

FY
23

TENNESSEE HUMAN RIGHTS COMMISSION

ANNUAL REPORT

Bill Lee, Governor
Muriel Malone Nolen, Esq., Executive Director



Human Rights
Commission

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Governor Bill Lee
Tennessee State Capitol Building
600 Dr. Martin Luther King, Jr. Blvd.
Nashville, TN 37243

Members of the General Assembly
Cordell Hull Building
425 5th Ave N
Nashville, TN 37243

To Governor Bill Lee, Members of the General Assembly, and Citizens of Tennessee:

On behalf of the Tennessee Human Rights Commission (THRC), I am honored to share with you the FY 2023 annual report. I invite you to learn about the work of the Commission and our ongoing mission to safeguard individuals from discrimination in housing, employment, public accommodations, and Title VI. This report highlights the Commission's impact in Tennessee via our outreach, education, and enforcement actions.

In July 2022, I was officially appointed to the role of Executive Director. Since that time, we have faced significant challenges, one of which was a 20% increase in the number of reported incidents of Tennesseans who experienced discrimination. Complaints were attributed to several issues which included limited access to affordable housing, inequitable treatment based on racial and/or religious biases, and the need for accessible modifications. Despite these difficulties, the Commission has continued to expand its impact in the community through our education & outreach efforts. As a result, we reached nearly 5 million Tennesseans, a 26% increase compared to the previous fiscal year.

Additionally, we experienced challenges to our workforce, with staff turnover and the departure of our Board of Commissioners. However, despite these setbacks the Commission remains steadfast in its commitment to serve Tennesseans and has since made significant strides toward increasing our capacity. We welcomed our new Board of Commissioners in May 2023, hired new executive and senior staff, and created a new Training Officer position which will continue to strengthen our education efforts in the future.

In closing, I would like to thank the members of our new Board of Commissioners who will provide leadership to meet the Commission's mission and vision. The Commission will continue the vital responsibility of enforcing civil rights laws and work to ensure a discrimination-free Tennessee. The Commission looks forward to serving the citizens of Tennessee with your continued support.

Sincerely,

Muriel Malone Nolen, Esq.
Executive Director



Board of Commissioners



Darris K. Upton
Chair
East Tennessee



Christopher Crider
Vice-Chair
West Tennessee



Mark A. Kelly
Secretary
Middle Tennessee



Marité Pérez
East Tennessee



Dr. Amos Raymond
West Tennessee



Joshua Rosales
Middle Tennessee

Tennessee Human Rights Commission History

The Tennessee Human Rights Commission (THRC) is an independent state agency responsible for enforcing the Tennessee Human Rights Act (THRA) and Tennessee Disability Act (TDA). The Commission has a nine-member Board of Commissioners and 33 staff members in four offices across Tennessee. The founding principles of the Tennessee Human Rights Commission were to encourage and develop fair and equal treatment for all citizens regardless of race, color, or national origin. The mission of the Tennessee Human Rights Commission is safeguarding individuals from discrimination through education and enforcement.

On September 30, 1963, Governor Frank G. Clement, pictured right, signed Executive Order 18 creating the Tennessee Human Relations Commission. The Commission's original purpose was to advise the public of their rights, research, report on human relations, and relay these findings to the governor. The commission accomplished this by working alongside other government agencies with similar responsibilities.

In 1978, the Tennessee Human Rights Act (THRA) became law, transforming the commission from an advisory agency to an enforcement agency. Former Commissioner Jocelyn Wurzburg of Memphis, Tennessee was the author of this legislation; her leadership was critical to its passage.

In 1979 and 1980, the law was amended to include disability and age as protected classes.

In 1983, the Commission officially became the Tennessee Human Rights Commission. In 1984, the law was amended to prohibit discrimination in housing. In 1990, the expansion was extended to include familial status and disability as protected classes.

