



TENNESSEE HUMAN RIGHTS COMMISSION
WILLIAM R. SNODGRASS TENNESSEE TOWER
312 ROSA L. PARKS AVENUE, 23RD FLOOR
NASHVILLE, TN 37243-1102
www.tn.gov/humanrights

January 23, 2015
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Horne
Commissioner Houston
Commissioner Martin
Commissioner Selberg
Commissioner Sloss
Commissioner White (phone)

Commissioner's Absent:

Staff Present:

Beverly Watts, Executive Director
Sabrina Hooper, Deputy Director
Matthew Stephenson, Title VI Compliance Director
Richard Gadzekpo, Housing Coordinator
Erica Kesse, Special Assistant to Executive Director/Communications Specialist
Lisa Lancaster, Executive Assistant

Guests:

Allen Staley, F & A Centralized Accounting

Call to Order

Executive Director Watts asked for a motion to call the meeting to order and Commissioner Selberg called for the motion. It was seconded by Commissioner Houston. Lisa Lancaster called the roll.

Executive Director Watts began the New Commissioner Orientation training and agenda which was provided to each commissioner. All staff introduced themselves and welcomed all the newly appointed commissioners. She shared opening remarks and executive staff presented an overview of their division. The agenda was as follows:

Legal presented by Shalini Rose, General Counsel
Budget Presentation by Allen Staley, F & A, Budget Officer
Employment presented by Sabrina Hooper, Deputy Director
Housing presented by Richard Gadzekpo, Housing Coordinator
Title VI Compliance presented by Matthew Stephenson, Title VI Compliance Director
Communications presented by Erica Kesse, Special Assistant to the Executive Director.

At the conclusion of the unit presentations Executive Director Watts asked the commission members how to proceed with the meeting. Commission members opted to elect officers before the regular Commission business.

Election of Commission Officers

Executive Director Watts shared which offices and committees are required for the Commission to do business and explained that elections could be made to follow the January 1 to December 31 timeframe or they could be elected to serve until the end of the fiscal year which would be June 30, 2015. Commissioner Martin made a motion to elect officers that would serve until June 30, 2015. The motion was seconded by Commissioner Sloss.

Commissioner Horne noted a conflict of interest regarding her employment and holding an office, yet she could serve on any committee.

Commissioner Horne nominated Commissioner Houston to serve as Chair of the Board and she accepted the nomination. The following slate of officers and committee members was developed:

Board of Commissioners:

Chair of the Board-Annazette Houston
West Division Vice Chair-Rieta Selberg
East Division Vice Chair-Vacant
Middle Division Vice Chair-Bill Martin
Secretary-Ralph White

Law & Legislation Committee

Middle Division-Chair-Julius Sloss
West Division-Rieta Selberg
East Division-Annazette Houston

Education & Outreach Committee

Middle Division-Chair-Bill Martin
East Division-Chrystal Horne
West Division-Ralph White

Budget & Audit Committee

West Division-Chair-Rieta Selberg
Middle Division-Julius Sloss
East Division-Chrystal Horne

It was agreed that as new commissioners were appointed they would be placed on committees as appropriate. Commissioner Sloss made a motion to accept this slate of officers to serve until June 30, 2015. Commissioner Martin seconded the motion. Commissioner Horne made a motion to approve the slate of officers and Commissioner Selberg seconded the motion.

The meeting was turned over to the newly elected Chair of the Board, Annazette Houston and she requested a motion for approval of the minutes of the November 21, 2014 board meeting minutes. Commissioner Horne made a motion to approve the minutes and Commissioner Martin seconded the motion. A vote was taken and passed. A motion to accept the proposed meeting schedule for board meetings through the end of 2015 was made by Commissioner Selberg with a second by Commissioner Horne. A vote was taken and passed.

Executive Director's Report

Executive Director, Beverly Watts reported that former Commissioner Robert Earl Jones passed away in December. The commission sent flowers and Executive Director Watts attended the memorial service and spoke with the family who thanked her for representing the Commission.

In November the Status of Human Rights in Tennessee report was released and posted to our website. We are currently working to correct some ADAA issues with people's ability to see and read the report. UT Knoxville's Disability Service Department and Chair Annazette Houston is assisting Erica Kesse and Tracy Davidson to make the corrections.

On December 10, 2014, THRC along with several other organizations hosted International Human Rights Day at First Amendment Center. Details are in the Communications report.

