

Civil Rights Reporter

Journal of the Texas Workforce Commission Civil Rights Division

Issue
10
April
2024



Mission Statement

Our mission is to reduce discrimination in employment and housing through education and enforcement of state and federal laws.

Vision

Our vision is to help create an environment in which citizens of the State of Texas may pursue and enjoy the benefits of employment and housing that are free from discrimination.

Texas Workforce Commissioners
Bryan Daniel – Chairman and
Commissioner Representing the Public

Alberto Treviño, III – Commissioner
Representing Labor
Joe Esparza – Commissioner Representing
Employers



Civil Rights Division

In This Issue

Director
Bryan Snoddy

Editor
Jeff Riddle

April is National Fair Housing
Month

TWCCRD Investigates Using AI

Director's Corner
Commitment, Not Simply Dedication

Editor's Column
The Laughter of the Many

Federal Partners

Events

Copies of this publication have been distributed in compliance with the State Depository Law, and are available for public use through the Texas State Publication Depository program at the Texas State Library and other state depository libraries.

Texas Workforce Commission
101 E. 15th Street
Austin, Texas 78778-0001

Phone Number.
512-463-2642 or
888-452-4778
Relay Texas:
800-735-2989 (TTY)
and 711 (Voice)

For more information or to subscribe to this newsletter, please visit: www.twc.texas.gov/partners/civil-rights-reporter. Auxiliary Aids and Services are available upon request to individuals with disabilities.

April is National Fair Housing Month

This year, we commemorate the 56th anniversary of the passage of the Fair Housing Act, the landmark civil rights law signed by President Lyndon B. Johnson on April 11, 1968, that made discrimination in housing transactions unlawful. The Fair Housing Act prohibits discrimination in housing because of race, color national origin, religion, sex (including gender identity and sexual orientation), disability, and familial status.

This year's Housing and Urban Development (HUD) named the theme as "Fair Housing: The 'Act' in Action."

For Fair Housing Month, we at the Civil Rights Division host informational webinars jointly with Texas Department of Housing and Community Affairs (TDHCA). Come join us as we explain the laws and provide useful information on what Fair Housing means.

Fair Housing Month Webinars

Register for:

- Fair Housing Overview on April 15.
- Reasonable Accommodations on April 22.
- Assistance Animals on April 29.

Fair Housing Month 2024 Opening Ceremonies

HUD and FHEO will host the [Fair Housing Opening Ceremony](#) on April 11.



TWCCRD Investigates Using AI

Nathan Capestany

TWCCRD was joined by the Dallas, Waco, and Austin FHIPs to partake in a master investigator training session on February 27, 2024. The class was composed of investigators, intake specialists, and administrative supervisors, all of whom share an interest in improving the efficiency and overall effectiveness of this dynamic group charged with conducting investigations on a daily basis. Some of the topics covered in the four-hour training session were case management and organization, data analysis and entry, investigating discrimination in the home appraisal service market, and leveraging current technology in the investigative process. The latter topic will be the focus of this article, as the benefits of using these “artificial intelligence” platforms should be closely examined and weighed against their long-term risks.



Investigative Supervisor Joe Rosser providing block of instruction to TWCCRD and Texas Area FHIPs.

Google AI had a setback this past week with its AI platform, Gemini. Users discovered that when engaged on historical topics, it produced results which reflected the non-discriminatory and highly unbiased positions of its creators.

“Google apologized for the shortcomings of Gemini’s image generator and temporarily paused its ability to generate people, saying in a blog post the AI had been trained to ensure a range of people were included in its results — but the training failed to account for instances that shouldn’t show a range.”

Antonio Pequeno IV, Google’s Gemini Controversy Explained: AI Model Criticized By Musk And Others Over Alleged Bias, Forbes, February 26, 2024

It is important to understand that AI is in its infancy of development and relies on the input of users to prompt its output. Independent testing of the Google Gemini platform discovered instances where the system seemed to relegate its output to comply with socially unobjectionable rules, which produced filtered answers. The logic applied by the system integrates rules that prevent it from producing a true-to-life response, because it does not want to produce an answer that could be considered undiversified, unequal, and not inclusive. Google explains:

“While we are optimistic about the potential of AI, we recognize that advanced technologies can raise important challenges that must be addressed clearly, thoughtfully, and affirmatively. These AI Principles describe our commitment to developing technology responsibly and work to establish specific application areas we will not pursue.”

