about their rights and have ample time to file complaints. It was noted that an additional position has been requested to assist with the Title VI Compliance office due to the volume of work that must be completed on plans and complaints.

Commissioner Cocke asked about the added value of Title VI. Director Thomas noted that due to the lack of representation for these complainants for several years it is certainly a service to the citizens of the state. In the past, Title VI Plans were received by the Comptroller's office. They were not reviewed and agencies received no response other than the Comptroller's yearly report that identified plans received. In order to have the Title VI office operate at 100% on complaints and plans, \$100,000 plus would be needed for software, programs as well as three to five staff members.

Commissioner Cocke noted that Title VI information could have a huge impact on discrimination in the state on the institutional area. Chair Pierce noted that subcontractor's have never been monitored creating a bigger issue. Commissioner Wurzburg noted that the United States Commission on Civil Rights discovered Title VI many years ago it dealt with capital improvements of infrastructure in parks and sewer systems that were not provided to black communities.

Training of state agency Title VI coordinators took place in June for the first time ever and it focused on the Title VI Implementations Plan issues.

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

Announcements

Chair Pierce noted that website webinars would be the perfect vehicle to address the service support animal issue and the Title VI Compliance issue. These webinars could educate and inform the general public about specific topics and would not cost a lot of money.

Commissioner Cocke asked about an email list of contacts and social media. It was noted that Commissioner's have been asked for in the past and a reminder was given to submit that information to Bobbie Porter if you have not already shared that with her.

Commissioner Osborne asked about the yearly Commissioner Retreat. Chair Pierce noted that the Education and Outreach committee will discuss that and come back to the Commission with suggestions.

Deputy Director Cox noted that she, General Counsel, Shay Rose, and Employment Coordinator, Matthew Stephenson will be graduating from the LEAD program on December 13th at the Capital.

Chair Pierce noted that she attended a Vision 20/20 meeting, sponsored by Drexel University, on the topic, "An American Conversation about Women in Leadership". The meeting was held in Philadelphia. She noted that two women from each state in the country were selected to participate. The Declaration of Equality that was adopted at that meeting will be emailed to each commissioner. She requested all commissioners to sign the document if they agreed with the content. She noted that it could also be considered by the Commission.

Commissioner Wurzburg noted that in 2012 it will be 35 years since the International Women's Symposium Celebration and there could possibly be a reunion of the group.

Chair Pierce also noted that The Convention on the Elimination of Discrimination Against Women and the Pay Act, which addresses salary equity, were women's movements that were never signed by the United States.

Commissioner Osborne reminded Commissioner's to turn in their contact lists to Bobbie Porter.

Chair Pierce closed the meeting by wishing all in attendance a Happy Thanksgiving. The meeting was closed at 10:45 a.m.