



**TENNESSEE HUMAN RIGHTS COMMISSION**  
WILLIAM R. SNODGRASS TENNESSEE TOWER  
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(615) 741-5825 FAX (615) 253-1886  
[www.tn.gov/humanrights](http://www.tn.gov/humanrights)

October 3, 2019

Tennessee Comptroller of the Treasury  
Attn: Julie Maguire Vallejo  
Cordell Hull Building  
425 Fifth Avenue North  
Nashville, TN 37243  
[julie.vallejo@cot.tn.gov](mailto:julie.vallejo@cot.tn.gov)

Dear Ms. Vallejo:

The Tennessee Human Rights Commission's Sunset Audit public hearing is scheduled for October 16, 2019 at 9:00 a.m. in House Hearing Room 1, Cordell Hull building before the Education, Health and General Welfare Joint Subcommittee of the Government Operations Committee.

Enclosed please find the Tennessee Human Rights Commission's responses to the Sunset Public Hearing Questions.

If you have any questions, please contact, me at 615-532-3475 or [Beverly.watts@tn.gov](mailto:Beverly.watts@tn.gov).

Sincerely,

A handwritten signature in blue ink that reads "Beverly L. Watts". The signature is written in a cursive style.

Beverly L. Watts  
Executive Director  
Tennessee Human Rights Commission

Cc: Ms. Sabrina Hooper, Deputy Director



**TENNESSEE HUMAN RIGHTS COMMISSION**  
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October 3, 2019

Sunset Public Hearing Questions for  
**Tennessee Human Rights Commission**  
Created by Section 4-21-101, *Tennessee Code Annotated*  
(Sunset Termination June 2020)

***Enabling Statute, Purpose, and Rules and Regulations***

- 1. Provide a brief introduction to the commission, including information about its purpose, statutory duties, staff, and administrative attachment.**

The Tennessee Human Rights Commission (“the Commission”) is an independent state agency charged with the enforcement of the Tennessee Human Rights Act and the Tennessee Disability Act (“the Acts”), which together prohibit discrimination in housing, employment, and public accommodation on the basis of race, color, creed, national origin, religion, sex, disability, familial status (housing only), and age (over 40, employment only). The Commission also ensures the State of Tennessee’s compliance with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, and national origin by state agencies receiving federal financial assistance. The Commission’s mission is to safeguard individuals from discrimination through education and enforcement.

The Commission is governed by a nine (9) member board of commissioners serving staggered six year terms appointed by the Governor, the Lt. Governor, and the Speaker of the House, to represent the three Grand Divisions of the state. A 29 member staff of investigators, attorneys, and other professional support personnel carry out the day-to-day duties of educating the public, employers and housing providers about their rights and responsibilities and conducting thorough investigations. Staff duties include: assessing inquiries, providing mediation/conciliation services, and conducting investigations of discrimination. When necessary, the Commission will litigate to resolve complaints. The Commission maintains its central office in Nashville and has regional offices in Knoxville, Chattanooga, and Memphis.

The Commission has work-sharing agreements with the Equal Employment Opportunity Commission (EEOC) and with the Department of Housing and Urban Development (HUD). These agreements allow individuals to have their complaints investigated by one

agency under both federal and state laws. This is known as a dual-filed complaint, it will receive one investigation.

The Commission partners with over 100 different organizations statewide to provide education to the public, employers and housing providers about their rights and responsibilities under the Acts. These activities involve events, workshops, seminars, presentations and advertising with a variety of partners, including city, county, state, faith and community-based groups. We provide contact information so that individuals can reach the Commission if they believe they have been discriminated against in housing, employment, public accommodation or in services from a state agency that receives federal financial assistance. Additionally, the Commission maintains a website where individuals may learn about the agency and how to file a complaint. The Commission developed an online complaint form in January 2019.

**2. Has the commission promulgated rules and regulations? If yes, please cite the reference.**

The Tennessee Human Rights Act and the Tennessee Disability Act prohibit discrimination related to employment, housing, public accommodations and ensures compliance with Title VI for state agencies that receive federal financial assistance. The complete rules and regulations can be located at Title 4 Chapter 21, Title 8 Chapter 50 and Chapter 1500-01-01.

***Commission Organization***

**3. Provide a list of current members of the commission. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member’s term, and whether the member is serving a consecutive term.**

In 2014, legislation was passed that amended the THRA (T.C.A. §4-21-201(b)(1)) by reducing the Commission board from fifteen (15) members to nine (9) members with two (2) members being appointed by leadership from the senate and house, and five (5) appointed by the governor. The new board structure became effective on January 1, 2015.

Members	Appointed By	Statutory Member Representation	Beginning Term Date	Ending Term Date	Consecutive Term YES or NO
Arnwine, Scott	Governor	West	12/5/2017	6/30/2023	No
Behler, Gray	Governor	East	12/29/2017	6/30/2019	No
Houston, Annazette	Governor	East	8/8/2013	6/30/2019	Yes
Martin, Bill	Governor	Middle	1/1/2015	6/30/2021	No
White, Ralph*	Governor	West	12/6/2012	6/30/2019	Yes
Crafton, Eric	Lieutenant Governor	Middle	1/1/2015	6/30/2023	Yes
Cridler, Christopher	Lieutenant Governor	West	3/21/2016	6/30/2021	No
Derryberry, Robin	Speaker of the House	East	7/1/2015	6/30/2023	Yes
Sloss, Julius	Speaker of the House	Middle	1/1/2015	6/30/2021	No
*Deceased - May 25, 2019					

**4. Are there any vacancies on the commission? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.**

The board of commission has one (1) vacancy. Commissioner Ralph White, Pastor of the Bloomfield Full Gospel Baptist Church in Memphis passed away Saturday, May 25, 2019. He served the Commission since December 6, 2012.

There are two (2) Commissioners who are serving with expired terms in fulfillment of the statute. An excerpt of the statute states ‘all members shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.’ These are all Governor Appointments.

**5. How many times did the commission meet in Fiscal Years 2018 and 2019? How many members were present at each meeting? Please note meetings where the commission did not have a quorum.**

As stated above, the board of commission has nine members. In review of the last two years, we have had great participation from our members and we have had quorums. The commission meetings are informational meetings where staff provides updates on the activities that have occurred since the previous meeting. The Commissioners will approve budget, commission responses and any other administratively related matters. When necessary, the Commissioners are called on to deliberate initial orders of an Administrative Law Judge under Tenn. Code Ann. § 4-5-315 during a commission meeting. During these deliberations, the Commissioners may affirm the initial order making it the final order, reject the initial order and issue their own final order, or remand the case back to the Administrative Law Judge for further proceedings.