Source: Google AI - <https://ai.google/responsibility/principles/>

Google lists the second AI principle as “Avoid creating or reinforcing unfair bias.” They recognize the need to distinguish fairness across cultures and will minimize any detriment to the protected classes. As a public instrument, it should maintain this value, but that does introduce complexity to how we as users will integrate it into our operations. If we examine the potential output of an AI-generated investigative summary, when filtered by the AI principles and limited by rules of diversity, equity, and inclusion (DEI), against the nature of the content we generate from investigative interviews, then we may find that our own content will fall prey to the DEI filtering mechanisms. If an investigator is presented with statements that can be considered discriminatory, then if that information is entered into an AI language model it may get reduced to a more tepid version of itself when expressed as a summary output. The concern then is if the investigator relies on that information to render a determination later, that does not fully consider the context of the original statements. The AI summary may skew and to some effect bias or infect the original statement. The output summary essentially gets washed.

Large organizations are result-driven creatures that track numbers and statistics as measures of success. If TWCCRD is effective at integrating and using AI, then we are bound to see that success in case closure rates. This may convince other large entities like HUD to do the same. This would infuse the language model system with a lot of potentially discriminatory stories that have not been validated as being true. A mass entry of accusatory, discriminatory, and sometimes demeaning interview sessions could teach the actively learning AI system that this is the normal response to various situations. Potentially worse yet, the words we enter into the system are regurgitated as a response to another person’s request. These are all issues that I am certain can be sorted by working with the technology liaison for companies like Google. We just have to be aware of the risks for us and for society in the future.



The use of AI is inevitable, and TWCCRD embracing its use should be applauded. TWCCRD leadership needs to start developing policies that ensure the data collection and information analysis maintain a consistently high level of accuracy and that the veracity of our products is not compromised. We need to ensure we are not losing the content of our investigations for the sake of efficiency. Lastly, we need to be cognizant of the effect our content may have on the development of these young platforms if adopted and implemented on a larger scale.

Commitment, Not Simply Dedication

Bryan Snoddy – Division Director

In 1979, at the ripe age of 5, on one Sunday afternoon, my father brought me to Texas Stadium in Irving, Texas. It was like taking a car ride to Mecca. Because I was going to witness live and in person the greatness of Roger Staubach, Tony Dorsett, Drew Pearson, and Billy Joe Dupree – I fully recognize that some of the younger readers might have to perform a bit of internet research on these Dallas Cowboy players. But the legend was so enshrined that it was rumored that the architects of Texas Stadium left the hole in the roof so that God could watch football. So what does that have to do with the Civil Rights Division and Fair Housing Month? Everything!

Simply put, watching legends achieve greatness inspires others to greater heights. When President Lyndon Baines Johnson signed into law on April 11, 1968, the Civil Rights Act promulgating fair housing, it was not divorced from the struggles of the day or current events of the times, but it was elevated by a cacophony of events and people committed to an ideal and a cause. Sadly, just seven (7) days prior to the signing of the legislation, Dr. Martin Luther King, Jr., a civil rights legend, was shot and killed at his hotel in Memphis, Tennessee, giving the last full measure for his commitment.

Before that, we would be remiss to forget that America's fourth and hopefully last president to be assassinated, John F. Kennedy Jr., lost his life in Dallas in 1973. President Kennedy was a strong and dedicated proponent of civil rights. Kennedy's call came at a time when he impressed upon the nation to embrace a future of equal protections for all under the constitution that would be permanently enshrined in the law. But even he was inspired by inequality that under girded his foray into the struggle for civil rights.

