



TENNESSEE HUMAN RIGHTS COMMISSION
WILLIAM R. SNODGRASS TENNESSEE TOWER
312 ROSA L PARKS AVENUE, 23RD FLOOR
NASHVILLE, TN 37243-1102
TOLL FREE: 800-251-3589
www.tn.gov/humanrights

July 19, 2024

Board of Commissioners' Meeting Minutes

Commissioners Present:

Commission Chair Upton
Commissioner Kelly
Commissioner Pérez
Commissioner Raymond
Commissioner Rosales

Webex:

Mo Turner
Laura Bell
Akeera Ford

Staff Present:

Muriel Nolen, Executive Director
Lynn Cothren, Operations Manager
Cheryl Hines, Title VI Compliance Program
Director
Jacob Aparicio, Communications Director
Michelle Petrey, Training Officer II
William Wade, Associate General Counsel
Cheryl Nichols
Seth Lankford

Present:

Paula Tucci
Guest

Call to Order

Commission Chair Upton, called the meeting to Order at 9:04 CDT. Chair Upton requested a Moment of Silence. Five (5) Commissioners were present at roll call. There was quorum.

Executive Director Report

The Executive Director presented her report for the reporting period of May 1, 2024, to June 30, 2024. She stated that Fiscal Officer, Allen Staley is ill and is therefore unable to attend the meeting. Due to Finance & Administration still reconciling accountables for the fiscal year, a budget report is not yet available to be shared. It will be presented in August 2024. It is anticipated that a budget increase will be requested in approximately two (2) weeks. Commissioner Kelly asked about a pending Budget Committee meeting. The Executive Director responded that the Budget Committee should plan to meet following receipt of the budget requests from Finance & Administration. Operations Manager, Lynn Cothren noted that Commissioner Kelly is the chair of the Budget Committee. A proposed schedule will

need to be coordinated for the Committees. Commissioner Pérez asked if all sponsorships were secured for the recent 60th Anniversary. Communications Director Aparicio replied that of the projected \$21,000.00 budget, \$18000.00 had been raised from sponsorship funds.

The Executive Director has met with the Attorney General's Office to review agency procedures and answer questions they have about the agency. It is anticipated that the Attorney General's Office will be meeting with the individual units soon to start the process of gathering more details about the agency's operations. Commissioner Kelly asked about the proposed bill that would move the THRC under the purview of the Attorney General. The Executive Director stated that the individual unit review is part of the process of the Attorney General Office's research on that possible action.

There will be a Sunset Hearing on August 20, 2024. The Sunset Hearing involves Legislative oversight and is a periodic review. The last time the THRC participated in one was in 2019.

The Executive Director highlighted that there have been three (3) new staff added to the agency since the last Board of Commissioner's meeting in June. These three (3) new staff are: an attorney who has a specialized understanding of Fair Housing discrimination; an Administrative Assistant 4 in Title VI; and an investigator in a regional satellite office.

Chair Upton reminded the Commissioners that there was still a need to vote on their review of the previous minutes. Commissioner Pérez moved to accept the previous minutes with Commissioner Kelly moving to second the motion. All commissioners accepted the report. Chair Upton moved to accept the Executive Director's report with Commissioner Kelly seconding the motion. All Commissioners approved.

Enforcement

Regarding employment enforcement, the Executive Director reported that a total number of 175 inquiries had been received during the reporting period, with 264 inquiries being closed. A total of 78 charges were accepted for investigation and there were two (2) mediations and three (3) settlements. The total monetary benefits received from mediations was \$1,500.00 and settlements was \$750.00. Commissioner Kelly asked for an explanation as to why the "closed" number of inquiries exceeds the "received" number. The Director explained that inquiries are routinely being received while other inquiries have been processed and closed. There is a constant overlap of activity on the processing of inquiries. The Director stated that each unit prepares individual monthly reports.

Regarding housing enforcement, Mr. Cowart will be overseeing the activities in the housing unit. A total of 130 inquiries were received with 21 being accepted and converted to complaints. A total of 71 were closed for this reporting period. The average case processing age was reported as 333 days. This is attributed to investigations being thorough and HUD processing requirements.

Commissioner Pérez moved to accept the Enforcement report. Commissioner Raymond moved to second the motion. All commissioners accepted the report.

Title VI Report

The Title VI Compliance Program Director, Cheryl Hines, presented the Title VI report for the period of May 1, 2024 through June 30, 2024. The 2022-2023 Implementation Plan submission due date is scheduled for October 4, 2024, at 4:30pm CDT. A total of 61 inquiries were received during the reporting period. Of those, either (8) were jurisdictional and assigned to state agencies for investigation. The remaining 53 inquiries were found to be non-jurisdictional and either referred to other state agencies or administratively closed.

There are currently 15 open complaints. Eight (8) are internal and assigned to the following agencies:

Tennessee Department of Correction: Three (3)

Tennessee Department of Education: Four (4)

Tennessee Department of Labor and Workforce Development: One (1)

The remaining Seven (7) complaints are external and were assigned to the following state agencies:

Austin Peay University: One (1)

Middle Tennessee State University: Two (2)

Tennessee Board of Regents: One (1)

Tennessee Department of Education: Two (2)

Tennessee Department of Finance and Administration: One (1)

There were 64 requests for technical assistance for the reporting period. The topics of technical assistance were Title VI complaint processing assistance, Title VI coordinator updates, and requests for Title VI training assistance.

Commissioner Kelly asked about the recurring complaint associated with Austin Peay University. It was identified as being a new complaint.

Chair Upton moved to accept the Title VI report with Commissioner Pérez seconding the motion. All Commissioners approved.

