

HUD, the U.S. Department of Justice (DOJ), and the National Fair Housing Alliance (NFHA) are hosting a series of online discussions regarding emerging fair housing issues during this unprecedented time. These Forums convene HUD's FHIP and FHAP partners in a multi-directional conversation regarding processing complaints, conducting investigations, and managing agencies during a crisis and its aftermath.

This is the first in that series.

JUNE 25, 2020, 2:00 – 3:30 EDT

NATIONAL FAIR HOUSING FORUM

A Conversation on Sexual Harassment in Housing Situations

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Speakers: Anna María Farías, Assistant Secretary, Office of Fair Housing and Equal Opportunity; David Enzel, Deputy Assistant Secretary, Office of Enforcement and Programs; Lynn Grosso, Director, Office of Enforcement and Programs; Kathleen Pennington, Assistant General Counsel, Fair Housing Enforcement; Megan Whyte de Vasquez, Trial Attorney, Civil Rights Division, U.S. Department of Justice; Lisa Rice, President and CEO, National Fair Housing Alliance; Jeff Olivet, Facilitator, Cloudburst Consultant; TJ Winfield, Technical Support, Cloudburst.

JEFF OLIVET: Welcome to all of you, and welcome to the National Fair Housing Training Academy Fair Housing forum. This is the first of many forums that we're holding. Today is focused on A Conversation About Sexual Harassment in Housing Situations. My name is Jeff Olivet. I'm a consultant with the Cloudburst Group, a partner with HUD's Fair Housing Office, and working as an emcee today for this conversation, but I'll be turning it over to a number of other panelists and speakers throughout the next few minutes.

I'd like to start, though, by asking you all who you are, and we're going to put a poll question up into the WebEx room. Many of you have already used the chat box to tell us who you are and where you're from, but we'd like to know what type of organization you represent, if you're with a FHIP-funded organization, with the Fair Housing Initiatives Program, or FHAP program—Fair Housing Assistance Program—or if you're a HUD staff person, or other, if you represent a different kind of organization. Just take a minute and click on the button that best represents who you are, and we'll share some of that back with you in a minute.

And then we have another question for you also, before we get going. We'll just give you another 10 or 15 seconds to answer what type of organization you represent.

And then T.J. and Lauren, if we could go ahead and broadcast the answers to that poll question, that would be great. We're seeing a pretty mix of folks. It looks like there are about 19% of the people on the call who represent FHAP organizations. 12% represent FHIP-funded organizations. About 17% are HUD staff. And a number of you representing other organizations. And then a lot of you have not had a chance to weigh in yet. That's quite all right, too. But it's

clear we have not only good geographical representation, but good representation in terms of type of organization.

We'll go on to our next poll question. Many of you have been in one form of a lockdown or another over the last few weeks. Many of our communities have been devastated by COVID-19, and people working from home and teleworking in all kinds of ways. Some places are beginning to reopen. We're curious, now, if you're teleworking, if your office has reopened or if you're doing some combination of both? And as you're making a minute to respond to that question, I just want to acknowledge that this has a deep impact on the way that we do our work, whether you're in an executive director position or a program manager position or if you're conducting investigations or testing, if you're in a role doing community outreach and education. All of that work is deeply impacted by whether we're able to be together in the same room or not. So let's broadcast those results.

I'm seeing that almost half of the people on this call are teleworking and only about 5% in the office, and then some of you are doing a little bit of both, about 20% are saying they're doing some combination of both.

And we're keenly aware of the fact that this has complicated the work that's you all do every day, that's difficult already, and complicated already.

With that, I would like to turn it over to our tech team to walk through, very quickly, some of the functionality we'll be using today, and then we'll get into the part of our work together.

T. J. WINFIELD: Hi, everyone. Today we'll be using the WebEx online platform. Before we get started with the forum, I just wanted to walk everyone through several features in the WebEx system that we'll be using, and some tips to help you get the most out of today's session. First, we ask that you close out your email, other internet browsers and any other programs that might affect the streaming of this event. If you experience technical difficulties with audio or video at any time, we recommend that you first sign out of WebEx and then log back in. If you're still having trouble after logging back in, we ask that you request help in the Chat box, located in the Webex panel section on the right-hand side of your screen. If you don't see the Chat box in your tool bar, it might not be activated. Please locate and click on the Chat box button, which is the fourth button in the WebEx meeting controls, to add the Chat box to your screen. The webinar is scheduled for 90 minutes and we are recording the session. We'll post the recording and PowerPoint slides on the HUD exchange website next week.

While questions regarding technical difficulties are answered in the chat box, all questions related to webinar topics should be submitted through the Q & A box. The Q & A box is located on the bottom right of your screen. Please click on the arrow next to Q & A so you can expand the window so you can ask your content questions there.

We'll make time at the end of today's session to review and answer attendee questions. Please submit questions any time as you think of them.

We're expecting a large number of attendees today, so we'll have everyone on mute. If you'd like to change your audio settings from your phone to computer or vice versa, please click on

communicate button on the top left of your screen, and the click audio connection. From there, you can switch from phone to computer audio. And we do recommend listening to today's session event through your computer. We'll be showing a video later on in the presentation that can only be heard through your computer speakers.

I just wanted to talk about closed captioning as well. We have that made available. To access that, you open the Multimedia Viewer box located on the bottom right of your control panel. If you're using closed captioning, it's recommended that you adjust your font settings to the Sunrise view. This will optimize readability by changing the background to blue and the lettering to yellow. You can choose this setting by clicking on the Themes dropdown, located in the Multimedia Viewer box, and at the same location, you can also adjust the font size as well.

And with that, I'll turn it back to Jeff, who will introduce the rest of our speakers and special guests for today's webinar.

JEFF OLIVET: Thank you, T.J. I appreciate that. And, as TJ said, a lot of what we're trying to do today is get you all engaged in different ways. The agenda is pretty straightforward. We'll have a couple of presenters from HUD who introduce you all to the National Fair Housing Training Academy. We'll have a little time for open forum with you all where we ask a number of questions to try to draw out from you what you're facing right now and what kind of support you'd like going forward. And then our topic of focus today, for the heart of the conversation, is the topic of sexual harassment in housing situations. And then we'll share some resources with you and close out for the day.

This entire forum is scheduled to go for an hour and a half. So we're scheduled to end at 3:30 Eastern time, 12:30 on the West Coast, and I can't do the math for Honolulu or the friends from Hawaii that are here.

The purpose for today is really to focus in on one topic, but we also wanted to frame the session in the larger context of Fair Housing and, from HUD's point of view, their vision for what Fair Housing Training Academy can be in the world. And to get us going, it's my honor to present to you the Assistant Secretary for Fair Housing and Equal Opportunity, Anna Maria Farías. And the Assistant Secretary, in my encounters with her, has been so clear in her passion and dedication to the cause of Fair Housing. Assistant Secretary, the floor is yours.

ANNA MARIA FARIÁS: Thank you very much, Jeff. Good afternoon to those of you on the East Coast, and good morning to those of you on the West Coast, and welcome to those that join us from Hawaii. Once again, thank you, Jeff, for that introduction and thanks for agreeing to emcee the first of two national trainings webinars we're having on sexual harassment. I would have preferred to welcome each of you in person, but I appreciate being able to still join you in the way that has become the new normal when it comes to conducting events. No doubt these are unprecedented times. This pandemic is unlike anything we have experienced in recent history, and it has been fundamentally changing the way we live our daily lives. And while most of the nation's attention has been on how COVID-19 is threatening our health, it also is important on how the pandemic is already affecting and will continue to affect housing choices in the weeks and months ahead.

