

**Testimony of Carmelyn P. Malalis
Commissioner and Chair
New York City Commission on Human Rights
Before the Committee on Women and the Committee on Civil and Human Rights
February 28, 2018**

Good afternoon Chair Rosenthal, Chair Eugene and members of the Committees on Women and on Civil and Human Rights. I am Carmelyn P. Malalis, Chair and Commissioner of the NYC Commission on Human Rights. For those in the room that do not know, the Commission on Human Rights is the City agency mandated by statute to enforce New York City's robust protections against discrimination and harassment, including sexual harassment. Thank you for convening today's hearing on this critical issue. The Commission has been a leader in the fight against sexual harassment for decades and today we proudly continue that work by aggressively enforcing the City Human Rights Law in this area, which is more protective and more robust than protections at the state and federal level. In the 1970s, one of my predecessors, now-Congressperson Eleanor Holmes Norton, held the country's first public hearings on gender discrimination while she chaired the Commission on Human Rights. In fact, the first reported usage of the term "sexual harassment" was at a Commission hearing in 1977.

While sexual harassment in the workplace is not a new phenomenon, we are nationally experiencing a reckoning with regards this all too-common human rights abuse. Deep thanks are owed to the women, men, and non-binary people who have been bravely coming forward at much personal and professional risk to share their stories of sexual harassment and assault across industries. The wave of people breaking their silence has been steady and unrelenting, and it is our hope that this collective work allows even more voices to be heard, and even more stories to be surfaced. The power structures that have existed for so long to allow this behavior to persist for – in some cases – decades, to silence victims, to shame victims, and to make victims believe they are powerless, are crumbling around us. Sexual harassment is being exposed for what it is – an abuse of power and privilege. And it is being exposed, in many instances, with women leading the way.

Though abuses in the entertainment industry continue to dominate the headlines, we know that low-wage workers, immigrant workers, domestic workers, LGBTQ workers, and workers of color experience sexual harassment at extremely high rates, and their unique and intersecting vulnerabilities make it even harder for them to assert their rights, protect themselves, and demand justice. Many of these kinds of workers file claims at the Commission, and though their stories of discrimination, harassment, and retaliation are known to the Commission's staff – the people that investigate and prosecute their claims, as well as the people who work to strengthen and educate their communities and employers – we knew that their stories were not being given adequate public airing.

With this recognition, the Commission organized and held a Citywide public hearing on sexual harassment in the workplace on December 6, 2017. We heard testimony from a diversity of industries, from construction to domestic workers to the modeling and fashion industry; and we heard from workers, advocates, and government officials about what NYC and the Commission

could do differently or do better to combat sexual harassment. It was a powerful night where over 100 people converged from across the boroughs, and some people even came up from Washington, D.C., to listen to people's experiences enduring, fighting, challenging, and overcoming sexual harassment. We extended invitations to the general public, community-based organizations, legal advocates, all of the City Council Members, other local and some state elected officials, and the federal Equal Employment Opportunity Commission ("EEOC"), among others. I want to take a moment to publicly thank all the people who submitted testimony and/or stayed throughout the long night to listen to the testimony, including Public Advocate Letitia James, State Assembly Member Carmen de la Rosa, and the EEOC. The Commission will be releasing a report this spring that will include our findings and recommendations, including policy recommendations, best practices for specific types of workplaces, and other essential information from the hearing. We will make sure the members of these two committees receive a copy and we would be happy to review it with you.

Starting in early 2016, in response to the activism surrounding the Women's March, the Commission has worked with local and national media to contribute to stories on gender discrimination and the unique protections under the City Human Rights Law. This work has garnered close to one hundred press mentions on gender discrimination and sexual harassment so far. Last year, the Commission published a first-ever public outreach brochure on City Human Rights Law protections regarding issues that disproportionately affect women, including information on pregnancy, caregiver, and gender discrimination, along with a factsheet on sexual and street harassment, both of which are available on our website in ten languages. These materials were promoted in a digital and social media ad campaign in March last year, during women's history month, obtaining over two million views, and have been distributed at many Commission community events and to community-based organizations across the five boroughs. Over the past few months, the Commission's web content on gender discrimination and sexual harassment, including video content from our historic December hearing, has garnered close to 300,000 views online.

This coming April, we will also be launching a Citywide public awareness campaign on workplace sexual harassment, protections under the City Human Rights Law, and how to access the Commission as a resource, with ads in subway cars, bus shelters, and across community, ethnic, digital, and social media, in multiple languages. As with our other campaigns over the last three years, we will work with employee rights advocates, advocates for employers and in the management bar, chambers of commerce and business associations, community-based organizations, legal services, and other groups to get the word out.

The Commission has also revamped its sexual harassment in the workplace training, which we provide, free of charge, to community-based organizations, non-profits, business associations, and other entities, consistent with our capacity. We have received significant interest from different organizations and groups to provide this training and have been rolling it out this month.

Sexual Harassment Standard Under the NYC Human Rights Law

In the past few months, the Commission has received quite a bit of attention for its work combating sexual harassment and the strong legal protections that exist within the City, so allow me to provide some context on our law. Consistent with the general mandates of our statute, the New York City Human Rights Law, protections against sexual harassment, like protections in other areas of the law, are construed to provide broad remedial protection. Sexual harassment is considered a form of gender discrimination under the City Human Rights Law, which is defined as discrimination against “such person [on the basis of gender] in compensation or in terms, conditions or privileges of employment.” N.Y.C. Admin. Code § 8-107(1)(a). In 2009, a New York State Appellate Division case introduced a legal standard for what constitutes sexual harassment under the City Human Rights Law that has been followed by NY State and federal courts in interpreting the law. That standard has also been codified into the City Human Rights Law in 2016 as part of a second Restoration Act. The case is *Williams v. NYC Housing Authority*, in which the appellate court rejected the federal standard that limits claims for harassment to conduct that is “severe or pervasive” and determined that under the City Human Rights Law, sexual harassment exists when an individual is “treated less well than other employees because of [] gender,” and the offending conduct involves more than “petty slights or trivial inconveniences.” *Williams v. N.Y.C. Hous. Auth.*, 61 A.D.3d 62, 78, 872 N.Y.S.2d 27 (1st Dep’t 2009). The court in *Williams* further stated that “even a single comment that objectifies women...made in circumstances where that comment would, for example, signal views about the role of women in the workplace [may] be actionable.” 61 A.D.3d at 84 n.30.

So how has New York City’s more generous standard played out in sexual harassment cases? One of the best examples we can point to is a federal Second Circuit case. In that case, the court vacated a finding of summary judgment for an employer because the court applied the federal “severe or pervasive” standard to the employee’s City Human Rights Law sexual harassment claims rather than the *Williams* standard. In this case, *Mihalik v. Credit Agricole*, 715 F.3d 102 (2d Cir. 2013) the employee alleged that the CEO of the bank, who was also the plaintiff’s supervisor, regularly inquired about her relationship status, often commented on her appearance, asked her about whether she enjoyed a particular sexual position, showed her pornography on his computer once or twice a month, and propositioned her multiple times. There were allegations that this type of behavior was generally accepted at the bank, and that male employees regularly talked about visiting strip clubs and rated their female colleagues’ appearances. *Id.* at 105-06. However, the lower court dismissed the case. On appeal, the Second Circuit correctly applied the *Williams* standard, finding that a jury could reasonably find that the plaintiff was treated “less well” because of her gender, and that the conduct complained of was neither petty nor trivial. The Second Circuit concluded that the sexually charged conduct, including unwanted sexual attention and two sexual propositions, subjected the plaintiff to a different set of employment conditions than her male colleagues.

There is a growing recognition that the federal standard (“severe or pervasive”) is insufficient and outdated, and that broader standards, like that of New York City could be a model elsewhere. In fact, lawmakers from other jurisdictions, including the California State Senate and

the U.S. Senate, have sought our feedback and expertise in exploring alternative standards and crafting sexual harassment legislation.

I want to highlight a few other important aspects of our law, some of which were also raised during our December 6 hearing. Independent contractors, interns and volunteers, whether paid or unpaid, are also protected under the City Human Rights Law. Specifically, independent contractors, who may not have workplace rights under state or federal statutes, are protected as employees under the City Human Rights Law, so long as they are not employers themselves. We understand that there is proposed legislation to further clarify and expand protections for independent contractors, and the Commission is interested in working with the Council to move this legislation forward.

In addition, workers who have signed arbitration agreements may still bring claims to the Commission. The Commission has authority to bring claims against covered entities without an individual being named. Acting as the complainant, the Law Enforcement Bureau of the Commission can require that the respondent pay damages to the wronged party, regardless of whether that individual signed an arbitration agreement, in addition to mandating policy changes, training, and the payment of civil penalties to the general fund of the City of New York.

We should all be proud of the robust protections the City Human Rights Law provides to New Yorkers, employed in both the public and private sectors, and I'm grateful to the people in this room who have worked hard to strengthen those protections. There are, however, certainly areas where we can expand protections and improve access to information, training, and tools to ensure that employers more readily comply with the law. We are proud to be working closely with the City Council on the package of bills that have just been introduced, and we look forward to continuing to work together on our shared goals of strengthening the City Human Rights Law and expanding resources to New Yorkers.

Recent Sexual Harassment Cases at the NYC Commission on Human Rights

Over the past three years, under my leadership, the Commission has been particularly aggressive on sexual harassment cases. Gender-based discrimination is consistently one of the most common forms of employment discrimination the Commission investigates. In 2017, claims of gender-based discrimination were the top discrimination area of complaint in employment, with 117 claims, or 17% of all employment-related claims. In the last two years, sexual harassment claims at the Commission increased by 43 percent over the previous two years. Since 2015, the Commission has secured over \$1.4 million in penalties and damages for sexual harassment cases.

In my first year, my office issued a final Decision and Order in a case of egregious sexual harassment, involving multiple instances of unwanted touching and constant lewd comments about the complainant's body and sexual availability, over a three-year period. The respondent admitted to the behavior, even claiming that he was entitled to do it. The Commission levied the highest penalty ever in the Commission's history, \$250,000, in addition to over \$400,000 in damages to the complainant.