<b>Date</b>	<b>Commissioners Present</b>	<b>Commissioners Absent</b>	<b>Comments</b>
<b>July 1, 2017- June 30, 2018</b>			
July 28, 2017	7	0	2 vacancies
September 15, 2017	8	0	1 vacancy
November 17, 2017	6	2	1 vacancy
January 19, 2018	8	1	
March 21, 2018	6	3	
May 17, 2018	9	0	
<b>July 1, 2018- June 30, 2019</b>			
July 20, 2018	8	1	
September 21, 2018	9	0	
November 16, 2018	9	0	
January 25, 2019	9	0	
March 22, 2019	9	0	
May 17, 2019	8	1	

**Financial Information**

- 6. What were the commission’s revenues and expenditure for Fiscal Years 2018 and 2019? Please include detailed information about federal and state funding sources.**

	<b>FY 2018</b>	<b>FY2019</b>
Expenditures:	<b>\$2,389,100</b>	<b>\$2,536,800</b>
Revenues:		
State Appropriations	\$1,797,600	\$1,770,100
EEOC	174,100	153,600
HUD	383,800	548,000
Seminar Fees/Settlements	33,600	65,100
<b>Total Revenues</b>	<b>\$2,389,100</b>	<b>\$2,536,800</b>

- 7. What per diem or travel reimbursements do commission members receive? How much was paid to commission members in Fiscal Years 2018 and 2019?**

Commissioners receive mileage with per diem when traveling for Commission meetings and when they represent the Commission. The Commission uses the Travel Reimbursement schedules for Board/Commission members and the Special Travel Regulation Four regarding travel by Board and Commission Members that are included in Policy 8 Travel Regulations.

FY	Per Diem(75% Travel day)	Lodging	Mileage	Total Received
FY 2018	\$61	\$180	\$ 0.47	\$ 6,042.35
FY2019	\$61	\$189	\$ 0.47	\$ 9,024.56

**Sunshine Law, Public Meetings, and Conflict of Interest Policies**

- 8. Is the commission subject to Sunshine law requirements (Section 8-44-101 et seq., Tennessee Code Annotated) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the commission have for informing the public of meetings and making minutes available to the public?**

The Commission is a governing body under Tenn. Code. Ann. § 8-44-102(A) that makes decisions for or recommendations to a public body on policy or administration; therefore, the Commission is subject to the Sunshine Law requirements. The Commission does hold regular meetings as required by statute under Ten. Code. Ann. § 8-44-103. These meetings are held every other month beginning in January. Adequate notice is provided to the public by posting notices in all the Commission offices (Nashville, Knoxville,

Chattanooga, and Memphis), and on the Commission's website at [www.tn.gov/humanrights](http://www.tn.gov/humanrights). In addition, an announcement is made providing the date of the next meeting, and the next meeting date is on the agenda of the current meeting. Per Tenn. Code. Ann. § 8-44-104, audio of the meeting is recorded. Furthermore, the meetings are summarized in written form for inspection. The meetings identify all persons present, motions, proposals, resolutions, and individual votes of Commissioners. The written summary of the minutes are provided for inspection on the Commission's website. Audio recordings for the most recent five years are available for inspection at the Commission's central office. Audio recordings older than five years may either be located at the Commission's central office or at the Tennessee State Library and Archives.

**9. Does the commission allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the commission obtain feedback from the public and those they regulate?**

The Commission allows for public comment. Prior notice is not required to be heard. The Commission does not allow public comment concerning specific ongoing investigations or cases heard at a public hearing. The Commission's rule 1500-01-01.02 provides that investigations shall be confidential. Under Exemption 7(A) of the Federal Freedom of Information Act ("FOIA"), civil law enforcement investigative files are confidential as long as enforcement proceeding have not ended. Housing investigations confidentiality are addressed through FOIA. However, employment investigations that are conducted under both federal and state law are confidential under Section 709(e) of Title VII Civil Rights Act of 1964 ("Title VII"). Because of the confidentiality provisions in the Commission rule, in the FOIA, and Title VII, the Commission does not allow public comment concerning investigations. The Fair Housing Act does not have a specific provision. Confidentiality is addressed by HUD through FOIA process.

**10. Does the commission have policies to address potential conflict of interest by commission members, employees, or other state employees who work with the commission?**

The Commission has its own conflict of interest policy. Commission members and employees are required to sign this policy on an annual basis in the month of March. The policy provides examples of questions employees should ask themselves to determine whether there is a conflict of interest. If a possible conflict exist, the Legal staff will review and provide guidance to either Commissioners or employees. The conflict of interest forms signed by the employees and Commissioners are administrative papers and are maintained on file for two years.

**11. Does the commission have a website? If so, please provide the web address. What kind of public information is available on the website?**

The Commission's website address is [www.tn.gov/humanrights](http://www.tn.gov/humanrights). When the public accesses the Commission's website the menu offers the following: laws and regulations, education, highlights, events, news, and links to the Commission's Facebook page and Twitter page. The public may file a complaint online or access the physical complaint form to fill out and mail, fax, or email to ASK.THRC@tn.gov. The public can also access the complaint form in Spanish. The public can access information that informs them of the Commission complaint process. The website also provides for an overview of the Commission. The overview includes the following: current board of commissioners, current executive staff members, the history of the Commission and how to contact us which includes address, email address, phone and fax numbers, and parking information. The overview also contains the meeting and/or hearing notices, minutes, and bylaws. The website contains publications such as brochures, posters, the laws and regulations, and the Commission annual report as well as the separate Title VI annual report. The website contains audio and videos of personal appearances of the Commission Chair and the Executive Director, articles of the Commission in the news, a calendar of events of the Commission, educational PowerPoints and webinars, and updates concerning public hearing decisions. In addition, the public is provided with frequently asked questions along with the answers to those questions.