The annual All Employee Staff meeting was held on December 11, 2014. Tracy Davidson was voted our Employee of the Year. He was also selected as the Small Agency IT Person of the Year by the IT Association. Executive Director Watts explained the Board of Commissioners presents a resolution to the Employee of the Year and provided a copy for their review and approval. Commissioner Martin made a motion to approve the resolution and Commissioner Horne seconded the motion.

We have finalized our agreement with EEOC to do joint Education and Outreach for which we will receive \$1,000 towards those events. The first webinar on the topic of Pregnancy will occur on March 11, 2015.

We have an issue with HUD dealing with confidentiality. HUD is asking us to make our conciliation agreements public which we cannot do. We will be working with our new monitor to resolve this issue. Over a year ago, we stated that even though we cannot release the documents to the public, when the case is closed we give HUD all the information and under FOIA they(HUD) can release the document if you like.

We continue our grant with National Community Reinvestment Coalition and have held trainings in October and November on fair lending practices.

Currently there are three staff vacancies in the agency. We are in the process of filling the investigative vacancies.

With respect to Legislation this year we have two bills that have been filed that affect this agency specifically. The first is on law enforcement/police profiling filed by Senator Kelsey and Representative DeBerry that says that every law enforcement agency is to have a racial profiling policy. She will meet with Rep. DeBerry this afternoon to discuss what the intent of the bill is and she will talk with Sen., Kelsey at a later date. Right now this bill does impact THRC. The other bill has been introduced by Rep. Gilmore dealing with criminal investigation background checks and the proposal would change our statute. It does not appear that we would have any responsibility but I will have a discussion with her to find out more. Finally, we have contacted Sen. Gardenhire and are making arrangements to have a discussion with him about the proposed legislation to make THRC law equivalent to HUD by making the number of days to go court 100 days rather than the current 90 days.

Executive Director Watts indicated she has met with Chief Anderson at the Metro Police Department since the incidents in Ferguson, MO to discuss their diversity training. She has meet with Deputy Chief Damian Huggins and the MNPD training officer to provide them with observations and suggestions on improving their diversity training program for new recruits. She noted that she has discussed utilizing details regarding the larger Nashville community composition, community festivals and other community programs to show case firsthand -Nashville today. This is a good partnership for THRC.

The city of Nashville Metro Human Relations Commission has issued a report about their diversity and how it relates to Nashville employees and partners. City departments are getting a bad grade on how they in hiring a diverse workforce which is the Mayors responsibility.

Commissioner Selberg made a motion to accept the Executive Directors report and Commissioner Martin seconded the motion. A vote was taken and passed.

Employee of the Year presentation

Chair Houston recognized Tracy Davidson for being chosen by his peers as the agency Employee of the Year for 2014. She read the resolution and presented it to him on behalf of the Board of Commissioners. Congratulations were expressed by the Commissioners.

Employment Case Report

Deputy Director, Sabrina Hooper reported on the period November 1, 2014 to December 31, 2014. During this time we received 92 inquires which resulted in 51 charges being accepted for investigation, 49 dual filed and 2 THRC only. Within the same timeframe the agency closed 40 cases with an average of 262 days of investigation. Our open inventory at the end of December 2014 was 231 cases. Seven mediations closed within this timeframe, resulting in \$83, 097 in monetary benefits to the Complainant. There were no settlements for this time period.

When compared to last year, we received 94 inquiries which resulted in 44 charges being accepted for investigation, 40 dual filed and 4 THRC only. The agency closed 49 cases with an average of 333 days of investigation. Our open inventory at the end of December 2013 was 285 cases. Two mediations and one settlements were closed with total monetary benefits to the complainants approximately \$46,500. As of July 1, 2014 we have

conducted 29 mediations where five complainants were represented by counsel and nineteen respondents were represented by counsel.

The comparison reflects the charges received are relatively the same and the charges accepted increased by 15%. The case closures saw a 9 case decrease however the amount of days a case was in investigation decreased by 71 days during this timeframe. The Employment unit is fully staff now and as they complete their training we will begin to move toward our expected closures goal.

The witness customer service surveys for July 1 2014 to December 31, 2014 report that we placed 73 calls and interviewed 18 witnesses. There were no comments for November or December. You will recall, at the last commission meeting it was reported that two parties did not recollect being interviewed. This was investigated. In the first case the witness did not remember being interviewed but when he was called to follow-up, he was able to recount the details that were presented in the interview notes. The original interview and the follow up call were more than 6 months apart. It should be noted that the witness did not recall his manager's name.