Three recent settlements illustrate both the work of the Commission enforcing the law in this area and also the importance of the more generous City Human Rights Law standard. The Commission awarded an employee of a construction company nearly \$60,000 in emotional distress damages and backpay after her supervisor sent her a lewd text message and subjected her to unwanted advances. When she asked that her supervisor keep things professional, he fired her. In another recent case, an employee alleged that a supervisor made unwanted comments of a sexual nature towards her and grabbed his crotch while leering at her and while they were alone in an office. Again, the Commission found probable cause that sexual harassment occurred and settled the case for \$50,000 in damages for emotional distress to the complainant. In a case involving a worker at a national fast food chain, the Commission found probable cause where the worker's manager rubbed her shoulders and spoke to her in sexually explicit terms. The Commission found that the touching and the comments were sufficient to demonstrate sexual harassment under the NYC Human Rights Law and settled the case for \$10,000 in damages for emotional distress to the complainant.

From our historic public hearing this past December and our upcoming report on sexual harassment, to our increased enforcement and heightened damages and penalties, to our updated sexual harassment training, and extensive communications campaigns, I hope it is clear that the Commission takes our mandate to enforce the broad protections of the City Human Rights Law extremely seriously. We will continue to act aggressively on sexual harassment to ensure that New Yorkers feel safe, respected, and supported in the workplace.

* * * * *

I truly appreciate the opportunity to testify before you today. I look forward to your questions.

**Testimony before New York City Council
Committee on Civil and Human Rights and Committee on Women
February 28, 2018 at 1:00pm**

Charise Terry, Executive Director

Good afternoon members of the Committee on Women and the Committee on Civil and Human Rights, I am Charise Terry, Executive Director of the New York City Equal Employment Practices Commission. This Commission represented by Commissioner Elaine Reiss, appears before you today to present testimony on its role in instituting Best Practices and Policies for the prevention of Sexual Harassment in New York City government.

Created by the New York City Charter, the Equal Employment Practices Commission is an independent, non-mayoral City agency empowered to monitor and evaluate City agencies to ensure that they maintain effective equal employment opportunity (EEO) for employees and applicants from protected groups. Agencies which fall under this Commission's jurisdiction are those that are funded in whole or in part by the City treasury, those which the majority of the board members are appointed by the mayor, or those which the majority of the board members serve by virtue of being city officers. In order to promote equal employment opportunities, Chapter 36 of the City Charter authorizes the EEPC to monitor coordination of the affirmative employment programs established by the City; monitor the employment policies, programs and practices of City agencies; ensure compliance with the City's Human Rights Law, state and federal anti-discrimination laws and the EEPC's standards; and propose policy, legislative and/or regulatory recommendations to the Mayor, New York City Council, and Department of Citywide Administrative Services (DCAS).

Chapters 35 and 36 of the City Charter assigns to the EEPC powers and duties geared towards maintenance of equal opportunity employment programs which include, but are not limited to:

- reviewing and providing suggestions on the uniform standards, procedures and programs of DCAS as well as the plans adopted by city agencies;
- auditing and evaluating the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity at least once every four years and whenever requested by the civil service commission, the human rights commission, or the EEPC when deemed necessary;
- making a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, requiring appropriate corrective action, and monitoring the implementation of the corrective action prescribes;
- making policy, legislative and budgetary recommendations to the Mayor, City Council, DCAS or any city agency as deemed necessary to ensure equal employment opportunity within the City of New York; and
- requesting and receiving from any City agency, information and such assistance as may be necessary to carry out the provisions of the Charter.

To effectuate the aforementioned provisions, the City Charter assigns a Board of 5 per diem Commissioners. The Board is comprised of 2 appointees each from the Mayor and City Council, and a Chair jointly appointed by the Mayor and Speaker of the Council, who all serve in staggered 4-year terms. This arrangement is intended to ensure balance and insulation from political influence and to facilitate exercise of jurisdiction over the employment practices of mayoral and non-mayoral agencies, as well as the offices of elected officials and political appointees.

Sexual harassment impacts employment decisions and unreasonably interferes with work performance, thereby creating a barrier to equal employment opportunities. The City Charter authorizes the EEPC to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for females and minority group members. Thus, the EEPC has developed audit protocols that focus on the prevention of, and protection from, sexual harassment.

An audit is a methodical review, analysis and evaluation of an agency's employment-related practices (including EEO Program). The EEPC administers an audit to examine agencies efforts to: establish and maintain affirmative plans, measures, and programs to provide and remove barriers to employment opportunities; establish and institute firm policies against discriminatory employment practices; implement meaningful and responsive procedures for investigating discrimination complaints; and administer programs to educate employees about unlawful discrimination.

The EEPC has established various subject-area audits for the purpose of examining particular issues. The Discrimination Complaint and Investigation Procedure Audit (DCIPA) is such an audit. In 2014 and 2015, the EEPC administered the DCIPA to the agencies audited. In 2016 and 2017 the EEPC focused on agencies' recruitment and selection practices. Due to the recent wave of sexual harassment complaints within the private sector, during the EEPC's December 21, 2017 meeting the Board of Commissioners voted to modify this former audit, which focused on the intake and investigation of all types of discrimination complaints, and create a new audit with emphasis on the prevention of sexual harassment. While it is not the role of the EEPC to investigate individual complaints of employment discrimination or sexual harassment, the EEPC has determined that it is within our purview to audit, evaluate and monitor City agencies to ensure that they implement and maintain legally sound policies and procedures against sexual harassment, meaningful and responsive procedures for investigating sexual harassment complaints, and programs to educate employees about the prevention of sexual harassment. This audit, entitled the Sexual Harassment Prevention Audit (SHPA) is the subject matter focus for the Commission's 2018-2020 Audit Plans, and the focus of today's testimony.

Today, we have personnel from the EEPC's Research and Audit Units to describe the role the EEPC has and will assume in addressing the prevention of Sexual Harassment in New York City government via its audit mandate.

Patrick Boyle, Director of Research Initiatives and Public Hearings, EEPC Research Unit

Good afternoon members of the Committee on Women and the Committee on Civil and Human Rights, my name is Patrick Boyle, Director of Research Initiatives and Public Hearings of the EEPC's Research Unit. In 2018, the Equal Employment Practices Commission commenced its Audit Plan using the Sexual Harassment Prevention Audit (SHPA). In preparation for this type of audit, the EEPC has requested citywide complaint information from the Department of Citywide Administrative Services – Office of Citywide Diversity and Equal Employment Opportunity. The EEPC also requests from an agency during its audit, a breakdown of the number and types of discrimination complaints filed internally and externally.

This audit is intended to prepare agencies to address potential issues involving sexual harassment. Failure to carefully craft strategies preventing the occurrence of sexual harassment or the inability to

manage complaints that may be filed as a result of an incident are costly, not only in terms of financial resources but also the detrimental effects resulting in a hostile workplace, cultural discord, and negative public image.

The SHPA will assist agencies with implementing corrective actions intended to ensure compliance with federal, state, and local laws via the standard EEPC audit process. In addition, the audit can provide agencies with insight identified by the EEPC and guidelines proposed by authorities such as the EEOC and the SDHR.

The SHPA framework examines a series of equally important and intertwined components. As sexual harassment prevention initiatives must remedy a systemic disruption of the workplace, these components span the entirety of the workforce structure. Senior leadership, human resources departments, equal employment offices, learning and development functions, managers, and most importantly the individual employees all play vital roles in the prevention and protection initiative.

The initial component focuses on the formal sexual harassment policy that is set forth by the organization. The policy must contain certain elements that define the issues and procedures, while clarifying the roles and responsibilities of every employee. This policy should include the obligation to report incidents, how to file complaints, transparent investigatory processes, as well as potential disciplinary actions.

The next component focuses on the importance of leadership action. For successful sexual harassment prevention initiatives leadership must commit to assigning the required resources (e.g. time, budget, labor resources, etc.). This includes effective communications to management and other key stakeholders about the value of leadership accountability and constant vigilance to identify potential risks. This vigilance requires cultural awareness and a commitment to workforce data analyses.

Another component examines the available sexual harassment reporting and tracking system. The ideal process has guidelines in place that assist complainants and investigators through the process in a timely, well-documented, and efficient manner. Given the sensitive nature of reporting these events, a procedure that guarantees expedience, confidentiality, and anonymity when requested, for the complainant or whistleblower must be in place.

A subsequent component relies on sexual harassment prevention awareness and training. Employees at all levels should have access to information that allows them to proactively prevent instances, identify risk factors, react appropriately, and resolve potential issues regarding sexual harassment. Given the importance of leadership and managerial accountability, mandatory training for supervisors may be beneficial.

The final component concentrates on efforts put forth by agencies to ensure constant vigilance by leveraging workforce data and analytics. A thorough understanding of the current state of the organizational culture is imperative for proactive initiatives. Various sources of information can be used to provide insight, such as cultural pulse surveys, recurring complaint tracking reviews, and personnel

action trend analyses. This data can serve as a predictive sexual harassment risk assessment and direct leadership intervention or training strategies.

The aforementioned components are embedded in the EEPC's SHPA. Considering the potential impact of these components, we are confident that the SHPA will add significant value to the already vital function of EEPC audits.

Ilacia Zuell, Manager EEO Analysis and EEPC Audit Unit

Good afternoon, members of the Committee on Women and the Committee on Civil and Human Rights, my name is Ilacia Zuell, Manager of the EEO Analysis and EEPC Audit and I will be concluding this testimony.

The EEPC's Audit Unit consists of one manager and four to five EEO Program Analysts. EEO Program Analysts administer audits and serve as a resource to the EEPC Executive Director and Board members for any audit findings or conclusions. As aforementioned, the New York City Charter, Chapter 36, Section 831(d)(5) empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

During the SHPA, an EEO Program Analyst will review and examine: the complaint and investigation component of an agency's EEO Program to ascertain whether the agency has established meaningful and responsive procedures for receiving and investigating sexual harassment complaints; the agency's complaint tracking and monitoring system; the number and types of sexual harassment complaints the agency has received; the availability of personnel dedicated to complaint intake and investigation; (redacted) complaint files and supporting documentation that demonstrates complaints were investigated, a determination was made and remedial action was documented; and the roles and responsibilities of the EEO personnel, the Agency Counsel and the agency head in the complaint investigation procedures.

