



TENNESSEE HUMAN RIGHTS COMMISSION
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January 21, 2011 Telephonic
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Cocke
Commissioner Davis
Commissioner Garrett
Commissioner Hewitt
Commissioner McDaniel
Commissioner Miller
Commissioner Osborne
Chair Pierce
Commissioner Pride
Commissioner Starling
Commissioner Wiggins
Commissioner Wurzburg

Commissioner's Absent:

Commissioner Blalock
Commissioner Jones
Commissioner Walker

Staff Present:

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

Guests:

None

Call to Order

Chair Pierce called the meeting to order at 9:00 a.m. Chair Pierce wished all a Happy New Year and noted that the Martin Luther King Jr. Holiday was celebrated to remember the life and accomplishments of Dr. King and read a quote from his 1964 acceptance speech for the Nobel Peace Prize. "Nonviolence is the answer to the crucial political and moral questions of our time: the need for man to overcome oppression and violence without

resorting to oppression and violence. Man must evolve for all human conflict a method which rejects aggression and retaliation. The foundation of such a method is love." All present were asked to observe a moment of silence. Roll Call was taken. Minutes of the November meeting were reviewed and Commissioner McDaniel made a motion to accept. Commissioner Miller seconded the motion.

Executive Director's Report

Executive Director, Beverly Watts began her report by reviewing the budget. She reminded the commissioners that during the November meeting she had requested a \$100,000 improvement to the budget but at this time we do not know the status of that request since the new Governor and his staff are reviewing our request. We should know something by the March commission meeting. She also noted that all budget and audit issues will be presented to the Budget and Audit Committee.

No Audit report has been received and as of last week auditors were still requesting information from the agency about staffing and other topics. They also had contacted HUD for additional information.

On Monday of next week at 1:30 p.m. Marcus Thomas, Title VI Compliance Director and myself are set to appear before the Joint Government Operations Committee at Legislative Plaza room LP30 regarding the Title VI Rules.

On December 9, 2010 International Human Rights Day was held in Nashville at the downtown Public Library. Commissioner Wurzburg was presented an award for her work on human-rights issues in the community. Other awardees were Rev. Don Beisswenger and Dr. Tommie Morton-Young. Dr. Kelly Miller Smith III was the Keynote speaker. A CD with the event will be mailed to each Commissioner. Commissioner Wurzburg expressed her appreciation for the award.

We participated in several Martin Luther King Day events including the C.E. McGruder Breakfast, TSU Convocation, with speaker Kurt Whalen and Vanderbilt University's event where Julian Bond was the guest speaker.

Chair Pierce was thanked for attending the All Employee meeting on December 7, 2011 and presenting the Third Annual Employee of the Year Award.

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

Employment Case Report

Tiffany Baker Cox, Deputy Director began her report by presenting the Employee of the Year, Seth Yu, Associate Counsel to the commission.

The employment report covered the November 1, 2010 to December 31, 2010 timeframe when 139 inquiries were received that resulted in 82 charges of which 75 were dual filed and 7 were THRC only. The agency closed 106 cases that included 91 dual filed and 15 THRC only and of those 47 or 44% were Title VII, followed by 17 or 16% that were Title VII/ADEA and 13 or 12% ADEA cases were the top three bases. There were seven mediations held and five were successful and two reached an impasse.

During the timeframe benefits in the amount of \$6,751 were received and non-monetary benefits resulted in policy changes, promotions and additional training for staff. One case was caused and 25 or 24% of case closures were administratively closed and the average case age was 314 days and inventory stands at 434 cases with an average charge age of 271 days.

Davidson, Hamilton and Knox counties are the top three counties for charges received. Page two charts show comparative information for the current and previous years and that indicates that inquiries are about the same, closures are up and monetary benefits are down. She noted that we are currently fully staffed and closing more cases faster than in the past.

On January 31, 2011 the management and supervisory staff will attend Workplace Harassment Training which will include updates and revisions to the Agency Standard Operating Procedures Manual.

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

Housing Case Report

The housing report was given by Housing Coordinator, Richard Gadzekpo who reported on the timeframe of November 1, 2010 to December, 31, 2010. The division received 44 inquiries and accepted 28 as complaints with the majority of those being from Davidson Montgomery, Shelby and Wilson Counties. Disability (50%) and race (35%) were the primary bases for complaints followed by familial status, national origin and gender each with 11%.

During the timeframe 24 cases were closed with 42% being closed within 100 days which shows a marked improvement since 2009 as indicated on the statistical charts. It was noted that we have received and accepted more cases than in the past comparative periods. The goal is meet HUD's closure benchmark of 50% of cases being closed with 100 and with regard to the 95% age closure goal we are at 92%. HUD has responded to our proposed plan of action to improve and meet their performance standards with a letter of acceptance.

Future plans include meeting the goal of closing 53% of all cases within 100 days and during February three housing investigators will attend the National Fair Housing Training Academy in Washington DC. Chair Pierce noted that housing staff have done a good job in getting very close to the goals set by HUD and offered congratulations.