What many folks probably don't realize, unless they have recently read a JFK autobiography, is that Jack Kennedy was inspired by his father, Joseph, who experienced the strain of being the "other" as an Irish Catholic who attended Harvard College. And, in part, based upon that feeling of struggle, Jack built and was influenced to craft a vision that everyone in America should be treated with dignity and respect. This message resonated and was reinforced by many others such as Jackie Robinson, the first black, major-league baseball player. Even though he was a supporter of Richard Nixon, he noted the death of Kennedy to be a tragedy for the country. Indeed, the famed civil rights attorney Constance Baker Motley noted without equivocation that Kennedy was the most instrumental president to advance civil rights in the century. Indeed, there are many others that worked as a team to elevate the country to a better day.

The importance of this history is that legends inspire us all to achieve greater heights. Whether on the field of sport or in life, we can all recognize a time when the little kid in us felt the stir of inspiration. I felt that stir in 1979, and it has stuck with me all of my life – even during the miserable 1–15 season with a single win for the Cowboys.

I still feel that stir today as we embark on fully realizing what so many legends enshrined into law with the passing of the Fair Housing Act of 1968. It was a collective effort that changed and transformed lives. The Civil Rights Division is proud to continue that legacy as we celebrate the month of fair housing in enforcement, training, and technical assistance efforts. Additionally, we are very fortunate to share this legacy with our partners at Texas Department of Housing and Community Affairs along with Texas Appraiser Licensing & Certification Board and the Texas Real Estate Commission. Further collaborative efforts include the Texas Apartment Association, the Association of Texas Appraisers, and the Association of Appraiser Regulatory Officials. This collective effort of government and private partnership promises to bring a brighter and more prosperous future for all Texans.

TWC Investigators Attend the Valuation Expo

Patrick Williams – Housing Manager

Valuation Expo celebrated its 20th Anniversary at the beautiful Mirage Hotel and Casino in the heart of the Vegas Strip. For 20 years the Valuation Expo has been bringing in national leaders in the industry to speak on timely topics and relevant changes in the industry. This year provided a first live in-person CE education from Fannie Mae and Freddie Mac for the new Uniform Appraisal Dataset (UAD) Redesign (URAR) at this premiere conference. There were also updates from the USDA and VA Chief Appraisers,

and a presentation by Peter Christensen on Eliminating Bias and Developing Cultural Competency. The conference also included a trade show floor that enabled appraisers to understand some of the latest technology and the new processes.

The Manager, Fair Housing Investigations, and two senior investigators attended this year's conference. Our primary reason for our attending was to hear in person from industry leaders on the steps being taken to address the appraisal industry's challenges. Some takeaways from the conference; the industry has acknowledged that appraisal bias is a reality, people of color are underrepresented in the industry, and that diversity, and fair housing training is needed. What we learned during the conference, is that the industry is addressing the matters head on. The Appraisal Institute is helping to lead an Appraiser Diversity Initiative with Fannie Mae, Freddie Mac, and the National Urban League. The Appraisal Institute is spearheading the Appraiser Diversity Initiative, this is nationwide program designed to attract new entrants to the real estate appraisal field while fostering diversity in the profession. This being supported by funding from Wells Fargo and JP Morgan Chase. Additionally, the industry is using word recognition software to assist with the identification of words that are associated with protected classes.

The changes to appraisal reports led by Fannie Mae and Freddie Mac's revised Uniform Appraisal Dataset (UAD), will have an impact on how appraisers compile and assemble the reports but not how the data is analyzed. The appraiser's role will remain unchanged, but they will be able to deliver a more objective and simple report. One significant difference will be the ability to properly characterize property characteristics, add important annotations, such as storage units, energy-efficiency, green features, and remove all subjectivity to promote more objective wording to ensure that Uniform Standard of Professional Appraisal (USPAP) is followed.

The redesign will prompt appraisers for more information. For example, if the property type is entered as "condo," the appraiser will be requested for condo-specific information, such as the project where the unit is located (Appraisal Buzz, Fall 2023). The trade exhibition included application developers presenting their latest designs. The conference included a trade show floor that enabled appraisers to understand the new process.