This Commission's audit methodology includes the collection and analysis of documents, records and data that an agency provides in response to an EEPC Document and Information Request Form and a review of the agency's Annual EEO Plans and Quarterly EEO Reports, if any. In addition, an EEO Program Analyst administers electronic interview questionnaires to each agency's principal EEO professional, principal Human Resources professional and legal staff involved in complaint investigation or complaint procedure administration or implementation. Once the data and questionnaires are analyzed, the EEO Program Analyst prepares determinations which delineate findings and prescribe corrective action in non-compliant areas. Subsequently, the agency is monitored for implementation of corrective action for up to six months. This process occurs for each agency at least once every 4 years.

Excessive discrimination complaints or a saturation of a particular complaint type are not prerequisites to this type of audit. In 2018, the EEPC will initiate the audit of 35 agencies using these protocols. Thereafter, all agencies under the EEPC's jurisdiction will receive SHPA within this quadrennial cycle.

WOMEN in NYC

deserve to live and work with

RESPECT
SAFETY and
DIGNITY

HARASSMENT IS NEVER OKAY.

Under the New York City Human Rights Law, one of the strongest and broadest anti-discrimination laws in the country, women who visit, live, or work in NYC have the right to be free from discrimination and harassment as they go about their daily lives. The NYC Commission on Human Rights, the City agency responsible for combating discrimination and enforcing the NYC Human Rights Law, fights to ensure that all women are treated with dignity and respect.

Discrimination based on your protected status such as gender and gender identity, race, color, religion/creed, national origin, disability, sexual orientation, immigration status, or other protected status is unlawful in NYC. If you have been the victim of discrimination or harassment, report it to the NYC Commission on Human Rights by calling 311 and asking for Human Rights or calling the Commission directly at (718) 722-3131.

For more information on protections for women and other categories under the NYC Human Rights Law, **visit NYC.gov/HumanRights**.

HARASSMENT ON THE JOB

The NYC Human Rights Law protects women from harassment on the job by making it unlawful for employers or colleagues to mistreat women or treat them differently because of their gender, pregnancy, or status as a caregiver. In addition, women are entitled to reasonable accommodations at work based on their pregnancy, childbirth, or related medical condition to ensure that no woman should have to choose between their job and a healthy pregnancy.

The NYC Human Rights Law prohibits discrimination in:

- **Hiring, firing, and work assignments**
- **Salary, benefits and other forms of compensation**
- **Promotions or demotions**
- **Performance evaluations**
- **Any other decisions that affect the terms and conditions of employment**

Scenarios to help you identify harassment:

A woman is approached by her supervisor, who has asked her out on numerous occasions, and is told that “prudes don’t get promotions and you better get with the program.”

A server in a restaurant is harassed by a regular customer, who repeatedly pinches her thighs and buttock and invites her to go home with the customer. The server tells her manager what’s going on and asks if she can be assigned to another table when the customer comes in, but the manager refuses.

HARASSMENT ON THE STREET AND IN OTHER PUBLIC SPACES

The NYC Human Rights Law prohibits gender-based harassment on the street, in public spaces, and in all types of public accommodations, such as restaurants and gyms. Women have the right to attend a doctor’s appointment, eat at a restaurant, and enjoy other public accommodations without fear of being harassed or mistreated because they are women.

Public accommodations must provide equal access to their goods and services regardless of gender. Examples of common businesses and areas of public accommodation where women are protected include:

- **Stores**
- **Banks**
- **Medical or dental offices**
- **Government agencies**
- **Hair salons**
- **Hospitals**
- **Hotels**
- **Theaters**
- **Restaurants**
- **Schools**

Scenarios to help you identify harassment:

A woman is approached on campus by an acquaintance who says, “Hey gorgeous (while aggressively pulling the woman by her wrist), I’m taking you back to my room so you know what it’s like to be with a real man.”

A woman is approached by a neighbor on her way to work. The neighbor shoves her aggressively against the wall and says “Pretty women shouldn’t be walking alone at night, you never know what can happen.”





Sexual Harassment Prevention:
What to Know About Unlawful and Inappropriate Behaviors in the Workplace

[Begin >](#)

Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace

Online Training – Screenshots as of February 2018

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NYC City of New York Administration for Children & Families Division of Child Welfare Services

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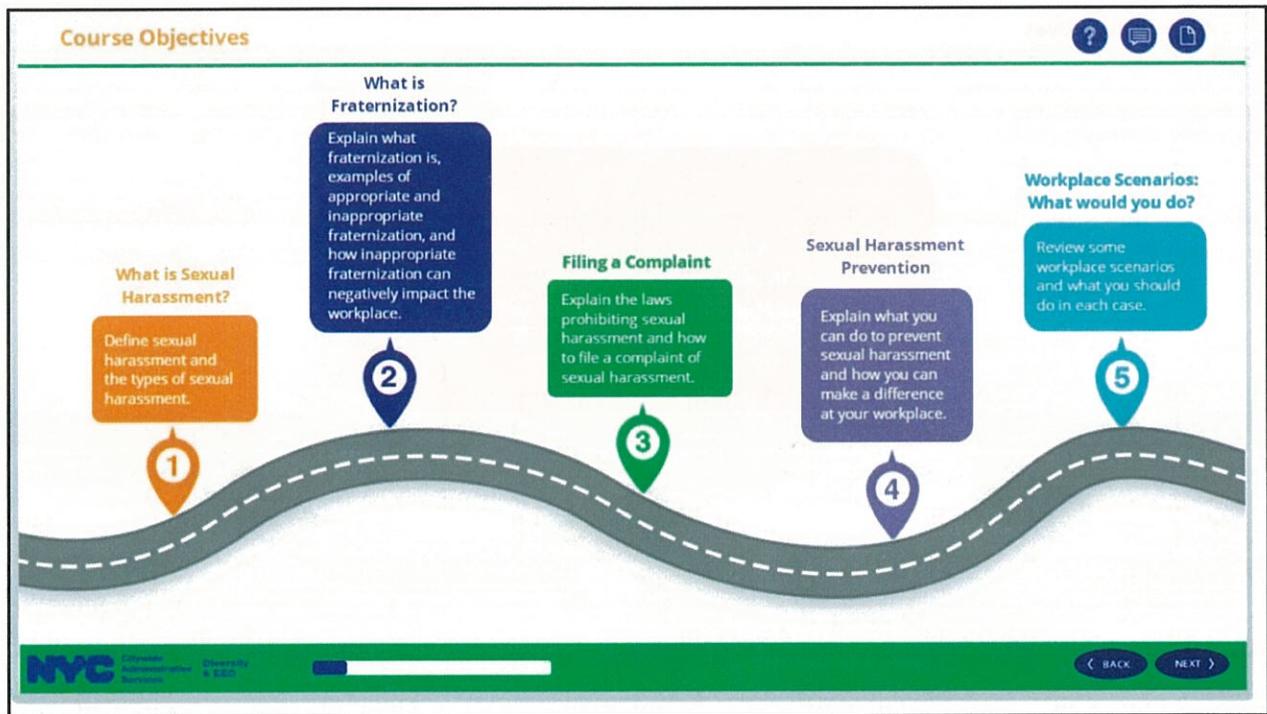
Course Objectives

Although there have been major strides in preventing sexual harassment in the workplace, it is still a problem that needs our attention. Our objectives for this course are to explain what sexual harassment is, how it can impact the workplace, how to prevent it and how to help stop it if it occurs.

NYC Citywide Administration Services Division 20

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Although there have been major strides in preventing sexual harassment in the workplace, it is still a problem that needs our attention. Our objectives for this course are to explain what sexual harassment, how it can impact the workplace, how to prevent it and how to help stop it if it occurs.



In Module 1 of this course, we will define sexual harassment and the types of sexual harassment.

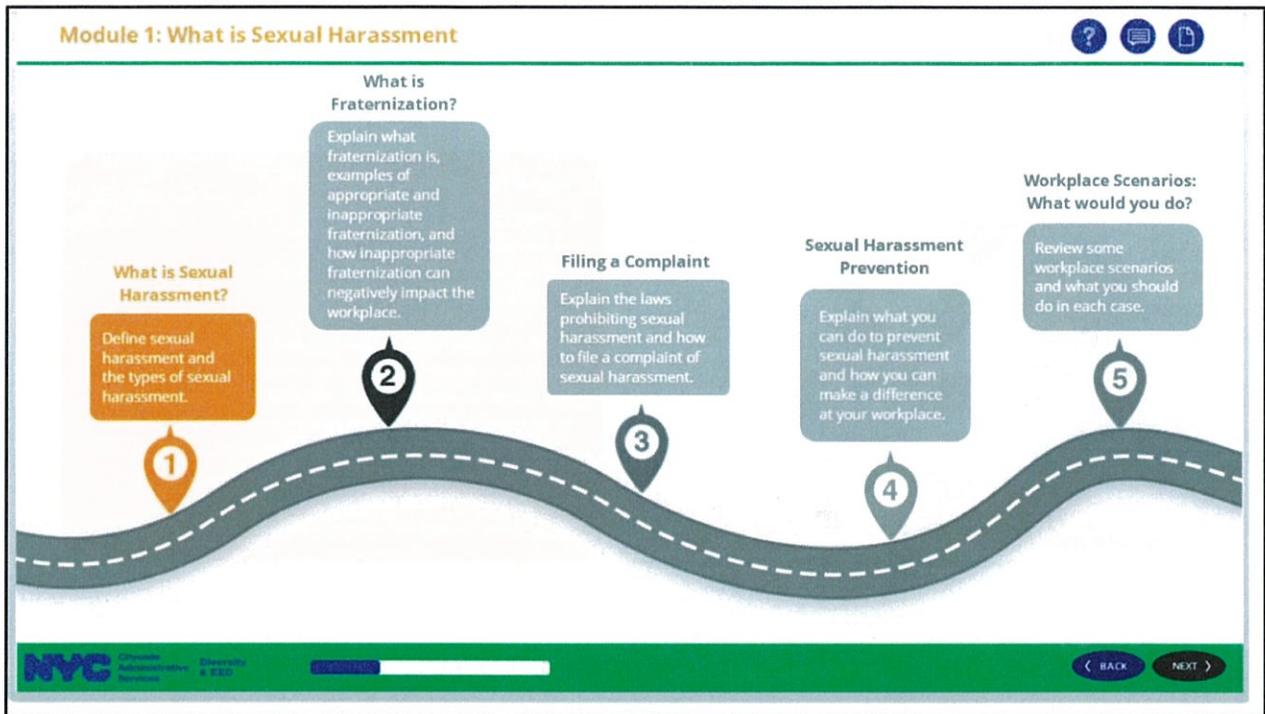
Module 2 will explain what fraternization is, examples of appropriate and inappropriate fraternization, and how inappropriate fraternization can negatively impact the workplace.

