Episode 131: William Berman

# KL: Katie Linder

# WB: William Berman

# KL: You’re listening to “Research in Action”: episode one hundred and thirty-one.

# [intro music]

# Segment 1:

# KL: Welcome to “Research in Action,” a weekly podcast about topics and issues related to research in higher education featuring experts across a range of disciplines. I’m your host, Dr. Katie Linder, research director at Oregon State University Ecampus, a national leader in online education. Along with every episode, we post show notes with links to resources mentioned in the episode, a full transcript, and an instructor guide for incorporating the episode into your courses. Visit our website at ecampus.oregonstate.edu/podcast to find all of these resources.

On today’s episode, I am joined by William Berman, a Clinical Professor of Law at Suffolk University Law School. Professor Berman is a Director of Suffolk’s Housing Discrimination Testing Program, which works to eliminate housing discrimination through testing, enforcement, education, policy, and academic study. Professor Berman is also the Managing Attorney of Suffolk’s Accelerator Practice, a clinical program that is part of a larger program designed to teach students a replicable business model for the creation of sustainable community based law firms that serve low and moderate income individuals in the justice gap. Professor Berman writes in the areas of fair housing and clinical pedagogy, and is a frequent speaker on these topics. He has over 30 years of litigation experience, and is a graduate of Union College and Boston University School of Law.

Thanks so much for joining me on the podcast today, Will.

**WB:** Thank you for having me!

**KL:** So uh listeners, I should share that Bill and I know each other, because I used to work at the institution where Bill currently works, and really enjoyed hearing about some of the research and experiences he’s going to be talking about today. And we’re going to get into a little bit later in the episode, some questions from listeners about grant budget funding that I thought Bill would be perfect for. But first Bill, um I want to have you talk about some of the housing discrimination research that you’ve been working on, because I think that it’s really fascinating. Can you talk a little bit about this research and how it came to be?

**WB:** Absolutely. Um and first I should explain that I’m the Director of the Housing Discrimination Program at Suffolk University Law School, and so the research that we’re doing is part of a larger program and we work to eliminate housing discrimination through what’s called testing – and I’ll explain what that is, enforcement, education and outreach, and academic study. Um so uh all of the work that we’re doing is interrelated and we provide a center for fair housing related work in the greater Boston area. Um in terms of the research that we do, it is obviously related to fair housing, and um we started as a testing program, and testing um is an investigatory technique that – in which we are able to train our testers and then send them out into the rental market to have a typical experience in the rental market, and we will train people who are in what is called a protected class, and that’s just a characteristic of themselves that is protected under the law and you can’t discriminate against them, because they’re in a protected class. So for example, we could send one person of color and we’ll send in short succession someone who is not, and see if they’re treated differently, and we analyze the results of the reports that testers write, and then that can provide specific evidence in cases of housing discrimination. So the research that we do uses the testing, um and uh – so for example, we have recently published kind of one of the first of its kind work on gender identity. In which we recruited testers who were transgender and gender nonconforming and paired them with individuals who were not, sent them into the rental market. And through a partner who is an economic analysis consultant, uh we did a study where we generated statistically significant evidence on the types of, and the rate of discrimination in the greater Boston area that’s occurring to people who are transgender and gender nonconforming.

**KL:** Okay so I definitely want to get into some of your findings a little bit later, but first I would love for you to talk a little bit about, for people who are maybe unfamiliar to what a clinical program is in a law school, can you explain some of the logistics of kind of organizing this project, collecting the data in that kind of setting? What does it mean to kind of be leading a clinic like that?

**WB:** So um. Uh – you referenced the clinical program, and that’s in a law school context, a program where the students get hand on experience and they handle cases for individuals who can’t afford a lawyer – we guide them in handling actual cases, and we train them in lawyering skills and values. And so I teach in clinical programs, and uh it’s an excellent place for a testing program to be located, because we can really leverage the resources, and so the students actually can handle a lot of the housing discrimination cases that we – that stem from the testing. Um in terms of the research, students actually get to participate. So for example, we’re doing another study now – we’ve got a student that’s helping us with the research end of that to prepare – to begin to prepare for the article that we’ll write relating to that. Um – sorry. Does that answer your question?

**KL**: It does. Uh well – and I’m wondering Bill, can you elaborate a little bit more on kind of the logistics of organizing a project and collecting the data? So for example, one of the things I’m curious about is are your students in the clinical program ever testers, or are you hiring testers from the outside, like how does this work in terms of some of those logistics?

