



Tennessee Human Rights Commission

2003-2004

Annual Report

530 Church Street
Suite 305
Cornerstone Square Building
Nashville, TN 37243-0745





2003-2004 Annual Report

Tennessee Human Rights Commission

July 1, 2003 To June 30, 2004

**Spencer Wiggins
Chairman**

**Amber D. Gooding
Executive Director**

**Antonio Adams
Deputy Director**



AMBER D. GOODING
EXECUTIVE DIRECTOR

STATE OF TENNESSEE
TENNESSEE HUMAN RIGHTS COMMISSION
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October 29, 2004

The Honorable Phil Bredesen
Governor
State of Tennessee
Nashville, Tennessee 37243-0001

Members of the General Assembly
of the State of Tennessee
Legislative Plaza
Nashville, Tennessee 37243-0001

Dear Governor Bredesen and Members of the General Assembly:

On behalf of the Board of Commissioners, it is my pleasure to submit the Tennessee Human Rights Commission's Annual Report for Fiscal Year 2003 – 2004. The following pages summarize the agency's accomplishments for the year, which were significant.

As this report will reflect, the commission's staff has worked hard to fulfill the agency's mission of enforcing the state laws that prohibit discrimination and educating the citizens of Tennessee on the laws that ensure equal protection against discrimination in employment, housing and public accommodation.

Thank you for your continued support and the opportunity to serve.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber D. Gooding", with a large, stylized flourish extending from the end of the signature.

Amber D. Gooding
Executive Director

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Chairman's Message



Chairman Spencer Wiggins

As the newly elected chairman of the board of commissioners, I'm excited about my role, and I believe that one of the most important aspects of my job is to ensure that the members of the board and staff are visible in the communities and accessible to the citizens of Tennessee.

As a public service agency, we have an obligation to our citizens—to make the playing field equal. What strategies will we employ to meet our charge?

We will begin by establishing partnerships and building relationships with grassroots, community and faith-based organizations. This effort will allow us to more effectively spread the state's message of anti-discrimination and educate Tennesseans of their rights under the law. More importantly, the partnerships will encourage ongoing dialogue between our communities and the commission, which will allow us to focus on the specific needs of a particular community.

Just as any successful organization does periodically, staff has reviewed and revised strategies for improving the efficiency of case processing, which has helped the commission to realize a

substantial decrease in the case age of the employment inventory (reducing the average case age from 441 days to 239) and it has enabled the housing division to resolve 101 housing complaints, nearly doubling last year's resolutions.

In closing, I'm pleased to present this snapshot of our year. The pages that follow provide a report card on the commission that delineates our annual accomplishments and progress. Although our strategies have changed, our goal remains the same—to eradicate discrimination in the workplaces and communities across Tennessee.

Spencer Wiggins
Chairman

BOARD OF COMMISSIONERS

Front row: Commissioners Robin Smith (Chattanooga), Stacey Garrett (Nashville), Edna Loveday-Rogers (Sevierville), Greg Rodriguez (Nashville)

Second row: Commissioner Robert Jones (Memphis), Chairman Spencer Wiggins (Nashville), Commissioners Patricia Hammonds (Knoxville), Jeanie Todd (Jackson) Yusuf Hakeem (Chattanooga), Joseph Walker (Nashville)

Third row: Commissioner Arthur Horne, III (Memphis)

Not pictured: Commissioners Nathan Pride (Jackson), Samuel Kyles (Memphis), Bradley Hodge (Knoxville) and Gregory Lewis (Columbia)





Director's Message



Amber D. Gooding
Executive Director

July 1, 2004, marked my first anniversary as the executive director of the commission. Much of my time was spent examining and revising policies and procedures, reorganizing and training staff, and implementing new case processing procedures to ensure that the commission provides a quality service to the citizens of Tennessee. The results of those efforts are outlined in the annual report.

During the year, we said farewell to the commission's chair, Dr. Benjamin Hooks, Francis Guess, Garland King, Kathy Kirk and Reverend Edwin Sanders, II. I would like to thank them for their guidance and leadership, and their dedication to the agency. The commission was fortunate to have appointed to the board: Reverend Robert Earl Jones, Reverend

Samuel Kyles, Yusuf Hakeem, Gregory Lewis, Nathan Pride, Stacey Garrett and Bishop Joseph Walker. I would like to welcome them to the commission. And finally, I would like to thank the commission's staff for the resilience they demonstrated as the agency went through its restructuring.

I am pleased with the progress of the commission. Although there is much more to do, we have accomplished a great deal. The case ages of both the employment and housing inventories are the lowest they have ever been, which means that staff is processing cases in a timely manner. The mediation program is now being utilized effectively, providing a quicker redress to the parties that choose to avail themselves of the services. Our mediators and attorneys settled 67 housing and employment cases, providing over \$620 thousand in benefits to complainants. There has been renewed efforts in training staff. This past year the investigators and attorneys participated in HUD and EEOC sponsored training to hone their skills and ensure that the commission remains on track with its federal counterparts.

In the area of outreach and education, the commission began publishing and distributing the commission's quarterly newsletter, *The Human Rights Monitor*. The newsletter focuses on housing and employment issues. It provides practical information to its recipients (employers, individuals in the housing industry, community and faith-based organizations and the general public).

The past year has not been all hard work and no fun. I have truly enjoyed meeting and talking with people at the town hall meetings, fair housing forums and seminars that the commission has participated in or sponsored. Through networking, I have had the pleasure of meeting with community leaders, and representatives of state and local organizations.

In closing, the commission will continue to raise its standards of service as we forge forward towards equality.

Sincerely,

Amber D. Gooding
Executive Director



Agency Overview

History

The Tennessee Human Rights Commission (THRC), formally known as the Tennessee Commission for Human Development, was established by the enactment of the Tennessee Code Annotated, Title 4, Chapter 21 in 1967. In March of 1979, the THRC was given enforcement powers.

The General Assembly assured that the newly formed commission had appropriate legislation to enforce laws prohibiting discrimination in employment, public accommodation and housing. The THRC's policies are an embodiment of the Federal Civil Rights Acts of 1964, 1968 and 1972, the Pregnancy Amendment of 1978, and the Age Discrimination in Employment Act of 1967, as amended.

