



**TENNESSEE HUMAN RIGHTS COMMISSION**  
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**January 26, 2024**

**Board of Commissioners' Meeting Minutes**

**Commissioners Present:**

Commission Chair Upton  
Commissioner Kelly  
Commissioner Pérez  
Commissioner Raymond  
Commissioner Rosales

**WebEx:**

Veronica McGraw, Deputy Director  
Commissioner Crider  
Lindsey Jaremko

**Staff Present:**

Muriel Nolen, Executive Director  
Lynn Cothren, Operations Manager/Special Assistant  
Jacob Aparicio, Communications Director  
Cheryl Hines, Title VI Compliance Program Director  
Tremecca Doss, General Counsel  
Allen Staley, Fiscal Officer  
Michelle Petrey, Training Officer II  
William Wade, Associate General Counsel  
Cheryl Cole  
Seth Lankford  
Jonathan Wood

**Call to Order**

Commission Chair Upton, called the meeting to Order at 9:02 CST. Six (6) Commissioners were present at roll call. There was a moment of silence observed.

General Counsel, Tremecca Doss, began by referencing the two cases reviewed at the previous meeting on November 17, 2023. At that time, regarding the employment case, the Commissioners voted that reasonable cause had been established. With respect to the employment case, a Notice of Determination has been drafted and developed for presentation to the Chair and the Executive Director for their execution. In addition, the General Counsel provided 4 copies to Chair Upton for review.

Associate General Counsel, William Wade, spoke on the Housing case that had been reviewed at the previous meeting. The Housing case investigation is still in review and will be ready for review at the meeting on March 22, 2024. Mr. Wade stated that per a conversation with the Executive Director, they would like to propose setting up training sessions for the Commissioners. The training would provide education on items such as burden of proof and other relevant information to assist in making determinations of cause or no reasonable cause. Michelle Petrey, Training Officer II, spoke on the specifics for the proposed training. She stated that the proposal would be for two 3-hour training sessions. The purpose of these trainings would be to provide the Board of Commissioners with the knowledge to determine when the burden of proof required to establish reasonable cause has been met. The training will provide a detailed look at the laws and statutory requirements associated with public deliberation sessions and the criteria necessary to establish reasonable cause. The proposed training will be broken into a total of 6 sections:

- (1) Overview of Statutes. Both State and Federal;
- (2) Mediation and Public Deliberations;
- (3) Establishment of Jurisdiction and Theories of Discrimination
- (4) Housing Complaints. Including “Charging Party” (CP) & “Responding Party” (RP) responsibilities for Reasonable modifications; CPs burden of proof in each type of complaint;
- (5) Employment Complaints;
- (6) Title II-Public Accommodations and Title VI complaints.

Commissioner Pérez requested that there be a focus on “jurisdiction”. Chair Upton asked about the proposed structure and length of time proposed. Commissioner Kelly inquired as to how the Commissioners have been instructed in the past. Chair Upton asked if the training would be in lieu of a Board meeting or in addition. It was clarified that it is proposed to be in addition. Commissioner Crider requested an explanation of the credentials that are behind the training that will be provided. The Executive Director clarified that Associate General Counsel, William Wade, will be conducting the training as well as Training Officer II, Michelle Petrey. Chair Upton asked the Commissioners to be thinking of dates that they will be available to attend training.

Chair Upton asked the Commissioners if there was a vote to accept the minutes from the November 17, 2023, meeting as they are written. Commissioner Kelly moved to accept the minutes. The motion was seconded by Commissioner Rosales. All Commissioners voted to adopt the minutes as written.

General Counsel, Tremecca Doss, spoke on the establishment of the Board committees. General Counsel Doss stated that the Bylaws address the election of officers and committees. The term is for 2 years. No committee member shall serve more than two terms at a time, which would limit Commissioners total terms to no more than 4 years. There is a designated staff member appointed to each committee. She stated that it is a priority to establish the Executive Committee which consists of the Chair, Vice-Chair, and Secretary as well as the Executive Director and Deputy Director. All of whom were elected at the previous meeting: Chair-Commissioner Upton; Vice Chair-Commissioner Crider; Secretary-Commissioner Kelly. The Law and Legislation Committee is staffed by the General Counsel and handles updating bylaws, updates to rules and other legal matters and procedures. The Education and Outreach Committee is staffed by the Communications Director and deals with effective communication and community outreach as well as public relations. The Budget and Audit Committee is staffed by the

Deputy Director and was developed by the Audit Committee Act of 2005. The committee will work with the Office of the Comptroller of the Treasury on how funds for the agency are spent. Other committees include the Nominating Committee and the Human Resources Committee. Committees can also be developed as determined by the Commission Chair.

