

**Fiscal Year (FY) 2023
Notification and Federal Employee Antidiscrimination and Retaliation
(No FEAR) Report**



ANNUAL REPORT TO CONGRESS
U.S. Department of Housing and Urban Development



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, DC 20410-0001

February 2, 2023

MEMORANDUM FOR: All HUD Employees

FROM: Marcia L. Fudge *Marcia L. Fudge*

SUBJECT: Equal Employment Opportunity Policy Statement

At the U.S. Department of Housing and Urban Development (HUD), we are fully committed to equal employment opportunity (EEO), celebrating diversity, and creating an inclusive and accessible work environment that prohibits discrimination and harassment of any kind. HUD's EEO policy ensures that no employee or applicant for employment is denied equal opportunity because of race, color, religion, sex (including sexual orientation, gender identity and expressions, and pregnancy), national origin, age (40 and over), disability (mental or physical), marital status, parental status, veteran status, genetic information, and reprisal. HUD is a merit-based workforce and work environment with exceptionally talented and high-performing personnel who are needed to best achieve our mission of creating strong, sustainable, and inclusive communities and quality affordable homes for all.

HUD aspires to be a diverse workforce that is representative, at all job levels, of the citizens we serve, which is critical in our ability to recognize inequities and eliminate potential barriers to EEO. All HUD employees, especially executives, managers, and supervisors, are held accountable for compliance with all nondiscrimination laws and policies. Failure to do so could result in disciplinary action, up to and including removal from Federal service. We strive to foster a civil, respectful, and discrimination-free work environment. Therefore, it is my goal for all HUD employees to engage in a minimum of two hours of EEO training each fiscal year.

HUD is committed to providing a universally accessible application process. Additionally, all aspects of employment, including recruitment, hiring, promotion, compensation, leave, training, and any other benefit of employment will be based on merit, competence, performance, and business needs. All employees and applicants for employment are fully empowered to raise concerns about employment discrimination and to participate in the Agency's EEO process. HUD strictly prohibits retaliation against employees for opposing employment discrimination or participating in the EEO complaint process. Additionally, HUD strictly prohibits any personnel from interfering with the EEO

process or behaving in a manner that would reasonably have the effect of interfering with another individual's participation in the EEO process. Accordingly, any employee, former employee, or applicant for employment who believes that they were subjected to discrimination, harassment, or retaliation based upon a protected class and elects to initiate an EEO complaint, must do so within **45 calendar days** of the alleged discriminatory event or action by contacting the Office of Departmental Equal Employment Opportunity (ODEEO) at EEO@HUD.gov or at telephone number (202) 708-5921. Additionally, HUD offers Alternative Dispute Resolution (ADR) services throughout every stage of the EEO complaint process and will make every effort to address and resolve workplace disputes and EEO complaints at the earliest possible opportunity. If an employee wishes to pursue ADR to resolve an EEO complaint, **management must participate**, in good faith, to seek a mutually agreeable resolution.

Thank you for your dedication to providing solutions that support fair, safe, accessible, and stable housing for our communities and your commitment to sustaining a civil, respectful, and discrimination-free work environment.

If you have a question or need assistance, please contact ODEEO at (202) 708-5921 or by email at EEO@HUD.gov. To learn more about ODEEO's services please scan the QR code below.



TABLE OF CONTENTS

Introduction.....	5
Purpose of Report	5
HUD’S Mission	6
Office Of Departmental Equal Employment Opportunity (ODEEO).....	6
FY 2023 EEO Complaint Data and Analysis	6
Pre-Complaint Data	6
Formal Complaint Data.....	7
Bases of Discrimination in Formal Complaints	7
Issues in Formal Complaints.....	8
Findings of Discrimination	9
Cases in Federal District Court.....	10
Judgment Fund Reimbursement	10
Disciplinary Policy and Disciplinary Actions.....	11
No FEAR Act Training FY 2023.....	12
Practical Knowledge Gained through Experience	12
Program Improvements in FY 2023	13
Infrastructure.....	13
Complaint Processing	13
Promoting ADR and the Workplace Dispute Program	15
Collaboration with Office of Diversity, Equity, Inclusion, and Accessibility (ODEIA).....	15
EEO Training Program	16
Improvement Plan for FY 2024 and 2025	17
Infrastructure.....	17
Complaint Processing Timeliness.....	18
Conclusion	18
Appendix A.....	19
Appendix B.....	21
Appendix C.....	33
Appendix D.....	36

Introduction

Purpose of Report

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174,¹ was enacted to reduce the incidence of workplace discrimination within the Federal Government by holding Federal agencies accountable for violations of Federal antidiscrimination and whistleblower protection laws.² The No FEAR Act requires a Federal agency to:

- Notify employees and applicants for employment about their rights under the Federal antidiscrimination and whistleblower laws.
- Provide training to its employees, including managers, on the rights and remedies available under antidiscrimination and whistleblower laws.
- Post quarterly, on its public website, summary statistical data about equal employment opportunity (EEO) complaints filed against the agency.

In addition, Section 203 of the No FEAR Act requires each agency to submit to Congress, the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice, and the U.S. Office of Personnel Management (OPM), an annual report that includes the following:³

- The number, status, and disposition of discrimination and whistleblower cases (including Federal court cases) filed against the agency.
- Judgment fund reimbursements and any agency budget adjustments to meet reimbursement requirements.
- The number and type of disciplinary actions related to discrimination, retaliation, harassment, or other prohibited personnel practices and the agency's disciplinary policy.
- Year-end summary of Equal Employment Opportunity (EEO) complaint data.
- Analysis of trends, causation, practical knowledge gained through experience, and any actions planned or taken to improve agency complaint or civil rights programs.

The U.S. Department of Housing and Urban Development (HUD/Department) submits this No FEAR Act report for FY 2023 (October 1, 2022, through September 30, 2023). No FEAR Act

¹ *The Elijah E. Cummings Federal Employee Antidiscrimination Act, which was enacted in January 2021, amends the No FEAR Act.*

² *See Pub. L. No. 107-174, 116 Stat. 566 (2002)*

³ *See Pub. L. No. 107-174, §203(a)(1); see also 5 Code of Federal Regulations (C.F.R.) §724.302(a). Appendix A to this report sets forth the No FEAR Act statutory and regulatory reporting requirements in full.*

data for the fourth quarter of FY 2023 and prior fiscal years are located at https://www.hud.gov/program_offices/eo/nofearactfy.

HUD'S Mission

HUD's mission is to create strong, sustainable, inclusive communities, and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way we do business.