The session on Eliminating Bias and Developing Cultural Competency, emphasized that appraisers may unknowingly impose explicit and implicit bias. Someone's own personal experiences, the influence of others, and the culture in which they reside can have an impact. When these biases emerge, people form certain assumptions about individuals and situations. Both implicit and explicit bias can result in discrimination, this may result in unconscious biases in an appraiser's assessments of a property.

Eliminating Bias and Developing Cultural Competency is designed to help appraisers understand cultural diversity, cultural distinctions, and knowledge of ethnic communities.

The Laughter of the Many

Jeffrey Riddle, Editor and Trainer

I can probably guess your age. For those who don't know or can't remember, it came from arguably the best Star Trek movie, Wrath of Khan. Those words are spoken at this point by both Captain Kirk and Mr. Spock to underscore the importance of doing what's best for everyone over one person. Why am I bringing that up here, and how does it relate to Civil Rights? Well, it's simple really: comments or jokes in the workplace are not acceptable if most everyone is laughing or fine with what is being said. In essence, the laughter of the many does not outweigh the discomfort of the few or the one.

To put this in more non-movie terms, I recently watched a video of a comedian who asked a man his name. He said his name in a different way, not the typical pronunciation of it. The comedian started making fun of the guy as it is the thing to do in comedy shows. The gentleman eventually stated he had a lisp, which was the reason for the different pronunciation of his name. The comedian realized his mistake, but for the sake of the show, continued with comments disparaging himself. The gentleman with the lisp gave the comedian a hard time but not in an upset way. The show continued and everyone laughed. Remember though, that was a comedy show where things like that are expected. But what happens when something like that happens in the workplace or in a housing matter?

It's important to remember that when we make jokes or comments about others, and the fact that most people laugh and see it as a joke, does not mean it is acceptable. Imagine this: a coworker likes to make fun of a disability I have, it could even be a speech impediment, and I am okay with this. Most of the time the jokes take place in the greater work environment where our coworkers can hear and often laugh at our jokes. But unbeknownst to us, Mike's little brother has a speech impediment and was bullied growing up, to the point Mike was constantly protecting and defending his brother. Mike is not going to like the jokes. We know what would happen if he speaks up. Something along the lines of "You're the only person that has a problem and not even the person we are talking to, so mind your business and let us have our fun. We are not being mean, just joking around."

Here is the thing to remember when it comes to discrimination and harassment in the workplace: it does not take a majority to have the legal basis for a complaint. In order to avoid costly complaints, both in time and money, it is important we talk with our employees about their interactions with one another. To understand where others' lines that shouldn't be crossed are. If our employees are more cognizant of what they are saying and how it is being perceived by others, we can cut down on misunderstandings and potential complaints that hurt a company.

Remember, the laughter of the many does not outweigh the few or the one, and because I have to, you have and always will be my friend. (For those who know).



Navigating Empathy and Compassion: A Roadmap to Preventing Burnout and Cultivating Resilience

Abigail King, Mediator

On January 1st of this year the New York Times published an essay titled “That Numbness You’re Feeling? There’s a Word for It.” As someone not feeling especially numb in any sense of the word, I was curious-- did they mean numbness as in a lack of physical sensation, or were they referring to emotional numbness, what we often call in others a sense of seeming “checked out”?

The latter, it turns out. The gist of the piece was this: there is an important difference between the commonly interchanged terms “empathy” and “compassion”, and in a world filled with suffering, people with an awareness of the injustices and traumas experienced by others are at risk of developing a psychological condition called empathic distress, which breeds feelings of helplessness and depression. Ultimately, someone with empathic distress will withdraw their attention from the issues that caused it, resulting in that numbness referred to in the headline that caught my eye. But rather than burying our heads in the sand and sailing down that river called Denial, research shows the healthy action is to shift one’s mindset away from empathy into that other word, compassion.

So, what’s the difference? With compassion, we are aware of – and deeply concerned about– the suffering of others without any slippage into confusion that we are experiencing the suffering too. We’ve all heard of the importance of setting boundaries, and this strikes me as a relative of that concept. And the most important element of compassion is the strong motivation to offer help, in whatever small or large way we can.