When the pandemic first began, we knew it would be possible for the Fair Housing and Civil

Rights of certain individuals to be violated—particularly on the basis of race, national origin, and disability.

But now that we're three months into it, we also are seeing numerous cases involving women being sexually harassed in the place they call home.

Earlier this month, we charged the owner and manager of a co-operative in Davenport, Iowa for discrimination for allegedly sexually harassing a female tenant by making inappropriate gestures and comments, and entering her apartment without permission.

In late March, we approved a conciliation agreement between a group of California Housing providers, and our own FHIP partner, the Greater Napa Valley Fair Housing Center, resolving allegations that the onsite manager for one of their properties sexually harassed a female resident.

Earlier that same month, we approved a reconciliation agreement requiring the owners and manager of a Bakersfield complex to pay \$14,500 to seven female residents to settle allegations of sexual harassment.

And in addition to the cases we've handled, we're seeing numerous stories in the media about women being subjected to sexual proposition in exchange for reduced rent or being allowed to remain in their homes, the very shelter that is critical for staying safe under COVID-19.

That's why the sexual harassment forums we're conducting are so relevant and timely. And it's where the efforts of our partners in addressing sexual harassment, are FHIPs and FHAPs like you, as well as the National Fair Housing Alliance, and the Department of Justice, are so important.

And I can't think of a better vehicle for providing the training you'll need to take on today's Fair Housing challenges, than the National Fair Housing Training Academy. And I especially wanted to thank Melody Taylor from Region 3 for the incredible work that she has been doing in addition to being a regional director.

Not only will the academy prepare the housing advocates—lawyers, investigators, and other stakeholders—on the most effective way to address discriminatory housing policies and practices, it will also play a central role in providing information and instruction that will advance the letter and spirit of the Fair Housing Act.

At the time we announced the new creation of the Academy, Secretary Carson said HUD is reaffirming our commitment to creating equal housing opportunities for every American, so that current and future generations of young people have the tools they need to combat housing discrimination.

And today marks an important first step towards that reality.

It is also particularly fitting that the focus of the Academy's first two forums be on sexual harassment. Something Secretary Carson has spoken about, seeing first-hand when he saw his single mother being harassed, as a youth, as a young girl, I witnessed my mother, also a single mother, being sexually harassed.

Both Secretary Carson and I were very blessed that our single mothers were very strong women

and fought back, and their attitude was “No means no.” No one should have to endure this degrading treatment in order to keep a roof over their head, and we look forward to working through the Academy and the partnerships I mentioned to investigate and hopefully prevent this type of discrimination from occurring.

And on July 9th, we will be hosting a second webinar regarding addressing sexual harassment in housing, so I invite you to join us again for that.

On the July 9th, we will be able to give you more information about how, through Melody Taylor in Region 3, we received a complaint on April of this year, in May, and actually in June, and before the end of June, it will actually become a Secretary-initiated complaint. In other words, in two and a half weeks, we will let those people know that what they're doing is absolutely not acceptable.

Finally, I want to thank our partners and staff who were instrumental in making today's forum happen. Again, thank you for taking time to join us for what I know will be an interesting and informative webinar. Continue doing the good things you're doing, and I look forward to working with you, and throughout the Academy to inspire future generations to become civil rights practitioners.

And now, I want to turn this over to David Enzel, our HUD deputy Assistant Secretary for enforcement programs, who will speak about the importance of building the capacity of FHIPs and FHAPs to conduct timely, thorough, and comprehensive investigation. David? You're on.

DAVID ENZEL: Thank you, very much, Assistant Secretary, and I want to thank everyone who's on this webinar today for being here. Our level of excitement at HUD Fair Housing about the launch of the National Fair Housing Training Academy is through the roof. We're so pleased that Congress appropriated money, and that Secretary Carson and our Assistant Secretary have supported us in this effort. Our goal is to help our partners—Fair Housing Assistance Program agencies, and Fair Housing Initiative Program agencies—to do a better job in enforcing the Federal Fair Housing law. We've got a wonderful faculty here for you today. I want to thank Lisa Rice of the Fair Housing Alliance for participating with us today. There's no better expert on this topic than Lisa. Early on, when we started working on this, I reached out to the U.S. Department of Justice, and they said, “How can they help?” HUD's Office of General Counsel jumped in, and of course, our own Fair Housing staff. In future sessions, you'll see participants from Fair Housing Assistance Program agencies as well. We want this to be a true partnership.

We are, as the Assistant Secretary mentioned, we're dealing with remote learning at this point. And we are learning how best to provide the support we can to you without being able to meet with you in person.

We are very open to your ideas, your constructive criticism, future sessions that you think we should have, and additional topics. If you have ideas, you can e-mail them to me, and I will follow up.

We've got lots and lots of great ideas about future topics and training events, and we want to do this in a best way possible, and we're interested in hearing what's an appropriate session length, what topics do you want to hear. If you think you'd be a great speaker or if you know

somebody who would be a great speaker, please let us know that, and bring that to our attention.

We originally hoped, with the Assistant Secretary, we'd be able to do this kickoff event as a live event, but that's just no longer possible, and we don't know when it will be possible. So you can expect future events to be made available online, in many different— in a variety of different formats.

And I want to underscore what the Assistant Secretary also said about Melody Taylor. She really worked tirelessly. She's our FHEO director in Philadelphia, and she took this on as an additional responsibility and has worked tirelessly to make this event come to fruition, and we're so pleased and excited and we just want to continue our partnership with our partners in both the FHIP and the FHAP programs.

So thank you. Thank you very much for being here. We look forward to working with you in the months and years ahead. Thank you.

JEFF OLIVET: Thank you very much, Deputy Assistant Secretary, and to the Assistant Secretary, too, for framing this conversation in such an important way and kind of a big-picture visionary way.

I'd like to invite you all, the participants, and we have several hundred of you on the forum right now, I'd like to invite you to be involved in a couple of different ways. The way we're going to do this right now is to invite you to respond to some poll questions, like we were at the beginning, asking you kind of where you're from and who you're representing. Now we'd like to get more into the heart of the matter. Has your agency ever received sexual harassment complaints? Yes, no, or not applicable? Depending on where you are. We just want to get a sense of how many of you are dealing with, or have dealt with, sexual harassment complaints in the agency in which you operate.

And we'll just give folks a few more seconds to answer that question. That should be a pretty straightforward one. And we'll go ahead and publish the results. I know we'll kind of move through some of these quickly. Let's go ahead and close that out, T.J. And a number of you, it looks like, didn't get a chance to respond yet, but about half of you did. And half of you said, yes, you have received sexual harassment complaints. Only 3% of you said no, so the vast majority of those who answered certainly have received sexual harassment complaints in their work.

Now, let's dig into the moment of time in which we find ourselves, and ask the question: in the context of COVID-19 pandemic, has your agency seen an uptick in reported complaints of sexual harassment since the COVID-19 pandemic was declared on March 11th? And I do have to admit, I'm afraid, that my birthday is March 11th. I don't think that was the cause of the shutdown across the country, but it certainly coincided. I've had a very long extended time in my house with my partner and kids over the last three months. I guess that's my birthday present to myself.

Has your agency seen an uptick in reported complaints of sexual harassment since the pandemic was declared? And let's go ahead and see those results, T.J. and Lauren.