Office Of Departmental Equal Employment Opportunity (ODEEO)

ODEEO consists of two (2) program areas: (1) EEO enforcement; and (2) affirmative employment functions. ODEEO is responsible for ensuring the enforcement of federal laws relating to the elimination of all forms of discrimination in the Department's employment practices and to ensure equal employment opportunity (EEO). ODEEO promotes diversity and inclusion, fosters a workplace culture that respects differences, and empowers the full and fair participation of all employees in all aspects of work life. Additionally, ODEEO is responsible for leading the Department's efforts to proactively prevent unlawful discrimination by seeking to foster an agency culture in which disputes are resolved at the lowest possible level and before a formal complaint is filed. ODEEO offers training to the workforce on the EEO process and the responsibilities of the workforce regarding Equal Employment Opportunity and serves as a resource to the program office leadership by providing direction, guidance, and monitoring of key activities to ensure the successful implementation of a Model EEO program throughout the Agency.

FY 2023 EEO Complaint Data and Analysis⁴

Pre-Complaint Data

Pre-complaints (i.e., informal complaints) are not a required element of the No FEAR Act quarterly data reports but are included here to present an overall downward trend in EEO complaint activity. Filings of informal EEO complaints trended downward from FY 2019 (except for FY 2022) which trended up to FY 2020 level filings. In 2019 through 2021, informal complaints decreased for two years then increased slightly in FY 2022 and ultimately decreased in FY 2023. In FY 2019 relative to FY 2022, there was a 9.57percent decrease in informal complaint activity. Per Table 1, in 2023 (96) relative to 2019 (115) and 2022 (104), there was a 16.52 percent and 7.69 percent decrease in informal complaint activity, respectively.

In FY 2023 the resolution rate was 44.79 percent (43 out of 96). The resolution rate in the informal EEO process decreased by 1.90% percent from FY 2021 to FY 2022 and decreased by 1.36 percent from FY 2022 to FY 2023, which coincides with the increase in formal complaint filings from FY 2022 to FY 2023 (See Table 2.)

⁴ See Appendix B to this report for HUD's FY 2023 year-end data along with comparative data for FY 2018 to 2022. Appendix B includes prior FYs data, consistent with the EEOC's No FEAR data reporting requirements.

Table 1. Pre-Complaints closed and resolved in FY 2019 thru 2023

Pre-complaint Activity	2019	2020	2021	2022	2023
Closed	115	104	77	104	96
Resolved	34	27	37	48	43
Resolution Rate	29.57%	25.96%	48.05%	46.15%	44.79%

Formal Complaint Data

Using data from the Department’s information management systems for EEO complaint processing (e.g., iComplaints), this section highlights trends in formal EEO complaints filed.⁵ As Table 2 shows, Complainants filed 64 formal EEO complaints in FY 2023. That is a 12.28 percent increase from FY 2022 where 57 formal EEO complaints were filed.

In Table 2, formal complaint trends fluctuated between FY 2019 and FY 2023 and is commensurate with the trending pre-complaint filing decrease. In FY 2023 relative to FY 2022, the Agency experienced an increase in formal complaints filings as employees returned physically back to the office from telework status due to the pandemic. The trend of decreasing formal complaint filings turned in FY 2022 when filings dropped from 62 in FY 2020 to 44 in FY 2021 and then increased in FY 2022 to 57. However, overall, complaint filings have decreased over the last five years from FY 2019 (86) to FY 2023 (64) by 25.58 percent.

Table 2. Formal complaints filed between FY 2019 and FY 2022

Formal Complaint Activity	2019	2020	2021	2022	2023
Complaints Filed	86	62	44	57	64
Number of Complainants	82	60	42	56	62
Repeat Filers	4	2	2	1	2
Total Workforce	7,447	7,575	7,997	7,687	8,778
Complaints Filed per 100 Employees	1.16%	0.82%	0.55%	0.74%	0.73%

Note: This table does not include complaints carried over from previous years.

Bases of Discrimination in Formal Complaints

As shown in Table 3, in FY 2023, the most alleged bases of discrimination were disability (36), reprisal (34), race (32), age (28), and sex (26). Disability moved from the second most alleged basis in FY 2022 to the most alleged basis in FY 2023 and increased by 24.14 percent. However, historically this basis has decreased over the last five years and reflects a 20 percent decrease from FY 2019 (45) and FY 2023 (36). Reprisal increased by 3.03 percent from FY 2022 (33) to FY 2023 (34). Reprisal was the most alleged basis in FY 2022 and moved to the second most alleged basis

⁵ The data is current as of October 1, 2023, and includes complaints filed between October 1 and September 30 of each year.

in FY 2023. Specifically, this basis has decreased by 27.66 percent between FY 2019 (47) and 2023 (34). Allegation of the other top bases has trended in the other direction with increases from FY 2022 to FY 2023, race by 100 percent (from 16 to 32), age by 40 percent (from 20 to 28), and sex by 18.18 percent (from 22 to 26). Race had the most significant increase of all the bases at 100 percent.

Table 3. Top Five bases alleged FY 2019 thru 2023

Bases	2019	2020	2021	2022	2023
Disability	45	32	19	29	36
Reprisal	47	40	33	33	34
Race	49	26	19	16	32
Age	33	23	12	20	28
Sex	40	25	16	22	26

Note: Each column does not add to the total number of complaints filed because complainants can identify more than one basis per complaint.

The top bases and issues in formal complaint filings in FY 2023 remain consistent with the current Government-wide data reported by the EEOC.⁶ The EEOC found in its latest report published in FY 2020 that the top five (5) bases across the federal sector were reprisal, age, disability, race, and sex. While reprisal was the top bases reported by the EEOC in 2020 and by HUD in 2022, it moved to second at the Agency in FY 2023 with disability becoming the most frequently alleged basis during FY 2023.

Issues in Formal Complaints

As shown in Table 4, the most alleged issues historically are harassment, promotion/non-selection, reasonable accommodation disability, disciplinary action, and performance evaluation/appraisal. For FY 2023, the statistics for these categories are 23, 13, 10, 6, and 4 respectively. However, in FY 2023, the issues of termination and appointment/hire replaced disciplinary action and performance evaluation/appraisal to form the top five issues compared to FY 2022. Termination was 10 and appointment/hire was 8 for FY 2023. By comparison, FY 2022's most common issues were harassment (26), followed by disciplinary action (11), promotion/non-selection (10), reasonable accommodation disability (10), and performance evaluation/appraisal (9). Also in FY 2022, there were 5 issues of alleged termination and 4 alleged appointment/hiring issues. Claims of harassment have continued to decrease over the course of the last five years. With a 59.65 percent decrease from FY 2019 (57) to FY 2023 (23) and a 11.54 percent decrease from FY 2022 (26) to FY 2023 (23). The data reflects an increase of 30 percent for promotion/non-selection, no increase for reasonable accommodation disability, a 45.45 percent decrease for disciplinary action and a 55.56 percent decrease for performance evaluation/appraisal from FY 2022 and FY 2023. Termination and appointment/hire showed an increase of 50 percent from FY 2022 to FY 2023.