**WB:** Got it. Yeah so – yeah. We are in a larger law school, and we’re fortunate to have a pool of testers that is about, I guess it’s approaching 250 people. Many of them are law students. And so the law students do, you know, participate in the studies as testers, and they are all trained and they’re trained to kind of do their work in an objective and unbiased way. And it’s actually an excellent experience for them, because they are able to understand what it’s like to be a witness kind of before going out and being a lawyer, and working as witnesses. Um and it allows us a great resource to be able to do the work. We also have uh, as you might imagine uh, you know, we do a lot of outreach in the community to recruit testers who are not students, and we had uh to make quite a significant effort to recruit and train the number of transgender and gender nonconforming testers we needed in order to do enough test so that there would be a statistically significant result.

**KL:** Okay so let’s talk about some of the findings that you have so far, because you’ve been running these tests for years now. What are some of the things that you’re learning from some of the data that’s coming back?

**WB:** Okay so, um you know, there are kind of – there are different sets of data that we’re – that we end up getting. So for example, there are uh, let me focus on the gender identity study and talk about some of the results there. Uh so this was a research study, um and as I said, we focused on gender identity, and what we found there was – in the greater Boston area and in the rental real estate market, so on aggregate, transgender and gender nonconforming people were 21 percent less likely to be asked their name in the process of renting an apartment. 27 percent less likely to be shown other areas, meaning uh they – whether they’re shown laundry, or basement storage, or that kind of thing. 21 percent less likely to be offered a financial incent if – like, “oh we have a rent special”, or “you don’t have to pay the security deposit.” Nine percent more likely to be offered a higher rental price, and 12 percent more likely to be – to hear negative comments. And that was – when we aggregated the data for all testers, and we’ve also looked at the data for after the individual revealed their gender identity, which we had them do in the most natural way that they could. Just saying, “Oh by the way” something like, “When you do a background check, I just want you to know my name was different” and revealing that they were transgender in that way. And all of those categories that I just mentioned increased after the gender identity reveal - and we also broke it down to transgender testers and gender nonconforming testers, and there was similar data for both of those groups.

**KL:** Wow that is incredible. So I’m curious, you know, you mentioned you’ve published a paper, which we can definitely link to in the show notes for folks that are interested. How else are you using this information in terms of maybe informing or educating the community about housing discrimination?

**WB:** Yeah. So the uh, these kinds of – this kind of data is very significant. And so for example, the gender identity study, when we – when we started looking at this, there was no statistically significant data on this kind of class and so it’s very important for policy makers to understand that - for example, in Massachusetts where under our anti-discrimination statutes, gender identity is actually a protected class, and that’s in the state’s statutes. In many places it is not. And one thing that I didn’t mention previously is overall when we looked at all of the tests, 61 percent of the time we found discrimination against transgender and gender nonconforming individuals in the greater Boston area, which has gender identity as a protected class. So it’s very important for policy makers to understand that even where there’s a protected class, there’s a significant level of discrimination. And so, you know, when they are looking at similar protections in their communities, they can consider this and know that this is real, that it is happening, and it has been measured in a – you know, in a study like this with statistically significant results.

**KL:** So I’m curious Bill, if you have other findings based on other protected classes that you have been testing around – are they similar? Are you finding kind of similar levels of discrimination happening with other identity categories?

**WB:** Oh um – we uh. We’re currently conducting another study, and that study is looking at race and source of income. And by source of income I mean if someone has, for example, a rental subsidy like Section 8, um and that is the protected class in Massachusetts, but not everywhere – race is a protected class under the federal statute. So we’re looking at those two things, and also whether they’re related. Whether individuals might say, well conduct – or engage in discrimination against folks based on source of income and as a proxy for race. We don’t – we don’t. We’re just beginning that study, so we haven’t – we’re not at the point where we’ve got the data and we have it analyzed, but we expect that result within year or so. We do have a lot of kind of anecdotal data, uh and so – the last time we looked at it um – looked at all of our enforcement testing. And so it’s not testing we’ve done for research, but just to be in community, and sometimes it’s a result of complaints we get about discrimination. Roughly 40 percent of the time we get a result that there has been discrimination, and some of that is because, you know, we do – we do keep an eye on advertising in the rental market, so if we see advertising that appears to be facially discriminatory, we’ll test on that. So it may skew that result a little bit, but I think it does suggest that 50 years after the fair housing act this is still a very significant issue, and the resource of testing is very important because it provides objective unbiased support, or if there’s someone who is not engaging in discrimination, it will reveal that and will exonerate that person.