In 2009, the THRA was expanded, and the Tennessee Human Rights Commission was given the authority to verify that state government entities comply with requirements of Title VI of the Civil Rights Act of 1964. Title VI prohibits recipients of federal financial assistance from discriminating on the basis of race, color, and national origin.

In 2015, legislation was passed that amended the THRA (T.C.A. §4-21-201) by reducing the THRC Board of Commissioners from 15 members to nine members. In 2022, the THRA was amended again determining that the Governor, Lieutenant Governor and Speaker of the House of Representatives nominate three Commissioners each to the Board to represent the three grand divisions of the State.

Today, the THRA prohibits discrimination based on race, color, creed, religion, sex, national origin, age (40 and over in employment), disability, and familial status (in housing). The Tennessee Human Rights Commission has maintained collaborative partnerships with the Federal government for nearly 40 years. These relationships allows the Commission to investigate complaints involving alleged violations of Title VII of the Civil Rights Act of 1964, the Age discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008, and Title VIII of the Civil Rights Act of 1968 (Fair Housing Act).



THRC Mission

**Safeguarding Individuals
From Discrimination
Through Education and
Enforcement**

Commission Overview

The Tennessee Human Rights Commission (THRC) receives and investigates complaints of alleged discrimination in employment, housing, and public accommodations. THRC also ensures compliance with Title VI of the Civil Rights Act of 1964 for state agencies that receive Federal Financial Assistance (FFA). Complaints are assessed to determine whether the allegations are jurisdictional charges under the Tennessee Human Rights Act, Tennessee Disabilities Act, and Title VI of the Civil Rights Act of 1964.

Through education and outreach, THRC educates the public about their rights and responsibilities under the Tennessee Human Rights Act, the Tennessee Disabilities Act, and Title VI of the Civil Rights Act of 1964. Through education and outreach efforts, 4.8 million Tennesseans were reached in FY 2023.

Customer service and intake serve as the initial point of contact where individuals can obtain assistance with filing a complaint of alleged discrimination. THRC staff provides information on how to file a complaint by sending out complaint forms to requesting parties and by making referrals to other agencies as needed. This year, customer service received 5,402 phone calls and 868 online complaint forms. Customer service mailed 572 complaint forms to aggrieved parties and received 287 complaint forms via mail.



EDUCATION AND OUTREACH

THRC reached approximately 4.8 million Tennesseans through our education and outreach activities.



CUSTOMER SERVICE

THRC responded to an approximately of 5,402 phone calls.



INQUIRIES

Between our Employment, Housing and Title VI units, THRC received 2,386 inquiries of alleged discrimination.



COMPLAINTS

Between our Employment, Housing and Title VI units, THRC found that a total of 319 complaints met jurisdiction.



CASES CLOSED

Between our Employment, Housing and Title VI units, THRC closed a total of 330 complaint cases.

MONETARY BENEFITS

Between our Employment and Housing units, Tennesseans received \$108,849 in monetary benefits.



Education & Outreach

Education and outreach is a key part of the Tennessee Human Rights Commission's mission. Through these efforts, the Commission brings awareness to the work done by THRC. Our outreach efforts focus on educating the public about their rights and responsibilities under the Tennessee Human Rights Act (THRA) as well as state and federal anti-discrimination laws. The Commission partners with state and federal agencies along with employers, housing providers, faith-based organizations, non-profit organizations, and others to achieve this goal. During FY 2023, the Tennessee Human Rights Commission partnered with 65 organizations.

THRC participated in 56 education and outreach activities during the fiscal year. In addition to directly connecting with Tennesseans through in-person and virtual activities, the Commission used traditional media, such as radio and print ad campaigns, as well as digital media, such as our website and social media, to communicate our mission and inform the public of our services and resources. Through these efforts, the Commission reached 4.8 million individuals.



OUTREACH ACTIVITIES

THRC participated in a total of 56 education and outreach activities in FY 2023.



PARTNER ORGANIZATIONS

THRC partnered with a total 65 partner organizations throughout FY 2023 for education and outreach initiatives.