⁶ See EEOC FY 2020 Annual Report on the Federal Workforce, Table B-8, at <https://www.eeoc.gov/no-fear/equal-employment-opportunity-data-posted-pursuant-title-iii-notification-and-federal>

The EEOC reported the most frequently alleged issue was harassment followed by disciplinary action, terms and conditions of employment, promotion/non-selection, and reasonable accommodation.

Table 4. Top issues alleged in formal complaints filed in FY 2019 thru 2023

	2019	2020	2021	2022	2023
Harassment	57	36	25	26	23
Promotion/Non-Selection	14	16	13	10	13
Reasonable Accommodation Disability	19	18	7	10	10
Disciplinary Action	14	14	11	11	6
Performance Evaluation/Appraisal	19	19	13	9	4
EMERGING ISSUES					
Termination	2	1	3	5	10
Appointment/Hire	6	4	1	4	8

As reflected in Table 5, in FY 2022 to FY 2023, the Agency had an increase in formal complaints filed and the percentage of investigations timely processed increased by 23.74 percent in 2023 relative to 2022. The decrease in the average investigation days from FY 2022 to FY 2023 was 5.31. There was an increase of 28.66 percent in timely processed investigations from FY 2021 to FY 2023 and a decrease in average investigation days of 11.54.

Table 5. Investigations Completed in FY 2019 thru FY 2023

	2019	2020	2021	2022	2023
Complaints Filed	86	62	44	57	64
Investigations Average Days	299.59	229.53	256.65	250.42	245.11
Timely Processed	87.50%	75.00%	64.52%	69.44%	93.18%

Findings of Discrimination

As shown in Table 6, there was one finding of discrimination in FY 2023, which was a 50 percent decrease from FY 2022, when the Agency had 2 findings.

Table 6. Findings of discrimination from FY 2019 thru 2023

	Number of Findings	Bases	Issues
2019	2	Race Reprisal Sex	Sexual Harassment Promotion/Non-Selection

2020	1	Reprisal	Harassment (non-sexual) Promotion/non-selection
2021	0	-	-
2022	2	Reprisal	Time and Attendance Performance Evaluation/Appraisal Telework Reasonable Accommodation Reassignment/Detail Harassment (non-sexual)
2023	1	Disability	Reasonable Accommodation

Cases in Federal District Court

In FY 2023, the Agency had two (2) antidiscrimination cases filed in Federal District Court that alleged violation of Title VII of the Civil Right Act of 1964 (as amended) and the Older Workers Benefit Protection Act (OWBPA). There were ten (10) pending cases from FY 2022 for a total of twelve (12) pending cases. In FY 2023, four (4) of the antidiscrimination cases closed in which no HUD employees were disciplined for improper or illegal discrimination, retaliation, harassment, or other infractions prohibited by the No FEAR Act. Currently, there are eight (8) cases still pending.

Judgment Fund Reimbursement

Table 7. Judgment Fund

Federal District Court Cases	Judgment Fund Reimbursements	Disciplinary Actions	Findings of Discrimination	Formal Complaints
1	\$35,000	0	0	1

The Judgment Fund pays court judgments, awards, and settlements of lawsuits against the Federal Government.⁷ The No FEAR Act requires Federal agencies to reimburse the Judgment Fund for payments made on their behalf to current employees, former employees, or applicants for employment due to claims alleging violations of Federal antidiscrimination laws, Federal whistleblower protection laws, or reprisal for legally protected activity related to those laws.⁸

The Agency made \$35,000.00 in reimbursements to the Judgment Fund in FY 2023. (see Table 7) The \$35,000 represented one case that was settled in Federal District Court of which \$10,000 was for attorney fees and \$25,000 for non-wage payments for claimed emotional distress and physical illness. Between FY 2019 and FY 2023, a total of \$178,500 was reimbursed to the Judgment Fund (see Table 8).

⁷ See 31 U.S.C. §1304.

⁸ See Section 201 of the No FEAR Act.

Table 8. Reimbursements to the Judgment Fund for FY 2019 Through FY 2023

Reimbursements to the Judgment Fund	2019	2020	2021	2022	2023
Amount	\$60,000.00	\$0.00	\$0.00	\$83,500	\$35,000

Disciplinary Policy and Disciplinary Actions

A review of FY 2023 disciplinary records reflects no employees were disciplined for improper or illegal discrimination, retaliation, harassment, or other infractions prohibited by the No FEAR Act.

It is the Agency’s policy that immediate and appropriate corrective action will be taken if it is determined that harassment has occurred. Pursuant to Adverse Actions 752.2, directing disciplinary and adverse action against Federal employees for all forms of conduct inconsistent with anti-discrimination and anti-harassment laws, and other offenses unbecoming of federal employees. The policy is at:

https://www.hud.gov/program_offices/administration/hudclips/handbooks/admh/752.2.

Anti-Harassment Program (AHP)

In FY23, the Agency had fully implemented its Anti-Harassment Program (AHP); thus, successfully satisfying the Anti-Harassment sections in Part G of the EEOC’s Management Directive (MD) 715. The AHP received approval from the EEOC’s Office of Federal Operations Agency Oversight and contains: a clear explanation of prohibited conduct; assurance that employees who make claims of harassment or provide information related to such claims will be protected against retaliation; a clearly described complaint process that provides an avenue for complainants to initiate complaints; assurance that the Agency will protect the confidentiality of the individuals bringing harassment claims to the extent possible; a complaint process that provides a prompt, thorough, and impartial investigation; and assurance that immediate and appropriate corrective action will be taken when it determines that harassment has occurred.

The AHP policy and tools were distributed to the Agency workforce on July 13, 2023. The policy and helpful tools are available on our intranet pages and are accessible 24/7 by all staff. During FY 2023, the AHP provided department-wide training to both non-supervisory and supervisory staff, and the training was available for streaming on demand.

As recommended by the EEOC, the AHP, Office of Chief Human Capital Officer (OCHCO) and ODEEO leadership are assigned to separate HUD programs, with distinctly separate chains-of-command, thus creating the required firewall. The AHP Director is assigned to OCHCO, and the EEO Director is assigned to ODEEO. The Director and staff of the ODEEO complaints division work collaboratively with the AHP staff, and the ODEEO informs the AHP of all informal EEO counseling activity alleging harassment. All managers, supervisors, and non-supervisory staff are trained and required to maintain a work environment free of workplace harassment.

