



TENNESSEE HUMAN RIGHTS COMMISSION

WILLIAM R. SNODGRASS TENNESSEE TOWER

312 ROSA L PARKS AVENUE, 23RD FLOOR

NASHVILLE, TN 37243-1102

TOLL FREE: 800-251-2197

www.tn.gov/humanrights

March 22, 2024

Board of Commissioners' Meeting Minutes

Commissioners Present:

Commission Chair Upton

Commissioner Crider

Commissioner Kelly

Commissioner Raymond

Commissioner Rosales

WebEx:

Commissioner Pérez

Cheryl Hines, Title VI Compliance Program

Director

Leslie Yanez

Yolanda Scott

Maurice Lamont Turner

Staff Present:

Muriel Nolen, Executive Director

Veronica McGraw, Deputy Director

Lynn Cothren, Operations Manager/Special Assistant

Jacob Aparicio, Communications Director

Allen Staley, Fiscal Officer

Michelle Petrey, Training Officer II

William Wade, Associate General Counsel

Cheryl Nichols

Seth Lankford

Call to Order

Commission Chair Upton, called the meeting to Order at 9:01 CST. Five (5) Commissioners were present at roll call.

Following roll call, the video session was paused to allow for an Executive Session in which information was shared that falls under the attorney/client privilege rule.

Chair Upton asked for a review and approval of the minutes for the previous Board meeting.

Commissioner Kelly moved to approve the minutes. Commissioner Rosales moved to second the motion.

All Commissioners moved to approve.

Commissioner Rosales asked all the commissioners to refer to the copy of the minutes for the Law and Legislation subcommittee meeting in their packets. Commissioner Crider moved to accept. Commissioner

Rosales moved to second. All of the commissioners voted to accept.

Regarding the Education and Outreach committee, Commissioner Perez asked that the commissioners review the copy of the minutes for the Education and Outreach Committee. She highlighted that there is a pending discussion on the nominations for the Jocelyn D. Wurzburg Civil Rights Legacy award. She stated that each commissioner may submit one nomination each, which are due on Friday, April 19, 2024. The nominees will be presented to the commissioners at the upcoming Board meeting. Additionally, the recipient will be acknowledged with the award at the 60th Anniversary Celebration on July 2, 2024. Commissioner Kelly moved to accept the Education and Outreach Committee meeting minutes. Commissioner Rosales seconded the motion. All commissioners moved to accept the minutes.

Chair Upton thanked all the commissioners for their participation in the committees. Commissioner Kelly asked if the committee meetings meet in person. Chair Upton clarified that their meetings are determined by the attendees' individual schedules.

Executive Director Report

The Executive Director presented her report for the reporting period of January 1, 2024, to February 29, 2024. The Executive Director stated that the Governor has recommended a budget of \$3,582,500. The budget passed in the House and Senate on March 5 and 6. In attendance at the Budget Hearings were members of the Executive staff as well as Chair Upton. The Executive Director thanked those who attended for their participation. She stated that they met with several members of the House and Senate who recognized the agency for having made improvements over the last two years. The Executive Director referred to the budget attached in the packets they received prior to the meeting. She noted that the Commission is "In-budget" this fiscal year.

Commissioner Kelly asked a question about the first line listed and indicated that there is a percentage of funds not spent this fiscal year to date. He noted "there are 4 months left in this fiscal year." He asked if the unspent funds are due to not having a full staff. Additionally, he asked if those funds roll over into next fiscal year.

Fiscal Officer, Allen Staley, responded to the question by stating that while the agency not being staffed at full capacity does contribute to the number, the fact that the most recent payrolls hadn't posted at the time the numbers were reported also accounts for the difference. Funds that are not spent, will be returned to the General Fund, except for \$200,000. Language in the Appropriations Act allows for \$200,000 to carry forward. Commissioner Kelly asked for clarification on the item listed as Operations. Mr. Staley reported that those are "below the line expenses" that consist of the expenses that make up the for the costs of supplies, equipment leases, rent, etc.

The Executive Director thanked Associate General Counsel William Wade for his updates on Legislative activities as well as the several other tasks and duties that he manages.

The Executive Director provided an update on Human Resources for the THRC. There are 4 available positions. Those are currently being set up for interviews. These positions include a Housing Director in Knoxville, Investigator in Chattanooga and two Title VI administrative positions. Commissioner Kelly

inquired as to why there have been challenges in filling these positions. The Executive Director stated that there are certain educational and skill requirements that applicants must meet. She went on to state that due to the lower salary rates offered for state of Tennessee positions, finding qualified candidates who express interest in the positions can be challenging. Commissioner Kelly asked if there could be a budget increase requested in the future to account for the anticipated salary needs of future/new employees. Executive Director Nolen stated that it could be requested.

