



TENNESSEE HUMAN RIGHTS COMMISSION
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May 25, 2022

Board of Commissioners' Meeting Minutes

Commissioners Present:

Commissioner Arnwine
Commissioner Behler
Chair Derryberry
Commissioner Martin
Commissioner Sloss
Commissioner Houston (via WebEx)
Commissioner Albright (via WebEx)

Commissioners Absent:

Commissioner Crafton

Staff Present:

Muriel Nolen, Interim Executive Director
Veronica McGraw, Communications Director
Lynn Cothren, Special Assistant
William Wade, Associate General Counsel
Dazaly Reyes-Montalvo, Administrative Assistant
Kaleda Bentley, Intake Supervisor
Cheryl Cole, Administrative Assistant
Saadia Williams, Housing Coordinator (via WebEx)
Allen Staley, Fiscal Officer (via WebEx)

Guests

James Gore, Attorney for Knoxville Community Development Corporation (via WebEx)

Call to Order

Chair Robin Derryberry called the meeting to order at 9:10 a.m. CDT and requested a moment of silence given the situations in our daily lives. The roll call was taken with seven commissioners present and two via WebEx. Chair Derryberry requested a review and vote on the Commissioner Meeting Minutes for March 25, 2022, and April 19, 2022. Commissioner Albright moved to approve the minutes of both with Commissioner Sloss Seconding the Motion. (Full Transcript will be attached.)

Chair Derryberry requested to review the Order that has been entered to award damages in *Tennessee Human Rights Commission v. Bryan Ferguson* | APD Case No. 34.00-153844J. A Motion to Affirm the damages awarded was made by Commissioner Martin and Seconded by Commissioner Albright. There was a question by Commissioner Sloss regarding the delay in the finding on this matter. All Commissioners affirmed, with Commissioner Houston abstaining. Chair Derryberry requested to review the Order that has been entered to award damages in *Tennessee Human Rights Commission v.*

Knoxville Community Development Corporation, et al. | APD Case No. 34.00-190543J.

Commissioner Houston recused herself prior to the vote. The first vote taken was to determine if the Petitioner was denied the reasonable accommodation request. Commissioner Martin moved to affirm, and Commissioner Albright seconded. A vote was taken on the matter of unlawful eviction with Commissioner Behler moving to affirm and Commissioner Sloss seconding. A vote was taken on the Petitioner's damages with Commissioner Arnwine affirming, and Commissioner Martin seconding. A vote was taken on the Aggrieved parties' damages with Commissioner Behler affirming and Commissioner Sloss seconding.

Personnel Committee Report

There was no written Personnel Committee Reports. Commissioner Houston requested to go into Executive Session which was denied due to the matter not being litigation. Chair Derryberry requested the matter be addressed with the Personnel Committee which is to be scheduled for June 6. Regarding the open Executive Director position, there is a closing date of May 18, 2022. Interviews will occur June 15-17, 2022. The anticipated hire time frame is July. There was a total of 37 applicants.

Interim Executive Director's Report

Per Muriel Nolen: The FY 2023 budget has passed the Governor's office and the General Assembly. The FY 2023 budget will include 4 recurring/permanent positions. The State's Appropriation Budget is expected to occur the week of May 16, 2022, which will increase the staff of the Commission from 29 to 33 full time positions. The current FY 2022 budget spending report is attached. The agency is projected to be within budget at the end of FY 2022.

Regarding human resources, there are four outstanding vacancies; two of the positions are for employment investigators in Memphis and Chattanooga with the additional two in the Title VI unit. Interviews for the employment investigators were conducted this week, May 23, 2022. Regarding the additional Title VI positions, there are plans to better align the job responsibilities and increase salaries. Tanya Webster, Title VI director, has entered a resignation effective June 10, 2022. Muriel Nolen will serve as acting Title VI Compliance Director until someone is hired to fill the position and will conduct the Title VI state-wide training scheduled for August 4-5, 2022.

Regarding staff additions, Jessica Coberly has joined the housing unit in Knoxville as an investigator. Stephanie Brake is the new Compliance Officer. Two newly approved positions will be assigned to the housing unit as investigators. Office space in Knoxville will be assessed for administrative needs and will be relocated later this year.

The Department of Housing & Urban Development (HUD) continues to provide technical assistance to the housing unit to triage the backlog of intakes due to increased housing complaints and the 3-month vacancy in housing.

There is a plan to transition the employment unit from paper files to digital on June 1, 2022. This will be like the HEMS system in the housing unit. Digital files will save the Commission money, time, and resources. On May 12, 2022, a meeting was held with the transition team and EEOC's leadership team. At that time, production goals, best practices, (ARC) and the new case management system as well as future trainings were discussed. The EEOC will host a virtual conference July 19-21, 2022.

Regarding education & outreach, a THRC West TN Fair Housing Summit was held in Memphis on April 14, 2022. In addition, the attorneys, employment investigators and Interim Director Nolen attended a three-day training conducted by the EEOC on employment and investigations.