***Complaint Handling and Investigation Process – Housing***

**12. Describe the housing complaint handling process. Please explain how individuals are made aware of the process for filing a complaint, the requirements for individuals to file a complaint, and complaint intake procedures.**

The Commission conducts ongoing education and outreach events throughout the state. We are dedicated to educating not only the public, but also, housing providers (both public and private) about their rights and responsibilities under the state and federal antidiscrimination laws. The Commission partners with state and federal agencies to conduct workshops, seminars, presentations and trainings. Through social media, traditional media, media ad campaigns, newspaper ads, event partnership, and conducting educational presentations we were able to reach 3 million individual in FY 2018 and 5.5 million in FY 2019.

When an individual contacts us, staff provides a brief overview for filing a complaint. A complaint form can be mailed to the individual or they can file using the newly implemented, on-line complaint form. We provide the form to the individual for their convenience; however, correspondence does not have to be submitted on the standardized Commission complaint form. However, it must be 1) in writing, 2) signed and dated; and 3) sworn to, or affirmed before a notary public, or supported by a declaration in writing under penalty of perjury.

Once the form is received, staff enters it into the HUD Enforcement Management System (HEMS) and reviews to determine whether correspondence is a jurisdictional complaint for the Commission and/or HUD dual-filing acceptance.

This review includes verifying that:

- 1) The property owner has one or more units (four for HUD);
- 2) The subject property where the alleged discrimination occurred is within the State of Tennessee;
- 3) The complaint was filed within 180 days (365 days for HUD) of the most recent date of violation listed in the complaint, or is a continuing violation;
- 4) The complaint states a jurisdictional protected class basis (discrimination on the basis of race, color, creed, national origin, gender, religion, familial status or disability), and
- 5) contains a brief narrative of how the alleged discriminatory act(s) was based on the protected class; and
- 6) The Complainant is at least 18 years of age and competent to file a complaint. If a complainant is less than 18 years old or is incompetent, the complaint must be filed by the Complainant's parent, legal guardian, custodian, or attorney-in-fact.

If all elements are included in the complaint then the complaint is formalized and prepared for assignment to the investigator. Staff will send an acceptance letter to the individual (Complainant) including information relating to its processing procedures and the complainant's rights and obligations under the THRA. A conciliation fact sheet should also be included.

If an individual submits a complaint form that is lacking information necessary to formalize the charge, staff will send a copy of the form or specific page(s) to the individual along with a corrections letter explaining the deficiencies in the original complaint form and requesting that the person fill out the necessary information and return it for processing.

Owner and/ or Landlord (Respondent) is notified of the filing of the complaint within ten (10) days of the formalized complaint. The notification package includes:

- i. Respondent's Notification Letter summary of the respondent's procedural rights and obligations under THRA;
- ii. Initial Request for Information;
- ii. A copy of the complaint form without the witness list; and
- iv. Conciliation Fact Sheet

Respondents have ten (10) days from the date of the Respondent's Notification Letter to respond to the complaint by sending in a position statement along with information requested. Respondent may request an extension for extenuating circumstances.

The Commission, to the extent feasible, attempts to conciliate all accepted complaints. The Conciliation process is an informal negotiation where parties, including the

Commission, attempt to resolve issues raised in the complaint. Once the complaint is filed parties receive a conciliation fact sheet which explains the process. Staff is responsible for conducting conciliation discussions with the respective parties during the investigation. If the parties reach agreeable terms then a Conciliation Agreement will be drafted, legal staff will review and the agreement will be signed and executed the same day. The conciliation discussion and the investigation are conducted simultaneously. If an agreement is not reached then the investigative process continues.

**13. How many staff are responsible for handling housing complaints in the Intake Division? Is there an overlap in their assigned responsibilities that could hinder the timeliness of processing complaints?**

Historically, the Commission had four (4) staff with investigative duties process intake on a rotating weekly bases. However, after review and analysis on how to be more efficient with the intake process, the Commission developed new procedures in March 2018. We assessed that inventory was at a level where we could have one (1) person designated to process intake. The intake person must have knowledge and expert understanding of the civil rights laws to determine what information is necessary for the Commission to accept the complaint. As part of the transition, the designated staff was not assigned further investigation but was required to complete the remaining cases in their case inventory. There was an approximate nine (9) month transitional period. These procedures are monitored on a monthly basis and assessed to ensure continued efficiency. If after analysis, the procedures become less efficient or there is a significant increase in complaint inventory, the procedures will be reviewed and revised as needed.

**14. What are the time goals for resolving housing complaints and are those goals being met? If these goals are not being met, please provide additional information as to the reasons why.**

Once the complaint is received by the investigator they have ten (10) days to send the notification packets to parties as discussed above. After the September 2016 audit, discussions were held to develop a process for the timely mailing of acceptance and notification letters. The temporary process included having the Housing Manager send an email notification to the investigator that the case has been assigned and the investigator would send the letters using the information in the HEMS instead of waiting to receive the complaint. Since the implementation of this process letters have been sent timely. The Commission fully implemented the process in February 2017. During this timeframe, staff met the 10 day standard in 123 out of 123 instances. Staff is operating with 100 % compliance.

The timeliness standard from HUD is to conduct thorough investigations with 50% of the dual-filed complaints closed within a 100 day or less, excluding complex complaints. In the last two years, the Commission has not met the goal of closing at least 50% of all cases within 100 days or less.

- For FY 2018, the staff closed 126 complaints of which 119 were dual-filed with 37 or 31% closed at 100 days or less.
- For FY 2019, the staff closed 133 complaints of which 127 were dual-filed with 32 or 25% closed at 100 days or less.

The Commission assessed the issue of not meeting the standard to have occurred for two reasons. The first reason was the Commission began to experience staff turnover. This affected the Commission in all aspects of operation but specifically in case processing. From July, 2012, through August, 2019, the Commission had multiple vacancies in the investigator position. The Commission also saw critical positions resign such as the housing coordinator and both legal staff who are responsible for reviewing complaints prior to closure. All of these positions were filled within 60 days; however, the Commission believes it takes at least six (6) months to train staff to fully understand the investigative process which includes the analysis of applicable state and federal laws.

<b>Average Turnover Rate – Three-Year History</b>		
<b>FY16-17</b>	<b>FY17-18</b>	<b>FY18-19</b>
13.7% (4)	20.6% (6)	24.1% (7)

The Commission has assessed that the staff turnover is primarily due to its inability to have competitive salaries for certain positions when compared to comparable state positions. The Commission has spent the time and funding to train employees and then employees leave for positions both in and out of the State of Tennessee with increased salary. During exit interviews with departing staff, we learned that the training we provided has been pivotal to the person obtaining a new position with a higher salary.