Legal Report

The legal report was presented by General Counsel William Wade for the reporting period of May 1, 2024, through June 30, 2024. For employment cases, the legal department reviewed 18 no-cause findings, three (3) cases were successfully mediated or had negotiated settlements; four (4) were administratively closed and four (4) cases reviewed were THRC-only. 41 investigative plans were reviewed. For housing cases, the legal department reviewed nine (9) no-cause cases, two (2) cases were successfully mediated or had negotiated settlements; five (5) were administratively closed and one (1) case reviewed was THRC-only. There was one (1) pre-cause case and 21 investigative plans reviewed along with one (1) Reconsideration request reviewed. 24 Copy Requests were completed during this time period.

The Director asked Mr. Wade to estimate the average amount of time that he spends reviewing individual cases. He stated that it would depend on the activity. On average, he stated that it could take between an

hour to an entire day, depending on the intricacy of the case. He referenced that there are two (2) cases in review with the Attorney General's Office.

In the matter of Cox v. Armor Concepts, LLC, an Amended Notice of Determination has been filed. A continuance was granted, and a trial is set for next month. Commissioner Rosales asked about a pending schedule or plan for reviewing older cases. Mr. Wade is hopeful that a schedule can be developed.

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

Communications Report

For the reporting period of May 1 – June 30, 2024, the Communications Director, Jacob Aparicio reported that the Commission's education and outreach efforts included 11 in-person events and one (1) article published. They helped bring our total outreach for the reporting period to 4,925,396 people. Including the annual website views, the total outreach for FY 23-24 is approximately 5,076,226 people. Outreach efforts for the reporting period included speaking engagements such as the DOHR presentation for State attorneys on the history of Commission and the evolution of anti-discrimination laws in employment; events the Commission attended like the Nashville Area Chamber of Commerce's "Housing Matters Conference"; and events the Commission distributed educational materials at such as the Music City Freedom Festival in Nashville, TN. Additionally, a media release about the Commission's 60th Anniversary was picked up by Multicultural Media.

On June 5 – 6, the Commission hosted our annual All-Staff Retreat. 22 staff members from across the Commission's regional offices attended as we delivered a variety of professional development and team building exercises. Retreat activities included a training on Emotional Intelligence by the DOHR, a workshop on workplace conflicts by Training Officer Michelle Petrey, and staff presentations on the Communications division, Housing investigative unit, and Employment intake unit. We also presented employee recognition awards based on the agency's strategic and operational goals to Seth Lankford, Michelle Petrey, and Lacey Murphy.

Another major project the Communications Division led during the reporting period was the coordination of the Commission's 60th Anniversary. We facilitated three planning committees to oversee the marketing, programming, and finance of the event. The committees met bi-weekly from February – May and then weekly in June. Activities the committees engaged in included promotion of the event, design of the event program and historical exhibit, recruitment of event speakers, coordination of the run of show and venue set up, fundraising and support of event sponsors, selection and payment of vendors, and more. The 60th Anniversary took place at the beginning of FY 24-25 on Tuesday, July 2nd at the National Museum of African American Music in Nashville, TN. More information will be shared during next reporting period.

For online engagement, we ended the fiscal year with a total of 2,652 followers between our social media platforms. For the reporting period, the THRC website had a total of 25,688 views. We ended FY 24 with a total of 150,830 website views in comparison to 138,085 views in FY 23.

Upcoming projects and events the Communications division is organizing are the Annual Title VI Compliance Training in collaboration with the Title VI unit on August 8 – 9 both online and in-person in Nashville, TN; and the 2024 Employment Law Seminar on Wednesday, October 16 in Nashville, TN. Additionally, the history exhibit from the Commission's 60th Anniversary will be showcased at the Nashville Downtown Public Library through mid-August.

Commission Chair Upton expressed gratitude at the success of the recent 60th Anniversary event. Commissioner Rosales asked about the plan for outreach to rural areas. The Director stated that there are challenges related to physically accessing rural areas due to current budget limits. It was stated that Mr. Aparicio and Mr. Cowart plan to include that topic in their future focus. There is a regular coordination with partnerships across the state with other organizations.

The Director stated that due to the agency's budget not having been strategically altered in approximately 20 years, there have been challenges for the agency. Challenges have included an increase in rental costs due to agency growth as well as technology advancements. Mr. Cothren encouraged the Commissioners to participate in future budget discussions.

Commissioner Rosales moved to approve the Communications report. Commissioner Pérez seconded the motion. All Commissioners voted approve the report.

Commissioner Kelly requested a 10-minute recess.

Commissioner Pérez requested the commissioners go into an Executive Session. Commissioner Kelly seconded and all commissioners approved. Going into an Executive session allow for the commissioners to discuss privileged information.

After returning from executive session, Chair Upton and the Board began the public deliberation process to determine if there was reasonable cause to believe discrimination occurred in a pending case. Prior to deliberating, each Board member affirmed that they had no conflict of interest regarding the case, that they had not discussed the case previously with other Board members, that they had read all the materials pertaining to the case, and that they were ready to proceed with publicly deliberating. In addition, Chair Upton advised that pseudonyms would be used for the Complainants and the Respondents pursuant to state and federal confidentially statutes. The Board ruled unanimously that there was reasonable cause to believe that Complainant 1 and Complainant 2's reasonable accommodation requests were unreasonably denied by the Respondents. In addition, the Board ruled unanimously that there was reasonable cause to believe that the Respondents unlawfully retaliated against Complainant 1 and Complainant 2.

It was announced that a Notice of Determination would be prepared, and Chair Upton thanked each of the commissioners as well as the investigative team that worked on the matter.

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 September 23, 2024, with another following on November 22, 2024.

The Chair adjourned the meeting at 11:25am CDT.