The THRC has a dual mandate of enforcing and promoting the human rights statutes, Title VII of the Federal Civil Rights Act 1964 and Title VIII of the Federal Civil Rights Act of 1968, which provide protection to individuals against unlawful discrimination in the areas of employment and housing, respectively.

Work-Sharing Agreements

The commission is a substantially equivalent agency to the federal Equal Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD) because it enforces laws that provide substantive rights, proce-

dures and remedy provisions.

As a substantially equivalent agency, the THRC can and does enter into annual work-sharing agreements with the EEOC and the HUD. In recognition of the agency's common goals, the THRC works closely with both federal agencies to minimize a duplication in efforts and to facilitate the administration and the enforcement of the statutes.

Organization

The THRC is governed by a board of fifteen members appointed on a non-partisan basis by the governor to six-year terms. The members, representing each grand division of the state, are the policy-making body of the commission. They elect a chairperson. The powers and duties of the board members include making appropriate legislative recommendations to the governor and the legislature and the annual appointment of an executive director.

The executive director is the chief executive officer of the commission. The executive director reports to the members of the board.

The central administrative office is located in Nashville. There are regional offices located in Chattanooga, Knoxville and Memphis.



Housing Division

Housing Division

The housing division investigates charges of discrimination based on race, color, sex, religion, national origin, disability and familial status in housing, as it relates to the sale and rental of commercial and real property.

Housing Intake

The THRC maintains its housing intake office in Knoxville. This centralized location allows staff to review housing complaints for jurisdictional requirements, systematically assign charge numbers in the Title Eight Automated Paperless Office Tracking System (TEAPOTS), and assign cases to the housing investigators faster and more efficiently.

The THRC's housing division has a toll-free number, 1-800-325-9664, to receive referrals, answer questions and provide information to the public concerning issues related to housing discrimination.

The Housing Investigator

The THRC investigators are fact finders. The investigator's role is to gather the facts and determine whether the evidence supports the claim that the law has been violated. The investigator interviews witnesses, conducts onsite and gathers relevant information from the respondent and complainant in

order to make a recommendation to the legal staff and the executive director of a ***no reasonable cause*** or ***cause*** finding based on the merits of the case.

Statistical Overview

The housing division closed 174% more cases in FY 2004 than in FY 2003. Staff contributes the marked increase in case closures to the newly implemented complaint process, and the fact that more complainants and respondents are utilizing mediation to resolve grievances.

The housing division has developed and implemented a complaint process that allows 90 days to move a complaint from receipt to resolution. The 90 day timeline and its regiment of daily task has allowed the staff to proficiently manage the agency's housing case inventory. The average case age on the housing inventory has dropped from 225 days in FY 2003 to 131 days at the close FY 2004.

The THRC negotiated 11 conciliation/settlement agreements with a total of \$104,718 in monetary resolutions realized in the housing division, which was substantially higher than FY 2003's total of \$48,268.



Housing Statistics

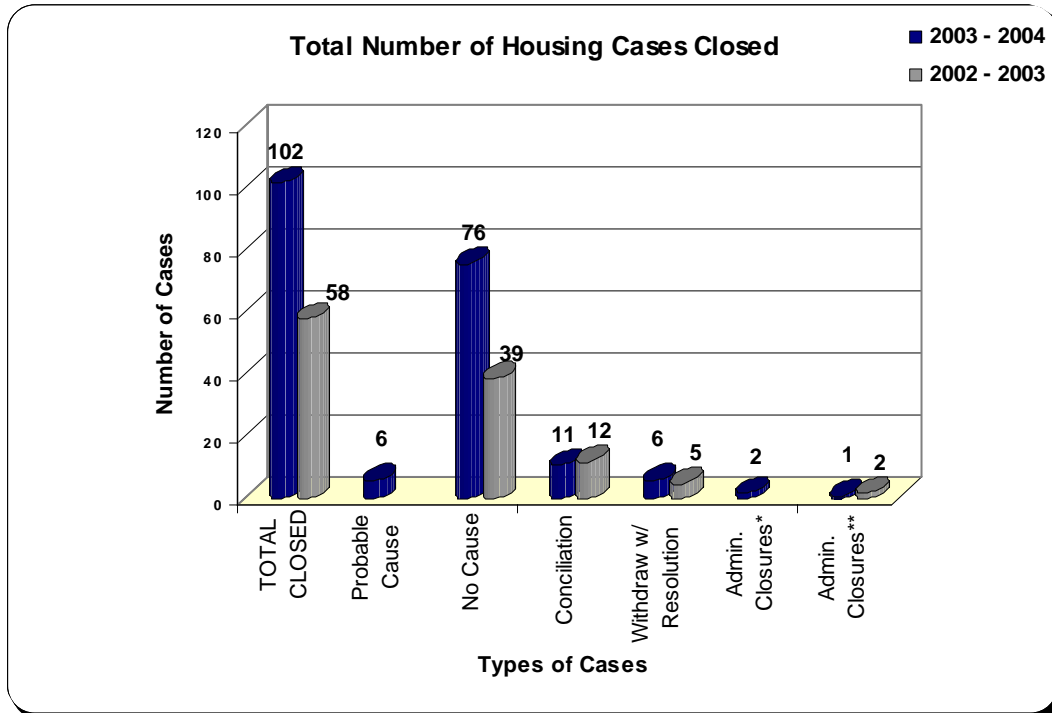


Figure 1. Illustrates the number and type of housing closures for 2003-04 and 2002-03.