The second reason is aging inventory. Limited staff resources directly impacts case processing. The Commission made a deliberate decision to focus on reducing aged complaints at the sacrifice of the 50% standard. Upon vacancies, the complaints were reassigned. In February 2017, to address the aging inventory, the Commission developed a plan to address the fifty (50) aged cases. Because of the staff’s limited experience, the Commission developed a comprehensive three-day in-person training seminar with all housing staff, attorneys, and managers. After training, we reviewed and triaged the complaints and outlined what information was needed to reach a final decision. We further developed a plan for quarterly training, and one-on-one training, as needed. By October 31, 2017, the Commission had closed forty-six (46) substantially aged cases identified.

As of September 2019, the Commission is meeting HUD’s standard of not having 25% or more of the open cases over 101 days; our percentage is 21%. Our goal is to continue to work the inventory and process complaints in a timely manner.

**15. How many housing complaints were received in Fiscal Years 2018 and 2019? What types of complaints were received? What percentage of total complaints received were related to housing? What actions did the commission take as a result of housing complaints filed? How many housing complaints were referred to investigations?**

<b>Housing Complaints</b>	<b>FY 17-18</b>	<b>FY 18-19</b>
Inquiries received	488	539
Inquiries non-jurisdictional	205	171
Complaints accepted	119	123
Complaints resolved	126	133
Average case processing	235	267
Conciliations conducted	41	32
Conciliation benefits*	\$47,009	\$77,514
<b>TOP 2 Bases</b>		
Complaints accepted	119	133
Disability	57%	55%
Race	22%	21%
<b>TOP 2 Issues</b>		
Complaints accepted	119	133
Terms and Conditions	67%	59%
Reasonable Accommodation/	33%	41%

\*Non-monetary may include reasonable accommodations, removal of eviction records, training, policy revisions and other housing opportunities.

**16. How many housing related investigations were conducted in Fiscal Years 2018 and 2019? The September 2016 Performance Audit of the Human Rights Commission found that when investigating housing complaints, the Human Rights Commission did not always meet either timing milestones required by state law or its memorandum of understanding with the U.S. Department of Housing and Urban Development? What steps were taken to address this finding? Are investigation timelines currently being met? If they are not being met, what are the barriers to meeting those timelines?**

The Commission reviewed processes, policy, and procedures to ensure that the industry's best practices that the investigators were using were included in its standard operating procedures. We reviewed the result of the September 2016 Performance Audit to remind staff of the standards and tied standards to staffs' performance management reviews for compliance. We monitor the issues on a monthly basis and report the results on a monthly basis to ensure staff remain in compliance. In addition, we provide on-going updates to our Commissioners and inform them of successes and any issues. The standard operating procedures are reviewed with staff on an annual basis.

The Commission conducted monthly audits of all housing complaints processed from July 1, 2018 through June 30, 2019, for a total of 133 complaints. Our review showed improvement in all areas as noted below:

- Staff met the timeliness standard for sending the acceptance letter to Complainant within 10 days of accepting the complaint. During this timeframe, staff timely sent the acceptance letters in 133 of 133 instances (100%).
- Staff met the timeliness standard for sending the notification letter to Respondents within 10 days of accepting the complaint. The review of sending notification letters followed the same process as the acceptance letters above; staff timely sent the Notification letters in 133 of 133 instances (100%).
- Staff met the timeliness goal for reconsideration. The Commission received 24 (7 comparators complaints) housing reconsiderations. In all 24 instances (100%), the Commission made a decision within the statutory timeframe.

FY	16-17*	17-18	18-19
<b>Finding 2</b>			
Acceptance Letters	92 of 93	122 of 123	133 of 133
Notification Letters	92 of 93	122 of 123	133 of 133
Housing Reconsideration	4 of 5	15 of 15	24 of 24

\*partial year

**17. What, if any, enforcement actions did the commission take as a result of the housing investigations conducted in Fiscal Years 2018 and 2019?**

Enforcement actions occur through cause determinations, Notice of Charges, and public hearings. There were five (5) cause determination findings in Fiscal Year 2018 and fourteen (14) cause determination findings in Fiscal Year 2019 for a total of nineteen (19) for Fiscal Years 2018 and 2019. A cause determination means that there was enough evidence gathered during an investigation to determine that discrimination may have occurred. A cause determination requires the Commission to proceed with this case. That means either the cause determination is resolved through conciliation pursuant to Tenn. Code Ann. § 4-21-303 within ninety (90) of the finding or the Commission files for a contested case hearing through the Secretary of State. One housing case was conciliated within the ninety (90) days in Fiscal Year 2019. There were three (3) cases filed with the Secretary of State in Fiscal Year 2018 and eight (8) cases were filed with the Secretary of State in Fiscal Year 2019 for a total of eleven (11) for Fiscal Years 2018 and 2019.

Once a case is filed with the Secretary of State, the Parties have an opportunity to participate in a judicial mediation. During a judicial mediation, an administrative law judge acts as a mediator and assists the Parties in coming to a resolution without a public hearing. Five (5) cases filed with the Secretary of State were conciliated through

negotiations or judicial mediations during Fiscal Years 2018 and 2019. Please note, the cause determination on these cases may not have been issued within the 2018-2019 fiscal year. If judicial mediation is unsuccessful, a public hearing is held. There were three cases set for public hearing during the relevant time period.

There were two administrative, judicial actions taken as a result of housing investigation. Those two enforcement actions were *Olise v. Mitchells* and *Echevarria v. JKA Properties*. The hearing was conducted pursuant to the Tennessee Uniform Administrative Procedures Act. In *Olise*, the administrative law judge issued an initial order finding that there was not enough evidence to establish discrimination. Under Tenn. Code Ann. § 4-5-315, the Commissioners of the Commission approved this initial order; and as a result, there was final order issued. In the *Echevarria* case, the initial decision/order from the administrative law judge is pending.

### ***Complaint Handling and Investigation Process – Employment***

#### **18. Describe the employment complaint handling process. Please explain how individuals are made aware of the process for filing a complaint, the requirements for individuals to file a complaint, and complaint intake procedures.**

The Commission conducts on-going education and outreach events throughout the state. We are dedicated to educating not only the public, but also, employers (both public and private), about their rights and responsibilities under the state and federal antidiscrimination laws. The Commission partners with state and federal agencies to conduct workshops, seminars, presentations and trainings. Through social media, traditional media, media ad campaigns, newspaper ads, event partnership, and conducting educational presentations we were able to reach 3 million individual in FY 2018 and 5.5 million in FY 2019.