This is interesting. So this came in as a little bit of a mix. 8% of you said yes, you have. 33% said no. We don't know from that question whether that means you were already receiving a lot of complaints and it stayed steady, or whether you haven't seen that much of a change. 7% said it's not applicable. And about half of you did not have a chance to answer that question.

So that gives us a sense, just of what you're seeing and what you're hearing, in your own communities, and our hope is that that cues up the next conversation that we're going to have.

And you've already heard high praise for Melody Taylor. I'm going to turn this over to Melody here in just a minute. I will invite our panelists to join on web cam now, and when Melody comes, you can unmute your lines, as well.

The conversation for the bulk of the forum today is on sexual harassment in housing situations. Before turning it to Melody, I'll just very quickly introduce our panelists: Lynn Grosso, with HUD Fair Housing and Equal Opportunity Office; Kathleen Pennington with HUD's Office of General Counsel, Lisa Rice—whom you've also heard high praise about—with the National Fair Housing Alliance; and Megan Whyte de Vasquez, with the Department of Justice. And Melody will guide this group, through a variety of questions and comments. We'll be offering a you chance to offer your own questions in the Q & A function.

I will just say the biographies of Melody and this group of panelists, as well as the Assistant Secretary and Deputy Assistant Secretary, are all available on the HUD exchange. So if you want to know more about the folks who are presenting, you can find out about them on the National Fair Housing Training Academy page on HUD Exchange.

And with that, I'll turn it over to Melody to get us going.

MELODY TAYLOR: Great. Thank you, Jeff. Thank you, David and Assistant Secretary Anna Maria. I'd be remiss in saying that this was a solo event. I've had great support from a cast of folks. In particular, Nathan Roth, who is not visible on the camera, has been a great support in being able to pull this off, along with Cloudburst and other parties. So thank you so much. We're really excited to see 575 people as part of this web cam, and really excited to be able to introduce this two-part series of sexual harassment.

As many of you know, and as the Assistant Secretary just stated, she pioneered sexual harassment as an initiative for the past two years, and now more than ever, as a result of the pandemic, as a department, and in collaboration with our partners, we must raise awareness.

For today's webinar, we have a very well-rounded and seasoned team of panelists that will share their knowledge and expertise, to help those, our FHIP and FHAP partners, who are on this call, to further the initiative.

So I'd like to reintroduce the panel just a bit. We're going to have Lynn, who is the director of HUD's office of enforcement, and Kathleen Pennington who is our assistant general counsel of Fair Housing in the Enforcement Division. And Megan Whyte de Vasquez, who is the trial attorney with DOJ's housing and federal enforcement section and, last but not least, obviously Lisa Rice, who's with out National Fair Housing Alliance who will give voice to our partners.

We're going to operate this web cast a bit informally. Like we said, and as it's entitled, this is a conversation on sexual harassment. So we want to be able to engage you with questions that

we've devised that will help give a deeper dive or a different perspective from our varied panel on sexual harassment. So I'm going to ask our panelists a series of questions in which they'll respond to, and at the end of the session, it will give you an opportunity to ask questions as well. Our first question is what constitutes sexual harassment under the Fair Housing Act? Lynn, could you respond to that?

LYNN GROSSO: Sure. Hi, Melody. Nice to see you. Nice to hear from you. I just see so many of our FHIPs and FHAPs in the audience, and my HUD colleagues. I just want to let you know that my line is breaking in and out on the audio. So, if for some reason I'm nonresponsive, I just want you to know that.

So as far as sexual harassment, of course, the theme of this discussion, sexual harassment is a form of discrimination on the basis of sex, under the Fair Housing Act. And in 2016, we promulgated a detailed harassment rule that gave greater clarification to how HUD analyzes these types of cases.

But there are two primary different types of sexual harassment cases. The first type is *quid pro quo* discrimination, which occurs when a housing provider requires a person to submit to an unwelcome request for a housing-related benefit.

The other type of discrimination—sexual harassment discrimination—is hostile environment discrimination. And that occurs when a housing provider subjects a person to severe or pervasive unwelcome conduct, which interferes with housing.

And one very important theme as we do these investigations and analyze these cases is how HUD will interpret what is "severe" or "pervasive" conduct. It's very important that we use the perspective of a reasonable person in the aggrieved person's shoes. So that really is how we look at, and how we are informed with, what is severe, pervasive and unwelcome, in both types of discrimination.

MELODY TAYLOR: Great. Thanks, Lynn. For the second question, we have for our panelists is who is most vulnerable to sexual harassment in housing situations? Lisa, could you respond to that.

LISA RICE: Hi, Melody. Of course, I'm happy to. And first, I want to just express how deeply humbled I am and grateful I am to be participating in this discussion with my esteemed colleagues, both at HUD and the Department of Justice. I'm so grateful to Secretary Carson and Assistant Secretary Farías and David Enzel for elevating this issue and making sexual harassment a priority at HUD. Melody, I have to give you a shout out. I mean, your commitment to Fair Housing has always shown through, and we're so grateful to have you all in our staff organizations as partners in this battle, this fight, to tackle and address sexual harassment.

There are many segments of our population in our community who are vulnerable to sexual harassment. These people, especially women, because most of the folks who experience sexual harassment are women—people who cannot pay their rent now, particularly because they're not working, or because their income has decreased due to the COVID-19 pandemic and economic crisis, are more vulnerable. We're also seeing that since the pandemic hit, that people who have to stay at home, because folks have to shelter in place, they're at home more

now, and unfortunately, it sets up an arrangement, a situation, where they are more accessible to landlords or repair personnel who might prey upon them.

We have seen—we did our own polling among private Fair Housing organizations—and we saw that 13% of our private Fair Housing organizations have seen an uptick in sexual harassment complaints since the COVID-19 pandemic was declared.

And 18% of our private Fair Housing groups have seen an uptick in domestic violence complaints.

So COVID-19 is definitely having an impact here.

Also, tenants with lower income who cannot easily move, they don't have that accessibility, in large part because of the affordable housing crisis, the affordable housing crisis has really exacerbated issues of housing instability for people. Of course, we know that housing instability can lead to eviction. Eviction, of course, leads to a blemished record. So the fewer options that a person has, the more susceptible they are to sexual harassment.

People who access credit outside of the financial mainstream are also at undue risk, because they are credit invisible. Or they have an artificially deflated credit score, and since landlords are increasingly relying on credit scores, people who lack them are more susceptible to abuse and harassment.

People who may be less inclined, for cultural reasons or for other reasons, to tell others that they are being harassed or to file a complaint are also endangered.

We often see that sexual harassment occurs when the predator is taking advantage of someone's vulnerability. The people who are undocumented also fall into this category.

And the last point I'll make, Melody, is that sexual harassment doesn't just happen to women. It sometimes happens to men, as well. Cis population and non-Cis population. Sexual harassment can be perpetuated by persons of any gender identity upon persons of any gender identity. And we should keep that in mind, as people are coming to us and seeking assistance.

MELODY TAYLOR: Thank you, Lisa. I think it's important that you raised a couple of very key issues: access, credit invisible. I think that's something that's not been widely discussed or shared among Fair Housing partners as a conversation. And I'm adding a question to this—sorry for the impromptu—but could you do a deeper dive, into that please? Just to give light to that issue?

LISA RICE: Absolutely. The landlords are increasingly relying on technology in order to establish, A. eligibility for housing; and B. pricing for housing. So they're relying on utilities, like a tenant screening devices, and credit scoring algorithms, in order to determine whether or not they're going to rent to a person, and how much they're going— how much rent they're going to charge to a person. It's called risk-based pricing.