**KL:** So I’m curious, you mentioned, of course, there’s an academic side to this, of – and kind of a policy side too, of trying to kind of educate people that this is still an issue, but you also mentioned this idea of enforcement. And I’m curious, are there kind of tangible results that are happening because of this testing where people are being charged for something, or they’re being held accountable for some of the discrimination that they may be engaging in. Um is there any action that’s being taken on that side of things?

**WB:** Yes, there is. And so as I was mentioning before, our clinical students sometimes end up handling cases that are generated by the testing program for people who have experienced discrimination and who are indigent, and we’ve retuned literally thousands of dollars to these individuals – certainly over a hundred thousand um by way of damages um and also attorney’s fees that come back into the grant. Um we also work with partners in our community - for example, HUD, which is a significant funder of ours, the Attorney General Office, Massachusetts Commission against Discrimination, Boston Fair Housing Commission. Um and so we provide evidence for cases that are heard in those, or for example the Attorney General’s Office has brought in the past where they have resolved cases in a way that people – ways where people have received damages. Um so, and the very first case that we ever did was a source of income case, and people were turning away families with young children, because there was lead paint, which is illegal. That resulted in 150 units being made lead safe, and a significant payment also being made as well. So its work that has a very significant and positive impact in the community, and our students are able to participate in something real and something that provides them with an excellent educational opportunity.

**KL:** Well this is such fascinating work. We’re going to take a brief break, we’ll talk with Bill a little bit about how he’s budgeting and funding some of this research, back in a moment.

As many of you know, I work as the Research Director at Oregon State Ecampus, which produces the Research in Action podcast. I’m excited to share with you the Ecampus has been ranked in the top ten in the nation for the fourth straight year by U.S. News & World Report. As leaders in online education, Oregon State provides students worldwide with access to innovative learning experiences to help them advance their careers and improve their lives. You can learn more by visiting [ecampus.oregonstate.edu.](http://www.ecampus.oregonstate.edu/podcast)

# Segment 2:

**KL:** Bill, I’m excited to talk with you about how you’re budgeting for this research, and particularly how you’re funding it externally, because we’ve had several listener questions about this and how to build a budget, how to adjust a budget depending on what you hear back from a funder. So I want to talk with you first about how you go on creating a budget for this kind of research. What are some of the things that you’re trying to fund, and that you’re building into a kind of request that you may put out to an external funder?

**WB:** Okay. So I should say that our kind of ability in this area has developed over time through experience, and so the kind of things that we’ve received, um, grant funding for having been for example, the testing that I talked about before, enforcement work, education and outreach, and then separately our academic research. Um and so the initial grants that we got, um typically the funder – we got them through HUD, and HUD would put out a notice and would tell the folks seeking the funding exactly how much they could seek. And so, of course, that – you know, is a constraint on how much you can ask for, and so we would work back from that. Most of the cost of the budgets that we do, you know, is in the form of salaries. And so also over time working with the assistant director of our program, Jaime Langowski, who’s been very instrumental in the entire program – we would brainstorm on what are some of the things that we would like most to do, and also we’d have to also consider, what is our funder most interested in? And find the intersection of those two things, and we’ve been pretty successful at that. You know, getting our initial grants that had to do with the testing and the enforcement, and part of it also is being able to understand what is realistic to commit to and not overcommitting, um and ensuring that the funding that available will actually be enough for you to – uh to make good on the deliverables. And part of how we’ve developed our reputation is we’ve been able to consistently do what we said we were going to do and more, and to do it in an excellent way, which has put us in a position to do other work, and to attract other funding. And let me talk briefly just about our research, so that begin with a different kind of a HUD funding that’s not always available, and that was the source of our funding for our gender identity study. And then once we uh – we completely the study and uh – um, just as a side, the analysis group was our expert in that study and they played a significant role in having it done in an excellent way. And we – and I know you’re going to have a link to this study – so that was published recently, and we took that and we went to a Potential Funder in Boston – the Boston Foundation, and just started a discussion with them about our whole program, and we made a connection with them through the city of Boston – folks that we had worked with at the city who were able to speak highly of our work. And it became a conversation that happened over a significant amount of time in which we slowly honed what is it that, you know, they would most be interested in that we can do, and ultimately out of that came the proposal for our race and social of income study, and so how did we develop that budget? We have our own data on how many of these test we can do in a period of time, roughly, you know, the cost of having a coordinator on board in order to do the work, and also budgeting for supervision, and other minor budget amounts. And we wanted – also wanted to keep in mind that – and to explain to our funder that we leverage our work. So for example, my time is not in this budget. Explaining to them ways that we’re – also the analysis group’s time is pro bono which is a very, very significant benefit. And so – also we’re able to do the study for a budget amount that, you know, for this kind of work was reasonable, and we hope to do another excellent study and then to put ourselves in a position to attract even more funding.