When an individual contacts us, staff provides a brief overview for filing a complaint. A complaint form can be mailed to the individual or they can file using the newly implemented, on-line complaint form. We provide the form to the individual for their convenience; however, correspondence does not have to be submitted on the standardized Commission complaint form. However, it must be 1) in writing, 2) signed and dated; and 3) sworn to, or affirmed before a notary public, or supported by a declaration in writing under penalty of perjury.

Once the form is received, staff enters into Integrated Management System (IMS) and reviews to determine whether correspondence is a jurisdictional complaint for the Commission and/or EEOC dual-filing acceptance.

This review includes to verifying that:

- 1) The employer has 8 or more employees (15 for EEOC), except for retaliation claims (1 employee);
- 2) The employer's location where the alleged discrimination occurred is within the

State of Tennessee;

- 3) The complaint was filed within 180 days (300 days for EEOC) of the most recent date of violation listed in the complaint, or is a continuing violation;
- 4) The complaint states a jurisdictional protected class basis (discrimination on the basis of race, color, creed, national origin, gender, religion, age (over 40), or disability), and
- 5) contains a brief narrative of how the alleged discriminatory act(s) was based on the protected class; and
- 6) The Complainant is at least 18 years of age and competent to file a complaint. If a complainant is less than 18 years old or is incompetent, the complaint must be filed by the Complainant's parent, legal guardian, custodian, or attorney-in-fact.

If all elements are included in the complaint then the complaint is formalized by coding the complaint with AB designation within IMS. Staff will send an acceptance letter to the individual (Complainant) and a packet of information containing: the Initial Contact Letter, including an explanation of the Investigative Process, and the Invitation to Mediation Letter.

If an individual submits a complaint form that lacks the information necessary to formalize the charge, staff send a copy of the form or specific page(s) to the individual along with a corrections letter explaining the deficiencies in the original complaint form and requesting that the person fill out the necessary information and return it for processing.

An employer or business (Respondent) is notified of the filing of the complaint within ten (10) days of the formalized complaint as indicated by the AB code. Notification to the Respondent includes the following:

- i. Respondent's Notification Letter;
- ii. Initial Request for Information;
- iii. A copy of the complaint form without the witness list;
- iv. Mediation Offer Letter; and
- v. "What a Position Statement Should Include" document

Respondents have twenty (20) days from the date of the Respondent's Notification Letter to respond to the complaint by sending in a position statement along with information requested in the Initial Request for Information. Respondent may request an extension for extenuating circumstances. When the position statement is received, staff will code it in IMS and forward to designated staff to be assigned to an investigator.

The Commission has a Mediation Program. Both parties receive an invitation for mediation. The purpose of mediation is to facilitate an atmosphere for both parties to discuss their perspectives on the complaint and work toward a possible resolution of the dispute. Mediation is provided at no cost to either party and is done in a secure and controlled environment. Mediation is an alternative to undergoing a full investigation or litigation. All information revealed during the mediation is confidential. Complainants and Respondents must both agree prior to mediation being attempted.

If both parties agree to mediate staff will assign the mediation to a mediator. The Commission has five investigators with collateral mediation duties. If the parties reach an agreement, legal staff will review and the agreement will be signed and executed the same day. If an agreement is not reached then the complaint is returned to the investigative process and assigned to an investigator different from the mediator. All materials are destroyed. The Respondent will need to submit a position statement within ten (10) days after the unsuccessful mediation.

If one party declines mediation, staff will make a note and will notify the other party by phone, fax, or email that the offer of mediation has been declined by the other party and the Respondent will need to submit a position statement. Once the position statement is received, staff will code it as such in IMS and forwarded to designated staff to be assigned to an investigator.

**19. How many staff are responsible for handling employment complaints in the Intake Division? Is there an overlap in their assigned responsibilities that could hinder the timeliness of processing complaints?**

The Commission has two (2) designated staff responsible for processing employment complaints. The primary function of the staff is to receive inquiries, assess jurisdiction and when jurisdictional, formalize them into complaints. From July 1, 2018 through June 30, 2019, 250 complaints were processed with an average of 42 days from acceptance to receipt of the position statement. This is two (2) days above the goal. The Commission works diligently to processing complaints in a timely manner.

**20. What are the time goals for resolving employment complaints and are those goals being met? If these goals are not being met, please provide additional information as to the reasons why.**

Once the complaint is received by the investigator they have twenty (20) working days to complete the investigative plan. The Investigative Plan (“IP”) is intended to guide the investigator through the investigation by determining the scope of the investigation; keeping track of the actions taken and evidence obtained; identifying what information must still be gathered; and identifying which legal theories apply to the Complainant’s allegations. Prior to completing the IP, the investigator calls the Complainant to conduct an initial interview to clarify allegations. The legal staff reviews the IP with each investigator to ensure the aforementioned is included and provide additional guidance. Staff met the 20 day timeframe in 230 out of 234 (98%) instances during this timeframe.

The standard operating procedure is to investigate employment complaints within an average of 270 days. For fiscal year 2018, the Commission had an average case processing time of 273 days which was within reach of the goal. Fiscal year 2019, the average processing time was 364 days; this increase was assessed to have occurred for two reasons. The first reason for higher case processing times was the commission began to experience staff limitations due to turnover. This affected the Commission in all

aspects of operation but specifically in case processing. From July, 2012, through August, 2019, the Commission had multiple vacancies in the investigator position. The Commission also saw critical positions resign such as the housing coordinator and both legal staff who are responsible for reviewing complaints prior to closure. All of these positions were filled within 60 days; however, the Commission believes it takes at least six (6) months to train staff to fully understand the investigative process which includes the analysis of applicable state and federal laws.

<b>Average Turnover Rate – Three-Year History</b>		
<b>FY16-17</b>	<b>FY17-18</b>	<b>FY18-19</b>
13.7% (4)	20.6% (6)	24.1% (7)

The Commission has assessed that the staff turnover is primarily due to its inability to have competitive salaries for certain positions when compared to comparable state positions. The Commission has spent the time and funding to train employees and then employees leave for positions both in and out of the State of Tennessee with increased salary. During exit interviews with departing staff, we learned that the training we provided has been pivotal to the person obtaining a new position with a higher salary.