And so unfortunately, lower-income population—and also communities of color: women, single female-headed households—these are groups that tend to disproportionately access credit outside of the financial mainstream. So accessing credit from a payday lender or a check casher or buy-here-pay-here lender, so some other kind of subprime lender.

And we saw this in the lead up to the financial crisis, right? Where women—in particular, African Americans and Latinos—disproportionately were even accessing mortgage loans from subprime lenders. Subprime lenders don't report your timely payment to the credit repositories. So even though you're accessing credit, it's outside of the financial mainstream. It's not with a bank or a depository institution, which means you have a higher likelihood of being credit invisible.

It doesn't mean you don't pay your obligations on time. It just means that you're more likely to be credit invisible.

And so if you're credit invisible, that now diminishes the options that you have, because it's reduced the pool of landlords who are willing to rent to you.

And that's where we see landlords taking advantage of people. You know? Telling people, "You don't have a credit score." Right? Or "You have a low credit score."

So the number of people who are going to be willing to rent to you is diminished. You don't have that many options or opportunities. And we see unscrupulous landlords taking advantage of those kinds of situations.

MELODY TAYLOR: Great. Thank you.

So we've talked about the definition and Lisa has cued up for us who are the most vulnerable populations as relates to sexual harassment in housing.

And now we're going to hear from other panelists who are going to talk to us about some of the landmark cases that have happened under sexual harassment. So the question is, can you provide examples of a few key cases, the allegations involved, and positive outcomes that occurred as a result? I'm going to ask Kathleen Pennington from our Office of General Counsel to share that with us.

KATHLEEN PENNINGTON: Hi, Melody. Thank you. Lisa, that was really great to hear. Sad, obviously, but really interesting to have that background. I think people appreciate that. I know I do. I'm really honored and appreciative very much of this opportunity to participate in this event and in the rollout of the new training academy. And it was nice to hear Jeff going through the participants and sort of give us an idea of where they were from, and how they're all over the country, and coming from FHIPs and FHAPs, different organizations, legal aid. It was really nice to hear that. I always appreciate being amongst people who really care about civil rights. So I'm happy to be here today. So first, I was going to talk about the very first sexual harassment case under the Fair Housing Act. That was a case called Shellhammer versus Llewellyn. It was back in 1983 that the decision actually came out. The one that's on the PowerPoint is an appeal of the decision, but it was recognized first by the district court in 1983. And you know, it seems like a really long time ago, and you wouldn't think we'd still have all of these cases coming forward, but we do. Obviously, people didn't get the message back in '83. So what the case involved was the landlord asked Mrs. Shellhammer to pose nude for him, and on a later occasion he asked her to have sex with him. She refused and then he evicted her and her husband. And you know, we hear this all the time, the same kind of fact pattern. But what the court did, because they hadn't really thought about sexual harassment in housing, they

looked to Title VII precedent back then. Title VII had already recognized types of sexual harassment, or other types of harassment, I should say—it's not just limited to sexual harassment—but they recognized quid pro quo and hostile environment harassment under Title VII. The court in Shellhammer incorporated that into the Fair Housing Act. And since then, we still use those same methods of proving sexual harassment in housing.

So in that particular case, the judge found only there was a quid pro quo harassment because he had conditioned their continued residency on Mrs. Shellhammer's acquiescence to posing nude and having sex with him.

So, yeah, it's been 37 years, and, you know, we still get these cases all the time. You heard the Assistant Secretary talk about some of them just before, some of the more recent cases that we've charged or settled at HUD, and, you know, it's really sort of never-ending, unfortunately. So hopefully, one of the things that we can do through these sessions is to maybe help make a difference and get that kind of reduced, hopefully, or eliminated.

So I was going to talk about one other case. As you probably know, we work pretty closely with the Department of Justice on our cases. Oftentimes, we at HUD get the complaint, we investigate them, and then they might elect to go over to the Department of Justice. One of the cases that I was going to talk about, that was a collaborative effort during our two agencies, was the Housing Authority of Kansas City case, which you probably heard about because the facts were a little bit more unusual; although, I've seen this fact pattern more than once, so maybe not that unusual.

But HUD received a complaint from two women, who had matters that had been appealed to a hearing officer in the—at the Kansas City Housing Authority. One woman was appealing some fees that had been—fees that she had to—fines she had to pay. The other one was appealing a denial of housing.

So both of them, both of the appeals, went to the same hearing officer. The hearing officer, we later learned, had sort of a history of sexually harassing women whose appeals he was hearing.

So when the resident came in to meet with him on her appeal, he made sexually explicit remarks, showed pornography, and exposed himself. And when the resident went in, he made sexually explicit comments to her, exposed himself, and masturbated in front of her.

So both of these women filed a complaint with HUD, and the investigator at HUD did really a fabulous job of investigating, and nailing down the facts. And during the investigation he admitted he made sexually explicit remarks to these women, and to other women, so they weren't the only victims.

So HUD filed a charge, and then the case elected and DOJ too the case. And I'm going to pass it onto Megan, who is going to talk about what happened afterwards.

MEGAN WHYTE de VASQUEZ: All right. After the election, the case came to the Department of Justice. That means the case was going to be resolved in federal court. So the Department of Justice filed the lawsuit in the name of the United States on behalf of the individuals who had filed the complaint. We later amended the complaint to add a pattern or practice claim, because it became clear that this was a pattern or practice. It was not just involving these two

individuals. And we also added two additional defendants. One was a property manager, and one was the director of housing management, because they also had allegedly engaged in sexual harassment. So our amended complaint alleged that the hearing officer, as Kathy said, gave housing to people, appealing their denials, dismissed fines and fees the residents owed to the Housing Authority, but in order to do that, he would show them his genitals, show them pornography, ask them sexual questions, things like that. The complaint alleged that the property manager asked tenants for sex in change for getting into public housing or for getting a housing transfer, and it also alleged the housing manager evicted residents who rejected his sexual advances.

So after the litigation, that lawsuit was settled for \$360,000 and fourteen women were complicated. So that's the two women who had originally filed complaints with HUD, as well as 12 additional women. The defendants had to pay a civil penalty on top of that to the U.S. treasury. The settlement agreement also placed a lot of requirements on the individual defendants, as well as on the Housing Authority itself.

So for the individual defendants, there were limits on managing rental properties. I believe one was not allowed to be involved in residential rental property management at all. The other two could, but with certain limits, and with disclosing to any potential employers that they were subject to the terms of this decree. There were prohibitions on the individuals contacting individual victims in the case, and on even entering properties run by the Housing Authority.

As far as the Housing Authority, it prohibited them from employing these individuals in the future, and also required them to establish a new procedure for appeals hearings.

So there are, as Kathy mentioned, many cases that HUD investigates and charges, and then they come over to the Department of Justice and we're able to take them through the federal court process.

As I'm sure you all know, private individuals have a right, also, to file in federal court. So I'm going to talk about two other cases involving Waterbury. One is CNY Fair Housing and one is United States versus Waterbury, where there was both a private lawsuit and a Department of Justice lawsuit.

So in 2017, six women and a local Fair Housing organization, CNY Fair Housing, filed a private lawsuit in federal court alleging that the landlord in the Oswego New York area had engaged in quid pro quo sexual harassment of tenants and that landlord both owned and managed property. Shortly after that, the DOJ name also filed a lawsuit against the same landlord. The DOJ lawsuit does not arise out of a HUD complaint like the Kansas City Kansas Housing Authority one did, but instead out of DOJ's independent pattern of practice authority.