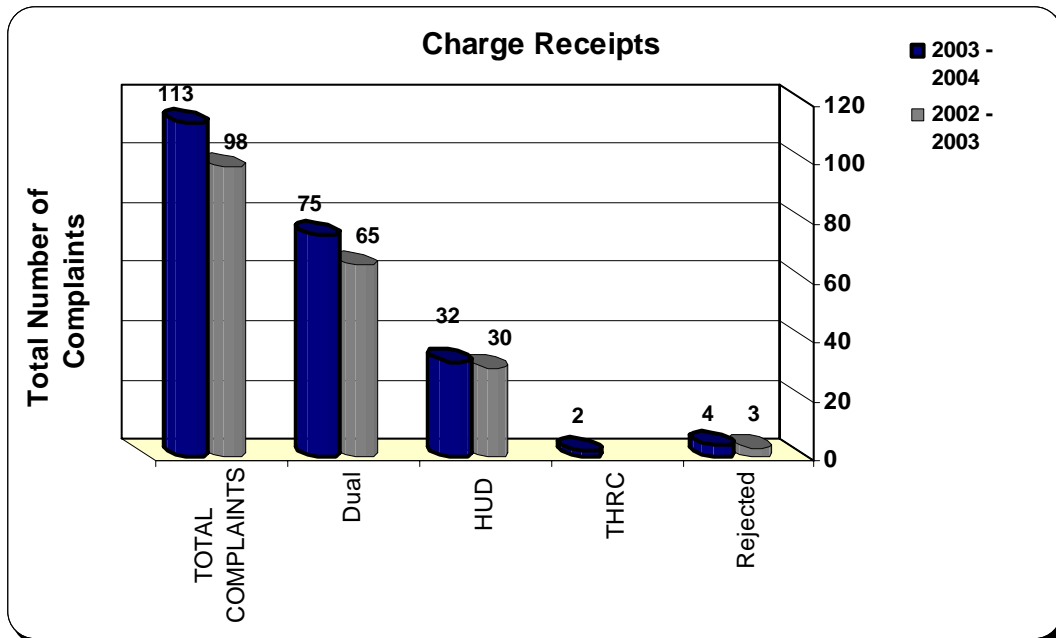


Figure 2. Illustrates the total number of housing complaints received for 2003-04 and 2002-03.



Housing Statistics

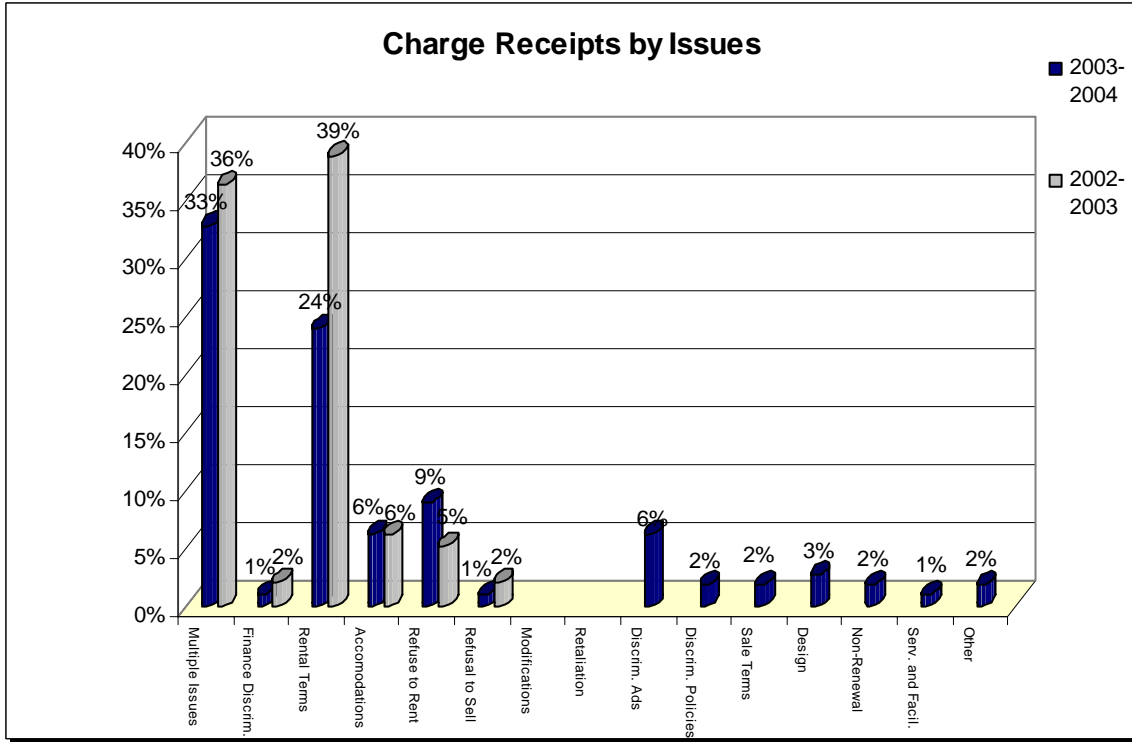


Figure 3. Comparison of charge receipts by Issues for 2003-04 and 2002-03 .

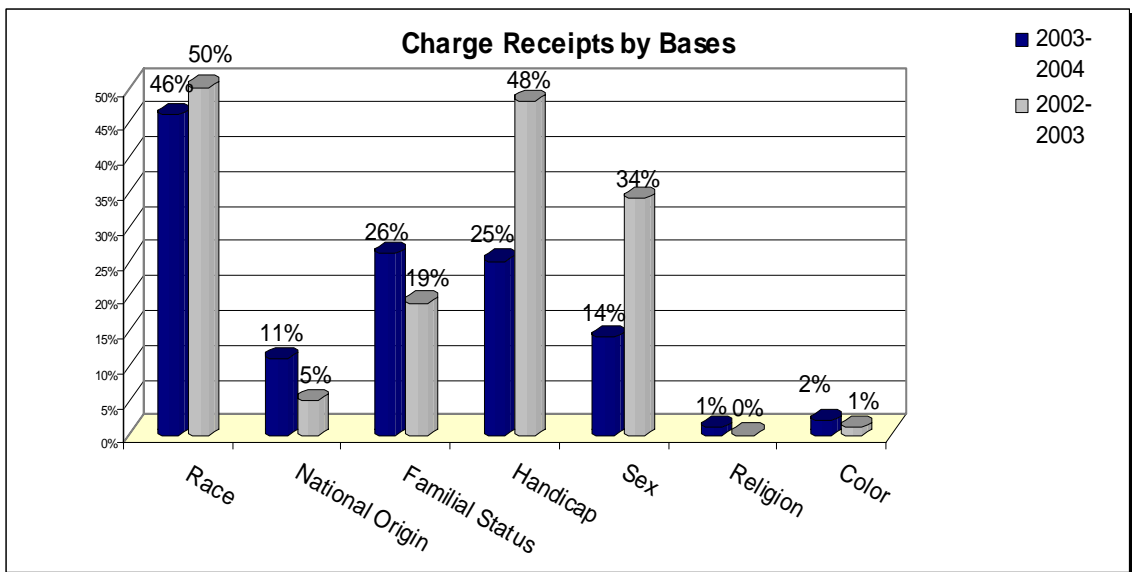


Figure 4 . Comparison of charge receipts by bases for 2003-04 and 2002-03.