While the essay in the Times was clearly prompted by the current state of the world, social scientists have been studying this for more than a decade, initially prompted by the phenomenon of burnout among healthcare workers. Studies have actually shown that different parts of our brains fire up depending on whether it is empathy or compassion we are feeling. One leads to detachment and a sense of powerlessness, the other to feelings of love and caring and a desire to take action to alleviate suffering.

In a 2021 article, the Harvard Business Review ran an article about this crucial delineation, aimed towards executives struggling to manage their teams through the stress of the COVID pandemic. Some of the advice offered included giving yourself some emotional distance from the problem, being a good listener, and practicing self-care and self-compassion. It’s a truth worth repeating that we can’t take care of others without taking care of ourselves first.

As citizens of the world, and especially as members of the TWCCRD team, let’s remember this as we work together to help the people who come to us with their stories of injustice. Let’s cultivate compassion towards our clients, each other, and ourselves.

HUD Announces Agreement with Affordable Rental Housing Provider to Increase Housing Opportunity

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) announced today that it has entered a Voluntary Compliance Agreement for Shore Hill Apartments resolving a compliance review concerning non-discrimination in marketing and tenanting procedures. Shore Hill Apartments is a 558-unit multifamily property comprised of studio and one-bedroom units in Brooklyn, New York. The property provides affordable subsidized units through the Section 8 program for families with a member who is 62 or older or has a disability, including otherwise qualified families with children. Read the Agreement.

HUD enforces the Fair Housing Act, which prohibits discrimination because of race, color, national origin, religion, sex, familial status, and disability. HUD also enforces other federal civil rights laws, including Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance.

“Restrictive occupancy policies can limit housing opportunities for families in a manner that is discriminatory,” said Demetria L. McCain, HUD’s Principal Deputy Assistant Secretary for Fair Housing and Equal Opportunity. “HUD is committed to ensuring that every eligible applicant has a meaningful opportunity to participate in HUD funded housing programs.”

This Agreement arises from a compliance review that was conducted by HUD’s Office of Fair Housing and Equal Opportunity (FHEO) under Title VI and Section 504. FHEO opened the review based on information indicating disproportionately low participation rates of Black and Hispanic residents relative to the housing market area over decades, extending to prior owners of the property. The review sought to ensure eligible persons were not discriminated against in opportunities to learn about, apply to, and reside in HUD subsidized housing on the basis of race, color or national origin. In particular, the review revealed the property’s occupancy standard restricted occupancy of studio units to a family size of one and one-bedroom units to a family size of two, contributing to denials based on race and deterring families as small as two persons from applying to the property. FHEO expanded the review to include Section 504 when the investigation revealed the property had a practice of denying families with heads of households under 62 years of age, without considering whether the household was otherwise eligible to apply to and reside in the property on the basis of disability.

The Agreement provides a fund in the amount of \$510,000 to compensate individuals who were either denied due to the restrictive occupancy policy, or individuals with disabilities who were improperly denied housing. In addition, the Agreement requires creation of a new waitlist after robust marketing to those least likely to apply, committing a minimum of \$10,000 towards advertising, outreach, and website development; affirmative agreement not to adopt an elderly preference and to consider equally for tenancy otherwise qualified applicants with disabilities and applicants aged 62 or over; and revising the property’s occupancy policy to be no more restrictive than local ordinance. This Agreement does not constitute admissions by the housing providers or evidence of a final determination by HUD of violations of Title VI, Section 504, or any other laws.

HUD Charges Grapevine, Texas Housing Authority with Disability Discrimination

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) announced today that the agency charged the Grapevine Housing Authority ("GHA"); Jane Everett, Executive Director of GHA; and Bonnie McHugh, Vice-Chair of the GHA Housing Commission, with discriminating against, and failure to provide a reasonable accommodation for a tenant with a disability. Read the charge.

"A person's disability should never interfere with their ability to maintain access to safe and affordable housing," said Demetria L. McCain, HUD Principal Assistant Deputy Secretary for Fair Housing and Equal Opportunity. "Today's charge demonstrates HUD's steadfast commitment to take appropriate action when housing providers fail to comply with the Fair Housing Act."