In addition to future budgetary adjustments, the Deputy Director is working with DOHR to address salary rates for employees. She continued by stating that the job description language can be an issue as well. Commissioner Kelly asked if the current job descriptions are sufficient. Executive Director stated that another common challenge is the general low number of candidates. She went on to clarify that DOHR has been analyzing the compatibility of salaries for state employees for several years and reiterated that challenges would likely continue regardless.

Commissioner Crider asked Fiscal Officer Allen Staley when, in the last 10 years, has the Commission been fully staffed. Mr. Staley stated that he didn't know but knew that there have been instances over the past few years that it has been fully staffed. He commented that turn-over is a regular occurrence. Mr. Crider asked for an explanation on the \$200,000 that was previously mentioned. Mr. Staley stated that the original purpose of the ("Carry Forward") Appropriations Act was that it was put in place and created at a time when the agency was having difficulty closing its fiscal year. Its use must be "budget approved". He stated that this Act serves as a safety net for "end-of-the year" closing. If the agency has saved money during the year, the act allows those funds to carry over into the next fiscal year.

Chair Upton commented that it is his understanding that DOHR is very involved in the salary evaluation process. It is his impression that there isn't a "blanket" raise but an evaluation-based measure for salary increases. He noted that revisiting this in the future would be worth-while.

Commissioner Kelly inquired if the salary evaluation process has occurred recently. It was responded that it has not occurred recently, but it is now being addressed through current procedures and reviews.

Commissioner Rosales commented that it is a competitive job market in all sectors of government employment. He recognized THRC staff member, Betty Sanchez, for her impressive customer service skills. The Executive Director stated that recruitment and retention is a priority for the agency.

Director Nolen then spoke on the status of the EEOC and HUD workshare agreements. The end of HUD case processing is June 30. The last assessment was in July (fiscal year 2022). HUD reviews and evaluates state agencies every other year. They typically look at structure of the agency, staffing, turnover, cause case findings as well as timelines and keeping up with milestones. Findings have been received from HUD recommending recertification of the Commission as a substantially contributing agency under the Fair Housing Act. The Commission has a good standing relationship with HUD. The Commission is currently working on benchmarks over the next 90 days. Benchmarks include the intended addition of three (3) staff which would include more investigators. The agency is on target to close more than the required number of 60 cases. It is anticipated that THRC will close approximately 100 dual filed cases. Commissioner Kelly inquired as to why HUD is requesting THRC hire additional staff if goals are being met. The Executive Director clarified that it takes approximately 2 years to increase staff as the hiring and training process is linear and takes time.

In terms of the EEOC contract, the deadline ends September 30. She commented that much of the staff turnover has been in the Employment unit. She stated that she and the Deputy Director have been focused on fine tuning processes and procedures to ensure the unit's success. An additional challenge has been the increased number of cases received by the Employment Intake unit.

In regard to Education and Outreach, THRC has begun to study the development of a streamlined system to track and educate state agencies and their grantees and subrecipients regarding Title VI training and requirements. A quote has been obtained to produce that program in the amount of \$175,000. It is anticipated to take approximately 18 to 24 months to complete. The Governor's office has asked that this program be prioritized. It is believed that this may benefit other state agencies. It is anticipated that a presentation will go before the General Assembly next year for this new project.

The THRC co-sponsored MLK events in January. Members of Executive staff have been working closely with the organizations affiliated with those events. The Executive Director attended the Statewide Women's Policy Conference in Chattanooga. She attended (6) sessions conducted by the EEOC on Leadership. Members of THRC attended The Equal Opportunity Day Luncheon hosted by the Urban League of Middle TN. The THRC sponsored an exhibit booth at the THDA Tennessee Housing Conference. The THDA has been acknowledged as the first sponsor for the upcoming 60th Anniversary event in July.

Chair Upton extended gratitude to the staff who organized and participated in the Commissioner training. Commissioner Raymond moved to accept the Executive Director's report. Commissioner Rosales moved to second the motion. All commissioners accepted the report.

Enforcement Report

For the reporting period of January 1-February 29, 2024, the Deputy Director 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 201 inquiries. The middle Tennessee region received the highest percentage of complaints of discrimination during the reporting period. For the reporting period the employment unit closed a total of 16 cases.