In Module 3, we will explain the laws prohibiting sexual harassment and how to file a complaint of sexual harassment.

In Module 4, we will explain what you can do to prevent sexual harassment and how you can make a difference at your workplace.

In the last part of this course, Module 5, we will review some workplace scenarios and what you should do in each case.

Click Next to continue.



In Module 1 of this course, we will define sexual harassment and the types of sexual harassment.

What is Sexual Harassment?



Sexual harassment is any

- **unwelcome sexual advances**
- **requests for sexual favors**
- **other verbal or physical conduct of a sexual nature**

in which someone's submission to or rejection of the conduct is made part of their employment, used as the basis for employment decisions affecting them, or the conduct unreasonably interferes with their work or creates an intimidating, hostile or offensive work environment.

Sexual harassment may also involve unequal treatment based on someone's gender.

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature in which someone's submission to or rejection of the conduct is made part of their employment, used as the basis for employment decisions affecting them, or the conduct unreasonably interferes with their work or creates an intimidating, hostile or offensive work environment.

Sexual harassment may also involve unequal treatment based on someone's gender.

Behavior is unwelcome if the person did not:



Behavior is unwelcome if the person did not initiate, encourage, provoke or request it, and it is insulting, offensive, intimidating or threatening.

Scenario: Jerry and Brenda

Keeping in mind this definition of sexual harassment, let's look at an example.

NYC Citywide Information System Version 1.0

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Keeping in mind this definition of sexual harassment, let's look at an example.

Scenario: Jerry and Brenda



Jerry

Brenda



Jerry and Brenda are co-workers in the same department and were dating each other for some time. Jerry ended the relationship three months ago.

Since then, Brenda used a social media site to create an account called, "Big Jerk Jerry" and posted embarrassing photos of Jerry on this site, including nude photos.

During a lunch break, Brenda started gossiping to some co-workers about her past relationship with Jerry. She also used her cell phone to show them the nude photos on the "Big Jerk Jerry" account.

Has Brenda engaged in sexual harassment?
Click Yes or No

Yes

No



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Scenario Jerry and Brenda

Jerry Brenda

That's correct. Click "Next" to learn why.

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Has Brenda engaged in sexual harassment?
Click Yes or No

Yes No

NYC © 2015 Thanks to NYC

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That's correct. Click "Next" to learn why.

Scenario: Jerry and Brenda

Jerry Brenda

Jerry and Brenda are co-workers in the same department and were dating each other for some time. Jerry ended the relationship three months ago.

this site, including nude photos.

During a lunch break, Brenda started gossiping to some co-workers about her past relationship with Jerry. She also used her cell phone to show them the nude photos on the "Big Jerk Jerry" account.

Has Brenda engaged in sexual harassment?
Click Yes or No

Yes No

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Department of
Services

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BACK NEXT

That's incorrect. Click "Next" to learn why.

What is Sexual Harassment?

Verbal **Gossiping to peers**

Non-verbal

Physical

Visual (Media) **Use of social networking site**



NYC City of New York Department of Social Services Division of Disability Resources

100%

BACK NEXT

This example highlights two categories of behaviors that could be considered sexual harassment, but there are other categories.

What is Sexual Harassment?

Click each of the categories:

- Verbal
- Non-verbal
- Physical
- Visual (Media)



NYC Department of Education Division of Special Education

[BACK](#) [NEXT](#)

Sexual harassment can be grouped into four categories of behaviors: verbal, non-verbal, physical and visual or media. Click each of the categories for a list of behaviors that could be considered sexual harassment.

What is Sexual Harassment?

Click each of the categories:

- Verbal**
- Non-verbal**
- Physical**
- Visual (Media)**

- Gossiping or having sexual conversations at work or about another employee
- Using offensive language about a person's sexual orientation
- Offensive jokes of a sexual nature or comments about a person's physical attributes
- Repeatedly asking a co-worker for a date
- Flirting
- Sexist or stereotypical remarks based on gender. For example, "a woman's place is in the kitchen" or "a man's job is to make money, not raise the kids."
- Using demeaning phrases or references such as honey, sweetheart, darling or hunk

NYC Citywide Administration Services Division 13 3-1-1

← BACK NEXT →

Verbal:

- Gossiping or having sexual conversations at work or about another employee
- Using offensive language about a person's sexual orientation
- Offensive jokes of a sexual nature or comments about a person's physical attributes
- Repeatedly asking a co-worker for a date
- Flirting
- Sexist or stereotypical remarks based on gender. For example, "a woman's place is in the kitchen", or "a man's job is to make money, not raise the kids"
- Using demeaning phrases or references such as honey, sweetheart, darling or hunk

What is Sexual Harassment?



Click each of the categories:



Engaging in behaviors, such as shoulder massages, hugging and back scratching or other unwelcome touching

Standing too close or leaning suggestively towards someone

Invading someone's personal space



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Physical:

- Engaging in behaviors, such as shoulder massages, hugging and back scratching or other unwelcome touching
- Standing too close or leaning suggestively towards someone
- Invading someone's personal space

Who Are the People Involved?



There's a common belief when you hear the words **sexual harassment** that the harasser is a man and the victim is a woman.

This is likely because the majority of sexual harassment complaints are brought by women.

However, men can also be harassed, and the harasser can be any gender.

There's a common belief when you hear the words sexual harassment that the harasser is a man and the victim is a woman. This is likely because the majority of sexual harassment complaints are brought by women. However, men can also be harassed, and the harasser can be any gender.

Who Are the People Involved?



Also, the victim and harasser do not have to be a different gender from each other.

For example, a man can sexually harass another man, and a woman can sexually harass another woman.

Employees of the opposite sex



Employees of the same sex



Also, the victim and harasser do not have to be a different gender from each other. For example, a man can sexually harass another man, and a woman can sexually harass another woman.

Click Next to continue.

Who Are the People Involved?



Another common belief about sexual harassment is that the harasser is always the victim's supervisor



NYC
Department of
Social Services
6 311



Another common belief about sexual harassment is that the harasser is always the victim's supervisor.

Where Does Sexual Harassment Occur?

Let's look at an example. In which of these settings can sexual harassment occur? Select all that apply and click SUBMIT.

NYC Citywide Administration Services Security & EEO

BACK SUBMIT

Let's look at an example. In which of these settings can sexual harassment occur? Select all that apply and click Submit.

Where Does Sexual Harassment Occur?

Let's look at an example. In which of these settings can sexual harassment occur? Select all that apply and click SUBMIT.

A Holiday Party

Lunch with co-workers or vendor

In a city vehicle or in the field

A locker room

NYC Office of Professional Services Division of Professional Services

[BACK](#) [SUBMIT](#)

The image shows a survey interface with a title 'Where Does Sexual Harassment Occur?' at the top. Below the title are four image-based options, each with a checkbox: 'A Holiday Party' (top left), 'Lunch with co-workers or vendor' (top right), 'In a city vehicle or in the field' (bottom left), and 'A locker room' (bottom right). A central blue bubble contains the text: 'Let's look at an example. In which of these settings can sexual harassment occur? Select all that apply and click SUBMIT.' At the bottom, there is a green bar with the NYC logo and 'Office of Professional Services' and 'Division of Professional Services' text, a progress indicator, and 'BACK' and 'SUBMIT' buttons.

Lunch with co-workers or vendors, A holiday party, A locker room, In a city vehicle

Where Does Sexual Harassment Occur?

A Holiday Party

In a city vehicle or in the field

Lunch with co-workers or vendor

A locker room

 That's correct. Sexual harassment can occur in all of these settings. Sexual harassment can occur at anytime and anywhere. It does not only happen during the work day or in an office building or workstation.

Continue

NYC CITY OF NEW YORK Department of Social Services

BACK SUBMIT

That's correct. Sexual harassment can occur in all of these settings. Sexual harassment can occur at anytime and anywhere. It does not only happen during the work day or in an office building or workstation.

Click continue.

Where Does Sexual Harassment Occur?

A Holiday Party

Lunch with co-workers or vendor

In a city vehicle or in the field

A locker room

That's incorrect. Sexual harassment can occur in all of these settings. Sexual harassment can occur at anytime and anywhere. It does not only happen during the work day or in an office building or workstation.

Continue

NYC City of New York Department of Social Services

BACK SUBMIT

That's incorrect. Sexual harassment can occur in all of these settings. Sexual harassment can occur at anytime and anywhere. It does not only happen during the work day or in an office building or workstation.

Click continue.

Types of Sexual Harassment

HOSTILE WORK ENVIRONMENT

Hostile work environment occurs when unwelcome conduct or comments unreasonably interfere with a person's work performance or creates an uncomfortable, intimidating or offensive work environment, even if the conduct and comments are not directed at the person.



QUID PRO QUO (this for that)

Quid Pro Quo, which basically means if you do this for me, I'll do that for you, is when a manager or supervisor makes employment actions or decisions based on a person's rejection or agreement to sexual favors or advances. For example, a positive or negative performance evaluation, a promotion, or a demotion.



NYC Department of Social Services Division of Human Resources

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There are two types of sexual harassment: Hostile Work Environment and Quid Pro Quo.

Hostile work environment occurs when unwelcome conduct or comments unreasonably interfere with a person's work performance or creates an uncomfortable, intimidating or offensive work environment, even if the conduct and comments are not directed at the person.

Quid Pro Quo, which basically means "if you do this for me, I'll do that for you.", is when a manager or supervisor makes employment actions or decisions based on a person's rejection or agreement to sexual favors or advances. For example, a positive or negative performance evaluation, a promotion or a demotion.

Click Next to continue.

Scenario: Jennifer and Natalie

Jennifer **Natalie**

Jennifer is Natalie's supervisor and they have been working together for a year.

A few months ago, Jennifer asked Natalie out on a date. When Natalie politely declined, Jennifer replied, "perhaps, you should reconsider; I wouldn't want you to miss out on any opportunities."