The second reason for higher case processing times is when the Commission and the parties enter into settlement negotiation or the Commission identifies a complaint as complex. Settlement negotiation can involve attorneys, insurance companies or other interested third parties where facilitating the agreement can take time. The complaint remains open until proof of compliance of the agreed terms has been received. Complex complaints are when the evidence appears to support the allegation(s) which necessitates further investigation and review for potential violations of the Acts. The Commission had twenty-nine (29) employment complaints that met these criteria; 21 settlements and eight (8) cause complaints.

**21. How many employment complaints were received in Fiscal Years 2018 and 2019? What types of employment complaints were received? What percentage of total complaints received were related to employment? What actions did the commission take as a result of complaints filed? How many employment complaints were referred to investigations?**

<b>Employment Complaints</b>	<b>17-18</b>	<b>18-19</b>
Inquires received	660	748
Inquires non-jurisdictional	243	286
Complaints accepted	279	327
Online form* (464 inquires)	0	204
Complaints resolved	280	228
Average case processing	273	364
<b>Mediation</b>		
Mediation conducted	39	32
Mediation agreements	23	12
Mediation benefits**	\$174,274	\$ 38,977.00
<b>Settlement</b>		
Settlements agreements	22	21
Settlement benefits**	\$259,574.00	\$ 170,300.00
<b>Cause Complaints</b>		
Cause case resolved	14	8
Cause case benefits	\$126,991.00	\$ 64,316.00
<b>Administrative Closures</b>		
Failure to Cooperate	21	6
Notice of Right to Sue	12	14
Complainant filed in court	6	4
Duplicate filed with EEOC	6	2
Lack of Jurisdiction	5	4
Complainant withdrew	21	27

\*Online form began January 27, 2019 through June 30, 2019

\*\*Non-monetary benefits may include neutral reference letter, unopposed unemployment benefits or reinstatement of position.

<b>Top 5 Basis</b>		
	<b>17-18</b>	<b>18-19</b>
<b>Total Charges</b>	298	328
<b>Retaliation</b>	133	118
<b>Race</b>	117	110
<b>Sex-Female</b>	66	74
<b>Age</b>	54	62
<b>Sex-Male</b>	31	24
<b>Top 5 Issues</b>		
	<b>17-18</b>	<b>18-19</b>
<b>Total Charges</b>	298	328
<b>Harassment</b>	139	145
<b>Discharge</b>	118	161
<b>Wages</b>	69	52
<b>Terms/Conditions</b>	51	64
<b>Discipline</b>	42	39

**22. How many employment investigations were conducted in Fiscal Years 2018 and 2019? The September 2016 Performance Audit of the Human Rights Commission found that when investigating employment complaints, the Human Rights Commission did not always meet either timing milestones required by state law or established internal procedures. What steps were taken to address this finding? Are employment investigation timelines currently being met? If they are not being met, what are the barriers to meeting those timelines?**

The Commission conducted monthly audits of all employment complaints processed from July 1, 2018 through June 30, 2019, for a total of 250 complaints that was formalized and processed. Through our monthly monitoring, staff reasonably met timing milestones.

- The standard operating procedure to review jurisdiction and process complaints to receipt of the position statement is within an average of 40 days. This goal is affected when mediation is attempted, Respondent(s) request extension or fails to meet the agreed upon deadline to submit a position statement and other miscellaneous situations, such as, difficulty locating the business and point of contact.

For this time period, 250 complaints were processed with an average of 42 days from acceptance to receipt of the position statement; which is two (2) days above the standard.

- The standard operating procedure is to develop and submit investigative plans within 20 working days of receipt of the assigned complaint. Staff met the 20 day timeframe in 230 out of 234 instances during this timeframe. For the remaining four (4) investigative plans two (2) were submitted within one (1) day of the standard; one (1)

was submitted within six (6) days of the standard and one (1) plan was submitted within 31 days; this complaint was transferred to another staff person because of conflict of interest and the IP was delayed. The staff is operating at a 98% submission rate.

- The standard operating procedure for reconsideration decision is 30 days. There were 13 employment reconsiderations during this timeframe; all 13 (100%) were closed within the statutory timeframe.

FY	16-17*	17-18	18-19
<b>Finding 1</b>			
Assignment (average days)	36	37	42
Investigation Plans	168 of 210	302 of 311	230 of 234
Employment Reconsideration	7 of 9	11 of 12	13 of 13

\*partial year

**23. What, if any, enforcement actions did the commission take as a result of the employment investigations conducted in Fiscal Years 2018 and 2019?**

Enforcement actions occur through cause determinations, Notice of Charges, and public hearings. There were two (2) cause determination findings for Fiscal Year 2018 and three (3) cause determinations findings in Fiscal Year 2019 for a total of five (5) cause determinations for Fiscal Years 2018 and 2019. A cause determination means that there was enough evidence gathered during an investigation to determine that discrimination may have occurred. A cause determination requires the Commission to proceed with this case. That means either the cause determination is resolved through conciliation pursuant to Tenn. Code Ann. § 4-21-303 within ninety (90) of the finding or the Commission files for a contested case hearing through the Secretary of State.

One employment case was conciliated within the ninety (90) days in Fiscal Year 2019. There were two (2) cases were filed with the Secretary of State in Fiscal Year 2018 and three (3) cases filed with the Secretary of State in Fiscal Year 2019 for a total of five (5) for Fiscal Years 2018 and 2019. Once a case is filed with the Secretary of State, the Parties have an opportunity to participate in a judicial mediation. During a judicial mediation, an administrative law judge acts as a mediator and assists the Parties in coming to a resolution without a public hearing. Four (4) cases filed with the Secretary of State were conciliated through negotiations and judicial mediations during Fiscal Years 2018 and 2018. Please note, the cause determination on these cases may not have been issued within the 2018-2019 fiscal year. Please note, the cause determination on these cases may not have been issued within the 2018-2019 fiscal year. If judicial mediation is unsuccessful, a public hearing is held. There was one case set for public hearing during the relevant time period.