So DOJ's complaint alleged that the landlord had engaged in a pattern of practice of sexual harassment of tenants, and prospective tenants, dating back to at least 1990. So one of the great benefits of the Department of Justice pattern of practice authority is that we can actually bring lawsuits that compensate individuals who have been harassed years back, if we're able to corroborate their claim.

So the Department of Justice's complaint alleged that the landlord demanded or pressured

women to engage in sex acts with him to obtain housing or to keep housing, that he subjected women to unwelcome sexual contact and groping, that he offered reduced rent or deposit in change for sexual acts. That he refused maintenance servicing or otherwise took adverse housing actions against women who refused his harassments, and that he made unwelcome sexual comments and advances.

So the two lawsuits were resolved around the same time, and between the two lawsuits, the landlord paid around \$850,000 in damages, financial relief, and civil penalties. The private lawsuit compensated 8 women in the Fair Housing organization. DOJ's lawsuit compensated another 17 women, because of our pattern of practice authority and the expanded statute of limitations applicable in DOJ's cases.

So the consent decree in the Department of Justice lawsuit also prohibited the landlord from managing properties going forward, and contained a number of other injunctive relief provisions.

MELODY TAYLOR: Thanks, Megan. I just wanted to share, DOJ has been an outstanding partner for HUD, and I'm probably speaking for FHIPs and FHAPs around the country. They're AUSAs, they're on the ground, they're conducting roundtable discussions, they're working in tandem with the Department to determine whether or not a case is pattern of practice, and how we can work in tandem to conduct investigations, helping us develop strategies. They've been an outstanding partner, and I just encourage you around the country, we have so many people on this call today, to make sure that you're working in tandem with your regional directors, as FHAPs and as FHIPs, consulting with them, to make sure that you have good strategies in place to ensure that we're supporting complainants as they file these cases.

So thank you, Megan.

And just to add another note, these cases are and can be found on our HUD exchange website. So you'll be able to review and pull them down as resource materials to help you in planning out your investigation.

We're also going to be taking a deeper dive into these cases, as well, in our July 9th forum, to help you with investigative planning, how to conduct interviews, to think through strategies, as you're investigating these cases, as well.

So we've talked about the definition of, we've identified vulnerable populations. We've also highlighted the relevant cases as it relates to this work. Now, more importantly, we want to talk about resources.

So resources work in tandem with increasing awareness. And as you heard from our Assistant Secretary, DOJ, and NFHTA, each of those entities have invested and committed a substantial amount of resources, human capital, and effort, to ensure that this issue is raised around the country from, you know, agencies such as yours to stakeholders and others. And so I wanted to spend a little bit of time highlighting the resources that we have available.

So the question is what resources are available to educate people about sexual harassment in housing? And then what steps can they take to stop it?

So I'm going to ask each of our panelists to give just a little information on that. I'll start with

you, Kathy.

KATHLEEN PENNINGTON: Thanks, Melody. I wanted to first talk about the regulation that we wrote a few years back on harassment. And I would point out it's harassment, not just sexual harassment. It covers all the protected classes, though.

It's very useful for any situation in which you might have a harassment investigation.

But what it does, it's actually 24 CFR 100.600. I don't think we have that on our PowerPoint, but that's the cite for it.

And we've defined within that regulation what quid pro quo is, what hostile environment is, what—what some of the other factors are that you have to consider in determines whether there's hostile environment, harassment, what the reasonable person standard is that Lynn talked about. It also makes clear that one incident of harassing conduct can be a hostile environment, if it's severe enough.

There's sometimes some, you know, we get some pushback on that sometimes, but the rules are very clear about that.

So I would recommend that you take a look at the rule, if— and we'll get into, I assume, in the next training, in July, into more detail about all of this, but if you are investigating a case, you definitely want to look at the rule. I would also recommend looking at the preamble to the proposed rule and to the final rule, because they kind of help explain what some of the terms are and expand upon what's in the rule itself. And 100.600 is the rule that actually discusses what the types of harassment are, but the prohibitions are sprinkled in further places throughout the rule. For example, there's examples of harassment under the regs that apply to 804(a) of the Fair Housing Act, which is to deny housing. So take a look at the regs, take a look at the preamble. I think you'll find it very helpful.

The second resource that I wanted to let people now about, another big HUD initiative that we did in conjunction with the Department of Justice—Megan participated in the training that we did—FHEO, and the General Counsel's Office, and the Office of Public and Indian Housing, got together and spent a lot of time and energy and a lot of money on doing a training program for various housing providers. It was focused on public housing, directors and employees, housing providers who participate in the Section 8 program, and also residents of that type of housing.

But all the concepts are expandable, obviously, beyond just public housing or assisted housing.

So what we did was we created training materials that include video training, that include vignettes of types of discrimination, that include not just sexual harassment, but other types of harassment, like disability discrimination, harassment based on religion. I think there were six vignettes. So you can take a look at those.

There's also a webinar training that is really helpful, and has questions and answers and you can participate in the training.

You can access these things either from the FHEO Sexual Harassment web page or from HUD Exchange. And I think many of you should be familiar with HUD Exchange, but if you're not, the link is contained on the PowerPoint here.

And oh, one of the other things I forgot to mention that's included in the training materials is written materials like fact sheets. And the fact sheets describe, you know, on one page sort of an easy cheat sheet on what sexual harassment is, or what harassment in general is. It also has best practices for housing providers. There's also a fact sheet for victims of housing discrimination. So I would really encourage you to take a look at those pages, because they're extremely helpful, I think.

And take some of the training yourself. Refer your clients to the training. I think that housing—not just housing providers, but victims, or just residents who are unsure whether something might amount to sexual—would appreciate reviewing the materials, or even just looking at the fact sheet.

We're in the process now of having it translated into, I forget how many languages, but multiple languages. It's not all been done yet, but it should be happening soon.

So take a look at that. And I think you'll find it really helpful.

Thanks, Melody.

MELODY TAYLOR: Thanks, Kathy. Megan, you want to talk a little about DOJ's effort?

MEGAN WHYTE de VASQUEZ: Sure. I'd love to. I didn't want to jump in the middle of the case or the discussion to say thanks for having the Department of Justice participate in this, but we are so grateful for the opportunity to participate, to help reach this audience, and to lend whatever support we can. The Department of Justice launched its own initiative into sexual harassment and housing in October of 2017. Like HUD, we've been working on these cases for decades. And we see the same facts come to us again and again.

And so we really wanted to put a lot of resources on this issue to see if we can really start to make a dent.

And so we, like I said, we launched in October of 2017. We rolled it out nationwide in April of 2018. And one of the pillars of our nationwide rollout was announcing a task force with HUD. And so we've been very grateful to be able to participate in the trainings and opportunities like this, along with a number of other things with HUD. You're great partners and we really appreciate it.

And I do want to second what Kathy said about those trainings that are available. The Department of Justice has hosted roundtables on sexual harassment and housing in a lot of different areas of the country. And in some areas, we've had advocates come to us and say, "We really want you to go and do training for Housing Authority." We say, "But there is training for Housing Authority. HUD has put it out." It's for directors, it's for commissioners, it's for staff level, it's for voucher landlords. There are trainings out there and they're really good. So we encourage you to view them or to make sure your constituents know about them.