Since then, Jennifer has started to assign fewer projects to Natalie than usual, and avoids Natalie in the office. Natalie has noticed these changes and is feeling excluded?

What type of sexual harassment is this? Click Hostile Work Environment or Quid Pro Quo.

Hostile Work Environment **Quid Pro Quo**

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[← BACK](#) [NEXT →](#)

Let's take a look at examples of both types of sexual harassment. Jennifer is Natalie's supervisor. They have been working together for a year. A few months ago, Jennifer asked Natalie out on a date. When Natalie politely declined, Jennifer replied, "perhaps, you should reconsider; I wouldn't want you to miss out on any opportunities." Since then, Jennifer has started to assign fewer projects to Natalie than usual, and avoids Natalie in the office. Natalie has noticed these changes and is feeling excluded.

What type of sexual harassment is this? Click "Hostile Work Environment" or "Quid Pro Quo."

Scenario: Jennifer and Natalie

Jennifer Natalie

Jennifer is Natalie's supervisor and they have been working together for a year.

That's correct. Jennifer rejected Natalie's invitation for a date, then Natalie treated Jennifer differently than before by assigning her fewer projects and avoiding her at work. As it appears that this change in Natalie's behavior is because of Jennifer's rejection, it is an example of **Quid Pro Quo** sexual harassment.

Click Next to continue.

Hostile Work Environment Quid Pro Quo

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Department of
Social Services

BACK NEXT

That's correct. Jennifer rejected Natalie's invitation for a date, then Natalie treated Jennifer differently than before by assigning her fewer projects and avoiding her at work. As it appears that this change in Natalie's behavior is because of Jennifer's rejection, it is an example of Quid Pro Quo sexual harassment.

Click Next to continue.

Scenario: Jennifer and Natalie

Jennifer Natalie

Jennifer is Natalie's supervisor and they have been working together for a year.

That's incorrect. Jennifer rejected Natalie's invitation for a date, then Natalie treated Jennifer differently than before by assigning her fewer projects and avoiding her at work. As it appears that this change in Natalie's behavior is because of Jennifer's rejection, it is an example of **Quid Pro Quo** sexual harassment.

Click Next to continue.

Hostile Work Environment Quid Pro Quo

NYC Division of Administrative Services Division of Employee Services # 620

BACK NEXT

That's incorrect. Jennifer rejected Natalie's invitation for a date, then Natalie treated Jennifer differently than before by assigning her fewer projects and avoiding her at work. As it appears that this change in Natalie's behavior is because of Jennifer's rejection, it is an example of Quid Pro Quo sexual harassment.

Click Next to continue.

Scenario: Carol and Darren



Carol

Darren



Carol and Darren have been working together as peers for a few months.

Lately Carol has been making some sexual remarks about women in general, such as, "she's hot!" and "I wish I could take her home tonight!" These comments are making Darren uncomfortable.

Darren has started avoiding Carol, which is negatively affecting the quality of his work.

What type of sexual harassment is this?

Click Hostile Work Environment or Quid Pro Quo.

Hostile Work Environment

Quid Pro Quo



Carol and Darren have been working together for a few months. Lately, Carol has been making some sexual remarks about women in general, such as, "she's hot!" and "I wish I could her home tonight!" These comments are making Darren uncomfortable. Darren has started avoiding Carol, which is negatively affectively the quality of his work. What type of sexual harassment is this?

Click "Hostile Work Environment" or "Quid Pro Quo."

Scenario: Carol and Darren

Carol Darren

Carol and Darren have been working together as peers for a few months.

That's correct. Carol's sexual comments are making Darren uncomfortable and impacting his work, so this is an example of **Hostile Work Environment** sexual harassment. Remember that a Hostile Work Environment occurs when unwelcome sexual behavior or comments unreasonably create an uncomfortable, offensive or intimidating environment.

Click Next to continue.

Hostile Work Environment

Quid Pro Quo

BACK NEXT

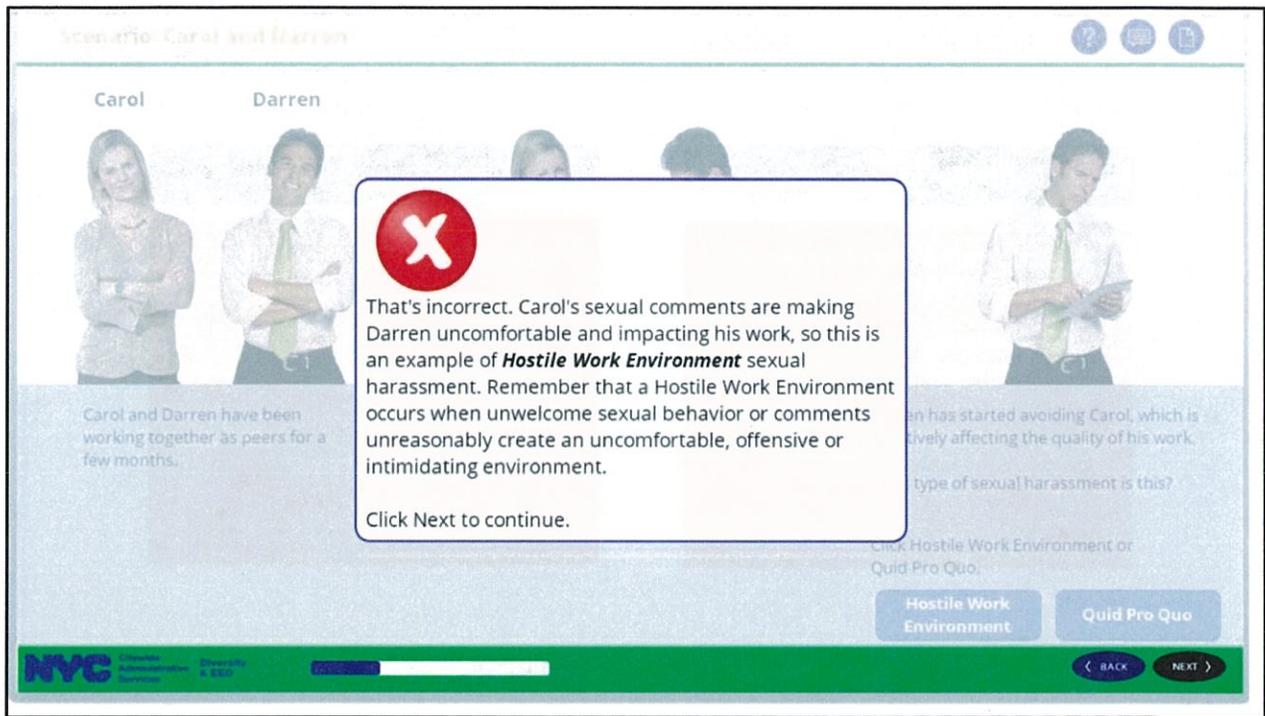
NYC

That's correct. Carol's sexual comments are making Darren uncomfortable an impacting his work, so this is an example of Hostile Work Environment sexual harassment. Remember that a Hostile Work Environment occurs when unwelcome sexual behavior or comments unreasonably create an uncomfortable, offensive or intimidating environment.

Click Next to continue.

Scenario: Carol and Darren

Carol Darren



Carol and Darren have been working together as peers for a few months.

That's incorrect. Carol's sexual comments are making Darren uncomfortable and impacting his work, so this is an example of **Hostile Work Environment** sexual harassment. Remember that a Hostile Work Environment occurs when unwelcome sexual behavior or comments unreasonably create an uncomfortable, offensive or intimidating environment.

Click Next to continue.

Hostile Work Environment

Quid Pro Quo

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BACK NEXT

That's incorrect. Carol's sexual comments are making Darren uncomfortable an impacting his work, so this is an example of Hostile Work Environment sexual harassment. Remember that a Hostile Work Environment occurs when unwelcome sexual behavior or comments unreasonably create an uncomfortable, offensive or intimidating environment.

Click Next to continue.

The Impact of Sexual Harassment in the Workplace

- ?
- 💬
- 📄

Legal or Disciplinary Impact	Other Types of Impact
<ul style="list-style-type: none">• Litigation costs (e.g. defending a lawsuit, damages, and attorney fees)• A spike in other discrimination or harassment complaints (e.g. retaliation complaints)• Voluntary or involuntary separation	<ul style="list-style-type: none">• Decrease in employee morale• Possible psychological or emotional harm• Employee absenteeism• Increased employee turnover• Poor employer reputation• A tense working environment

NYC Office of Administrative Services Division 11 1-800-352-3737

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The impact of sexual harassment may include legal and disciplinary consequences or other types of consequences. Some legal or disciplinary consequences include litigation costs (e.g. defending a lawsuit, damages, and attorney fees), a spike in other discrimination or harassment complaints (e.g. retaliation complaints), and voluntary or involuntary separation. Other types of consequences include decrease in employee morale, possible psychological or emotional harm, employee absenteeism, increased employee turnover, poor employee reputation, and a tense working environment.

Click Next to continue.

Fear of Retaliation



Sexual harassment claims can lead to a spike in other harassment or discrimination claims, such as retaliation.

NYC COMMUNITY DEVELOPMENT CORPORATION DISABILITY RIGHTS 8 800

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As we just covered, sexual harassment claims can lead to a spike in other harassment or discrimination claims, such as retaliation. It's human nature to be fearful about accusing someone of something. What if your perception is wrong? What if your harasser starts retaliating against you?

Fear of Retaliation



Retaliation is any type of **unfavorable or adverse employment conduct** taken against someone because they participated in a legally protected activity, such as filing a complaint about sexual harassment or another form of harassment or discrimination, opposed harassment or discrimination, or cooperated in an investigation about harassment or discrimination.

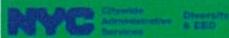
Retaliation can take many forms and may include:

- **Termination**
- **Denial of a promotion**
- **Threats of negative employment action**
- **Negative performance evaluations**
- **An increase in the person's workload or change in assignment.**



It's human nature to be fearful about accusing someone of something.

Sexual harassment and retaliation are both **illegal**. Later in this course we will review how you can file a complaint about sexual harassment or retaliation.