The AHP investigative process resulted in two (2) employees being disciplined for workplace harassment. The Federal Antidiscrimination and Whistleblower Protection laws requires issuing disciplinary action to Federal employees for prohibited personnel practices and conduct inconsistent with these laws. This policy is available at HRM 9751.1 - Maintaining Discipline.

No FEAR Act Training FY 2023

In accordance with 5 C.F.R. §724.203, all HUD employees, including managers and supervisors, are required to complete No FEAR Act training biennially, with the last cycle completed in September 2021. During FY 2023, we continued placing a strong emphasis on No FEAR Act compliance by offering training on the topic to its entire workforce, resulting in a 99.57 percent completion rate. During the last required cycle for this training in FY 2021, the training completion rate was 96.18 percent. Our No FEAR training completion rate has increased by 3.39 percent since FY 2021 and was nearly at 100 percent in FY 2023.

The No FEAR Act training was added to the HUD Learning Portal (e.g., InCompass) which requires all onboarding employees to complete the No FEAR Act training within 90 calendar days of appointment. This training can be accessed directly by the employee via InCompass. The portal is HUD’s primary electronic platform to conduct training and capture training activity of employees.

Table 9. No FEAR Training Completion Rate for FY 2019 to FY 2023

No FEAR Training	2019	2021	2023
Percentage of Workforce that completed training	93.27	96.18	99.57

Practical Knowledge Gained through Experience

In analyzing the Agency’s EEO complaint trends and related information, ODEEO concluded the following:

- Of the 64 formal complaints filed in FY 2023, 53.13 percent (34) included allegations of reprisal. Historically, reprisal was the most alleged basis of discrimination. However, disability surpassed reprisal in FY 2023 at 36. Reprisal was the subject of an “Essential Conversation”⁹ discussion ODEEO provided to the workforce to highlight and raise awareness of its importance and provided practical tools on how occurrences can be stopped. Recurring training¹⁰ regarding retaliation mitigated the number of claims citing reprisal, and helped managers and supervisors perform their duties without giving rise to retaliation. This training helped managers and supervisors identify the pitfalls of retaliation and how to avoid such actions. Similar training on the reasonable accommodation process and the Agency’s resources with respect to accommodating individuals with disabilities should mitigate filings based on disability moving forward.

⁹ ODEEO engaged in EEO conversations with the HUD workforce. Some of these conversations were for managers and supervisors, while others were for employees.

¹⁰ Recurring trainings to be provided in FY24 are Essential Conversations, “Retaliation in the Federal Workplace – The Cost of Revenge” and “What to do When the Difficult Conversation Becomes Necessary.”

- Training involving the identification and prevention of harassment issues in the workforce continues to decrease the number of claims citing harassment. Of the 64 formal complaints filed in FY 2023, 35.94 percent (23) included allegations of harassment, representing a 59.65 (57) percent decrease in harassment claims from FY 2019.
- Mediation is HUD's primary alternative dispute resolution (ADR) method. Used effectively, ADR can result in a win-win resolution for the Agency and its employees. In FY 2023, 14.58 percent of Complainants elected to participate in ADR. This was an increase from FY 2022 where the participation rate was 12.5 percent. ODEEO is working to increase participation in the ADR program by highlighting the benefits of the program to all parties who may be involved in the EEO process.
- ODEEO is strengthening and coordinating its complaint process to accurately identify and process allegations in accordance with the EEO laws and regulations and providing continual training to the workforce on the EEO complaint process.

Program Improvements in FY 2023

Infrastructure

In FY 2023, ODEEO strengthened its infrastructure by addressing the staffing shortages experienced in previous fiscal years that impacted its ability to fully reach its goals. ODEEO completed the hiring of one (1) Lead EEO Specialist, four (4) EEO Specialists, one (1) EEO Counselor, one (1) Intake Specialist and one (1) Data Scientist. ODEEO also hired its Administrative Officer and two (2) Administrative Management Specialists. The EEOD and the Affirmative Employment Division (AED) are fully staffed and ODEEO now has the critical skill sets in place to excel in meeting its goals and mission.

Complaint Processing

In FY 2023, ODEEO improved its service to its stakeholders on many fronts. Specifically, ODEEO continued using EEO service contractors to assist with timely processing complaints. At the end of FY2023, ODEEO secured the services of a new vendor to help improve meeting timeliness goals in FY2024. Additionally, its managers and supervisors were offered training opportunities regarding the EEO Administrative Process and the AHP to ensure an understanding of the process. In FY 2024, the Anti-harassment training will be included in HUD's required annual training curriculum.

With respect to timeliness, the Agency has strengthened its infrastructure and has realized a decrease in days to process and complete investigations and has positioned itself to better achieve EEOC's regulatory timeframes for processing complaints in FY 2024. Significant staffing shortages were faced in the past and while currently remedied, the effect of staff shortages has had a lingering impact on our efforts with respect to timeliness. However, as stated above, ODEEO is continuing to improve timely processing of complaints with the investigations' average days having decreased during the last two FYs, and the rate of complaints that were timely processed increasing from 69.44 percent in FY 2022 to 93.18 percent in FY 2023 which is a 23.74 percent increase.

EEOD developed 508 compliant portable document format (PDF) forms to provide individuals a resource to easily file electronic complaints more efficiently and quickly. This process also allows EEOD to track and monitor complaint activity more effectively. With the implementation of these

complaint processing forms, there has been a significant decrease in the filing of complaints via mail. Individuals are now submitting their formal complaint via email. This has significantly enhanced complaint processing timeframes because it allowed for immediate receipt of complaints, quick acknowledgment of complaint filings and rapid assessment of the complaint for processing.

Proactive Engagement and Collaboration

In FY 2023, ODEEO kept employees engaged and informed about EEO by maintaining a regular training cadence and through marketing ODEEO resources. ODEEO continued its practice of providing training at New Employee Orientation sessions that included information regarding the EEO complaints process, EEO Counselor contact information, and complaint processing regulatory timeframes. ODEEO also developed infomercials and various other marketing materials.

ODEEO continued to publish a quarterly newsletter, “ODEEO Insider,” targeted to internal and external readers. The newsletter provides an important forum through which the office educates the workforce and key stakeholders on significant EEO cases, general EEO complaint process information, best practices, EEO awards, and special observances.