Interim Director Nolen attended a leadership study mission in San Diego. The Commission was awarded approximately \$22,000 for training funds for FY 2022. The Mission covered topics such as Fair Housing, recruiting and talent, best business practices, and education & outreach.

Commissioner Behler made a motion to accept the Interim Director's report with Commissioner Martin Seconding.

Employment Report

Per Muriel Nolen: This report covers the period of March 1, 2022- April 30, 2022. During this time the agency received 131 inquiries of which 108 (82%) were received through the online form. A total of 22 charges were accepted. There were 44 cases prepared for case assignment, 38 dual-filed and six THRC only. There are a total of 204 inquiries in the intake inventory. The agency closed 44 cases, 23 dual filed and 21 THRC only. Twenty-one cases were closed as no cause, 5 cases were settled, and 18 were administratively closed. At the end of April 2022, the total open complaint inventory was 398 complaints. There are 112 cases awaiting to be assigned.

Commissioner Arnwine made a motion to accept the Interim Director's employment report with Commissioner Albright Seconding.

Housing Report by

Per Saadia Williams: This report covers the period of March 1, 2022- April 30, 2022. The THRC housing division has received 176 inquiries; 20 inquiries were accepted as complaints. Disability remains the number one basis for complaints followed by race and color. The HUD efficiency goal was 50% with it finalizing at the end of April at 36%. All acceptance and notification letters were sent to the respective parties, which is within 10-days.

Commissioner Martin made a motion to accept the housing report with Commissioner Houston Seconding.

Title IV Compliance Report

Per Tanya Webster: This report covers the period of March 1, 2022- April 30, 2022. A total of 49 final reviews have been completed. All state agencies were found to be compliant, resulting in a 100% compliance rate. The Title VI Compliance Program received 62 inquires in the report period. Of those inquiries, 19 were determined to be jurisdictional and were assigned to State Agencies for investigation. The remaining 43 inquiries were determined to be non-jurisdictional and either referred to a State Agency or administratively closed. As of the end of this reporting period, there are currently 162 open Title VI complaints that were received directly-TBR (7), Department of Education (9), DHS (2), Children Services (3), Department of Labor (4), DIDD (1), MTSU (3), TennCare (8), University of Memphis (1)m University of TN (1), THDA (1), Safety (2), Health (2), Board of Parole (1), Public Defenders Office (1) and Department of Correction (120). Of the 162

open complaints, 76 are external Title VI complaints with 18 being internal. There were (109) requests for technical assistance from March 1, 2022-April 30, 2022. Topics of technical assistance requested were Implementation Plan assistance, LEP, sub-recipient questions, complaint processing and investigation questions.

Chair Derryberry requested a motion, which was accepted by Commissioner Sloss and second by Commissioner Albright.

Legal Office Report

Per William Wade: Regarding the Judicial Review before the court, in *Echevarria vs JKA* there was a hearing on March 18, 2022, of which the judge is currently taking that under advisement. In the matter of *Piatt v. H&Y Consulting*, an affidavit from the Attorney General was received stating that they did not receive notice of the hearing. A vacate has not been achieved at this time. In the election cases, there has not been any movement. There are no cases awaiting decisions for Final Decision. In Legislation, the General Assembly adjourned on April 28, 2022. HB2877 and SB2774 was transmitted to the Governor's office on May 23, 2022, and remains unsigned. This will become law if unsigned within 10 days.

Chair Derryberry attained a motion which was accepted by Commissioner Arnwine seconded by Commissioner Albright.

Communications Report

Per Veronica McGraw: The transition team continues to work with the Commission's HR Team to discuss office culture and staff concerns. With the assistance of DOHR, there have been efforts to improve workplace culture implemented. On April 27, 2022, a focus group of 10 randomly selected staff, Muriel and Veronica will meet with the DOHR employee relations team in early June to receive feedback from the session.

As previously stated, \$13,500 was received in HUD partnership funds for education and outreach activities. A Fair Housing summit was conducted on April 14, 2022, at the National Civil Rights Museum in Memphis. The event had over 100 attendees. The next Fair Housing Summit will be June 28, 2022, at the Tennessee Library Archives in Nashville. The partner will be the Tennessee Fair Housing Council. The funds were also used for radio ads on IHeart. There were nearly 800,000 impressions brought in through a 30-day period from the ads. Commissioner Behler posed a question regarding the award for Wurzburg Award to former Commissioner White which is still pending. Commissioner Behler has offered assistance regarding that awarding.

Chair Derryberry attained a motion to accept by Commissioner Sloss with Commissioner Arnwine Seconding the Motion.

Public Comments-Announcements

Upon the conclusion of the meeting, Chair Derryberry delivered a heartfelt statement of appreciation regarding her time served with both the Commission and Commissioners.

Commissioner Houston expressed gratitude stating that she believes that Chair Derryberry's efforts have been successful towards the betterment of the citizens for the state of Tennessee. Commissioners Sloss and Behler made comments reiterating and expressing appreciation as well. See attached for a copy of Chair Derryberry's Statement.

Next board meeting is for July 22, 2022, at 9:00am CDT; the location to be announced with a preference of Memphis.

Chair Derryberry adjourned the meeting 10:10am CDT.