The Executive Director stated that a current priority is to establish the Education and Outreach Committee to focus on the 60<sup>th</sup> Anniversary that is planned for July 2, 2024. Additionally, that committee is needed for the collecting of nominations for the Joselyn Dan Wurzburg award. The Director clarified that Wurzburg was an influential Commissioner for the agency in the past who currently resides in Memphis. The Budget hearings will be March 6, 2024. Commissioner Kelly asked what Fiscal Year the Budget hearing is applicable to. The Executive Director stated that it would be for FY26. She went on to clarify that the Fiscal Year begins on July 1. It is anticipated that it will be presented to the House on March 5, 2024. She noted that the state typically plans for a year in advance for the current budget. The following Commissioners requested they be considered for the following committees:

**Law and Legislation Committee:** Commissioner Rosales, Commissioner Raymond, Commissioner Crider

(staff participant-Tremecca Doss)

**Education and Outreach Committee:** Chair Upton, Commissioner Pérez, Commissioner Rosales

(staff participant-Jacob Aparicio)

**Budget and Audit Committee:** Commissioner Kelly

(staff participant- Director Muriel Nolen and Deputy Director-Veronica McGraw)

### **Executive Director Report**

The Executive Director presented her report for the reporting period of November 1, 2023 to December 31, 2023. The Executive Director stated that instructions for the upcoming budget hearings have been received and the hearing will be held on March 5 and 6, 2024. Director stated that the budget hearings will be available for viewing online. The budgets and actual spending reports are attached to the packets received by the commissioners. Questions have been submitted to the Senate and will be submitted to the House. She stated that our budget is “on par” and any funds not spent will be returned to the General fund. Commissioner Kelly asked if the questions are coming from the House and Senate or sent to them. Executive Director stated that approximately 20 pages of questions are requested by the Legislature for the agency to answer in preparation of the hearings. The questions include content related to what items have been requested over the past 3 (three) years. Included in the questions are what the current projections are for the coming year for example. Commissioner Crider asked if it is in the budget for the agency to pay for raises. The Executive Director stated that Human Resources has completed their evaluation of staff who are due for raises. It was explained by Fiscal officer, Allen Staley, that those are additional funds provided that are “held harmless”. Those expenses would not be “held” to the agency but added to the General fund. Human Resources began evaluating wage scale in 2021.

The Director referenced that each commissioner should have a “Financial Integrity Act Insurance” documentation which requires that each agency be held to maintaining comprehensive internal operations of control (This is reflected as a letter that is in the packet). Commissioner Kelly asked who would attend the hearing. The Executive Director replied that she would attend the Budget hearing along with General Counsel, Tremecca Doss, Deputy Director, Veronica McGraw and the fiscal officer, Allen Staley.

*There was a break for a non-public Informational/Executive Session for which certain procedures were explained by the Legal division.*

The Executive Director reported that there are four (4) outstanding vacancies. The position in Knoxville has been reclassified to support investigations, education and outreach efforts for East Tennessee. There are two open positions in the Title VI unit and an investigator position in Memphis. Commissioner Kelly asked if those positions were fulfilled, would the agency be fully staffed. The Executive Director replied that yes it would. Commissioner Crider asked about the 4 pages that were presented earlier regarding the cases that were previously reviewed. Commissioner Crider asked about the paperwork that had been distributed. He has requested a copy of the 4 pages be sent to him. The Executive Director specified that the paperwork was the Notice of Determination prepared for signature on the employment case. Regarding the housing case, investigation conclusions will be presented in March. General Counsel Doss stated that due to the fact the Notice of Determination contains specifics that are case sensitive information, it was not previously emailed to the Commissioners. General Counsel Doss stated that once it has been signed by the Chair and Executive Director and it becomes record, it may be forwarded to him. Executive Director stated that moving forward, the Notice of Determination would be a template that uses standard language. Commissioner Kelly commented that he is under the impression that the information contained in the Notice of Determination does not become “public record” until it has been signed. Transmitting it prior to signature may allow for the document to be accessible by the Freedom of Information Act prior to it being official which is why it was not emailed before the meeting.