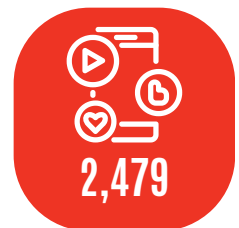
SOCIAL MEDIA

Between our Facebook and Twitter platforms, THRC had a total of 2,479 followers in FY 2023.



EDUCATIONAL PRESENTATIONS

THRC hosted 6 educational presentations and workshops in FY 2023.



Media Engagement



1,230,700

Impressions through radio ad campaigns



3,410,150

Impressions through print ad campaigns



138,085

Views on THRC Website

Education & Outreach

Outreach Efforts

To connect with Tennesseans throughout the state, the Tennessee Human Rights Commission hosted both in-person and virtual seminars and supported various community events. These efforts included facilitating educational presentations, sponsoring events and programs, hosting exhibit booths at conferences, and participating in program partner events. Partner event participation could include assisting in coordination, donation of SWAG, distribution of educational materials to attendees, and more.

*To the right, you can find a breakdown of education and outreach efforts. Below, you can find photos of events THRC supported in FY 2023.

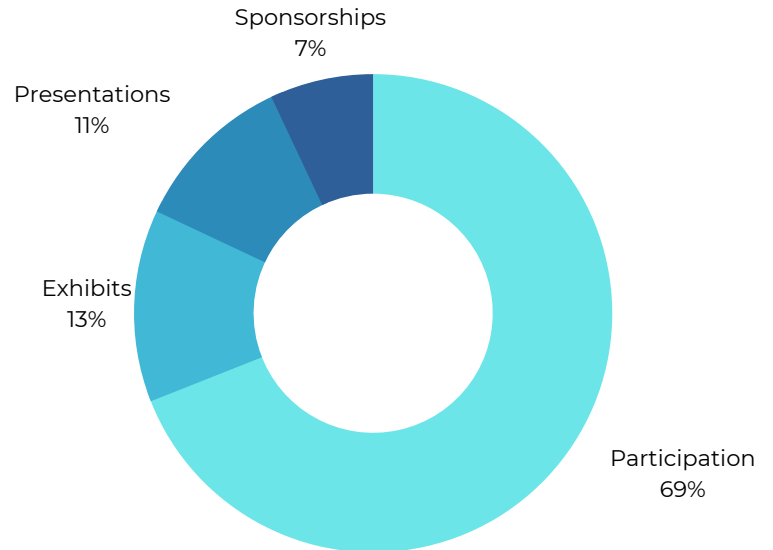


Photo descriptions in clockwise rotation, starting from the top right.

- Exhibit booth at 92Q Radio's "Family Day in the Park". Nashville, TN.
- Exhibit booth at The ARC Tennessee's "Disability Mega Conference". Nashville, TN
- THRC sponsored and Executive Staff attended the April 4th Foundation's "Annual Awards Banquet". Memphis, TN.
- Educational materials and SWAG distributed at various community events.
- Executive Director Muriel Nolen speaking at Tennessee United for Human Rights' "Tennessee Celebration of International Human Rights Day". Nashville, TN.

Education & Outreach

Employment Law Seminar and East Tennessee Fair Housing Summit



2022 Employment Law Seminar

The Tennessee Human Rights Commission hosted the annual Employment Law Seminar (ELS) in partnership with the Tennessee Department of Human Resources on November 4, 2022. The goal of the seminar is to educate attorneys, human resource professionals, employers, and others of their responsibilities under the state and federal anti-discrimination employment laws. Topics included: Mediation, Bias in the Workplace and Federal Employment Law Updates. Speakers joined from a variety of organizations including the TN Department of Human Resources (DOHR), the U.S. Equal Employment Opportunity Commission (EEOC), and Baker, Donelson, Bearman, Caldwell & Berkowitz, PC. The event was hybrid, taking place both online and in-person in Nashville, TN. There were approximately 97 people in attendance.