In terms of Department of Justice resources, we have a web page and there's a lot of information on our web page about sexual harassment in housing in general, as well as our own resources. There's information about how to report to the Department of Justice. We take reports from individuals, we take reports from advocates. We'll tell you every individual or advocate that come comes to us, whether or not we might look into their report, we direct

them to go and file a complaint with HUD or file a complaint with their state or local agency as well. Whether we're going to look into it or not, we want them to preserve their rights and we want them to come to you.

So there's information about that.

There are also links to a number of resources that the Department of Justice has developed. So we have information sheets for advocates that are available in English and in Spanish. We have flyers that are available in 13 languages, which you're welcome to distribute. We do have palm cards in English and Spanish. We have boxes of them sitting in an office in D.C., which we can send out if anybody would like any, but there might be a little delay at the moment. We also have a partnership toolkit. We have two videos. One is a 60-second PSA and it features three women who are named as aggrieved persons in DOJ lawsuits talking about the harassment they experienced. And we also have a longer video with those same women and also the Chief of the Housing and Civil Enforcement Section talking about sexual harassment in housing, giving more detail about the harassment that they endured and their experiences working with the Department of Justice. We've had a lot of questions about what happens? What does it mean to work with us? What happens if we call? So there is a longer video that should help answer some of those questions, whether it's for advocates or whether it's for individuals.

And as I mentioned earlier, the Department of Justice as pattern of practice authority. We can investigate things without a referral from HUD. However, if it seems like an individual complaint, we're not likely to be able to do anything unless it comes through HUD and it comes with an election. However, if you're looking into something and it seems like a pattern of practice, it seems like this has really happened to a lot of people, we would love to hear from you. So whether it's you or individuals, we do have a phone number. I don't know that it makes that much sense to speak out on this, but if you look up our website, we do have a phone number you can call and we have someone who will call you back. Or you can e-mail fairhousing@usdoj.gov. As we said earlier, we work with U.S. attorney's offices all across the country. So the housing and civil section is based in D.C. We work across the country, but we also partner with local attorneys' offices also. So if you aren't familiar with them, feel free to reach out to them, reach out to me, we'd love to partner with all of you. Thanks.

MELODY TAYLOR: Great. Thanks, Megan. Lisa, if you can talk to us about some exciting things NFHTA has going on?

LISA RICE: Sure. NFHTA has a wide variety of sexual harassment education and outreach resources that we've developed, often in partnership with HUD. And I think, I don't know, Jeff or—I don't know who is advancing the slides, but if somebody could advance the slide. Thank you.

And you'll see some of the resources as I'm talking. You'll see some of those resources populate there in the PowerPoint.

But if you go to our website, at nationalfairhousing.org/sexual-harassment, again, that's nationalfairhousing.org/sexual-harassment, you'll see a range of resources that we have there for you. We have public service advertisements that are available. Print PSA's in eight different languages. We also have a radio PSA, in both English and Spanish. Those are localizable for you.

So you can use them in your local communities to direct people and sort of traffic people to your organization.

We also have television PSA's in English and in Spanish, and some of those are localizable and customizable, as well. We have a pre-roll video that you can access there on the website so that pre-roll video is on platforms like YouTube. You can go to our YouTube page, just type in National Fair Housing Alliance and you'll see a lot of those resources.

I want to encourage you to use these. These resources are free. They're customizable. This is an excellent time to receive donated media, with the MeToo movement going on. A lot of platforms are more open to placing ads that are around this content.

So you can contact your local media outlets to get free placement. It's a very timely issue. NFHTA can help you if you need help localizing those print ads. We can help you do that. Again, you're directing people to come to your establishment.

You can also get help from radio stations in localizing the public service announcements, because they can help—they oftentimes have their own staff, who can tagline those ads for you, again, to direct people to your agency.

You'll also find on our website a link to a recent podcast that we just announced. This is another collaboration between HUD and NFHTA. The podcast is entitled "Safe at Home". It's hosted by actress and activist Suzanne Douglas. It features three really incredible and brave women who are survivors of sexual harassment. These women ultimately received justice through complaints they filed under the Fair Housing Act. They are—it's just three very powerful stories, very moving stories, and I encourage you to listen to that podcast to learn more about how victims of sexual harassment feel in these situations and how we as Fair Housing experts can best serve them.

On our website, you'll also find a link to a recent Twitter chat that we did on sexual harassment. NFHTA convened that with Suzanne Douglas, the NAACP Legal Defense Fund, and the national women's law center. Let me close out by showing you one of the 30-second television PSA's about sexual harassment. Again, you can market this to a local TV station and ask them to add your local organization's content information at the end.

TV PSA: Sexual harassment doesn't just happen at work. It happens in housing every day.

If a maintenance staff person repeatedly confronts you and propositions you for sex, creating a hostile environment, or a landlord threatens to evict you or increase your rent if you don't provide sexual favors, that's a violation of the Fair Housing Act.

You deserve to be safe at home. Stop sexual harassment. File a complaint at hud.gov/fairhousing. Fair housing is your right. Use it.

MELODY TAYLOR: Thank you for sharing those resources and materials. I have to say, if you have not listened to the podcast, please do so. It's extremely powerful. Share it with your stakeholders. It's a good entree to being able to create conversation and dialogue so that community groups and others are comfortable about having these conversations around sexual harassment, because it's not easy to discuss. And these resource materials, fact sheets, videos, things that we've provided, are all available on HUD Exchange and the various websites that

you've been provided.

I encourage you to use these tools, because it can help you in your efforts to increase awareness on the issues.

So we have one final question to ask our panelists. So we've talked about a host of things relating to sexual harassment, definitions, relevant cases. Our final question we want to talk about was to ask our panelists are if they could provide an overview of some of the key components of an investigation into a complaint of sexual harassment. And I'm going to start with Lisa. If you could just share from a FHIP perspective, components of an investigation, knowing that we have both FHIP and FHAP and other agencies on the line.

There are different strategies that are employed. So could you talk a little bit about the strategy from a FHIP perspective? And then we'll segue into HUD. Thank you.

LISA RICE: Absolutely. Happy to do that. Thanks for the question, Melody. I'm going to talk about five major things. I'll start out with how we treat customers and clients as they come in through the door. So private Fair Housing organizations, or as we've been referring to them on this session, FHIP organizations, are the front line. Right? We're the ones that the victim sees as they come through the door. We're the ones who are providing the technical assistance and Fair Housing counseling and support to the victims.

So using all of the tools that we have learned about how we work with and support victims of housing discrimination, all of those tools really come to bear, and then some, as we're working with victims of sexual harassment, because as Kathy and Megan and Lynn have already shared, sexual harassment runs the gamut. And it can include rape.

So our victims are traumatized. They're dealing with trauma and all of the effects of a traumatic situation when they come in through the door.

And so not only are we as private Fair Housing organizations providing support to them, while we're simultaneously investigating the case, we're also calling on our partners, rape crisis centers, the local YWCA, and other partners in the community, to make sure that we're providing support to victims of discrimination.

So that's the first thing. Very careful treatment of customers and clients, as they're coming through the door.

When you're working with complainants and their families, because oftentimes, as you heard the Assistant Secretary reference how she witnessed and was impacted by the sexual harassment that her mother endured, right? The same thing with the Secretary. So it's not just impacting the system. It's impacting their families, as well.

So we have to have the utmost compassion when we're working with people. The first thing that we do at the Fair Housing organization is we want to grab the evidence and we want to get the narrative and we want to grab all of that information so that we can fashion an appropriate and comprehensive investigative strategy.