**24. The September 2016 performance audit of the Tennessee Human Rights Commission had an observation that indicated that Title VI Compliance Program staff did not complete the number of compliance reviews set out in the commission's *Title VI Compliance Program Manual*. What steps has the commission taken to remedy this situation?**

The Commission adopted new procedures with regard to the Title VI Compliance Reviews. At the beginning of every fiscal year, the Executive Director, and the Title VI Compliance Director would identify and schedule compliance reviews with eight being the optimum number of reviews. The agencies would be selected based on the resources required to conduct a thorough compliance review and with the goal of ensuring that all state agencies are reviewed periodically. State agencies are prioritized for compliance review if they have not been subjected to a review for five or more years, have been issued findings for non-compliance, or have adopted new policies with Title VI implications.

In addition, the Commission has assessed its policy and updated the standard operating procedures as needed. In Fiscal Year 2019, we further developed a Compliance Review Plan which projects a five (5) year schedule of compliance reviews for Fiscal Year 2019 - 2022. However, this schedule can be revised if the Commission has limited staff resources, the identified agency no longer administered federal program, or the size and scope of agency was enhanced.

**25. How many Title VI Compliance Reviews were completed in Fiscal Years 2018 and 2019? Does the number completed align with the commission's target goal of the number of annual reviews to be completed? If that target goal is not being met, what are the barriers to completing the established number of reviews?**

For Fiscal Year 2018, the Executive Director and the Title VI Compliance Director identified Tennessee Board of Regents (TBR) for a compliance review. Given that TBR is inclusive of 14 State Community Colleges and 26 Colleges of Applied Technology and four (4) State Universities, the review of this one entity would address the target review goal.

The compliance review began in August 2017 and was completed in April 2018. The Commission identified a sampling of entities under TBR's reasonability. The review included interviews with key executive staff from each entity and review of several programs areas such as, Data Collection and Evaluation, Compliant Procedures, Training, Sub recipient monitoring and their response to person with Limited English Proficiency (LEP). At the conclusion of the review a final interview with the TBR executive staff was held to share any observation or findings that were identified during the review.

For the Fiscal Year 2019, there were five (5) Title VI Compliance Reviews identified and all reviews were completed.

***Reports, Major Accomplishments, and Proposed Legislative Changes***

**26. What reports does the commission prepare concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in Fiscal Years 2018 and 2019.**

The Commission prepares an extensive agency annual report and Title VI annual report. The purpose of the annual reports is to provide information to the public, legislatures, partners and stakeholders about the purpose, mission, history and accomplishments of the agency.

The Commission is dedicated to educating the public of their rights and bringing awareness to the agency through education and outreach efforts, which is a major highlight in the annual report. Through those efforts, the Commission reached over 3 million in FY 2018 and 5.5 million individuals in FY 2019. The Commission used social media, traditional media, media ad campaigns, newspaper ads, event partnership, and conducting educational presentations. The agency partners with state and federal agencies along with employers, housing providers, faith-based and non-profit organizations and others who want training to achieve this goal.

The annual reports give an overview of the complaint process, from the initial point of contact to the final resolution of a case that has gone through the investigative process. An overview of how to file an alleged complaint of discrimination in employment, housing, public accommodation and Title VI are included.

Other reports that are provided throughout the fiscal year and provide a snapshot of the agencies accomplishments are highlighted in press releases, agency brochure and an infographics one page report. We use press releases to make major announcements of news and events related to the agency. The agency brochure is provided at all events, trainings and other opportunity that allows us to bring awareness about the mission of the Commission. A one page infographic is provided to show a snapshot of the agency accomplishments for the previous fiscal year. The infographic page is updated annually along with the development of the annual report.

Once approved by the Commissioners, the annual reports are placed on the website for the public to view and a hard copy can be requested. The annual report is also sent to the Governor, members of the General Assembly, and six (6) libraries in Tennessee that collect and preserve state publications, those libraries are: *The State Library and Archives in Nashville, John C. Hodges Library of the University of Tennessee in Knoxville, Benjamin L. Hooks Central Library in Memphis, Ned R. McWharter Library at the University of Memphis, Sherrod Library at East Tennessee State University in Johnson City and the Legislative Reference and Law Library in Nashville.*

[FY 2018 Annual Report](#)

[FY 2019 Annual Report](#)

[FY 2018 Title VI Annual Report](#)

[FY 2019 Title VI Annual Report](#)

**27. What were the commission's major accomplishments during Fiscal Years 2018 and 2019?**

The Commission has had several major accomplishments during fiscal years 2018 and 2019. The number of individuals that the commission has reached through education and outreach efforts has grown year-after-year. In FY 2018 the commission reached 3 million Tennesseans through Facebook views (30,600), Twitter (16,000), website visits (85,000) print media (75,000), YouTube views (2,600) and radio advertising (2.5 million). In FY 2019 the commission increased it reach to 5.5 million Tennesseans through Facebook likes (1,172), Twitter (110,151), website visits (84,385) print media (657, 348) and radio advertising (3.2 million).

The number of Community partners in which the commission collaborates with continues to increase year-after-year. In FY 2018 the commission partnered with 122 community organizations, businesses, Wimberly Lawson firm, EEOC Technical Assistance Program to conduct events and educational presentations. The number of partners increased to 138 partners in FY 2019.

Annually, the Commission hosts two events to with community partners. Our first premier event is the Employment Law Seminar in partnership with the Department of Human Resources. The seminar is designed to educate human resources professional, legal staff, and employers on their responsibilities under the state and federal antidiscrimination laws. For FY 2018 attendance was a record high of 160 professionals and in FY 2019 a new record of attendance was set with 175 professionals. The second premier event is the West TN Fair Housing celebration in partnership with Memphis Area Legal Services. The fair housing event began in 2015 to recognize and celebrate April as national fair housing month in Tennessee. The celebration is designed to educate housing providers, lenders, realtors and fair housing advocates about federal and state antidiscrimination laws along with associated updates to the law. Again, the Commission saw an increase in attendance; FY 2018 reached 116 participants and 120 participants for FY 2019.

In FY 2019, the U. S. Department of Housing and Urban Development (HUD) granted the Commission partnership funds to conduct a fair housing campaign. This was a competitive process and the Commission was awarded \$35,200 dollars. The Commission in collaboration with transit authorities in Nashville, Chattanooga and Memphis approved the campaign and agreed to display on the interior and exterior of the buses. Knoxville transit authority's process for approving external advertising was not able to completed within given timeframe. The Commission also used the grant funds to collaborated with radio media to run statewide radio ads to extend the fair housing campaign messaging.