Retaliation is any type of unfavorable or adverse employment conduct taken against someone because they participated in a legally protected activity, such as filing a complaint about sexual harassment or another form of harassment or discrimination, opposed harassment or discrimination, or cooperated in an investigation about harassment or discrimination.

Retaliation can take many forms and may include:

- Termination
- Denial of a promotion
- Threats of negative employment action
- Negative performance evaluations
- An increase in the person's workload or change in assignment

Sexual harassment and retaliation are both illegal. Later in this course, we will review how you can file a complaint about sexual harassment or retaliation.

Click Next to continue.

REVIEW

- Sexual harassment is any
 - **unwelcome sexual advances**
 - **requests for sexual favors**
 - **other verbal or physical conduct of a sexual nature**in which someone's submission to or rejection of the conduct is made part of their employment, used as the basis for employment decisions affecting them, or the conduct unreasonably interferes with their work or creates an intimidating, hostile or offensive work environment. Sexual harassment may also involve unequal treatment based on someone's gender.
- Anyone can be the harasser and anyone can be harassed, regardless of either person's gender, title or position, or whether they work directly for the employee or not.

Let's review what we've covered in this module.

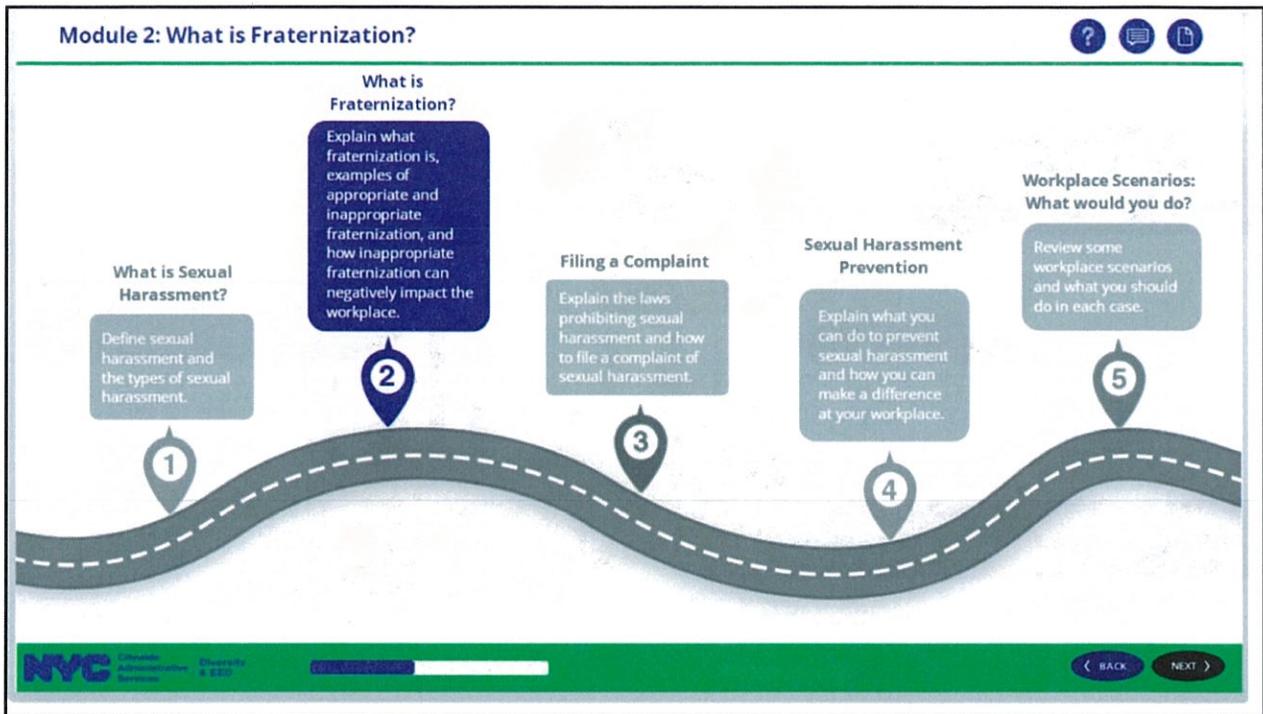
- Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature in which someone's submission to or rejection of the conduct is made part of their employment, used as the basis for employment decisions affecting them, or the conduct unreasonably interferes with their work or creates an intimidating, hostile or offensive work environment. Sexual harassment may also involve unequal treatment based on someone's gender.
- Anyone can be the harasser and anyone can be harassed, regardless of either person's gender, title or position, or whether they work directly for the employee or not.



REVIEW

- There are two types of sexual harassment:
 - **Hostile Work Environment** is unwelcome conduct or comments that unreasonably interfere with a person's work performance or creates an uncomfortable, intimidating or offensive work environment, even if the conduct and comments are not directed at the person.
 - **Quid Pro Quo** is when a manager or supervisor makes employment actions or decisions based on a person's rejection or agreement to sexual favors or advances.
- Retaliation is any **unfavorable or adverse employment action** taken against someone because they filed a complaint about sexual harassment or another form of harassment or discrimination, they opposed harassment or discrimination, or they cooperated in an investigation about harassment or discrimination.
- Sexual harassment and retaliation are both **illegal**.

- There are two types of sexual harassment:
- Hostile Work Environment is unwelcome conduct or comments that unreasonably interfere with a person's work performance or creates an uncomfortable, intimidating or offensive work environment, even if the conduct and comments are not directed at the person.
- Quid Pro Quo is when a manager or supervisor makes employment actions or decisions based on a person's rejection or agreement to sexual favors or advances.
- Retaliation is any unfavorable or adverse employment action taken against someone because they filed a complaint about sexual harassment or another form of harassment or discrimination, they opposed harassment or discrimination, or they cooperated in an investigation about harassment or discrimination.
- Sexual harassment and retaliation are both illegal.



Module 2 will explain what fraternization is, examples of appropriate and inappropriate fraternization, and how inappropriate fraternization can negatively impact the workplace.

What is Fraternization? ?

Behaviors that may be inappropriate for the workplace although not illegal



Not to discourage friendships in the workplace or between employees

Understand how some inappropriate behaviors may negatively impact the workplace



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In this module, we look at behaviors that may be inappropriate for the workplace although not illegal. This is not to discourage friendships in the workplace or between employees. Rather, we want to ensure that you understand how some inappropriate behaviors may negatively impact the workplace.

What is Fraternalization?



Let's talk about **fraternization**, a term that you may have heard even before taking this course. To **fraternize** means to associate with someone in a friendly manner.



Fraternalization in the workplace usually refers to the consensual relationship between a supervisor and a subordinate, who may either be dating romantically or are friendly with each other



Fraternalization can also occur between colleagues who don't supervise each other.



Office of
Professional
Services

Division 10
§ 87(2)(b)

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Let's talk about fraternization, a term that you may have heard even before taking this course. To fraternize means to associate with someone in a friendly manner. Fraternalization in the workplace usually refers to the consensual relationship between a supervisor and a subordinate, who may either be dating romantically or are friendly with each other, but fraternization can also occur between colleagues who don't supervise each other.

What is Fraternization?



Some City agencies have their own fraternization policy that explains what is allowed and what is not allowed. To find out if your agency has a fraternization policy, ask your supervisor or EEO Officer, and become familiar with that policy. However, whether or not your agency has a fraternization policy, we want you to be aware of how inappropriate fraternization can negatively impact the workplace by making it tense or uncomfortable.

Other examples of the impact of inappropriate fraternization include:

- **Workplace conflict**
- **Decreased productivity**
- **Employee disengagement**
- **Low morale**

Some City agencies have their own fraternization policy that explains what is allowed and what is not allowed. To find out if your agency has a fraternization policy, ask your supervisor or EEO Officer, and become familiar with that policy. However, whether or not your agency has a fraternization policy we want you to be aware of how inappropriate fraternization can negatively impact the workplace by making it tense or uncomfortable. Other examples of the impact of inappropriate fraternization include workplace conflict, decreased productivity, and employee disengagement and low morale.

Appropriate vs. Inappropriate Fraternization

So what behaviors are appropriate and which are not?

Would the behavior offend you?

Sometimes, the best way to determine this is to ask yourself

Could the behavior offend someone?

As a guiding principle, you should always try to be respectful of others.

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BACK

So, what behaviors are appropriate and which are not? Sometimes, the best way to determine this is to ask yourself, could your behavior offend someone? Would the behavior offend you? As a guiding principle, you should always try to be respectful of others. Let's now look at some examples of appropriate and inappropriate behaviors.

Appropriate vs. Inappropriate Fraternization

Having a casual drink with your co-worker after work

Patting a co-worker's thigh during a meeting

Regularly kissing a co-worker hello/good-bye at the start/end of the work

Sexually explicit compliments to a subordinate, such as "I like the way you fill out that blouse"

A casual conversation at work with a subordinate about how you spent your weekend

Sharing a farewell hug in the office with a supervisor who is retiring

Appropriate

Inappropriate

NYC Citywide Administration & Support

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On the left side of your screen are examples of some examples of interactions between employees. Indicate whether each example is appropriate or inappropriate fraternization by dragging and dropping it into the correct folder on the right side of your screen. Once you have dragged all the actions to the correct folders, click Submit.

Appropriate vs. Inappropriate Fraternization ? 🗨️ 📄

Drag-and-drop the action to the correct folder:

That's correct!

Continue

Patting a co-worker's thigh during a meeting

Inappropriate

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← BACK **SUBMIT**

That's correct. Click continue.

Appropriate vs. Inappropriate Fraternization ? 🗨️ 📄

Drag-and-drop the action to the correct folder:

at the

 Sorry, that's not correct.

[Click here to see correct response](#)

Sharing a farewell hug in the office with a supervisor who is retiring

Inappropriate

NYC Citywide Department Services 8 330

[← BACK](#) **SUBMIT**

That's incorrect. Click here to see the correct response.

Appropriate vs. Inappropriate Fraternization



Having a casual drink with your co-worker after work

A casual conversation at work with a subordinate about how you spent your weekend

Sharing a farewell hug in the office with a supervisor who is retiring



Patting a co-worker's thigh during a meeting

Regularly kissing a co-worker hello/good-bye at the start/end of the work

Sexually explicit compliments to a subordinate, such as "I like the way you fill out that blouse"

Click Next to continue.

What is Sexual Favoritism?



