



TENNESSEE HUMAN RIGHTS COMMISSION
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June 7, 2024
Board of Commissioners' Meeting Minutes

Commissioners Present:

Commission Chair Upton
Commissioner Kelly
Commissioner Pérez
Commissioner Raymond
Commissioner Rosales

WebEx:

Allen Staley, Fiscal Officer
Lynn Cothren, Operations Manager
Cheryl Hines, Title VI Compliance Program
Director
Jonell Young

Staff Present:

Muriel Nolen, Executive Director
Jacob Aparicio, Communications Director
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. Commission Chair Upton requested a Moment of Silence with condolences being extended to Lynn Cothren.

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. The Commission began the public deliberation for an employment discrimination case. Deliberating in the case were Chair Upton, Commissioner Raymond, Commissioner Rosales, Commissioner Pérez, and Commissioner Kelly. Each Commissioner indicated the following: they had no conflict interest in the matter, they had not previously discussed the matter, they had all reviewed the case file, and that they were ready to proceed with the public deliberation. At [Grab your reader's attention with a great quote from the document or use this space to emphasize a key point. To place this text box anywhere on the page, just drag it.]

the conclusion of the public deliberation, the Commissioners unanimously found reasonable cause to believe that the Respondent had engaged in retaliation. Based on their unanimous decision, an amended notice of determination will be prepared. The public deliberation session concluded.

Chair Upton asked for a review and approval of the minutes for the previous Board meeting. Commissioner Pérez moved to approve the minutes. Commissioner Kelly moved to second the motion. All Commissioners moved to approve.

Regarding the minutes for the Education and Outreach committee meeting, Commissioner Pérez stated that 5 nominations were received and considered for the Jocelyn D. Wurzburg Civil Rights Legacy Award. Additionally, she stated that the award may be expanded next year. It was announced that Patricia Inés Robledo will be receiving the award this year. Commissioner Kelly moved to approve the minutes. Commissioner Rosales seconded the motion. All Commissioners approved to accept.

Executive Director Report

The Executive Director presented her report for the reporting period of March 1, 2024, to April 30, 2024. She stated that the Tennessee General Assembly amended and approved the THRC FY 2025 budget, which starts July 1, 2024. The Commission has a FY 2025 budget of \$3,582,500 that is comprised of \$2,612,700 in State appropriations and \$969,800 in Federal funding. No reductions were taken, and this amount does not include a cost increase or improvement. The fiscal year ends June 30 and the Commission is current with accounting and administrative deadlines required by Finance and Administration. Mr. Staley is available for questions. There will be a budget committee meeting in July or August. Planning is anticipated and will be presented to Finance and Administration.

Commissioner Kelly asked about clarification on plans for filling vacant positions. The Director clarified that THRC is actively working with DOHR to fill the open positions. Commissioner Kelly acknowledged that progress has been made in filling vacant positions. The Director noted that the General Counsel position is vacant. The Chattanooga investigator position is filled and the candidate will start soon. A Housing Director has been hired. There were two Title VI positions, one of which has been filled with interviews scheduled for the available ASA 4. The Executive Director has advised that the agency consider interns for available positions. She noted that DOHR is allowing for more flexibility for hiring based on experience and education.

The Executive Director acknowledged that Associate General Counsel William Wade is working hard to handle the Legal unit's duties which include upcoming motions and trials. She noted that the Housing unit's deadline is June 30. They are working to close closes per HUD guidelines. HUD has requested that the Housing units be increased by three (3) employees which will include the new Housing Director. Commissioner Kelly asked for clarification regarding how funding from HUD would be applied to increasing the number of employees in the Knoxville office.

A new intake screening process that has been mandated by the EEOC has been implemented. An individual has been added to staff of the intake unit. Intake interview procedures have been added to the overall process in Employment. Commissioner Raymond asked about the need for further analysis

associated with the funding supplied by our Federal partners. The Director identified that there are regularly occurring meetings with the Federal partners regarding demands and needs.

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 Kelly asked Mr. Staley about the process of receiving Federal funds. Mr. Staley stated that a voucher is sent and then monies are transferred to the state Treasury. Following the transfers, the process goes through several approvals.

Commissioner Pérez moved to approve. Commissioner Kelly seconded. All Commissioners approved.

Employment: Enforcement Report

The Employment contract with the EEOC ends June 30, 2024. During the reporting period, the agency received 205 employment inquiries of which 170 (77%) were received through the online form. Intake staff accepted 77 charges to be prepared for investigator assignment. The employment unit closed twenty-one (21) dual-filed cases and seven (7) THRC only cases: Of the closed cases, five (5) were administrative closures. The Executive Director referred to the attached reports in the Board packet.

Housing: Enforcement Report

This report covers the period of March 1, 2024 – April 30, 2024. During this time, the THRC Housing unit received 167 inquiries; 62 inquiries were accepted as complaints. Disability was the number one basis for complaints followed by race, familial status, retaliation, gender, national origin, and religion. Out of 95 counties, a total of 21 counties were served in March 2024 and a total of 29 counties were served in April 2024. Davidson County received the highest number of complaints during this reporting period.