As a way to evolve with technology, the Commission developed and implemented an online complaint form. After a year of study we are able to provide an additional avenue for the public to file a complaint. In January 2019, the Commission implemented an online complaint form. Over the next few months we tested and made adjustments. Since the last week of January 2019 through June 30, 2019, we have received a total of 859 inquiries and (265) 31% were received through the online form. This is 103 or 12% more inquiries for the same time period last year.

In addition, the Commission is working with Strategic Technology Solutions to build a case management system. This is an initiative to transform the paper investigative process to a digital or paperless process. This system will be developed in three stages, the inquiries, investigation and reporting. The initial inquiries system has been built and we are conducting test for the 60 to 90 days and will provide feedback for any upgrades. Once this is implemented we will begin the next phase. The goal is to implement all phases within the next 12 to 16 months.

**28. Please describe any items related to the commission that require legislative attention and your proposed legislative changes.**

The Commission does not have any legislative proposal at this time.

**29. Should the commission be continued? To what extent and in what ways would the absence of the commission affect the public health, safety, or welfare of the citizens of Tennessee?**

Yes. The Commission's mission is to safeguard the public from discrimination through education and enforcement. The Commission has been in existence since 1963. We are dedicated to educating not only the public, but also, employers, housing providers and state agencies about their rights and responsibilities under the state and federal antidiscrimination laws. The education is conducted through seminars, workshops, presentations and conferences. In the absence of the Commission, the public, employers and housing providers would not have direct access to an agency that provides detailed and concise education and enforcement on state antidiscrimination laws in employment (8-14 employees), housing (1-3 units), public accommodation and Title VI (48 agencies). Providing education to the public, employers, housing providers and state agencies about rights and responsibilities under the state and federal anti-discrimination laws assists them in identifying and preventing both intentional and unintentional violations of the law.

Eliminating the Commission would prevent millions of Tennesseans from resolving their employment and housing discrimination claims outside of the court system. Providing an administrative process to address allegations of discrimination is beneficial to both Complainants and Respondents because it offers the opportunity to resolve the issues through the administrative process and reduces the cost, time and effort that would be required to proceed through the court system.

The Commission is an independent state agency that conducts neutral fact-finding investigations and renders a decision based on the evidence. The public is not charged a fee to file with the Commission and they are able find a remedy if there is enough evidence to support a violation has occurred. Filing with the Commission is an alternative to filing in Circuit or Chauncey court. As discussed above, the Commission offers mediation and conciliation as part of the process as another method for resolving complaints. The purpose of mediation is to facilitate an atmosphere for both parties to discuss their perspectives on the complaint and work toward a possible resolution of the dispute. Mediation is provided at no cost to either party and if terms are agreed upon the complaint can be resolved the same day. Through mediations and settlements, the Commission was able to resolve 21 or 9% of the total resolved complaints which provided relief for the Complainant and methods for the Respondent to use in an effort to prevent future complaints.

At the end of the investigation, the parties are sent a Notice of Determination providing the Commission's decision, e.g., either a finding of reasonable cause of discrimination or a finding of no reasonable cause of discrimination, and options for the Complainant should they wish to pursue the matter further. One option is for the Complainant to file a request for reconsideration of the Commission's decision. When this occurs, the investigation is reviewed by a different member of the Commission's legal staff who either affirm the no reasonable cause finding or reverse the finding of no reasonable cause.

In addition, the Commission is responsible for ensuring the 48 state agencies who received receive federal financial assistance are in compliance with Title VI of the Civil Rights Act of 1964. Approxiamately, for fiscal year 2018 thirty-one percent (31%) of the State of Tennessee's funding was federal financial assistance and increased to thirty-seven (37%) in the fiscal year 2019. Non-compliance of Title VI would affect the state's ability to continue to receive federal financial assistance.

The Commission is designated as a Fair Housing Assistance Program (FHAP) and a Fair Employment Practices Agencies (FEPA) which indicates that the Tennessee Human Rights Act is substantially quilevent to the federal laws for housing and employment. The Commission has memorandums of understanding to assist with investigation of complaints under both federal and state laws. In September 2017, the Regional Director for HUD and the Memphis District Director for EEOC joined a commission meeting tp present comments to the board of Commissioners. The regional director stated that HUD and the Commission continue to have a strong and fruitful partnership. Agencies, like ours, are an integral part in addressing the civil rights work as FHAP's investigate approximately 80% of all housing discrimination complaint filed in country. Recently, the Assistant Secretary of HUD stated, HUD could not operate without the state and local FHAP's. The Memphis District Director for EEOC, similar in kind, stated the Commission and EEOC have an important and critical working relationship. She indicated that we worked together effectively for years in partnership to provide trainings for individuals and employers and anticipates this relationship to continue.

The Commission's requests for additional educational presentations and trainings continues to increase over the years. For FY 2019, the commission connected with 5.5 million citizens of Tennessee, partnered with 138 organizations, participated in 121 outreach activities, conducted 23 exhibits and gave 26 educational presentations. The Commission's website garnered nearly 85,000 views in FY 2019. The Commission received 4,860 phone calls and received over 1,600 inquiries from individuals who believed they were harmed.

The Commission has important work to continue. Our work is affected by decisions made by the courts, including the Supreme Court, surrounding anti-discrimination laws. Over the last two years we have seen the rise of the #Me-Too movement. In addition, pay equity and bias in the workplace have seen a surge of publicity.

Because of this, the Commission is seeing an uptick in our request for training, educational presentations, and inquiries around these same issues. All of these issues increase the need for a state agency that has the expertise for educating the public, employers, housing providers, and state agencies receiving federal financial assistance about their responsibility. Therefore, we request that this Joint subcommittee recommend that the Tennessee Human Rights Commission receive a minimum Sunset Review Extension of five (5) years.

*At the request of the Chairman of the House Government Operations Committee, all agencies that provide responses to questions as part of the Q&A process should also provide the following information.*

**30. Identification of the appropriate agency representative or representatives possessing substantial knowledge and understanding of the responses provided to the sunset review questions.**

Beverly L. Watts, Executive Director  
Sabrina Hooper, Deputy Director  
Dawn Cummings, General Counsel

**31. Identification of the appropriate agency representative or representatives who will respond to the questions at the scheduled sunset hearing.**

Beverly L. Watts, Executive Director will represent the agency and respond to the questions at the scheduled sunset hearing.

**32. Office address, telephone number, and email address of the agency representative or representatives who will respond to the questions at the scheduled sunset hearing.**

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