Well, when you're dealing with victims of harassment, that takes a lot of time. And so you're not firing off a list of intake questions. Particularly intake questions that are not related to what

happened to the person. And I understand we want to get all of the demographic information, all of the information that we have to have about the clients that we're serving, but you may not want to be doing that at the outset. Right? That may come later on, after you have had subsequent conversations with your victim.

And we're going to go through this in more detail on the July 9th session. So I'm just hitting really, really fast these top five issues.

The second one is complaint intake and documentation.

During this process, you want to focus on the person. You want to focus on what has happened to the person. If there is any documentation such as text messages, photos, emails, thing of that nature, you want to try and memorialize that right away. If there has been a police report filed, you want to ascertain that and then get a copy of that police report.

As I've said above, it may take more than one interview. It likely will take multiple interactions with your victim to make sure that you're getting all of the relevant information that you need and in order to complete the intake process.

The third thing is the complaint narrative. There are different ways of capturing the complaint narrative. One is to have the victim write it out themselves. The second is to have the victim sort of speaking, telling you their narrative, and you're capturing that in a transcript. And of course, the third way is to have the intake specialist or the investigator to write up the narrative, and then have the victim sign it.

In my practice, what I've done, is whatever is best for the victim. Sometimes it's cathartic for the victim to write out their narrative. If that's what they need to do, then be accommodating for that victim.

But again, keep in mind that these are people who are going through a traumatic experience, and when people experience trauma they don't remember everything. They don't have fresh recall. So you may have to capture the narrative in stages.

There might be a document or there might be a text message that is prompting a certain memory in the complainant, and that's okay. That's okay.

So again, you may not get it all at the first take. And you may have to come back and fill in the blanks.

The fourth thing is testing and investigator tactics. Kathy is going to focus more on the HUD investigation process, but let me tell you one important thing. Testing has been conducted in sexual harassment cases. We know the Supreme Court has said that testing is some of the best evidence that we can have in a Fair Housing case.

So we have conducted testing. In fact, the first sexual harassment complaint that was ever brought under the Fair Housing Act, Shellhammer versus Llewellyn, that was a testing case. Our own Shawna Smith was one of the people who went undercover, wired by the Toledo police department, and was an undercover tester going in and seeking housing from Norman Llewellyn. And that evidence that she captured as a tester proved to be really compelling in that lawsuit that convinced Judge Carr to ultimately decide, yes, sexual harassment is violative

under the Fair Housing Act.

That really segues into the last point, the fifth point, and that is partnering with law enforcement. In every single sexual harassment case that I have ever done, I have always partnered with law enforcement, either the local police department or the FBI. And listen, I'm going to tell you, sadly, I have partnered with the local police department when they spoiled a case. Okay? So sometimes it's a good idea to have the FBI as a backup resource.

It's a great idea to build relationship with local law enforcement. Law enforcement agencies are often unfamiliar with Fair Housing issues. Particularly as it relates to sexual harassment and housing. So it's a good idea to educate them about that right now. Do that relationship building right now. So you guys have heard the axiom: it's easier to fix the roof when the sun is shining than when you're in the middle of a storm, right? So do that relationship building, that extra educational work, that groundwork, right now to forge the relationship with the local police department and your local FBI so that when you need to call upon them, they're right there.

I can recall working on cases when I worked at a local fair housing center in Toledo, the Toledo Fair Housing Center. It was our regular protocol to contact law enforcement immediately upon getting a sexual harassment case, so that if our victim has not filed a police report, we have her file a police report right away.

We partner with law enforcement to strategize about the investigation. I can recall several instances in which the detective actually functioned as our tester. The detective went undercover as our tester in the cases.

So oftentimes, also, keep in mind, that sexual harassment can violate the criminal code. So if you're working in tandem with the police, they can proceed with bringing a criminal action while you're focusing on bringing the civil action.

So I just, again, want to encourage you to keep those things in mind. Again, we're going to delve into these things on July 9th, so we'll get to a lot more of the detail on July 9th. But those are the kinds of things you want to be keeping in mind, as you're dealing with victims of sexual harassment.

And Kathy, I'll lob it over to you.

MELODY TAYLOR: And I think it's Kathy and Lynn will be chiming in on that question.

LYNN GROSSO: Yes. I'm happy to pick that up there. Just a couple things I would add or expound on, I think, Lisa, you touched on a lot of great things. Let me say, overall, I think you demonstrate the value of having a legal advocate there for the complainant, for the aggrieved party. You and your membership organization are a key component of helping a particularly vulnerable individual go through this process.

So I can't overstate, we can't underestimate how valuable it is for a person who has been a victim of sexual harassment to have a good advocate, and you all are very good at that.

I would also add a very important part of the investigation is identifying witnesses. And as I'm talking to so many of you that are with staff agencies and actually formulating and planning and conducting these investigations, just because an incident might have been essentially a one-on-

one incident, it's important to go and perhaps find contemporaneous reports that the victim made to other people. That can be very powerful evidence. As Lisa mentioned, text messages. And neighbors or friends of the victim who may have talked her through a situation or, you know, may have that contemporaneous knowledge. That can be very important.

Part of the investigation, also, needs to be learning more about the impact of the incident, of the sexual harassment of the victim.

We can't assume, as investigators, that we understand or know what the impact is. And keep in mind, also, that these kind of incidents have an impact not just on the direct victim, but on the victim's family, particularly. And to understand in the course of the investigation that impact. Ask questions that help the investigation reveal really the harm that an individual suffered, you know, through this.

Identifying other victims. Keep in mind a complainant that comes with a complaint may not know other victims. He or she may, but may not. One of the things that we do know about victims of sexual harassment is there is very often a great deal of shame involved. And a victim may not have readily shared this information, may not be aware that there are other victims. Keep in mind, sexual harassment is not about sexual attraction. It is about a discriminatory abuse of power against vulnerable people. And so more often than not, where we have a person that exercises that discriminatory power, they're not just doing it with one individual. They're doing it with others, too.

So it's always important, in any type of investigation that we do, we have to remember that there are likely other victims and it is an important part of the investigation to identify those victims.

I would say, also, I would add many of the resources that you've heard about on this conversation are valuable in the context of conciliation. So while we are all interested in educating the communities in which we work, it's also valuable to incorporate these kinds of trainings, these kinds of posters, these notices. NFHTA has fantastic posters that they developed as part of a national media campaign. Those can be written into conciliation agreements. Those can be required to be posted at properties. These resources can be powerful in the context of settlements and conciliations to make sure that future victims, and future employer—employees of the respondent agency are aware of the availability of HUD to do these investigations and what constitutes these actions.

So that's very important.

And finally, understand the framework in which you're doing your investigation. One of the biggest mistakes we see in investigation, and we'll talk more about this in July, is just kind of conducting an unplanned, undirected investigation. Understand the legal framework that you're working in. Understand the rule. Understand the nuances. When we talk about what sexual harassment was, it sounds straightforward. There are a lot of legal turns in there that have to be drilled down in the course of investigation.

So remember that. And on our website, you can access the Title VIII Investigation Handbook. That could be a resource for you to help conduct a comprehensive, well-planned investigation

into a sexual harassment claim.

MELODY TAYLOR: Great. Thank you, Lisa and Lynn.

I hope everyone was taking notes. I certainly was. Those were excellent highlights to bring to, you know, again, we have 500 and more people on the call. If you're a manager and you're coaching someone through a sexual harassment complaint and how to conduct an investigation, Lisa and Lynn gave some really key and critical elements to help you coach someone through. Sexual harassment is a very delicate situation. Oftentimes, beyond the person who has been victimized. There are children that can be involved. There are things you have to pay attention to. I think in both of their comments they provided us with good tools and food for thought when conducting and beginning to conduct an investigation.