Commissioner Kelly asked about the most cited issues for Housing discrimination complaints. Associate General Counsel Wade reported that disability and retaliation tend to be primarily cited. Additionally, Commissioner Kelly asked if complaints are being filed against property management companies or private entities. It was reported that it is a mix. The Executive Director identified that settlements are a common resolution. Chair Upton asked if the financial amounts reflected in the report represent average amounts negotiated. General Counsel Wade stated that yes, the average amounts are common.

Commissioner Raymond moved to approve. Commissioner Rosales seconded. All Commissioners approved.

Title VI Report

The Title VI Compliance Program Director, Cheryl Hines, presented the Title VI Annual Report for the period of March 1, 2024 – April 30, 2024. The 2022-2023 Implementation Plans have been successfully completed. A total of 52 inquiries were received. Of those, 10 were jurisdictional and assigned to state agencies for investigation. The remaining inquiries were non-jurisdictional and either referred to other state agencies or administratively closed. There are currently 8 open complaints. Seven (7) are internal with one (1) being external and assigned to Tennessee Tech University. The internal 7 complaints were

assigned as follows: (1) Tennessee Department of Children Services; (2) Tennessee Department of Corrections; (3) Tennessee Department of Education; (1) Tennessee Housing and Development. Title VI received 39 requests for technical assistance. Topics included Title VI Compliance, processing assistance, Limited English Proficiency, and assistance with training data availability.

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 March 1, 2024, through April 30, 2024. For employment cases, the legal department reviewed 17 no-cause cases, two (2) cases were successfully mediated or had negotiated settlements; six (6) were administratively closed and three (3) cases reviewed were THRC-only. There was one (1) pre-cause case and 25 investigative plans reviewed. For housing cases, 14 no-cause cases were reviewed, two (2) cases were successfully mediated or had negotiated settlements; six (6) were administratively closed, and one (1) case was reviewed that was THRC-only. There was one (1) pre-cause case and 26 investigative plans reviewed along with one (1) Reconsideration request reviewed. There were 18 Copy Requests that were completed during this period. Commissioner Kelly asked for clarification as to what an Investigative Plan was. Mr. Wade explained that they contain investigative checklists and analyses.

A general review of a few cases that are being litigated was conducted as well. The Cox case is a matter of public record and is set for trial.

Commissioner Kelly moved to approve the Legal report. Commissioner Pérez seconded the motion. All Commissioner voted to approve the report.

Communications Report

The Communication Division's report was presented by Communications Director, Jacob Aparicio, for the period of March 1, 2024, through April 30, 2024. Within this time frame, the Commission participated in twelve (12) education and outreach events, ran six (6) media ad campaigns, and had four (4) articles published about the agency. It is estimated that through these efforts, the Commission had a reach of 2,244,875 individuals during the reporting period. The estimated total reach for the fiscal year is 4,859,525 people. Mr. Aparicio listed several events and activities that the Commission participated in. He mentioned the recent West TN Fair Housing Summit at the National Civil Rights Museum in Memphis, TN. Overall, between in-person and online, 177 people were in attendance making it the highest attended Fair Housing Summit the Commission has ever hosted.

He shared with the Commissioners that the Commission's 60th Anniversary is being planned for July 2, 2024, at the National Museum for African American Music in Nashville, TN from 5:30-8:00pm. The Commissioners are encouraged to attend and invite their personal and professional networks. Mr. Aparicio stated that the recipient of the Wurzburg award will be presented with this honor on that evening. Jocelyn Wurzburg, the author for the Tennessee Human Rights Act and former commissioner, will be presenting the award alongside Board Chair Upton. He noted that the date was selected as it coincides with the anniversary of the signing of the Civil Rights Act of 1964.

Mr. Cothren commented that the 60th Anniversary is not a typically occurring event and the Commission is hoping it will spark recognition and awareness for Civil Rights as a whole. He continued by elaborating that given the event is not part of the Commission's normal scope of services, the anniversary is not a budgeted item and requires funds be raised. He encouraged the Commissioners to donate and to help raise funds for the event.

Commissioner Pérez moved to approve the Communications report. Commissioner Kelly seconded the motion. All Commissioner moved to approve the report.

Public Comments-Announcements

There were no Public Comments.

Commissioner Rosales made a motion that Commissioner Raymond serve as Vice-Chair. Commissioner Pérez seconded the motion. All Commissioners approved the motion.

It was announced that the next board meeting will be Friday, July 19.

A brief discussion was conducted regarding the scheduling of case reviews. There are approximately 35 to 40 cases pending the Commissioners' review. Mr. Cothren asked that a schedule be created that encompasses dates for case review, committee meetings and board meetings. Mr. Wade advised that it would be reasonable to cover 2 cases at a time for each review meeting.

The Chair adjourned the meeting at 11:22am.