Housing:

For the reporting period, the housing unit received a total of 154 inquiries. Davidson County received the highest number of complaints of discrimination followed by Knox, Shelby and Rutherford Counties. The housing unit closed a total of 14 cases.

Chair Upton asked the Deputy Director to comment on what the common basis of allegations are identified as they relate to the increased number of complaints that are being received. Deputy Director McGraw stated that for Housing inquiries it is disability and for Employment it is race. Chair Upton asked if Emotional Support Animals (ESA)s are being cited more often versus reasonable accommodation in the Housing complaints. Associate General Counsel William Wade stated that it is generally ESAs but that equally concerning are the lack of reasonable accommodations to include accessible parking. He stated that it seems to be multi-faceted. He cited that misunderstanding of individual's rights is a

contributing factor for housing discrimination. Commissioner Crider commented that educating landlords would be helpful. Commissioner Raymond moved to accept the Executive Director's report. Commissioner Rosales moved to second the motion. All commissioners accepted the report.

A ten-minute break was taken by all participants.

Title VI Report

The Title VI Compliance Program Director, Cheryl Hines, presented the Title VI Annual Report for the reporting period of January 1- February 29, 2024. A total of forty-nine (49) Implementation Plans were received with Title VI Compliance Program Notification Letters and were being completed and mailed successfully. As of February 29th, 2024, the Title VI Compliance Program received sixty (63) inquiries during that reporting period. Of those inquiries, eight (8) were determined to be jurisdictional and were assigned to State Agencies for investigation. The remaining fifty-five (55) inquiries were determined to be non-jurisdictional and either referred to a State Agency or administratively closed.

There are currently eighteen (18) open Title VI complaints. Eight (8) of those complaints are internal and were assigned to the following state agencies:

Tennessee Department of Correction: Six (6)
Tennessee Department of Education: One (1)
Tennessee Department of Housing and Development: One (1)

The remaining Ten (10) complaints are external complaints and were assigned to the following state agencies:

Austin Peay State University: One (1)
Middle Tennessee State University: One (1)
Tennessee Commission on Aging and Disabilities: One (1)
Tennessee Department of Education: One (1)
Tennessee Department of Safety and Homeland Security: Three (3)
Tennessee State University: Two (2)
Tennessee Tech University: One (1)

In regard to Technical Assistance, Title VI Compliance Program Staff received thirty (30) requests for technical assistance for the reporting period. The topics of technical assistance requested were Title VI Complaint processing assistance and Limited English Proficiency (LEP) assistance.

Chair Upton asked for clarification on the terminology of "Administratively Closed". The Title VI Director stated that it occurs when the complaint has been rescinded and is therefore closed. Additionally, he asked for a clarification on the reference to the external complaints that went "back to the agencies". It was stated that agencies handle the investigation and report findings to the THRC. He asked if that constitutes "conciliation". The Executive Director responded "no", the THRC monitors certain activities on the investigations.

Commissioner Kelly moved to accept the Title VI Director's report. Commissioner Rosales moved to second the motion. All commissioners accepted the report.

Legal Report

The legal report was presented by Associate General Counsel William Wade for the reporting period of January 1- February 29, 2024, on behalf of himself and General Counsel Doss. According to the Employment report, the legal department reviewed 10 no-cause cases and one (1) case was administratively closed. The legal department reviewed four (4) THRC-only cases. The legal department reviewed 22 employment cases for investigative plans and one (1) request for reconsideration. Regarding Housing complaints, there were seven (7) no-cause cases, six (6) administrative closures, two (2) mediations were negotiated, and a total of 19 housing investigative plans. The legal department reviewed seven (7) copy requests.

Commissioner Kelly asked for clarification on what constitutes a copy request. Associate General Counsel William Wade explained that either party may request documentation from the case file. The applicable documents that may be provided are contingent on where the matter is in the investigative process. State and Federal confidentiality laws apply regarding what documentation may be provided to the requesting party.

There was four (4) cases that are post-cause listed in the report that was shared with the commissioners.

Commissioner Kelly moved to accept the Executive Director's report. Commissioner Rosales moved to second the motion. All commissioners accepted the report.