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

Legal Report

General Counsel, Shay Rose reported on the timeframe of November 1, 2010 to December 31, 2010. During this timeframe, legal closed 95 employment cases. Thirteen of those cases were administrative closures, two cases have been caused and 66 investigative plans have been reviewed and one reconsideration completed. In housing, 24

cases were closed, two cases were caused, fourteen investigative plans were reviewed and no reconsiderations were completed.

The legal update includes the two commission complaints against newspapers that have both cases have now settled. The settlement calls for \$600 to be applied to future THRC outreach events and training for staff.

The General Assembly reconvened on January 11, 2011 there are two bills being monitored. Senate bill 10 requires all drivers license tests to be administered in English and Senate bill 8 which requires all state and local entities to verify all employees hired after July 1, 2011 are not undocumented aliens. We have submitted a fiscal note on this bill and will continue to monitor it as it goes to committee possibly in February.

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 has obtained an attorney and we are working with them to reach a settlement.

The retaliation case was caused in September of 2010 and Matthew Stephenson is the investigator. The complainant cannot be located. The respondent has agreed to training and possible monetary settlement is being reviewed.

In housing, complainant was evicted after filing a complaint and this case settled with \$700 to the complainant, training for the respondent and 8 hours of charity work with Habitat for Humanity. In the second retaliation case complainant was evicted after filing complaint and the respondent said his decision not to renew the lease was based on harassment by the complainant. Legal has offered conciliation to both parties.

Commissioner Cocke 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 November 1, 2010 and December 31, 2010. We participated in nine outreach and education events and of those four included speaking opportunities and it was noted that events are down due to the holiday season but the first four months of the year are busy times as January is MLK celebration month, February is Black History Month, March is Women's History month and April is Fair Housing month. So events will increase over the next reporting period.

She noted that Executive Director Watts mentioned the International Human Rights Day event which was attended by approximately 100. Executive Director Watts presented on a panel of the Tennessee Association of Affordable Housing Annual Conference. Thanks to Barbara Gardner, Employment Coordinator in the Chattanooga Office as she represented the agency a NAACP event and the Office of Multicultural Affairs Human Rights Day celebration.

The West Tennessee Listening Session and Roundtable discussion is tentatively scheduled for February 24th in the afternoon. Fliers and invitations should go out in the next couple of weeks. The East Tennessee sessions are tentatively scheduled for late March and the Middle Tennessee sessions are to be held in late April. After the Education and Outreach committee meets more information will be available.

Commissioner Miller noted that the ad for the MLK holiday that ran in the Enlightener newspaper was very nice. Ms Porter indicated she will be send it out to commissioners for their review. Chair Pierce reminded commissioner's that they need to submit their lists of contacts to Ms. Porter to assist with getting out information about commission events across the state.

Commissioner Hewitt 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 reported on the timeframe November 1, 2010 to December 31, 2010. He has now completed the review of 41 Implementation plans and all have been returned to the departments for revision. A training program has been developed for department heads and Title VI coordinators statewide which will include updates and the Title VI Annual Report, which will include the activities and findings over the course of the year.

Guidelines have also been developed for Title VI Coordinators to use in their training of staff, sub-recipients and contractors statewide.

We will be meeting with the Joint Government Operations Committee on Monday, January 24, 2011 at 1:30 p.m. in LP 30 for a review of the THRC rules.

During the timeframe 60 inquiries and 18 of those were accepted as complaints and during the reporting period 2 cases were closed. Corrections led the departments where complaints were referred followed by Economic Development, Education and Human Services.

Chair Pierce asked Executive Director Watts to comment on the letter that emailed out to Commissioners in regards to the Clarksville Title VI Action Commission. Executive Director Watts noted that they were present at our November 2009 commission meeting and were asking questions about complaints filed with the old Title VI Commission. Mr. Hagans asked to speak at this meeting today and to date he has filed no complaints with the commission.

Answering his emails and other contacts has become time consuming. We have repeatedly instructed him on how to file a complaint. He is now threatening to file a complaint against THRC and has intimated that he thinks we are hiding something or doing something wrong. He has repeatedly claimed he has complaints and will provide copies to the commission for review but none have been received.

Chair Pierce asked if all plans that were sent back had consistent reasons why they were returned. Mr. Thomas noted that they all were varied, some required further clarification and those issues will be addressed in the upcoming training of state coordinators.

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

Announcements

Executive Director noted that Bobbie Porter has written a grant for THRC to HUD and the status of that grant remains unknown but is expected in March. The grant is for education and outreach with a focus on webinars and other social media.

She also noted that the committee meetings that were canceled due to the weather will be rescheduled. Frank Guzman is having surgery on Monday and will be out for three to four weeks.

Commissioner Osborne asked about the impact of the delay in the audit report on the Sunset hearing. Executive Director Watts noted that the timeframe has not been revised.

Chair Pierce noted that Commissioner Garrett has been nominated for the Athena Award.

Chair Pierce received a motion to adjourn from Commissioner Starling and a second from Commissioner Osborne. A vote was taken and passed and the meeting was closed at 10:00 a.m.