ODEEO conducted quarterly General Deputy Assistant Secretary (GDAS) briefings. The GDAS briefings were conducted with the program offices to discuss trends in the workplace, status of cases, and identified triggers. ODEEO examined the workforce as a whole and the participation rates of employees by race, national origin, sex, and disability, and reported this data during these briefings. Specifically, ODEEO prepared a report for every program and regional office, briefing them on their workforce as compared to the Civilian Labor Force (CLF) and established hiring benchmarks for persons with disabilities (PWD) and persons with targeted disabilities (PWTD). Also, during these briefings, ODEEO provided recommendations regarding hiring women, PWDs/PWTDs, and Hispanics, so that program offices are aware of the executive orders that require agencies to monitor participation rates and representation of these groups at HUD. In-depth discussions were held with program offices regarding recruiting these groups using various hiring authorities as well as outreach and recruitment options. ODEEO also created a forum to promote cultural awareness that allowed offices to communicate concerns with recruiting these groups directly with ODEEO.

These efforts have helped with identifying barriers to equal opportunity and developing plans to eliminate those barriers in an efficient manner. The Office of Diversity, Equity, Inclusion and Accessibility (ODEIA) is a part of the briefing team and provides updates on DEIA initiatives and partnerships. Finally, the AED Team completed Self-Assessments with all our Regional and Program offices and held discussions with the GDAS, Regional Administrators, and Program Office leaders to keep them abreast of their organization’s progress toward becoming a model EEO program.

ODEEO sponsored and offered EEOC’s Writing Acceptance and Dismissal Letters to EEO colleagues at other federal agencies which included the Environmental Protection Agency, National Park Service, Health and Human Services, Commodity Futures Trading Commission, Security Exchange Commission, U.S. Army Corps of Engineers, U.S. Department of Agriculture, and the U.S. Agency for International Development.

ODEEO collaborated with the Office Public and Indian Housing (PIH) by participating in several of their monthly “Let’s Talk Discussion”. The Let’s Talk Discussion series is an informal conversation held by managers for managers on key topics that they often have to address. The collective experiences shared often benefit participants with greater knowledge, understanding and comfort in

addressing situations that require professionalism, sensitivity, proper guidance, timeliness, consistency, and consideration.

ODEEO has also participated in the Office of Policy Development and Research (PDR) and the Office of Housing's (HSG) "All-hand" meetings to provide an overview of the EEO complaint process.

One HUD Site Visits

The "One HUD" initiative was established to provide a platform for field, regional and headquarter leadership and employees in various program areas to engage in conversations about the work of the Agency and how to sustain healthy work environments. In FY 2023, ODEEO, OCHCO, the Office of General Counsel (OGC) and various other program offices participated in site visits to Denver, Fort Worth, and Seattle. This platform was used to build cross-programmatic partnerships, share information on available resources, and discuss meaningful ways to provide support through leadership and employee engagement.

Promoting ADR and the Workplace Dispute Program

In FY 2023, ODEEO launched its Workplace Dispute Program (WDP) and expanded its marketing efforts to promote the benefits of using the WDP to resolve workplace disputes before they escalated to a formal complaint. ODEEO created and distributed informational brochures to employees and managers, as well as a promotional video regarding the benefits of using ADR to resolve EEO complaints and workplace disputes that may result in complaints. Additionally, ODEEO has been conducting ADR training for the HUD workforce to highlight how the ADR process works, and the benefits of using the resource. ADR benefits are discussed at every GDAS Quarterly EEO Activity Briefing with senior leaders in every program office. Additionally, our ADR Coordinator has collaborated with the unions across HUD to market ADR to encourage participation in both EEO and non-EEO-related conflicts. This has resulted in a significant increase in workplace disputes utilizing ADR. The WDP processed eight (8) workplace disputes cases with six (6) reaching resolution compared to only one (1) case in FY 2022.

Collaboration with Office of Diversity, Equity, Inclusion, and Accessibility (ODEIA)

ODEIA and ODEEO continue to collaborate and achieve monumental initiatives pursuant to Executive Order (EO)14035, Advancing DEIA within the Federal Government.

On a quarterly basis, ODEEO and ODEIA conducted various briefings with senior leadership to discuss EEO/DEIA issues and initiatives. This includes regular meetings with the eight (8) Affinity/Employee Resource Groups (A/ERGs) of the Agency to share information and discuss ways for the groups to support each other's planned initiatives. ODEIA also participated in quarterly GDAS briefings with each program office and HUD's ten regions.

ODEIA launched the 2023 DEIA Awareness Month in April with DEIA training, panel presentations, and keynote speakers. ODEIA hosted their First DEIA Champions Panel from across Government and Chief Diversity Officers participated from the EEOC, VA, Department of the Army, and OPM.

ODEIA stood up Tiger Teams to support implementation and transition into the culture and fabric of the organization (Strategic Planning, Training & Development, Human Capital Assessment/DEIA Maturity Model, Integration/HUD Foundations.) Reinvigorated and trained DEIA Champions and

provided resources and support to increase awareness across all Program Offices. ODEIA updated performance standard language to include DEIA elements.

ODEIA partnered with ODEEO to stand up the Agency's first Accessibility Review Committee (ARC) and approved the first charter for the Advocates for Employees with Disabilities A/ERG. ODEIA also partnered with the Office of Field Policy and Management (FPM) to leverage the Leadership Academy on Inclusive Leadership Training. The DEIA Learning Highway was launched in InCompass the third quarter of FY 2023. It is available to all staff and was completed by 461 employees as of the end of FY 2023.

ODEEO and ODEIA also collaborated to develop the DEIA Strategic Plan, as required by EO 14035. In addition to producing the DEIA Strategic Plan, the teams also developed and implemented the DEIA Program Office Self-Assessment Tool as a companion to the strategic plan. This tool allowed us to track and monitor Program Office progress towards accomplishing DEIA Strategic Goals and identified additional Federal Equal Opportunity Recruitment Program (FEORP) activities, as well as other promising practices occurring within the Program Offices.

The Agency successfully implemented several initiatives which include the following:

- ODEIA continued highlighting Diversity Awareness Month, in which hybrid events occurred with guest speakers each week of July. Each week focused on one component of DEIA.
- ODEEO and ODEIA collaborated on the 2nd Annual Coin of Excellence Presentation on September 11, 2023. Eleven (11) individuals and seven (7) groups were recognized. There were over 2700 virtual viewers and the event was well attended in person in the Brooke-Mondale Auditorium.
- Continued to brief Diversity Champions on DEIA Program requirements and provided a high-level training and overview of DEIA plan previously submitted to OPM.