As we covered earlier in this module, a supervisor dating a subordinate is an example of workplace fraternization. However, this kind of relationship is unique in that it can lead to sexual favoritism in the workplace.



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As we covered earlier in this module, a supervisor dating a subordinate is an example of workplace fraternization. However, this kind of relationship is unique in that it can lead to sexual favoritism in the workplace.

What is Sexual Favoritism?



Sexual favoritism occurs when a supervisor awards employment opportunities, benefits or preferential treatment to someone because of that person's relationship with that supervisor.



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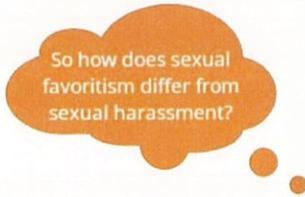
Disability
EEOC

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Sexual favoritism occurs when a supervisor awards employment opportunities, benefits or preferential treatment to someone because of that person's relationship with that supervisor.

Click Next to continue.



The key difference is in why the person is being awarded the employment opportunity, benefit or preferential treatment.

So how sexual favoritism differ from sexual harassment? The key difference is in why the person is being awarded the employment opportunity, benefit or preferential treatment.

Sexual Favoritism vs. Sexual Harassment



Sexual Favoritism:

The person is favored because of their consensual relationship with the supervisor.



Sexual Harassment:

The person is favored because they submitted to the supervisor's unwelcome sexual attention.



In sexual favoritism, the person is favored because of their consensual relationship with the supervisor. In sexual harassment though, the person is favored because they submitted to the supervisor's unwelcome sexual attention.

Click Next to continue

Sexual Favoritism vs. Sexual Harassment



Jose



Sasha



Michael



Alexandra



Let's look at an example.

Jose, Sasha and Alexandra are co-workers in the same department. A chance to manage a big project has come up, for which they are all equally qualified and ask to be considered.

Michael, their manager, is dating Alexandra. Michael decides to make Alexandra the project leader.

In this situation, since Michael is dating Alexandra, Sasha and Jose may perceive his decision to make Alexandra the project leader to be **sexual favoritism**. They may think that Alexandra was awarded the position over them because she's dating their boss. Sasha and Jose may also perceive Michael's decision as **sexual harassment** and bring a complaint against him.



Let's look at an example. Jose, Sasha and Alexandra are co-workers in the same department. A chance to manage a big project has come up, for which they are all equally qualified and ask to be considered. Michael, their manager, is dating Alexandra. Michael decides to make Alexandra the project leader. In this situation, since Michael is dating Alexandra, Sasha and Jose may perceive his decision to make Alexandra the project leader to be sexual favoritism. They may think that Alexandra was awarded the position over them because she's dating their boss. Sasha and Jose may also perceive Michael's decision as sexual harassment and bring a complaint against him.

Click Next to continue.

Sexual Favoritism vs. Sexual Harassment



But what if, instead of Alexandra, Michael made Sasha the project leader after Sasha agreed to his request to sleep with him?

Michael



Sasha



Michael's decision to make Sasha the **project** leader would be an example of **Quid Pro Quo** sexual harassment.



But what if, instead of Alexandra, Michael made Sasha the project leader after Sasha agreed to his request to sleep with him? Then Michael's decision to make sasha the project leader would be an example of Quid Pro Quo sexual harassment.

Click Next to continue.

Module 2: Review

REVIEW

- **Fraternization** in the workplace refers to the consensual relationship between employees who may either be dating romantically or are friendly with each other. This type of relationship may exist between a supervisor and a subordinate or between employees who don't supervise each other. Inappropriate fraternization can negatively impact the workplace and some City agencies have their own fraternization policy that explains what is allowed and what is not allowed.
- **Sexual favoritism** is when a supervisor awards employment opportunities, benefits or preferential treatment to someone because of that person's relationship with that supervisor.

NYC City of New York Department of Social Services Division of Employee Support

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Let's review what we covered in this module.

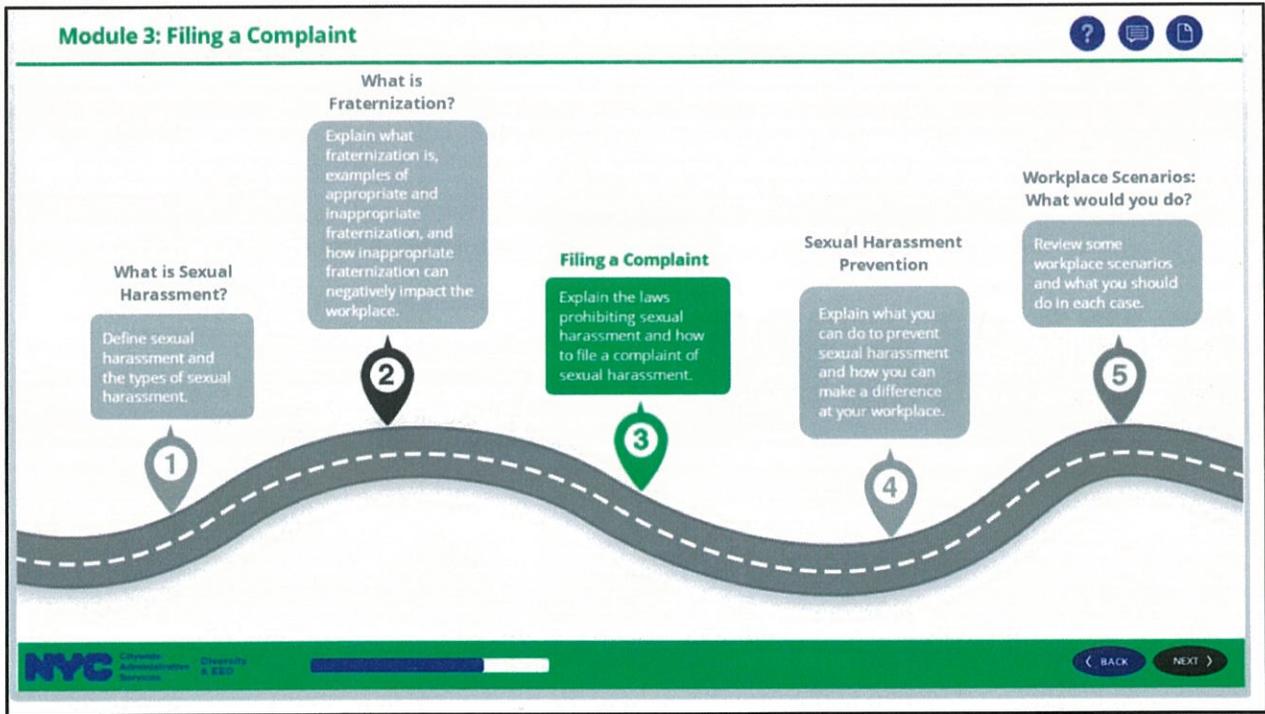
- Fraternization in the workplace refers to the consensual relationship between employees who may either be dating romantically or are friendly with each other. This type of relationship may exist between a supervisor and a subordinate or between employees who don't supervise each other. Inappropriate fraternization can negatively impact the workplace and some City agencies have their own fraternization policy that explains what is allowed and what is not allowed.
- Sexual favoritism is when a supervisor awards employment opportunities, benefits or preferential treatment to someone because of that person's relationship with that supervisor.



REVIEW

- Sexual favoritism is different from sexual harassment.
- In **sexual favoritism** the person is favored because of their consensual relationship with the supervisor.
- In **sexual harassment** the person is favored because they submitted to the supervisor's unwelcome sexual attention.

- Sexual favoritism is different from sexual harassment.
- In sexual favoritism, the person is favored because of their consensual relationship with the supervisor
- In sexual harassment the person is favored because they submitted to the supervisor's unwelcome sexual attention.



In Module 3, we will explain the laws prohibiting sexual harassment and how to file a complaint of sexual harassment.

Scenario: Jason and Samuel ? 🗨️ 📄

Jason **Samuel**



Jason received a poor performance evaluation from his supervisor, Samuel.

A few months ago, before Samuel started supervising Jason, Samuel and Jason briefly dated each other until Jason ended the relationship.

Jason now thinks Samuel gave him a poor evaluation because he ended their relationship.

May Jason file a complaint of sexual harassment?
Click Yes or No.

Yes **No**

NYC Division of Administrative Hearings Division 10 § 87(2)(b) Progress Bar ← BACK NEXT →

Jason received a poor performance evaluation from his supervisor, Samuel. A few months ago, before Samuel started supervising Jason, Samuel and Jason briefly dated each other until Jason ended the relationship. Jason now thinks Samuel gave him a poor evaluation because he ended their relationship. May Jason file a complaint of sexual harassment? Click "Yes" or "No."

Scenario: Jason and Samuel

Jason Samuel

Jason received a poor performance evaluation from his supervisor, Samuel.

That's correct. Since Jason believes Samuel gave him a poor performance evaluation because Jason ended their dating relationship, this could be an example of **Quid Pro Quo** sexual harassment and Jason has the right to bring a complaint.

Click Next to continue.

Jason now thinks Samuel gave him a poor evaluation because he ended their relationship.

Jason file a complaint of sexual harassment? Yes or No.

Yes No

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BACK NEXT

That's correct. Since Jason believes Samuel gave him a poor performance evaluation because Jason ended their dating relationship, this could be an example of *Quid Pro Quo* sexual harassment and Jason has the right to bring a complaint.

Scenario: Jason and Samuel

Jason Samuel

Jason received a poor performance evaluation from his supervisor, Samuel.

That's incorrect. Since Jason believes Samuel gave him a poor performance evaluation because Jason ended their dating relationship, this could be an example of **Quid Pro Quo** sexual harassment and Jason has the right to bring a complaint.

Click Next to continue.

Jason now thinks Samuel gave him a poor evaluation because he ended their relationship.

Jason file a complaint of sexual harassment? Yes or No.

Yes No

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BACK NEXT

That's incorrect. Since Jason believes Samuel gave him a poor performance evaluation because Jason ended their dating relationship, this would be an example of *Quid Pro Quo* sexual harassment and Jason has the right to bring a complaint.

What are the Laws Prohibiting Sexual Harassment?



Click each image for more information.