* Cases filed in Tennessee and Investigated by HUD because of the multiple Titles involved, e.g., Title VI,



Employment Division

Employment Division

The employment division is charged with safeguarding the citizens of Tennessee from discrimination in the areas of employment and public accommodation based on race, creed, color, religion, sex, national origin and age (over 40). In order to meet this charge, the commission processes and investigates complaints filed under these bases.

Employment Intake

The employment division has a centralized intake unit. It is located in the agency's central office, Nashville. Although complaints can be filed with any of the regional offices, Memphis, Chattanooga and Knoxville, the complaints are sent to the central office for review and assignment.

The Intake Unit is responsible for reviewing the complaint for jurisdictional requirements, notifying the respondent of a pending charge, receiving the respondent's position statement, and entering the charge in the Charge Data System (CDS). CDS assigns charge numbers to the complaint and tracks it from receipt through resolution.

Upon receipt of the respondent's position statement, the deputy director assigns the case to an investigator. The executive director and deputy director set the caseloads and closure goals for the investigators, and communicate this information to staff through meetings, memoranda and individual contact.

The employment division has a toll-free

number, 1-800-251-3589, to receive referrals, answer questions and provide information to the public.

The Employment Investigator

The employment investigator is responsible for obtaining the necessary information to make a determination. The investigator's role is the same as the housing investigator's, with one exception, they do not conduct onsite. The investigators gather evidence from the respondents, complainants and witnesses. Based on their analysis of the evidence, the investigator makes a recommendation to the legal staff and the executive director of *no reasonable cause* or *cause finding* based on the merits of the case.

Statistical Overview

The employment division focused its efforts on revising the intake procedures, which necessitated shortening the response time allowed for respondents to answer a charge, and implementing a 200 day timeline for case processing. As a result of these changes, the agency has significantly decreased its backlog and the case age of the inventory, reducing the case age from 441 at the close of FY 2003 to 239 days at the close of FY 2004.

The THRC employment division closed 700 cases, 46 through mediation. \$516 thousand in monetary benefits were realized through mediation.



Employment Resolution Summary

Total Resolutions	*Title VII	**ADEA	VII/ADEA	***EPA	VII/EPA	****ADA	ADEA/ADA	Other	Total
Settlements	26	4	7	0	0	1	0	3	41
Withdrawals With Benefits	2	0	1	0	0	1	0	1	5
No Cause	318	53	58	0	0	43	14	79	565
Administrative Resolution	57	7	8	0	0	2	2	13	89
TOTAL	403	64	74	0	0	47	16	96	700

Table 1. Breakdown of employment case closures by types for FY 2003-04.

Individual Benefits	Non Monetary	Monetary	Comp/Pun	Total \$	Total	Comp/Pun \$
Title VII	7	26	2	28	334,851	26,180
ADEA	0	4	0	4	14,184	0
Title VII/ADEA	2	6	1	8	137,042	5,000
EPA	0	0	0	0	0	0
Title VII/EPA	0	0	0	0	0	0
ADA	0	2	0	2	25,500	0
ADEA/ADA	0	0	0	0	0	0
Other	0	4	0	4	4,500	0
TOTAL	9	42	3	46	\$516,077	\$31,180

Table 2. Breakdown of benefits by category for resolved employment cases for FY 2003-04

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment and public accommodations.

ADEA—Age Discrimination in Employment Act of 1967, as amended, prohibits age discrimination in employment.

EPA— Equal Pay Act of 1963 prohibits sex-based wage discrimination between men and women in the same establishment who are performing under similar conditions (the THRC does not have jurisdiction in these types of cases.)

ADA—Americans with Disabilities Act of 1990 prohibits employment discrimination against qualified individuals with disabilities.



Employment Statistics

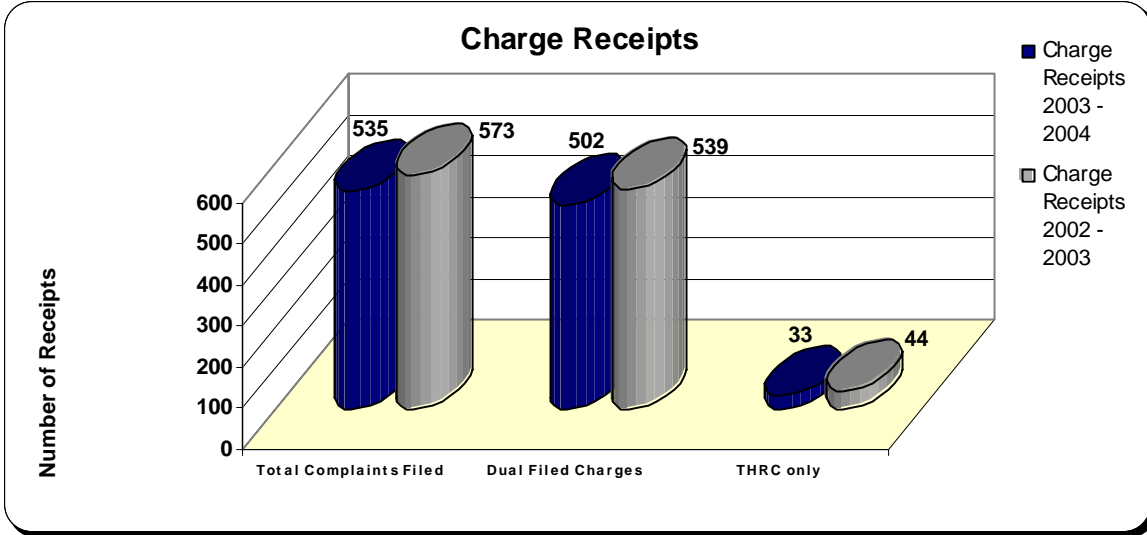


Figure 5. Illustrates the number of employment complaints received and number dual filed with EEOC, by comparison FY 2002-03 and FY 2003-04.