EEO Training Program

In FY 2023 ODEEO launched an Essential Conversation series to the HUD workforce. The purpose of these series of conversations was to allow discussions surrounding issues that repeatedly manifest in the EEO arena. The subject of the first Essential Conversation delved into reprisal (one of the leading bases of EEO complaints) and was presented by an EEOC Chief Administrative Judge who gave poignant examples witnessed over the course of her career.

An EEO Training Program was offered through the InCompass electronic training site. ODEEO was able to market upcoming EEO trainings, register staff for training and monitor and track staff's training records with this tool. The participants received credit in their training portfolios for completing EEO trainings.

In FY 2023, ODEEO started developing and conducting the following customized EEO Training for the HUD workforce:

- Harmful Effects of Microaggressions and Civility in the Workplace training. A total of fourteen (14) sessions were conducted and 193 staff members attended this training.

- National Origin training to be included in the EEO training catalog that will be offered beginning in the second quarter of FY 2024.
- In partnership with OCHCO, Annual Mandatory EEO training (No FEAR or Sexual Harassment).
- “EEO Basics Words & Concepts in Spanish” Training module that will be offered beginning in the second quarter of FY 2024.

ODEEO has a robust training schedule for FY2024 that will continue to offer subjects that will aid in providing the workforce with tools to address workplace conflict and issues that lead to filings of EEO complaints. The trainings are offered to both supervisory and non-supervisory employees. The courses provided include the following:

- Alternative Dispute Resolution for Supervisory Employees
- Alternative Dispute Resolution for Non-Supervisory Employees
- Civility in the Workplace for Supervisors and Managers
- Civility in the Workplace for Non-Supervisory Employees
- EEO Essentials for Supervisors and Managers
- EEO Essentials for Non-Supervisory Employees
- From a Trickle to a Stream: The Harmful Effects of Microaggressions in the Workplace
- Intro to Myers-Briggs® Understanding Personality Types
- Manager’s Role in Building a Model EEO Programs
- Mindfulness & Communication: The Building Blocks for An Inclusive Workplace
- Reset: Growing Stronger Together

Best Practice Exchange:

- ODEEO met with the National Institutes of Health (NIH) and National Transportation Safety Board (NTSB) in August 2023 to exchange best practices on implementing and maintaining a Model EEO Program; MD715 Development; ADR; Complaint Processing, and Affirmative Employment.
- ODEEO met with the Securities Exchange Commission’s (SEC) ODEEO Barrier Analysis Team in September 2023.

Improvement Plan for FY 2024 and 2025

Infrastructure

In FY 2023, ODEEO worked with OCHCO to advertise vacancies for a Final Agency Decision (FAD) Writer position to enable us to meet our goal of issuing timely FADS. This effort will enable ODEEO to meet the EEOC mandate of issuing FADs in sixty (60) calendar days. ODEEO has also increased its marketing efforts by creating commercials and whiteboard animations that provide an overview of the complaint process, ADR and WDP. Our efforts to enlighten the workforce’s awareness of ADR as a tool in the workplace will continue to increase the use of ADR and earlier resolution of workplace conflict.

Complaint Processing Timeliness

ODEEO has instituted metrics for individual workloads and has also placed metrics in performance plans of EEO staff members who are responsible for processing complaints. Additionally, ODEEO is enhancing its commitment to ensuring data accountability and transparency in tracking. ODEEO routinely encourages supervisors and managers to cooperate with EEO officials and investigators throughout the complaint process (e.g., to respond to requests for information and documents in a timely and accurate manner, to participate in mediation at any stage of the complaint process, and to participate in training, especially Title VII, and EEO training). These cumulative efforts will yield more effective and timely complaint processing.

ODEEO has secured the services of a new EEO contractor for informal and formal complaints processing. This vendor will allow ODEEO to increase its complaint processing timeliness and enhance complaint work products. ODEEO is also enhancing its media marketing efforts with a Whiteboard commercial and ADR advertisement to raise and keep awareness of how the EEO process functions and the availability of ADR as a resource to resolve all manner of workplace conflict.

ODEEO is transitioning to the ETK platform to collect, manage and store its complaints database. ETK is the next generation of iComplaints and includes functionality that improves complaint processing for both the Agency and Complainants. This system is more intuitive and will help ODEEO track every variable in the case management cycle and will provide the capability of more detailed and focused monitoring of complaint activity to ensure regulatory timeframes are being met.

Conclusion

This report emphasizes the Agency's EEO program successes, various challenges experienced during FY 2023, and strategic plans for future fiscal years. To continue the trajectory of supporting, maintaining, and achieving the six essential elements of a model EEO program, ODEEO continues to institute new initiatives and programs, and will continue to proactively educate the workforce through trainings and engagement.

This report also demonstrates the Agency's dedication to continue its mission of promoting diverse and inclusive environments, encouraging a workplace culture that respects differences, and empowers the complete and impartial contribution of all employees in every facet of HUD's work life.

Appendix A
No FEAR Laws and Regulations

No FEAR Laws and Regulations

The Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 207-174. Signed by President George W. Bush on May 15, 2002, the Act was established to increase accountability of Federal agencies for acts of discrimination or reprisal against employees resulting from whistleblower complaints, and complaints before the Merit Systems Protection Board and the Equal Employment Opportunity Commission.

The No FEAR Act requires each Federal agency to post on its public website summary statistical data relating to equal employment opportunity complaints filed against the agency on a quarterly basis during each fiscal year, and cumulative fiscal year end data.¹¹

The No FEAR Act Requires that federal agencies report on their number of cases in federal court pending or resolved in each fiscal year and arising under each of their respective provisions of the federal antidiscrimination and whistleblower protection laws applicable to the agency, as defined in 5 C.F.R. §724.102, in which current employee, former federal employee or applicant alleged a violation(s) of these laws, separating data by the provision(s) involved. The laws covered in the No FEAR Act are as followed:

- The Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d): sex-based wage differentials and reprisal.
- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-16: race, color, religion, sex, national origin, and reprisal.
- The Age Discrimination in Employment Act of 1967, as amended, §29 U.S.C. 633a: age (40 and over) and reprisal.
- Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §791: disability and reprisal.
- The Civil Service Reform Act of 1978, 5 U.S.C. 2302(b) and (d): Prohibits specified personnel practices and race, color, religion, sex, national origin, age, disability, marital status, political affiliation, and whistleblowing.
- The Genetic Information Nondiscrimination (GINA) Act of 2008, 42 U.S.C. §2000ff et seq.: genetic information about an individual or individual's family members and reprisal.
- Elijah E. Cummings Federal Employee Antidiscrimination Act (FEAA) 2021: Enhances the accountability in federal agencies' decision-making processes with respect to imposing discipline on employees found to have engaged in discrimination, the law amends the No FEAR Act to include several new sections.