Chair Upton expressed gratitude to Mr. Wade. Additionally, he asked what the general status is for "back-logged" cases. Mr. Wade stated that there are procedures in place to assist in expediting their individual statuses. Commissioner Rosales asked if there are any plans to coordinate having the commissioners to meet to review over "back-logged" cases. There are approximately a total of 25 cases that are pending a review. Commissioner Pérez asked if there is the possibility of the commissioners gathering to review those 25 cases. Mr. Wade suggested that an Executive Session be scheduled to review those. He stated that each case could take between an hour or two each to review. Mr. Cothren stated that it may be useful to plan to meet on May 30 or 31 to review cases. Chair Upton requested that the commissioners keep the 30th available. It was clarified that to vote on any of the cases, five (5) commissioners must be present. Commissioner Kelly asked for clarification for where in the report is the Budget line listed. It was responded that it is under Operations.

Commissioner Rosales voted to approve the legal report. Commissioner Raymond 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 January 1- February 29, 2024. He first requested an amendment to the Communications Report delivered for the period of November 1 – December 31, 2023. He requested a correction for the reach of our media releases with Nashville PRIDE Publications was on December 10th and December 16th. Previously it was reported that reader base was 336,000. That should be corrected to

reflect their current reader base of 60,426 readers. The amendment will adjust the total reach for the fiscal year as of December 31 to 609,494 people (previously reported at 1,159,352). Commissioner Rosales asked for clarification on what is Nashville Pride. He then asked that branding be considered for casting a wider “net” for PR reach. Director Aparicio clarified that those numbers were based on press releases. He stated that ad campaigns tend to be a bit more targeted with specific vendors and communities in mind. He went on to clarify that the specific media outlet has the discretion whether to run a THRC issued press release. Commissioner Rosales voted to approve the amended communications report. Commissioner Raymond moved to accept the amendment. Commissioner Kelly seconded the motion. All the commissioners voted to approve the amendment.

For the reporting period of January 1- February 29, 2024, Communications Director Aparicio presented that the Commission’s education and outreach efforts included 13 in-person events and 4 media ad campaigns. They bring our total outreach for FY 2023-24 to 2,614,650 people. Outreach efforts we participated in for this reporting period included events that THRC staff co-organized including the IMF Nashville “MLK Day Labor & Human Rights Breakfast” in Nashville; events we attended like the Statewide “Women’s Policy Conference” in Chattanooga; and events at which we distributed educational materials at such as the Tennessee Housing Conference in Nashville. Additionally, the Commission ran fair housing ad campaigns across the state with iHeart Radio and Multicultural Media newspapers.

The MLK Day Labor & Human Rights Breakfast was co-organized by the Commission and the Central Labor Council of Nashville and Middle TN. Director Nolen served as the opening speaker for the event. The event also featured Keynote Speaker, Reverend Darryl Gray, as he discussed the intersection of faith, labor, and civil rights. There were approximately **125 people** in attendance on January 12, 2024.

For online engagement, we had a total of 2,570 followers between our social media platforms. For the reporting period, the THRC website had a total of 27,129 views.

Upcoming projects and events the Communications division is organizing include the West TN Fair Housing Summit at the National Civil Rights Museum in Memphis on April 29, 2024, and the THRC 60th Anniversary on July 2, 2024, at the National Museum of African American Museum in Nashville.

Commissioner Rosales asked about the number of social media followers to which Mr. Aparicio stated that has been a steady increase. He stated that the current social media platforms are Facebook and Twitter. He stated that he is looking into expanding on Instagram. He explained that the radio vendor that we advertise on does provide a report of where and what stations play the THRC ad. A geographic breakdown is available. Ironically, regarding website visits, the largest amount of visitors to the THRC website come from out of state.

Commissioner Upton suggested that KCDC be reached out to regarding being a possible sponsor for the 60th. Commissioner Kelly asked for clarification of the “general message” of our ad campaigns. Mr. Aparicio stated that most messaging is dictated via funding requirements of our Federal Partners. The general message is primarily focused on fair housing education for both potential complainants and respondents. Commissioner Rosales moved to accept the amendment. Commissioner Raymond seconded the motion. All the Commissioners voted to approve the amendment.

Public Comments-Announcements

Associate General Counsel William Wade announced that the public comments are welcome but must be limited to 3 minutes per presenter. He stated that due to Stated and Federal confidentiality laws, responses will be limited. There were no comments shared by attendees.

Commissioner Upton announced that the next meeting will be held on May 31, 2024, at the same location. He advised that the commissioners please hold May 30th for an Executive Session.

Commissioner Rosales moved to adjourn. Commissioner Raymond seconded. All commissioner accepted the motion.