The Fair Housing Act prohibits discrimination based on disability. This includes prohibiting housing providers from making housing unavailable to persons based on disability. The Act also requires housing providers to make reasonable accommodation when necessary for persons with disabilities to have an equal opportunity to use and enjoy their homes.

HUD's Charge of Discrimination alleges that the Grapevine Housing Authority, Ms. Everett, and Ms. McHugh terminated the lease of a tenant with diabetes following a medical episode caused by his blood sugar levels. They subsequently denied his reasonable accommodation request and continued eviction proceedings against him even after his doctor had provided evidence that his symptoms were managed following a change in medication and purchase of a medical alert bracelet.

"Public Housing Authorities may not evict tenants because of disability symptoms that can be reasonably accommodated," said HUD General Counsel Damon Smith. "HUD is committed to actively enforcing the Act in its efforts to eradicate housing discrimination."

A United States Administrative Law Judge will hear HUD's charge unless any party to the charge elects to have the case heard in federal district court. If a judge finds, after a hearing, that discrimination has occurred, they may award damages to the complainant for his losses as a result of the discrimination. The judge may also order injunctive relief and other equitable relief, to deter further discrimination, as well as payment of attorney fees. In addition, the judge may impose civil penalties to vindicate the public interest. If the federal court hears the case, the judge may also award punitive damages to the complainant.



Texas Conference for Employers

As I've mentioned we do get out and about. One of the events we participate in is the Texas Conference for Employers. Come out and join us at our booth to talk over our training programs or try your hand at winning one of our fancy coffee mugs.

TWC's Office of the Commissioner Representing Employers sponsors the Texas Conference for Employers, a series of employer seminars held each year throughout the state. Employers who attend the seminars learn about state and federal employment laws and the unemployment claim and appeal process. We assemble our best speakers to guide you through ongoing matters of concern to Texas employers and to answer any questions you have regarding your business.

We encourage every employer to attend at least one of these conferences every year, since the topics are updated whenever there are new laws, regulations or court cases. Each conference is geared toward small business owners, HR managers and assistants, payroll managers, and anyone responsible for the hiring and managing of employees.

All in-person meetings do have a virtual option available that is attended via Zoom. The same material is presented and all informational handouts provided in-person, are provided in a digital format to virtual attendees. The virtual option is also great for companies that are headquartered outside of Texas and have operations within the state or planning to.

[Beaumont, April 19](#)

Holiday Inn Beaumont Plaza
39510 1-10 South & Walden Road
Beaumont, TX 77705

[Temple, June 28](#)

Hilton Garden Inn
1749 Scott Boulevard
Temple, TX 76504

[Nacogdoches, May 17](#)

The Fredonia Hotel
200 N. Fredonia Street Nacogdoches, TX
75961

[Irving, July 11-12](#)

Irving Convention Center
500 W. Las Colinas Blvd.
Irving, TX 75039

[Lubbock, May 31](#)

Overton Hotel & Conference Center
2322 Mac Davis Lane Lubbock, TX
79401

[Austin, August 9](#)

Austin Southpark Hotel
4140 Governors Row
Austin, TX 78744

Equal Employment Training

If you didn't already know and are still reading, our training is provided at no cost to the employer. Take advantage of having our training team do the training for you.

Are you a private employer looking to develop your company on the basics of Equal Employment Opportunity or for a better understanding of how to prevent sexual harassment in the workplace? The Civil Rights Division's Training team can help. We offer numerous EEO training presentations and can tailor training to your needs. Reach our training team at CRDTraining@twc.texas.gov to discuss and schedule your training!

Our complete our form found here: <https://forms.office.com/g/2hRSC8xqVU>

Fair Housing Training

Join us on every first and third Tuesday from 10:00 - 11:00 (CST) where we discuss Fair Housing and Housing Accommodations. This is a great webinar for those interested in their rights or those that manage or own properties. Did we mention it is free!

Register Here. <https://forms.office.com/g/ZBm7gtJLjg>

A portion of the work that provided the basis for this publication was supported by funding under a Cooperative Agreement with the U.S. Department of Housing and Urban Development. The substance and finding of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Government.