¹¹ https://www.hud.gov/program_offices/eo/nofearactfy

Appendix B
HUD FY 2023 No Fear Act Data

Equal Employment Opportunity Data Pursuant to the No Fear Act

For 4th Quarter 2023 for period ending September 30, 2023

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2023
	2018	2019	2020	2021	2022	
Number of Complaints Filed	93	86	62	44	57	64
Number of Complainants	90	82	60	42	56	62
Repeat Filers	3	4	2	2	1	2
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2023
	2018	2019	2020	2021	2022	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	50	49	26	19	16	32
Color	28	19	15	12	13	10
Religion	10	8	3	1	6	1
Reprisal	44	47	40	33	33	34
Sex	46	40	25	16	22	26
PDA	0	0	0	0	0	0
National Origin	17	16	6	2	8	6
Equal Pay Act	5	5	3	0	0	1
Age	31	33	23	12	20	28
Disability	38	45	32	19	29	36
Genetics	0	2	2	0	0	4
Non-EEO	0	0	0	0	1	3

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2023
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed. Starting in FY2022, issues marked with:* are reported under Other Terms / Conditions of Employment.** are reported under Other Disciplinary Actions.	2018	2019	2020	2021	2022	
Appointment/Hire	3	6	4	1	4	8
Assignment of Duties*	0	0	0	0	0	0
Awards	1	3	2	3	1	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0
Disciplinary Action						
Demotion	0	0	0	1	1	1
Reprimand**	0	0	0	0	0	0
Suspension	4	2	3	1	2	0
Removal	2	2	0	1	0	0
Disciplinary Warning**	0	0	0	0	0	0
Other Disciplinary Actions**	8	10	11	8	8	5
Other 2**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0
Perf. Eval./ Appraisal	6	19	19	13	9	4
Examination/Test	0	0	0	0	0	0
Harassment						
Non-Sexual	51	56	36	25	25	21
Sexual	3	1	0	0	1	2
Medical Examination	0	0	0	0	0	0
Pay including overtime	1	5	1	1	0	0
Promotion/non-selection	17	14	16	13	10	13
Reassignment						
Denied	4	0	3	1	1	1

Directed	2	7	3	1	1	3
Reasonable Accommodation Disability	18	19	18	7	10	10
Reinstatement*	0	0	0	0	0	0
Religious Accommodation	1	1	0	0	2	0
Retirement*	0	0	0	0	0	0
Sex-Stereotyping	1	1	0	0	1	0
Telework	4	13	6	0	1	1
Termination	5	2	1	3	5	10
Terms/Conditions of Employment*	0	0	0	0	0	0
Time and Attendance	7	15	10	2	5	1
Training	4	9	7	3	1	2
Other Terms/Conditions of Employment*	18	22	15	11	14	18
User Defined - Other 1*	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0
Processing Time	Comparative Data					
	Previous Fiscal Year Data					
	2018	2019	2020	2021	2022	2023
Complaints pending during fiscal year						
Average number of days in investigation	278.24	299.59	229.53	256.65	250.42	245.11
Average number of days in final action	46.96	31.51	42.49	38.66	39.64	73.02
Complaint pending during fiscal year where hearing was requested						
Average number of days in investigation	286.03	322.89	235.35	263.04	255.04	244.25
Average number of days in final action	48.58	19.55	30.15	23.72	26.76	12.20
Complaint pending during fiscal year where hearing was not requested						
Average number of days in investigation	210.31	253.95	219.31	236.00	238.36	245.36

Average number of days in final action	46.56	77.22	65.05	0	246.00	215.45						
Complaints Dismissed by Agency	Comparative Data											
	Previous Fiscal Year Data										2023	
	2018	2019	2020	2021	2022							
Total Complaints Dismissed by Agency	18	8	17	6	7	16						
Average days pending prior to dismissal	261.83	40.13	493.12	201.17	542.71	161.13						
Complaints Withdrawn by Complainants												
Total Complaints Withdrawn by Complainants	6	9	8	13	5	14						
Total Final Agency Actions Finding Discrimination	Comparative Data											
	Previous Fiscal Year Data										2023	
	2018	2019	2020	2021	2022							
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	1		2		1		0		2		1	
Without Hearing	1	50	0	0	0	0	0	0	0	0	0	0
With Hearing	1	50	2	100	1	100	0	0	2	100	1	100
Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2023	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2018	2019	2020	2021	2022							
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	1		2		1		0		2		1	
Race	1	100	1	50	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	2	100	1	100	0	0	2	100	0	0
Sex	0	0	1	50	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0

Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	1	100
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	1		2		1		0		2		1	
Race	1	100	1	50	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	2	100	1	100	0	0	2	100	0	0
Sex	0	0	1	50	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	1	100
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		0		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0

Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

Starting in FY2022, issues marked with:* are reported under Other Terms / Conditions of Employment. are reported under Other Disciplinary Actions.**

Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2023	
	2018		2019		2020		2021		2022			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	1		2		1		0		2		1	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand**	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval./ Appraisal	0	0	0	0	0	0	0	0	1	50	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	1	100	0	0	1	50	0	0
Sexual	0	0	1	50	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0

Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/non-selection	1	100	2	100	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	1	100
Reinstatement*	0	0	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	1	50	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	1		2		1		0		2		1	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0

Reprimand**	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval./ Appraisal	0	0	0	0	0	0	0	0	1	50	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	1	100	0	0	1	50	0	0
Sexual	0	0	1	50	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/non-selection	1	100	2	100	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	1	100
Reinstatement*	0	0	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	1	50	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0

User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		0		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties*	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Perm Status*	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand**	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other Disciplinary Actions**	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	0	0	0	0	0	0	0
Perf. Eval./ Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay including overtime	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/non-selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0	0	0	0	0	0	0

Reinstatement*	0	0	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Retirement*	0	0	0	0	0	0	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other Terms/Conditions of Employment*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 1*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 2*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 3*	0	0	0	0	0	0	0	0	0	0	0	0
User Defined - Other 4*	0	0	0	0	0	0	0	0	0	0	0	0
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data											
	Previous Fiscal Year Data											
	2018	2019	2020	2021	2022							
Total complaints from previous Fiscal Years	97	98	72	54	39							18
Total Complainants	95	94	69	48	36							18
Number complaints pending												
Investigation	2	1	2	0	0							0
ROI issued, pending Complainant's action	0	1	0	0	0							0
Hearing	93	86	66	48	28							14
Final Agency Action	3	9	5	3	9							3
Appeal with EEOC Office of Federal Operations	119	128	136	144	154							162

Complaint Investigations	Comparative Data					
	Previous Fiscal Year Data					2023
	2018	2019	2020	2021	2022	
Pending Complaints Where Investigations Exceed Required Time Frames	1	0	4	0	1	3

Appendix C

Alternative Dispute Resolution Policy



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, DC 20410-0001

February 2, 2023

MEMORANDUM FOR: All U.S. Department of Housing and Urban Development Employees

FROM: Marcia L. Fudge *Marcia L. Fudge*

SUBJECT: Alternative Dispute Resolution Policy Statement

The U.S. Department of Housing and Urban Development (HUD) is committed to maintaining a professional work environment by establishing and implementing policies that ensure every employee feels recognized, valued, and empowered. Our goal to create a model work environment requires that we make every effort to prevent or minimize workplace conflicts and disputes at the earliest possible stage.