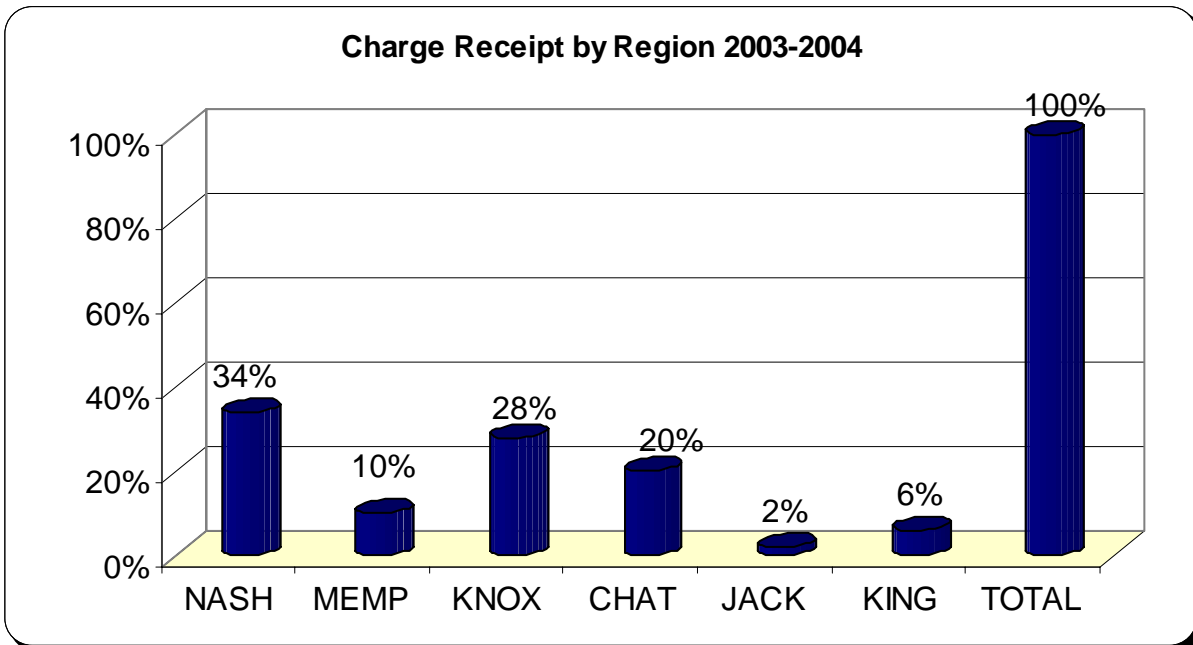


Figure 6. Illustrates the percentage of employment complaints received per regional office.



Employment Statistics

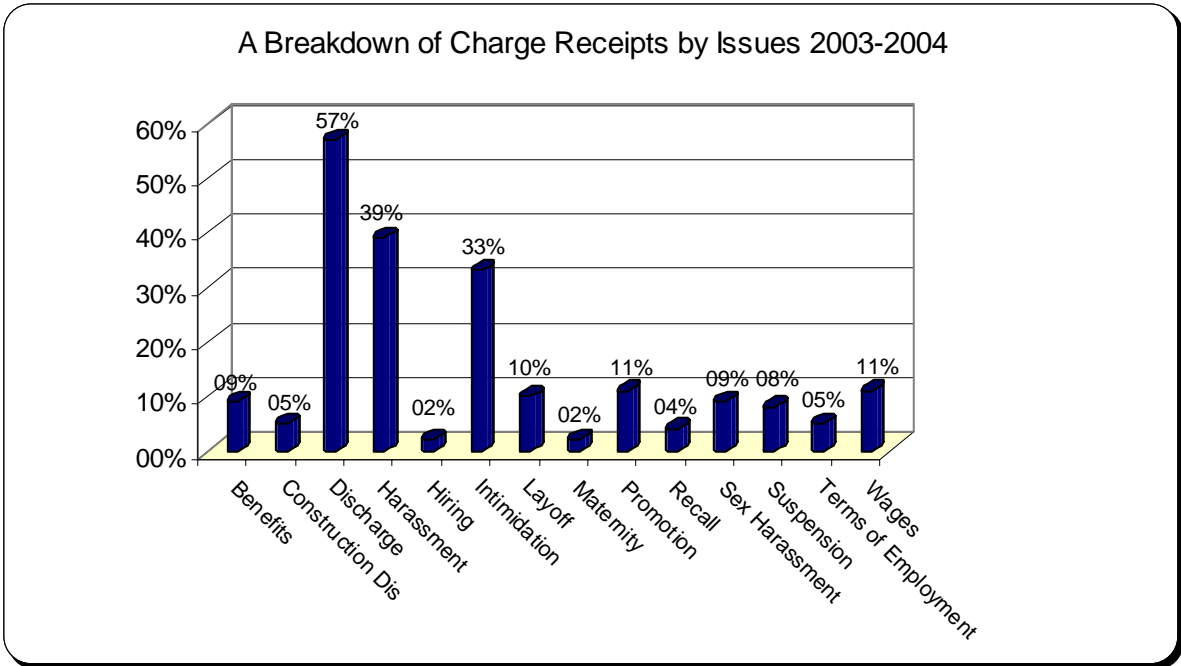


Figure 7. Illustrates employment charge receipts by Issues for 2003-04.