**KL:** So I hear a couple of really important things in what you’re describing, Bill. One is not promising more than you can do and to do it in a really excellent way, so that you’re building credibility. But also it sounds like you’re making some strategic decisions about what you need to fund in order to move the project forward, and there may be some things that you’re intentionally not funding that you can kind of donate, for a lack of a better word, in terms of time or resources that – you know, so you’re really going after the stuff that is kind of key to the project moving forward, in terms of the testing and kind of making sure that you have those fundamental things in place, um in terms of the budget that you’re building and requesting.

**WB:** And I should say also, there have been times when we have gotten behind the eight ball a little bit on our deliverables for one thing or the other, and this is part of the learning process – and in those times we have buckled down and gotten the work done, and then kind of put that in the knowledge bank when we go to apply for another grant, and you know, we’re saying to the funder, “This is what we can do in a particular amount of time.”

**KL:** Okay so, I’m really curious if you can talk a little bit about how this funding pipeline got started, and how you’ve had maybe different kinds of successes along the way, because it sounds like you’re working with a couple of different funders. Um and I know just from knowing you and past experience, that you have had a situation where you had kind of more funding coming in than you had planned, and had to kind of respond to that. So can you talk a little bit about kind of the origin story of this funding pipeline and some of the different milestones along the way?

**WB:** Um so our program got started in 2011. Um Victoria Williams from the city of Boston approached us and she was the director of their fair housing and equity office at the time, and talked to us about whether – actually talked to me, about whether I would be interested in starting a testing program, And I thought about it, and of course thought about all of the other things I would have to do and realized, “Okay. If I’m going to do this I would need some additional funding.” So I let her know that, and then didn’t think much about it. Well she came back – um a while later and said, “Well, we have potential funding.” So I was required to write a letter and say we would start a testing program, I also said we would do a fair housing course, and submitted the letter and didn’t think much about it again. Um and then four months later I got the call that we got the grant. And I guess the lesson, you know, that I would have people consider is it wasn’t necessarily something that – it was within my ( ), and I was doing housing work within my clinical program, but it was an opportunity that came along and I knew it would require a lot of additional work over what I was already doing. But it’s been without doubt the most satisfying work that I’ve been able to do in my career to – that resulted from that. And I wasn’t – I wouldn’t have been able to predict it at the time. So just be open to opportunities that come along even if they do require additional work, and they put you out a lot of your comfort zone. So with that first grant, we hired Jaime Langowski who I mentioned, our assistant director who has been involved in creating our program every single step of the way and has been very, very important, and we began to apply for other money from HUD. Now you mentioned at one point, you know, we were a little bit too successful and uh, so we learned a lesson there, you know, where we applied for two different grants and without kind of being sure that we would get either – or figured we might get one or the other and got both, which required a little bit of, you know – it was a happy, you know, kind of circumstance to be in. But we had to make adjustments to make sure that we were able to staff both grants properly which we did, and get all of the work done which required some scrambling at different points. And I should also, you know, mention that we also have very significant support from our institution, and the university has been instrumental all the way in creating this program and helping it grow. HUD, our funder, you know – has also played a significant role in envisioning, you know, us and supporting our work. So we were very fortunate to have the buy in of these players as well as players in the community like the City of Boston, HUD, and the Mass Commission against Discrimination, and others who were vested in our success also.

**KL:** So I – one of the things that you’ve talked about, Bill that I think some people may not know, and especially if they’re less experienced with grant funding, is that once you’ve got those two grants that you kind of weren’t expecting, you did have to make some adjustments I would imagine in your budgets, because if you were thinking of getting one or the other, you probably asked for similar funding for – maybe even some of the same stuff. So when you get that - those two grants back, you know, how did you go about adjusting those budgets? What was that experience like to make sure that you were covering the things you need to cover? And if there was overlap, then what did you do?

**WB:** There is uh – once you get notice um, at least with a HUD grant – that you received the grant, there’s a period of time where you work with the funder, and what typically happens and what happened in both of these instances, is that we didn’t get – uh the amount of money that we applied for and that’s not unusual as well. So um – we asked for a certain amount and got less. And so that gives an opportunity to make some adjustments in the work that you want, and it’s an opportunity to speak with the funder, make the adjustment, kind of figure out where the priorities are, make sure those get done, and um. So it’s just all to say that there is a little bit of a period, you know, before the final paper work is signed where you can have this kind of conversation. And you know, I suppose if it’s not - and you know, I should say that in a federal grant there are very, very specific requirements that must be followed, and are followed. So that’s what we do with HUD. You know, with a funder outside of HUD it may be possible to make adjustments as you go along, and so you know, I think what I would say is do excellent work, keep your funder posted on what you’ve been doing, on how things are going, if there are issues that crop up that might require additional funding. If you’ve done that, you know, you may be in a good position to say, “Hey, okay. Here’s what we’ve done, here’s what we’re finding.” You know, certainly for empirical work you want to make sure that you have the resources to get what’s required by a – in order to get statistically significant results. So you do a power analysis first, and then it suggests the numbers of tests that you need to do. So there is I think possibility to go back to your funder on that as long as you’ve – you know, you have credibility with them to begin with.