The second case, when called, the witness immediately resisted speaking with me and referred me to HR. HR was able to provide the same information that was on the interview note and stressed that this information should only be provided by HR and not by their account rep which the witness was. It was confirmed that the witness had access to the information but should've directed any questions to HR.

It was concluded that both interviews occurred as noted by the interview notes.

For the ten question surveys for both employment and housing 130 surveys for were sent out and 36 were returned. Overall, the Complainants responded that they were dissatisfied with the results and the Respondents thought the investigator was very professional.

Executive Director Watts reminded commissioners that these surveys are the result of the fraud case involving an investigator that was accused of not interviewing witnesses. This report has been moved to the Employment unit to better address any follow-up situations. We continue to remind staff the importance of interviewing witnesses and documenting any discussions in the case file.

In July of 2014, we implemented the use of Survey Monkey for the 10 question surveys. From the 130 cases reviewed, we sent out 147 surveys via email. Twenty responses were received and no comments were made. Most of the answers to the questions were either strongly agree or agree.

A motion to accept the Employment report was made by Commissioner Selberg and seconded by Commissioner Horne. A vote was taken and passed.

Housing Case Report

Richard Gadzekpo, Housing Coordinator reported that during period of November 1, 2014 to December 31, 2014 42 inquiries were received and 21 were accepted for investigation.

Davidson and Knox counties were the areas that received the highest number of complaints. The top bases for complaints were disability with 9 cases and race. Fourteen dual filed cases were closed during the period and ten of those were administrative closures but these do not help with the HUD efficiency goal.

In reviewing the statistics between 2013 and 2014 shows that inquiries received and accepted were nearly the same and cases closed increased. Benefits received increased and case processing age also improved. The HUD efficiency goal currently stands at 67%. It was acknowledged that investigator Saadia Williams settled a public accommodation case for \$25,000 and HUD is requesting that we share cases like this with them.

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

Executive Director Watts noted that our Housing Coordinator, Richard Gadzekpo has been out of the country and notified us that he may be out again and that he has been working across the ocean and thanks were offered for his efforts.

Communications Report

Erica Kesse reported on the period November 1, 2014 to December 31, 2014. The staff participated in thirteen education and outreach events. Four of the events were speaking engagements. The year to date total education and outreach endeavor is 61. One media inquiry from Tony Gonzales from the Tennessean regarding the Status of Human Rights in Tennessee was received and there were five articles featuring human and civil rights.

There were 15 posts on FaceBook with 393 likes and on YouTube there were 309 views gaining 4 new subscribers.

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

It was also reported that the Newsletter will be coming out next week.

Title VI Compliance Report

Matthew Stephenson, Title VI Compliance Director, reported on the November 1, 2014 to December 31, 2014 timeframe during which 62 inquiries were received, 14 of which were accepted for investigation. 10 cases were closed all of which were from the Department of Corrections.

He indicated that we currently have 26 open cases of which 23 are Department of Corrections, 1 from the Administrative Office of the Courts, 1 from the Department of Intellectual and Developmental Disabilities and 1 joint investigation between THRC and Department of Transportation.

Executive Director Watts noted that the joint investigation is out of Chattanooga and that the Complainants have spoken with public media. She affirmed that we do not comment on investigations to the press.

Stephenson continued stated that last year at this time we had 31 open cases and closed 7 cases. Regarding our compliance review the Department of Education is complete and findings will go out soon. We have begun the compliance review with the Tennessee Commission on Children and Youth. Final findings should be available next month.

Implementation plans for the year were all received timely and all 42 were completed with 100% compliance. There were 6 adjustments and the Department of Human Resources and the District Public Defenders Conference were not required to submit plans as they did not receive FFA during the FY 2013-2014.

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

Executive Director Watts noted that the follow-up with the Status of Human Rights in Tennessee plan is to return to the communities visited and also go to the Jackson and Johnson City communities to talk with persons in those communities about what we found and come back to the Commission to see if there is one major issue that we should look at. We think disability may need further attention. We hope to have that information to present to the board at the May meeting.

It was recommended that we expand our Employment Law to cover public accommodations and we are talking with legislators if there is an opportunity to find persons willing to sponsor legislation. Currently we send these types of cases EEOC for investigation and they usually number 15 to 20 cases per year. This might happen by the next legislative session.

Announcements

Chair Houston asked for a motion to adjourn. Commissioner Horne made the motion and Commissioner Martin seconded the motion. The meeting was adjourned at 12:25 p.m. CST.