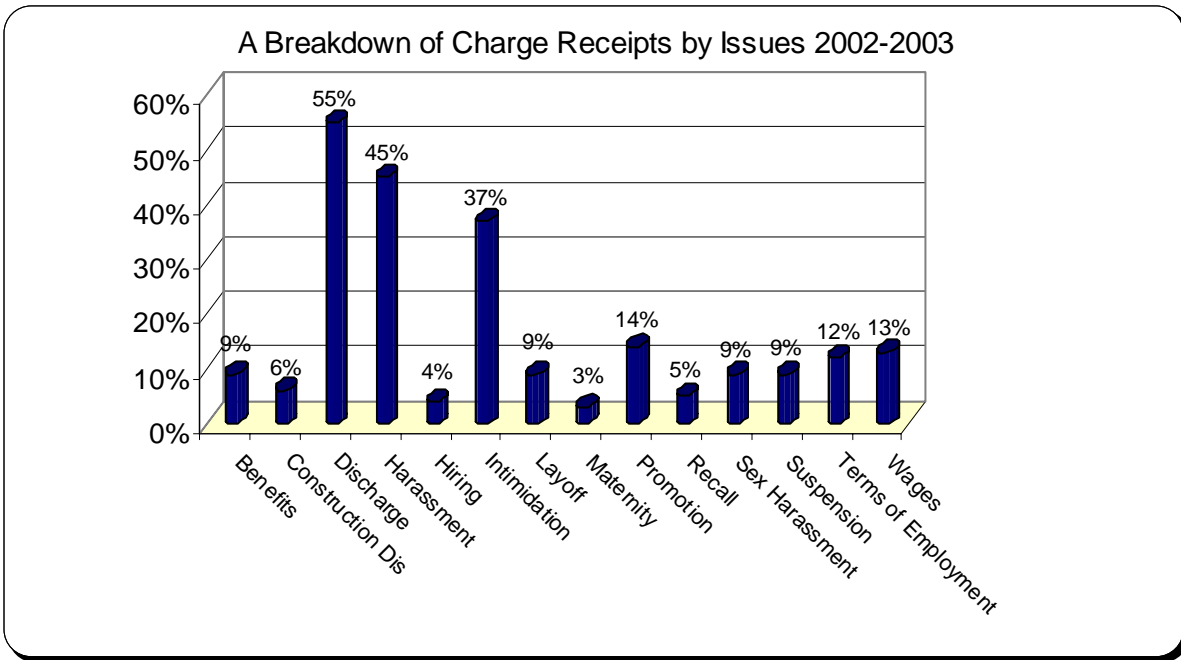


Figure 8. Illustrates employment charge receipts by Issues for 2002-03.



Employment Statistics

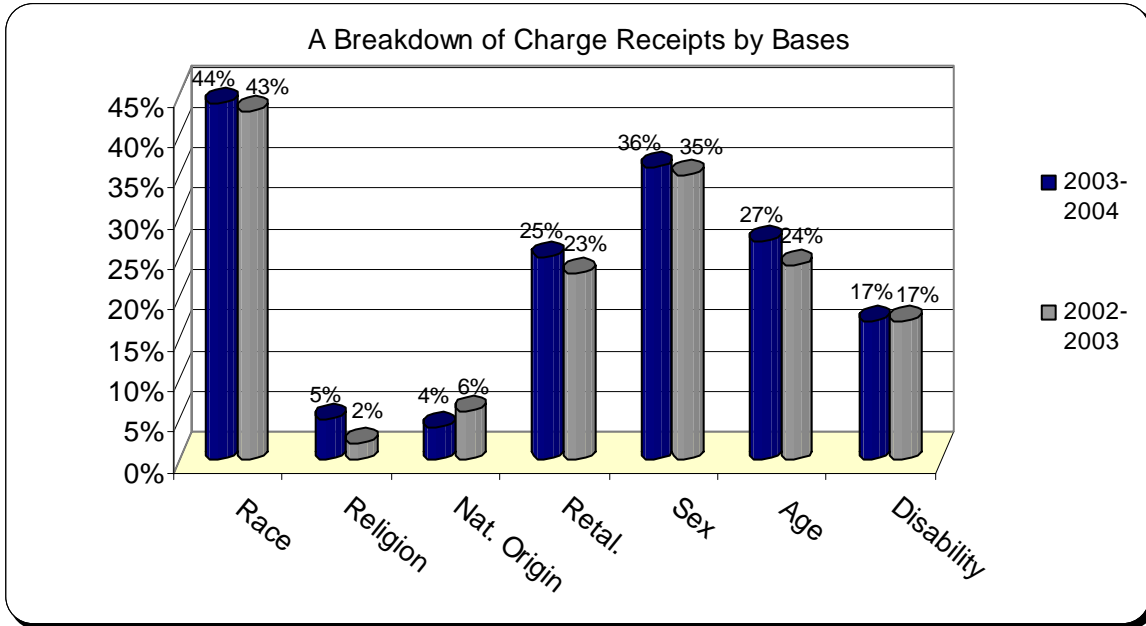


Figure 9. Illustrates employment charge receipts by bases, comparing for 2002-03 and 2003-2004 data.

2003-2004 Employment Benefit Resolution Summary

MONETARY	Frequency	%	\$ TOTAL
Backpay	2	3.2	1,440.00
New Hire	1	1.6	21,576.00
Promotion	0	.0	.00
Remedial Relief	4	6.3	19,897.00
Reinstatement	8	12.7	185,220.08
Other (projected)	1	1.6	1,000.00
Other (actual)	28	44.4	245,351.98
Compensatory	3	4.8	311,80.00
Punitive Damage	0	.0	.00
Attorney's Fee	3	4.8	10,411.57
			\$516,076.63

Table 3. 2003-2004 Employment Benefit Resolution Summary delineates the benefits realized from mediations, conciliations and settlements.