East Tennessee Fair Housing Summit

The Tennessee Human Rights Commission was granted partnership funding by the U.S. Department of Housing and Urban Development (HUD), to provide education and outreach on fair housing rights and responsibilities. This year, THRC partnered with West Tennessee Legal Services to host the East Tennessee Fair Housing Summit on June 21, 2023. The theme of the Summit was “The State of Housing in Tennessee” and topics included Tenant Rights, Accessible Dwellings, Fair Lending, and Artificial Intelligence. Speakers joined from various organizations including West TN Legal Services, the City of Knoxville, Tennessee Housing Development Agency, HUD Region IV Office of Davis Bacon Labor Standards, and Middle Tennessee State University. The event was hybrid, taking place both online and in-person in Knoxville, TN. There were approximately 47 people in attendance.



Enforcement

The Tennessee Human Rights Commission enforces the Tennessee Human Rights Act (THRA), the Tennessee Disability Act (TDA), and their Federal counterparts including Title VII of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. THRC also ensures compliance with Title VI of the Civil Rights Act of 1964 for state agencies that receive Federal Financial Assistance (FFA). Enforcement efforts are carried out across various units within the Commission including the Employment Intake Unit, Employment Investigative Unit, Housing Intake Unit, Housing Investigative Unit, the Title VI Unit and the Legal Unit.

THRC primarily enforces the THRA, TDA, Title VII of the Civil Rights Act of 1964, ADA, ADEA, and Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) by investigating allegations of discrimination. Individuals who issue inquiries of alleged discrimination are referred to as "complainants". Individuals or organizations who receive inquiries of alleged discrimination are known as "respondents". Although there are variations in the complaint process, dependent on whether it is issued in employment, housing or Title VI, each unit has a similar complaint process. Inquiries of alleged discrimination are examined by the intake unit. Intake determines jurisdiction of an inquiry based on whether 1) the allegation occurred within 180 days and 2) if the allegation is linked to a covered protected class. Inquiries that meet jurisdiction are considered complaints, parties are notified and mediation is offered. Mediation, for employment, or conciliation, for housing, are offered to both parties as an alternative to resolve the complaint. If mediation or conciliation are accepted and both parties come to a resolution, the case is closed. If mediation or conciliation are attempted but unsuccessful, the case moves on to investigation. Investigation begins when THRC receives a position statement from the respondent. Investigators then conduct interviews and review evidence. During investigations, settlements can be proposed by either party. If a settlement is offered and accepted, THRC attorneys review agreements and the case is closed. If a case reaches its conclusion without mediation, conciliation or settlement, THRC will issue a determination whether reasonable cause of discrimination was found to have occurred. If no reasonable cause was found, a complainant can file a reconsideration to THRC or file for a judicial review. If reasonable cause of discrimination was found, the case goes to an administrative law judge for a hearing. *At any point in the process, complainants have the option to withdraw complaints.