My final thing before I want to thank you guys is that we cannot work separate and apart. FHIPs and FHAPs and HUD and DOJ in this effort all have to work together. Lisa made a critical point. Lynn made a critical point, about the notion of having FHIP agencies serve as advocates. They can oftentimes go and do and be a part of things that as a government or a state agency, we may not be able to do. So I encourage you to work in collaboration with your partner agencies in your justification to bridge those gaps.

So I want to thank our panelists. We're running out of time. I wish we had about 15 more minutes. This has been a very exciting and I think a very robust discussion and conversation. I'm excited that we've had this opportunity to learn and bring everyone together. Again, I want to thank everyone. Thank our panelists for pioneering us through this discussion.

I'm going to turn it over to Jeff in a moment. We have about four minutes to do our questions and answers.

In your --

JEFF OLIVET: Melody, if I could suggest, I think so that we have time to take more of the questions, I'm wondering if we pick some of those up in the second session in two weeks? And that would give the team time to kind of work through them and see where the common themes are, and then be able to address them in that session. Does that make sense to you?

MELODY TAYLOR: Absolutely. We will do some of that. But a couple of questions that may come through that we were able to pull out, we can in the three minutes, and we definitely encourage you to submit your questions, and we'll try to cue them up for our next session. Thank you, Jeff.

JEFF OLIVET: So Cat, if we have one or two quick ones that you can post for us? Cat Cloud has been going through the questions. If you have one or two quick ones, we can post those.

CAT CLOUD: Yes. The first one is can sexual harassment occur against transgender individuals?

MELODY TAYLOR: I think Lynn or Lisa, either one of you could respond to that question. I think Lisa gave a comment earlier, but Lynn if you want to talk from a HUD perspective?

LYNN GROSSO: Absolutely. I sure will. As Lisa mentioned, sexual harassment can happen to people regardless of gender or regardless of gender identity. So very simply and straightforward, yes, absolutely, it can.

MELODY TAYLOR: Great. We probably only have 30 seconds for another question, because we really want to get to your feedback and we want to cue up a poll question to see what other issues you guys would like to hear from us over the next couple of weeks. So 30 more seconds, and then if we could cue up one or question, Cat.

CAT CLOUD: The next question is, is sexual harassment a crime?

MELODY TAYLOR: I will give that to Kathy Pennington. You want to talk about that?

LISA RICE: This is Lisa. It sounds like Kathy may be on mute. Yes, sexual harassment can in some cases be a crime. I talked about that a little bit more, a little bit, when I was talking about investigative strategy. So yes. We have had many, many cases. That's one of the reasons why we like to partner with law enforcement when we are conducting our investigations, because oftentimes a quid pro quo may be solicitation. Okay? You heard me mention that in some cases, sexual harassment involves rape. That is a criminal action. So yes, yes, yes. There are often cases when a civil violation also constitutes a criminal violation. It's one of the reasons why you want your victim to file a police report. It's one of the reasons why you want to be working in partnership, in tandem, with your local organizations like Fair Housing groups who have those established relationships with law enforcement so we can identify criminal activity. Shellhammer involved a pornography ring. Okay? So yes.

MELODY TAYLOR: Great.

LYNN GROSSO: I would just add very quickly there, it's also important to remember that sexual harassment can also happen without a sexual assault, without any physical contact. So while sexual harassment can, in some instances, be sexual assault, as Lisa pointed out, there may not be a sexual assault involved. So they are not mutually exclusive.

MELODY TAYLOR: Great. Very good point. Thank you, Lynn. I think Jeff is now going to kick us off our conversation, and move into kind of next steps, to cue up our next session. Thank you, Jeff.

JEFF OLIVET: Yes. And we'll be very quick in this wrap-up. Thank you so much to Melody and to the entire panel. This has been a really rich conversation. And you all who are here listening, you can see the kind of format we're taking. We'll do an in-depth topic and then we'll also have time for you all to offer feedback. If you all will indulge me for two more minutes, we'd like to get a couple more bits of information from you to help shape these conversations going forward. Two questions, and then announce the next time and we'll close it out. First, what additional resources do you need to better assist with complaints with sexual harassment in housing? You have five options. One of those is an "other" option you can submit in the Q & A box. What would be the most helpful? Training on how to conduct education and outreach? Training on working with persons who have experienced sexual harassment in housing. More information about existing resources? Or coaching on conducting investigations?

And I believe you can pick more than one. Pick all that are relevant.

Also, you have to hit the "submit" button. I've made this mistake in Webex. Choose your responses, hit the "submit" button, and then quickly, if we could share those results here in a couple of seconds.

Let's go ahead and share the results and let me see what came in. Looks like a number of you chose B. and D. We're also hoping you all will use the Q & A function to share other ideas that you have.

But almost half of you chose training on working with persons who have experienced sexual harassment in housing, and coaching on conducting investigations.

So we'll flag that and address it going forward.

The last question we have for you is: are there additional topics you'd like to hear about in this series? And we list a few here. Again, we give you the option of submitting other suggestions in the Q & A box. You can choose multiple answers. What about A. COVID-19 and Fair Housing protections for people with disabilities? B. adaptive leadership in times of crisis? C. effective Fair Housing testing in a virtual environment? D. COVID-19 and emerging Fair Housing issues?

And then others. So click as many as you like. Hit submit. It is wonderful to see so many people still on. I expected we'd hit the half-hour and many would drop. We still have over 500 people on the call. And I promise you we'll let you go soon. But T.J., let's go ahead and share those poll results as well.

It looks like A. and D. scored highest. A. is COVID-19 and Fair Housing protections for persons with disabilities. That was about 34% of you.

38% of you actually chose D. COVID-19 and emerging Fair Housing issues.

And then another 29% of you chose C. effective Fair Housing testing in a virtual environment.

So again, back to our comments at the beginning, we know a lot of you are working very differently than you have when everyone is going to the office and doing investigations in person and that sort of thing. So testing in a virtual environment.

Thank you for participating in those polls.

A couple of quick announcements to wrap us up: You've heard the date, July 9th. Put it on your calendar if you haven't already. Same time, same channel. Maybe a different link. You'll have to follow the link that's e-mailed out to you. But July 9th, 2:00 p.m. Eastern to 3:30 Eastern. And then you can do the math for your own time zones. Please join us again from Iowa and Orlando and Chicago and Denver and Washington, and Hawaii, and everywhere in between. We look forward to seeing you again in two weeks. As T.J. said at the beginning, the slide presentation will be available, as well as the recording of this event. Most importantly, we ask you to complete the brief training survey you'll receive immediately after this. A survey will pop up on a separate window on your browser, and please, please, complete that survey. As you heard from the Deputy Assistant Secretary, this is the first of these forums. We want your feedback. We want to know what you like. We want to know how to do it better going forward. And that survey is the best mechanism we have for doing that.

Finally, just a note of thanks to HUD and to the Office of Fair Housing and Opportunity for their leadership and commitment of the National Fair Housing Training Academy and for NFHA, the National Fair Housing Alliance. And Lisa and her group bring tremendous knowledge about all of these issues and are a central partner in this work going forward. Thank you also to the

Cloudburst team behind the scenes for making all of this work well today. And we are grateful to all of you for participating in today's forum. We look forward to seeing you again in two weeks.

(End presentation at 3:36 p.m. EDT.)

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