Complaint Process

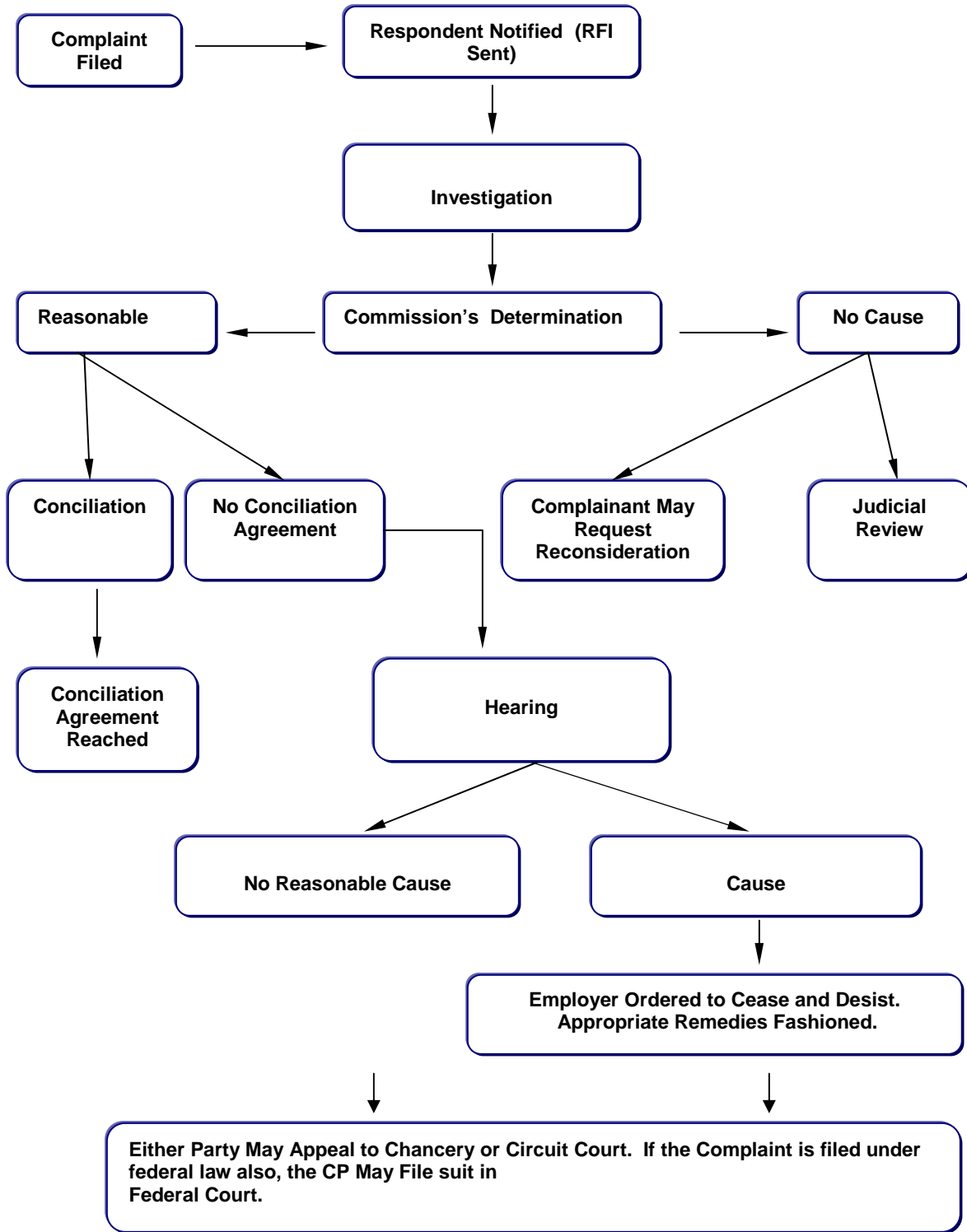


Figure 10. Flowchart of THRC's Complaint Process.



Mediation Program

Overview

The THRC's mediation program is designed to give the respondent and the complainant an expedient means of resolving their grievance. The mediation services are free, and they are facilitated by "neutral" Tennessee Supreme Court Rule 31 approved mediators. Mediation often results in both parties leaving the session with a "win-win" solution.

Upon receipt of a complaint, information about THRC's mediation program is sent to the parties encouraging mediation. The intake coordinator endeavors to schedule sessions that are convenient for both parties.

Benefits of Mediation

- It saves time. An investigation and a subsequent hearing can take months.
- It saves money.
- It gives both parties an opportunity to be heard.
- It provides an informal means of communicating and reaching an agreement.

- The mediators are trained professionals who do not advocate for either side.
- The mediator controls the process, giving both parties an equal chance to speak and make suggestions.
- It's confidential, unless stipulated otherwise in the agreement.
- The mediation is a 'no fault' settlement. The mediator is not there to flesh out guilt or innocence.
- When an agreement is reached in mediation, the case is closed.

Mediation Statistics

During FY 2004, \$516 thousand in monetary benefits were realized in the successful mediation, conciliation or settlement of 46 employment complaints. This amount more than doubles the \$212 thousand realized in FY 2003.

During FY 2004, \$104,718 in monetary resolutions were realized in the housing division, which was substantially higher than FY 2003's total of \$48,268.



Budget Overview

	Total FY 02	Total FY 03	Total FY 04
Personnel Services and Benefits	\$1,352,900	\$1,441,300	\$1,406,000
Other Expenditures	478,000	482,000	446,700
Total Expenditures	\$1,830,900	\$1,923,300	\$1,852,700
State	\$1,242,400	\$1,489,400	\$1,418,800
Federal	433,900	433,900	433,900
Other	154,600	0	0
Total Revenue	\$1,830,900	\$1,923,300	\$1,852,700
Full-Time	30	30	27
Part-Time	1	1	1
Seasonal	0	0	0
Total Personnel	31	31	28

Table 4. A breakdown of the THRC's operating Budget from for FY 2002, 2003 and 2004.



Community Outreach and Education



NAACP's 57th Annual State Conference

September 19, 2003

In addition to investigating complaints of discrimination, the THRC is responsible for educating the citizens of Tennessee on the state's anti-discrimination laws.

The staff of the THRC has made a commitment to partner with grassroots, faith and community based organizations throughout the state.

In September 2003, the THRC participated in the NAACP's 57th Annual State Conference. Executive Director Amber D. Gooding and Scott Mayer, THRC's General Counsel, spoke with audiences about THRC's history, its role and the law.



Amber D. Gooding, Executive Director of THRC, addressed the attendees during the Lawyer's Luncheon.



Amber D. Gooding, Executive Director of the THRC, and Gloria Sweet-Love, President NAACP State Conference, take time out for photos.

Additional Education and Outreach Activities:

- Participated in a Fair Housing Panel at the NAACP Race Relations Summit & Town Hall Meetings, Jackson, TN-February 2004
- Fair Housing Alliance of Greater Memphis Fair Housing Workshop, Memphis, TN—April 22 & 23, 2004
- Equality Coalition for Housing Opportunity and Fair Housing Conference, Knoxville, TN—April 2, 2004



Community Outreach and Education

Fair Housing Seminar "Fair Housing Matters" April 23, 2004

Fair Housing Matters was sponsored by the Metropolitan Development and Housing Agency, the TN Housing Development Agency, Metropolitan Human Relations Commission, the Community Development Office of the City of Murfreesboro and the THRC. This was the first ever collaborative effort for the state and local agencies.

The goal of the partnering agencies was to raise the awareness of the mortgage lenders, housing providers, general public and the real estate community on the federal and state fair housing laws.

The seminar topics included: Creative Solutions to Fair Housing; Predatory Lending; The Housing Needs of the International Community; Identifying Housing Discrimination; Compliance, Education and Tolerance; Working Effectively with the Disabled; and Accessing Homeownership Assistance Programs.

Over 112 people registered for the conference.