Complaint Process Overview



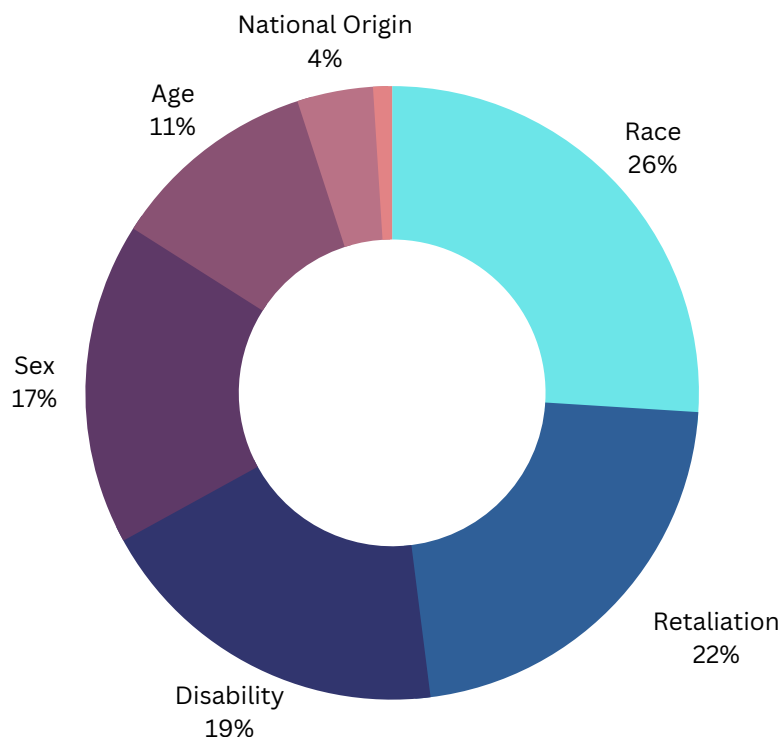
Employment Enforcement

Under the Tennessee Human Rights Act (THRA) and Title VII of the Civil Rights Act of 1964, the Commission is responsible for investigating allegations of discrimination in employment and public accommodation on the basis of race, color, creed, national origin, religion, sex, age, and *disability (*allegations of disability for public accommodation are referred to U.S. Department of Justice*). The Commission has a work share agreement with the U.S. Equal Employment Opportunity Commission (EEOC) to investigate complaints of employment discrimination.

This fiscal year, there were 913 inquiries received, 684 of which were submitted online. There were 53 complaints accepted with 189 cases closed. Settlements and mediations resulted in \$42,030 to be awarded to complainants.



Complaints by Basis of Alleged Discrimination



Settlement and Mediation Benefits



\$42,030

Awarded in monetary benefits through settlements or mediations.



\$1,000 - 17,500

Range in individual monetary benefits.



Non-monetary Benefits

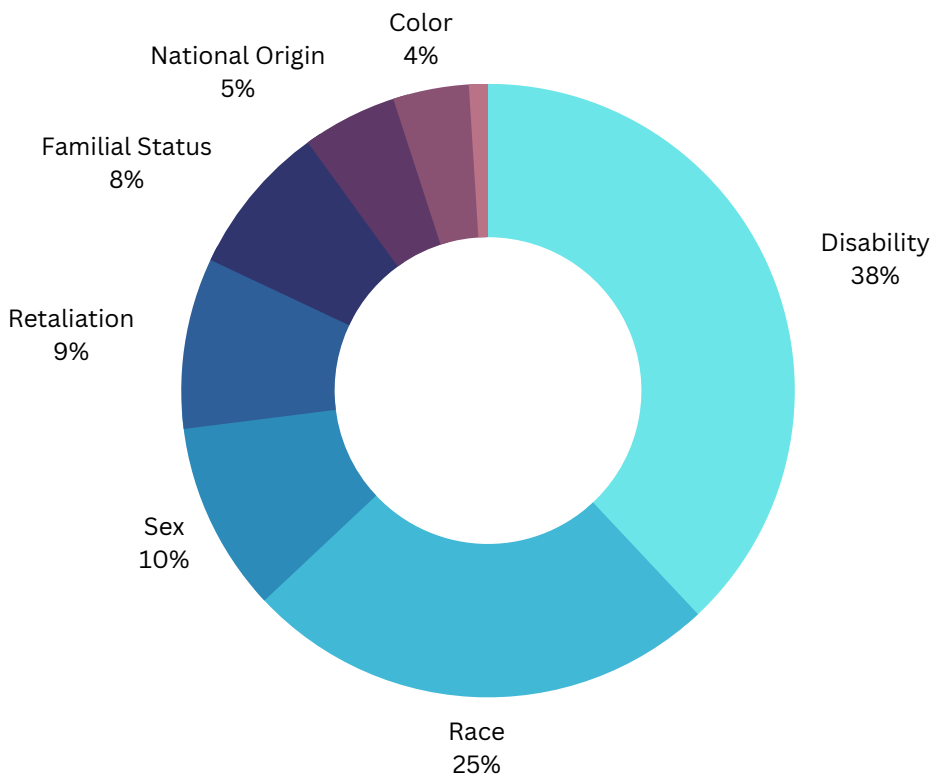
Include employment specific trainings (Title VII, ADA, etc.) and reinstatement.