**KL:** So Bill, for people who are listening to this you sound so knowledgeable, so credible, so experienced and this is why I brought you on the show. But I also know, and from what you’ve described, this is knowledge and experience you have certainly gained over time as you have done this, and as you have picked up the skills along the way of how to do this successfully. For people who are just getting started with kind of thinking about some of this grant funded work, what are some things that maybe you wish you had known in the beginning, or just kind of, you know, things you had learned along the way through maybe more difficult situations that you’ve had with this grant funding that would be helpful for our listeners who are just starting out?

**WB:** So first thing I would say, if you are looking at foundation funding, it is extremely helpful if through your network you’re able to make connections inside of the foundation. So if you or someone you know who can speak of your work knows someone within the foundation, that’s very important, and get yourself familiar with um their goals and what they’ve done and what they’re trying to accomplish so that you can hone and align the work that you are interested in doing in a manner that would be attractive to them. That’s one thing. Another thing I would say is just be willing to take a leap where you’re not quite sure exactly, you know, how to go about it. Um and um – a certain amount of this kind of work allows you to tackle issues that arise as you go along. So just having the flexibility, trying to, you know, build a network for yourself of people who can – who are mentors and might be able to help you process it, that’s very important as well.

**KL:** Well Bill, I want to thank you so much for taking the time to come on the show, talk a little bit about your housing discrimination research which we will definitely link to in the show notes, and also your tips for budgeting for research as well. Thanks for your time today!

**WB:** My pleasure, thanks for having me!

**KL:** Thanks also to our listeners for joining us for this week’s episode of Research in Action. I’m Katie Linder, and we’ll be back next week with a new episode.

# Show notes with links to resources mentioned in the episode, a full transcript, and an instructor guide for incorporating the episode into your courses, can be found at the show’s website at [ecampus.oregonstate.edu/podcast](http://www.ecampus.oregonstate.edu/podcast).

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# Bonus Clip:

**KL:** In this first bonus clip for episode 131 of the Research in Action podcast, Professor William Berman discusses the benefits of a having a clinical model within a university. Take a listen:

Bill, can you talk about maybe some of the benefits of having a clinical model for this housing discrimination work housed within a law school, that’s housed within a larger university? I can just imagine there are a lot of amazing things that can come out of that.

**WB:** That’s true, Katie. There are tremendous energies with this kind of program, and it is quite unique. There is one other similar program in John Marshall University in Chicago. Uh and it’s excellent because it brings resources into the university, provides great opportunity – educational opportunities for students, kind of leverages all of that for the good of the community. Um gives students an opportunity in terms of networking, internships, and jobs. And for those who participate in the testing program, you know first of all gives them that opportunity and they can do it their entire time at law school and after they graduate, so we have many testers that stay with us after they’ve already graduated. It allows them to understand what it’s like to be a witness which is important for future lawyers, how to prepare a thorough and excellent report – you know, giving kind of an unbiased view of an experience. Um and uh really – and also as we mentioned gives the clinical students and opportunity to work on this kind of case, and develop a knowledge of how to do these cases that they can leave with, and we can potentially refer them cases in the future. So it’s kind of a win, win, win. There are a lot of synergies with the program.

**KL:** So Bill, if you could estimate – you know, how many people do you think have become more educated about housing discrimination through the program that you’ve been running over these past several years?

**WB:** So another aspect of the program is we give regular trainings in the community, and so for example, we work with an entity that does first time home buyer training, and through them alone, we’ve trained over fifteen hundred individuals, and probably you know, between 500 and 1,000 others in other kinds of contexts. Including student groups, cities and towns, other kind of housing related entities. So we really provide a great resource in the community um – uh for education and information about people’s fair housing rights.

**KL:** Well Bill, thank you so much for sharing a little bit more about this powerful work.

**WB:** Thank you!

**KL:** You’ve just heard a bonus clip from episode 131 of the Research in Action podcast with Professor William Berman discussing the benefits of a having a clinical model within a university Thanks for listening!