(left to right) Phil Ryan, Executive Director, Metropolitan Development and Housing Agency (MDHA); Esperanza Soriano-McCrary, Fair Housing Grant Manager, MDHA; Tracey McCartney, Executive Director, TN Fair Housing Council; Dr. Edward Pringle, Director, Nashville HUD Office.



(left to right) Dr. Edward Pringle, Director, Nashville HUD Office; Brenda Cleaver, HUD; Amber Gooding, Executive Director, THRC; and Esperanza Soriano-McCrary, Fair Housing Grant Manager, MDHA.



Community Outreach and Education

Fair Housing Seminar December 2003

The THRC was invited to speak with a group of State Farm employees at their *Lunch and Learn Informational Forum*. The seminar was hosted by the Mid-America Zone Universal Declaration of Human Rights Committee in recognition of human rights month.

Robert Bright, THRC's Housing Coordinator, spoke to the group about employment and housing laws that prohibit discrimination, giving scenarios of actual cases to heighten the groups awareness.



Robert Bright, THRC's Housing Coordinator, speaks to a group of State Farm Insurance employees.



(left to right) Linda Reed and Patricia Batts, THRC Investigators, listening intently during the training.

EEOC & THRC Annual Training September 29—30, 2003

THRC investigators participate in a variety of classes and training sessions throughout the year to ensure that their skills remain sharp.

The EEOC and THRC annual training gives the investigators an opportunity to share investigative strategies, review investigative procedures and get legal updates.

EEOC's state and local coordinator, Paulette Wilson, participated in the training.



(left to right) Lorenzo Benson and Lucy Campa, THRC Employment Investigators, share investigative strategies.



(left to right) Patricia Batts, Zita Pajumae (THRC Investigators) and Paulette Wilson, EEOC's State and Local Coordinator, enjoy a humorous moment.

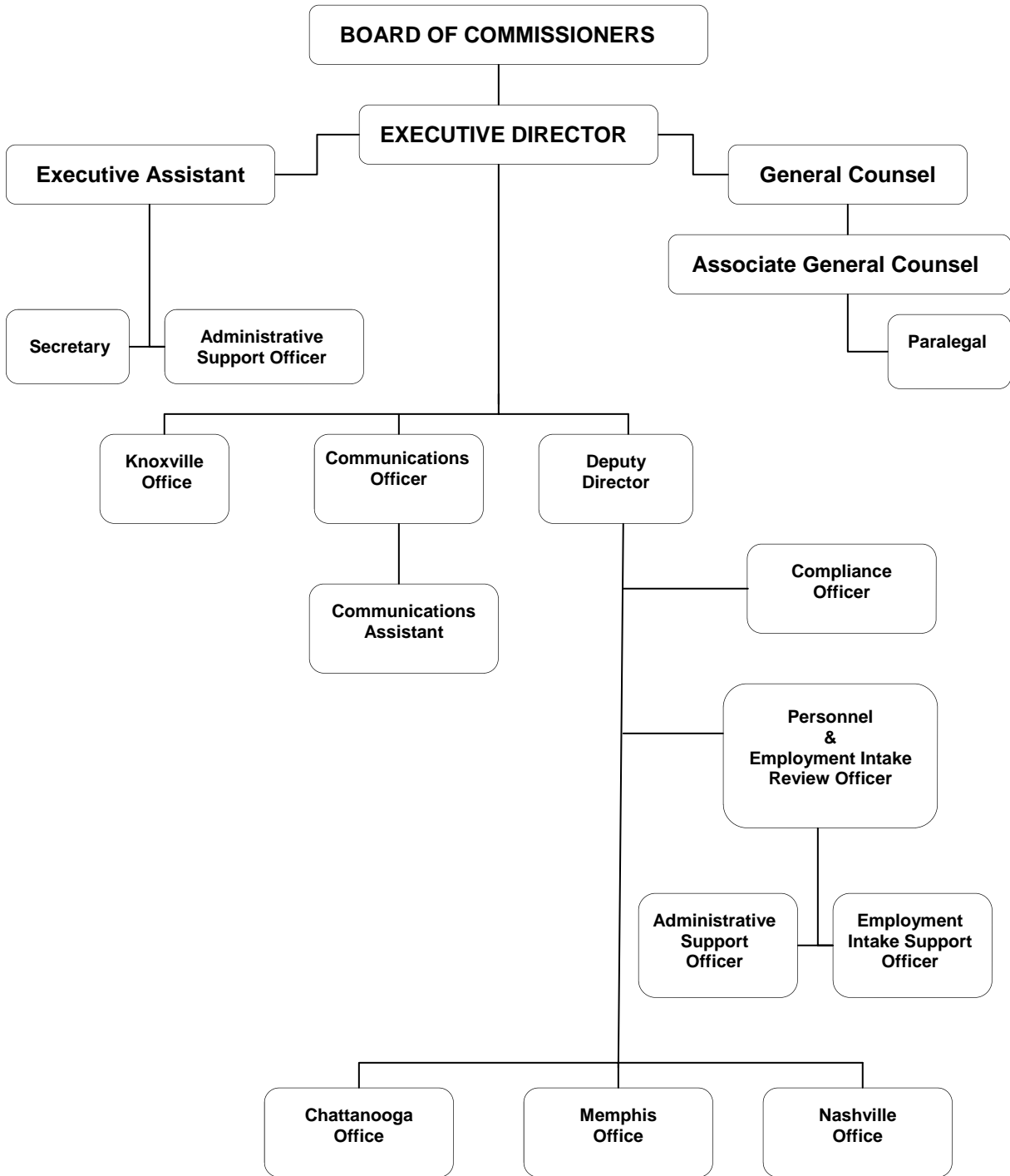
Appendix



A



Organizational Chart





Tennessee Human Rights Commission's Offices

Central Office— Nashville

530 Church Street
Suite 305
Nashville, TN 37243-0745
Phone: (615) 741-5825
Phone: (800) 251-3589
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Knoxville

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Phone: (800) 325-9664
Fax: (865) 594-6178

Memphis

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2nd Floor
Memphis, TN 38103
Phone: (901) 543-7389
Fax: (901) 543-6042

www.state.tn.us/humanrights/

Amber D. Gooding, Executive Director
Antonio Adams, Deputy Director
Cynthia Howard, Communications Officer