Housing Enforcement

Under the Tennessee Human Rights Act (THRA) and Title VIII of the Civil Rights Act of 1968, the Commission is responsible for investigating and resolving housing discrimination complaints related to the sale, lease, advertisement, and/or finance of residential and commercial property on the basis of race, color, creed, national origin, religion, sex, disability, and familial status. The Commission has a memorandum of understanding (MOU) with the U.S. Department of Housing and Urban Development (HUD) to process complaints of housing discrimination.

This fiscal year, there were 1,096 inquiries received, 184 of which were online. There were 196 complaints accepted with 128 cases closed. Conciliations resulted in \$68,819 to be awarded to complainants.

Complaints by Basis of Alleged Discrimination



Conciliation Benefits



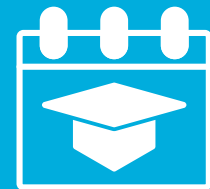
\$68,819

Awarded in monetary benefits through conciliations.



\$380 - 10,000

Range in individual monetary benefits.



Non-monetary Benefits

Include housing trainings (Fair housing, ADA, etc.) and additional outreach.

Title VI Enforcement

The Title VI compliance program is responsible for verifying state agencies that receive Federal Financial Assistance (FFA) are in compliance with the requirements of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Each state agency is responsible for conducting the necessary activities to remain compliant and avoid discrimination. They do so by assigning a staff member as a Title VI coordinator. State agency Title VI coordinators oversee Title VI compliance efforts for their agency and serve as a liaison between their state agency and THRC.

The Tennessee Human Rights Commission serves as the central coordinating agency for state agencies seeking Title VI technical assistance, consultation, and resource compliance. A major component of the Title VI compliance program involves the review of state agency Title VI Implementation Plans. THRC Title VI staff also support state agencies with Title VI compliance reporting, Limited English Proficiency (LEP), complaint investigation, training requirements both for agency staff and subrecipients, and subrecipient monitoring. In FY 2023, THRC oversaw Title VI compliance for 49 state agencies.



INQUIRIES

There were 377 inquiries alleging Title VI discrimination in FY 2023.



CASES CLOSED

There were 13 Title VI complaint cases that were closed in FY 2023.



COMPLAINTS

There were 70 inquiries that met jurisdiction to be complaints in FY 2023.



COMPLIANCE RATE

99% of state agencies were found to be in compliance of their Title VI implementation plans in FY 2023.

Title VI Compliance

State Agencies Subject To Title VI Review

- Administrative Office of the Courts
- Alcoholic Beverage Commission
- Arts Commission
- Austin Peay State University
- Board of Parole
- Commission on Aging & Disability
- Commission on Children & Youth Services
- Council on Developmental Disabilities
- Department of Agriculture
- Department of Children's Services
- Department of Commerce & Insurance
- Department of Corrections
- Department of Economic & Community Development
- Department of Education
- Department of Environment & Conservation
- Department of Finance & Administration
- Department of General Services
- Department of Health
- Department of Human Resources
- Department of Human Services
- Department of Intellectual & Developmental Disabilities
- Department of Labor & Workforce Development
- Department of Mental Health & Substance Abuse Services
- Department of Military
- Department of Revenue
- Department of Safety & Homeland Security
- Department of Transportation
- Department of Treasury
- Department of Veteran's Services
- District Public Defenders Conference
- District Attorney General's Conference
- Division of TennCare
- East Tennessee State University
- Middle Tennessee State University
- Tennessee Board of Regents
- Tennessee Bureau of Investigation
- Tennessee Community Services Agency
- Tennessee Higher Education Commission
- Tennessee Housing Development Agency
- Tennessee Human Rights Commission
- Tennessee Public Utility Commission
- Tennessee State Museum
- Tennessee State University
- Tennessee Tech University
- Tennessee Wildlife Resources Agency
- Secretary of State
- University of Memphis
- University of Tennessee
- Veterans' Homes Board