The Administrative Dispute Resolution Act of 1996 provides HUD with the authority to use alternative dispute resolution (ADR) methods as an option for conflict resolution. HUD ensures that ADR's core tenets of fairness, voluntariness, neutrality, and confidentiality are an integral part of the ADR process, which is used to resolve a wide range of workplace disputes in a collaborative, fair, and efficient manner. ADR will be used, to the maximum extent possible, to resolve Equal Employment Opportunity (EEO) complaints, grievances, workplace disputes, and employee or team conflicts.

Mediation is HUD's most frequently used ADR technique. Mediation allows a trained neutral mediator to help parties reach a mutually satisfactory resolution arising from a workplace dispute. The mediator does not determine who is right or wrong, but rather, helps the parties jointly explore and reconcile their differences. The mediator has no authority to impose a settlement on the parties to the dispute. As the parties control the resolution process, mediation may lead to more creative solutions, resulting in an amicable result. We also offer facilitation, coaching, conciliation, negotiation, and settlement conferences as additional dispute resolution methods. HUD's ADR process provides an opportunity to preserve and strengthen workplace relationships through the understanding and clarity that can be achieved during open and honest dialogue facilitated by a third-party neutral. Some additional benefits of ADR may include increased productivity, improved employee morale, a less contentious work environment, and mitigating prolonged legal proceedings.

HUD affirms its commitment to the use of ADR techniques throughout its programs, where appropriate and feasible, including, but not limited to, the EEO complaint process. When

the Office of Departmental Equal Employment Opportunity (ODEEO) determines that an issue, dispute, or conflict is appropriate for the ADR process and an employee wishes to engage in ADR, HUD's leadership is required to participate in the proceedings to prevent or resolve workplace conflict (unless an exception is granted) and must participate in good faith.

Maintaining a civil and productive work environment is the responsibility of all HUD employees. Addressing conflicts to preserve professional relationships is key to achieving HUD's mission to create strong, sustainable, and inclusive communities and quality affordable housing for all.

If you have a question or need assistance, please contact ODEEO at (202) 708-5921 or by email at EEO@HUD.gov. To learn more about ADR please scan the QR code below.



Appendix D

Anti-Harassment Policy



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, DC 20410-0500

August 12, 2021

MEMORANDUM FOR: All HUD Employees
FROM: Marcia L. Fudge 
SUBJECT: Anti-Harassment Program Statement

As Secretary of the US Department of Housing and Urban Development (HUD) I am committed to providing a work environment free of discrimination, harassment, and unwelcome conduct to all employees, applicants, contractors, and business partners. Treating each person with dignity, respect and valuing the diverse perspectives within the organization are HUD priorities. To this end, it is HUD's Anti-Harassment Policy to maintain a safe and harassment-free workplace.

A safe workplace free of discrimination is the right of every employee, applicant, contractor, and business partner at HUD. Civil Rights laws, Executive Orders, and EEOC directives protect our stakeholders from discrimination based on protected classes: race, color, sex (pregnancy, gender identity and sexual orientation), religion, national origin, age (40 years or older), disability (physical or mental), marital status, parental status, veteran status, genetic information, and retaliation/reprisal (for prior EEO activity).

HUD's efforts are aimed to prevent and remove any barriers to a harassment free workplace, so that all persons can participate fully and successfully in the workplace and are treated with dignity and respect.

All persons will be protected from retaliation/reprisal for making a good faith report of workplace harassment under this program or any other applicable policy or procedure, and for assisting with an inquiry into such allegation of harassment. Anti-discrimination laws prohibit workplace harassment against individuals in retaliation for filing an equal employment opportunity (EEO) complaint; testifying or participating in any way during an inquiry, proceeding, and/or a lawsuit under these laws; or opposing employment practices they reasonably believe discriminate against individuals. All HUD employees must refrain from engaging in harassing conduct in the workplace. Any employee who is found to have harassed anyone or to have subjected a person to unwelcome conduct while conducting business on behalf of HUD or retaliated or committed reprisal will be subject to disciplinary or adverse action, up to and including removal from employment.

Harassment is defined as unwelcomed conduct based on a protected class. Unwelcome conduct is conduct that is unwanted by the affected person and may include bullying. Unlawful harassment is conduct that is severe or pervasive enough to create a work environment that a reasonable person would find intimidating, hostile, or abusive and that unreasonably interferes with and is detrimental to an employee's work performance, professional advancement, and mental and physical health; causes economic harm; or creates an intimidating, hostile, and offensive work environment. Prohibited harassing conduct includes, but is not limited to, offensive jokes, slurs, epithets, or name calling, undue attention, physical assaults or threats, unwelcome touching or contact, intimidation, bullying, ridicule or mockery, insults, or put-downs, constant or unwelcome questions about an individual's identity, mistreatment on social media, and offensive objects or pictures.

We have a shared responsibility of preventing workplace harassment. Executives, managers, and supervisors must ensure that every reported incident of harassing conduct is reviewed and responded to immediately and appropriately. HUD employees who experience or witness harassing behavior or misconduct are encouraged to immediately report the incident to their first-line manager/supervisor (unless their first-line manager/supervisor is the alleged perpetrator), an appropriate management official or the Anti-Harassment Program's staff at AHP@HUD.gov.

Once the Department is aware of the claims of harassment, it will immediately conduct a prompt, thorough, and impartial inquiry into the claim(s) via the Anti-Harassment Program procedures.

HUD, to the greatest extent possible, will take every step to protect the confidentiality of individuals alleging harassment. Immediate and appropriate corrective action will be taken if it is determined that harassment has occurred. Employees who believe they have been harassed may also, and separately, file a grievance under an applicable collective bargaining agreement or initiate an EEO complaint with the Office of Departmental Equal Employment Opportunity by telephone at (202) 708-5921 or by email at EEO@HUD.gov.