Commissioner Pérez voted to approve the Executive Director report. Commissioner Raymond seconded the motion. All the Commissioners voted to approve the minutes.

### **Enforcement Report**

The Deputy Director presented her report for the reporting period of November 1, 2023, to December 31, 2023. She provided an update on the enforcement efforts in the THRC employment and housing units.

### **Employment:**

For the reporting period, the employment unit received a total of 154 inquires of which most were received from Middle Tennessee. A total of 26 were prepared for investigator assignment. A total of 23 cases were closed.

### **Housing:**

For the reporting period of November 1, 2023, to December 31, 2023, the housing unit received a total of 114 inquires. The majority of cases filed were from Davidson County followed by Shelby and Rutherford counties. A total of 30 cases were prepared for investigation. A total of 17 cases were closed.

Commissioner Pérez voted to approve the Deputy Director report. Commissioner Rosales seconded the motion. All the Commissioners voted to approve the minutes.

### **Title VI Report**

The Title VI Compliance Program Director, Cheryl Hines, presented the Title VI report for the reporting period of November 1, 2023, to December 31, 2023. Beginning with the Implantation Plans, all forty-nine

reviews have been completed. Regarding Title VI processing, sixty (60) inquiries were received. Of those sixty (60), sixteen (16) were determined to be jurisdictional and were assigned to State Agencies for investigation. The remaining forty-four (44) inquiries were determined to be non-jurisdictional and were either referred to the appropriate state agency or were administratively closed. There are a total of sixteen (16) open complaints. Eleven (11) are internal and were referred to the Department of Corrections. A total of five (5) are external with two (2) being assigned to the Department of Safety and Homeland Security. One (1) has been assigned to the Department of Transportation; One (1) has been assigned to the Tennessee Housing Development Authority and (1) one to Tennessee Tech University. A total of thirty-seven (37) requests for technical support were received. Chair Upton requested clarification regarding the Implementation Plans. Title VI Director Hines confirmed that those reports are from other state agencies. Commissioner Raymond pointed out that on the chart listed in the report, The Tennessee Department of Transportation should be listed as TDOT, not TDOC.

Commissioner Pérez voted to approve the title vi report with the correction noted for TDOT. Commissioner Kelly seconded the motion. All the Commissioners voted to approve the minutes.

### **Legal Report**

The legal report was presented by General Counsel Tremecca Doss for the reporting period of November 1, 2023, to December 31, 2023. This report sets forth statistics for employment and housing cases. The second page provides an update on those cases.

Commissioner Raymond voted to approve the legal report. Commissioner Pérez seconded the motion. All the Commissioners voted to approve the minutes.

### **Communications Report**

The communications report was presented by the Communications Director, Jacob Aparicio, for the reporting period of November 1, 2023, to December 31, 2023. He reported on events that were co-organized and attended by THRC staff. Staff participated in nine (9) Education and Outreach events, three (3) of which were speaking engagements, one (1) exhibit booth and three (3) media releases that were picked up by media outlets. A total of 1,159,352 individuals were reached during FY 2023-2024. A total of 498 hours of training and professional development were received by THRC staff. Anticipated events coming up for the Commission include the West TN Fair Housing Summit at the National Civil Rights Museum in Memphis on April 29, 2024, and the THRC 60<sup>th</sup> Anniversary on July 2, 2024, at the National Museum of African American Museum in Nashville.

Commissioner Rosales asked about Outreach efforts to expand contact to rural areas. He asked about utilizing Zoom. There was a brief discussion on outreach efforts and how efforts can be made to reach more individuals.

Commissioner Kelly voted to approve the communications report. Commissioner Pérez seconded the motion. All the Commissioners voted to approve the minutes.

There were no Public Comments. The next meeting is slated for March 22, 2024.

Commissioner Pérez moved to adjourn. Commissioner Rosales seconded. The Commissioners approved to adjourn. Chair Upton adjourned the meeting at 10:42am CST.