Annual Title VI Compliance Training

The Annual Title VI Compliance Training was held virtually on August 4 - 5, 2022 for all state agencies receiving Federal Financial Assistance (FFA). Information presented during the training included an overview of Title VI fundamentals, implementation plan guidelines for FY 2022-23, and regulatory authority training instruction. There were approximately 144 attendees over the 2-day training.



49

State Agencies participated in the training



144

People attended the 2-day training

Legal Enforcement

The Tennessee Human Rights Commission Legal Unit provides counsel to staff and the Board of Commissioners. Legal staff provides counsel on all phases of the investigative process from intake to final resolution. The legal staff is responsible for resolving reasonable cause cases and may conciliate cases through informal negotiations, judicial mediation, and when necessary, litigate reasonable cause cases through administrative hearings. The legal staff trains and educates staff and commissioners, conducts internal policy reviews, monitors legislation and court cases that impact the Commission, and conducts educational presentations for stakeholders.



CASES REVIEWED

There were 440 cases reviewed by the THRC legal team in FY 2023.



PRE CAUSE CASES

There were 16 pending cause cases identified by THRC in FY 2023.



RECONSIDERATIONS

THRC had a total of 18 cases reconsideration requests in FY 2023.

Legal Outreach

A key role of the THRC Legal Unit is to provide education on the laws THRC enforce and insight on legal issues impacting employment, housing, etc. The Legal Unit held presentations at various events in FY 2023 including the International Association of Official Human Rights Agencies Conference, the Wimberly Lawson Labor & Employment Law Conference and the West TN Legal Services Fair Housing Conference.



The Legal unit participated in 9 outreach activities



Individuals attended Legal Unit Presentations

Agency Information

THRC Staff

*Gwendolyn Adams	*Amber Joy
Michael Allen	Seth Lankford
Jacob Aparicio	Ellen LeRoy
Stephanie Brake	Paige McAllister
Laura Bell	Veronica McGraw
*Katrina Carter	Lacey Murphy
Jessica Coberly	Muriel Nolen
Cheryl Cole	Nina Parham
*Dawn Cummings	Michelle Petrey
Cheryl Hines	Samuel Shamblin
Kimberly Collie	Carolyn Shell
Shelbea Cooley	Jeanette Stevens
Lynn Cothren	Katherine Swartwood
Tracy Davidson	*Caleb Trentham
Tremecca Doss	*Saadia Williams (Ret.)
*Monica Fisher	William Wade
William Gentry	Vee Weatus
McKayla Green	Tommy Woods

*Indicates former staff members who served THRC during FY 2022-2023

Main Office



Nashville

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Tennessee Tower
312 Rosa L. Parks Ave | 23rd Floor
Nashville, TN. 37243

Satellite Offices

Chattanooga

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Knoxville

Pellissippi State Community College,
Strawberry Plains Campus
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Knoxville, TN. 37914

Memphis

One Commerce Square
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Tennessee
State Government

Human Rights
Commission



Contact Us!

Phone: 800-251-3589

Website: www.TN.gov/HumanRights

Email: ASK.THRC@tn.gov



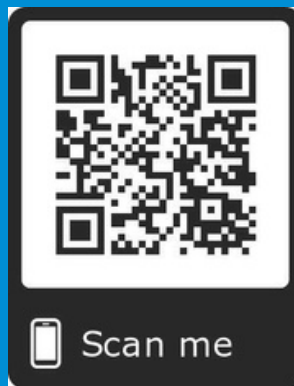
@TNHumanRights



Human Rights
Commission

Tennessee Human Rights Commission

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Mission

Safeguarding Individuals from Discrimination Through Education and Enforcement

Vision

Working Together for a Discrimination Free Tennessee