Federal Law



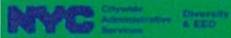
Local Government



State Law



City of New York
(employer)



City of New York
Department of Citywide Operations



Sexual harassment is prohibited under federal, state and city laws. The City's EEO Policy also prohibits sexual harassment and some City agencies even have their own sexual harassment policy statement. Click the images on your screen to learn more about each law.

What are the Laws Prohibiting Sexual Harassment?

Click each image for more information.

 Federal Law

 State Law

 Local Government

 (employer)

- Sexual harassment violates **Title VII of the Civil Rights Act of 1964**.
- The US Equal Employment Opportunity Commission, or **EEOC**, is the government agency that was created to enforce this law. The EEOC also has specific guidelines on sexual harassment.

You can access information about this law here.

Title VII:
[Title VII Information](#)

EEOC:
[EEOC Laws](#)

NYC
 City of New York
 Department of Social Services
 6 NYCRR

← BACK NEXT →

Federal Law: Sexual harassment violates Title VII of the Civil Rights Act of 1964, a federal law. The United States Equal Employment Opportunity Commission or EEOC is the government agency that was created to enforce this law. The EEOC also has specific guidelines on sexual harassment. You can access information about this law here.

What are the Laws Prohibiting Sexual Harassment?

Click each image

- Sexual harassment violates the New York State Human Rights Law.
- The State Division of Human Rights or SDHR is the government agency that was created to enforce this law. SDHR also has guidelines on sexual harassment.
- You can access information about this law here

[Guidance on Sexual Harassment for all Employers in New York State](#)

[New York State Human Rights Law](#)

Federal Law

Local Government

NYC
Citywide Administration Services
Diversity & EEO

BACK NEXT

State Law: At the state level, sexual harassment violates the New York State Human Rights Law. The State Division of Human Rights or SDHR is the government agency that was created to enforce this law. SDHR also has guidelines on sexual harassment. You can access information about this law here.

What are the Laws Prohibiting Sexual Harassment?

Click ea

- Sexual harassment violates the New York City Human Rights Law.
- The City Commission on Human Rights or CCHR is the government agency that was created to enforce this law. CCHR also has guidelines on sexual harassment.
- You can access information about this law here.

[NYC Human Rights in the Workplace](#)

[New York City Administrative Code: Unlawful Discriminatory Practices](#)

Federa

vernment

NYC
Citywide
Administration
& EEO

BACK NEXT

Local Law: At the local level, sexual harassment violates the New York City Human Rights Law. The City Commission on Human Rights or CCHR is the government agency that was created to enforce this law. CCHR also has guidelines on sexual harassment. You can access information about this law here.

What are the Laws Prohibiting Sexual Harassment?

Click each image for more information

Federal Law

State Law

The City of New York's Equal Employment Opportunity or **EEO** Policy also prohibits sexual harassment in the workplace. Your agency's EEO Office is responsible for enforcing this Policy. You can access information about this Policy here. Some City agencies also have a separate policy statement on sexual harassment. Ask your supervisor or your agency's EEO Officer if your agency has its own policy statement on sexual harassment and become familiar with it.

EEO POLICY STATEMENT

Local Government

New York (er)

NYC Office of Administrative Services Diversity & EEO

[BACK](#) [NEXT](#)

City of New York (employer): The City of New York's Equal Employment Opportunity or EEO Policy also prohibits sexual harassment in the workplace. Your agency's EEO Office is responsible for enforcing this Policy. You can access information about this Policy here. Some City agencies also have a separate policy statement on sexual harassment. Ask your supervisor or your agency's EEO Officer if your agency has its own policy statement on sexual harassment and become familiar with it.

Filing a Complaint ? ⓘ 📄

Jason **EEO Officer**

The first thing Jason should do is:

- Review the City's **EEO** Policy
- If he wants to file a complaint under the EEO Policy, he should promptly contact his agency's EEO Officer.

The EEO Officer will help him determine whether the conduct he has reported constitutes a complaint of sexual harassment or other possible EEO violation, or refer him accordingly.

Matters that are reported to the EEO Officer are entitled to **privacy** and **confidentiality**.

NYC Citywide Administration & EEO ← BACK NEXT →

The first thing Jason should do is review the City's EEO Policy. If he wants to file a complaint under the EEO Policy, he should promptly contact his agency's EEO Officer. The EEO Officer will help him determine whether the conduct he has reported constitutes a complaint of sexual harassment or other possible EEO violation, or refer him accordingly. Matters that are reported to the EEO Office are entitled to **privacy** and **confidentiality**. However, Jason may choose to file a complaint with his EEO Office **anonymously**.

Filing a Complaint



Jason



The first thing Jason should do is:

- Review the City's **EEO** Policy
- If he wants to file a complaint under the EEO Policy, he should promptly contact his agency's EEO Officer.
- However, Jason may choose to file a complaint with his EEO Officer **anonymously**.

If Jason does not want to file a complaint with his EEO Officer, he may instead file his complaint with one of the other agencies established to enforce the laws prohibiting sexual harassment, such as the EEOC, SDHR or CCHR.

If Jason does not want to file a complaint with his EEO Office, he may instead file his complaint with one of the other agencies established to enforce the laws prohibiting sexual harassment, such as the EEOC, SDHR or CCHR.

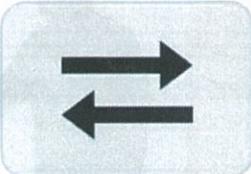
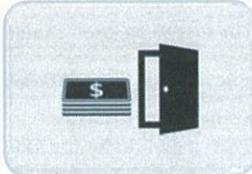
Interim Relief ? 🗨️ 📄

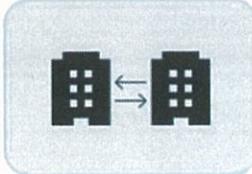


If you are being sexually harassed you may be entitled to **interim or temporary relief** while your complaint of sexual harassment is being investigated.

Interim relief may be appropriate especially when there are threats of workplace violence or threats of physical harm.

Click each image for examples of interim relief:



NYC Office of Administrative Services Division of Disability & Senior Services

[← BACK](#) [NEXT →](#)

If you are being sexually harassed you may be entitled to **interim or temporary relief** while your complaint of sexual harassment is being investigated.

Interim relief may be appropriate especially when there are threats of workplace violence or threats of physical harm.

Click each of the images for some examples of interim relief.

Interim Relief

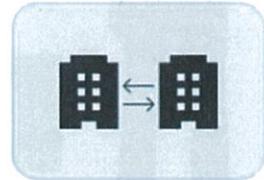
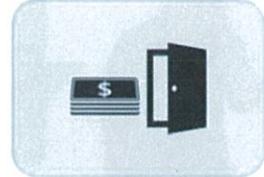


If you are being sexually harassed you may be entitled to **interim or temporary relief** while your complaint of sexual harassment is being investigated.

Interim relief may be appropriate especially when there are threats of workplace violence or threats of physical harm.

Click each image for examples of interim relief:

A temporary transfer or reassignment of one or both parties to a different office building, department or unit on a different floor of the building



A temporary transfer or reassignment of one or both parties to a different office building, department or unit on a different floor of the building.

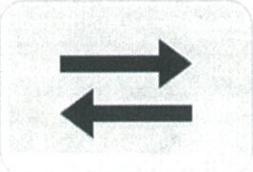
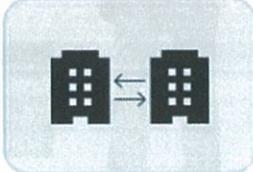
Interim Relief ? 🗨️ 📄



If you are being sexually harassed you may be entitled to **interim or temporary relief** while your complaint of sexual harassment is being investigated.

Interim relief may be appropriate especially when there are threats of workplace violence or threats of physical harm.

Click each image for examples of interim relief:

-  A temporary shift or tour of duty change for either or both parties
-  Supervisor
- 

NYC City of New York Department of Citywide Operations Services Emergency & ESC ← BACK NEXT →

A temporary shift or tour of duty change for either or both parties.

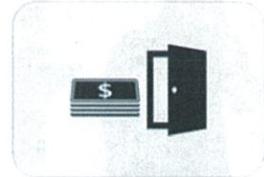
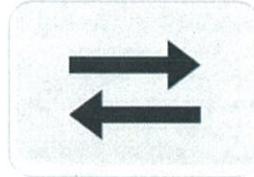
Interim Relief



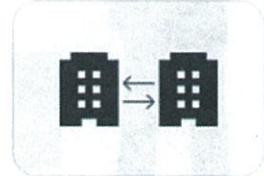
If you are being sexually harassed you may be entitled to **interim or temporary relief** while your complaint of sexual harassment is being investigated.

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Click each image for examples of interim relief:



A temporary restructure of the unit or department that suspends any reporting or supervisory relationship between the parties



A temporary restructure of the unit or department that suspends any reporting or supervisory relationship between the parties .

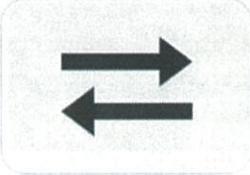
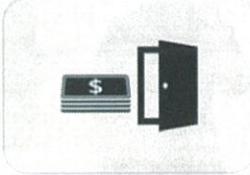
Interim Relief ? 💬 📄



If you are being sexually harassed you may be entitled to **interim or temporary relief** while your complaint of sexual harassment is being investigated.

Interim relief may be appropriate especially when there are threats of workplace violence or threats of physical harm.

Click each image for examples of interim relief:


A temporary reassignment for one of the parties to a special project that can be completed in a different work area

NYC City of New York Administration for Children & Families Progressive & Equitable

[← BACK](#) [NEXT →](#)

A temporary reassignment for one of the parties to a special project that can be completed in a different work area.

Interim Relief



There may be **reasonable accommodations** available for victims of domestic violence, stalking or sexual offenses.



Sometimes, bringing a complaint of sexual harassment may lead to fears of workplace violence or threats of physical harm outside of the workplace.

In these instances, the agency's EEO Officer and the agency's **Workplace Violence Coordinator** should work together to coordinate reasonable measures to ensure that the workplace is safe, and inform the complaining party about their right to pursue their concerns to the New York City Police Department if appropriate.

Sometimes, bringing a complaint of sexual harassment may lead to fears of workplace violence or threats of physical harm outside of the workplace. In these instances, the agency's EEO Officer and the agency's Workplace Violence Coordinator should work together to coordinate reasonable measures to ensure that the workplace is safe, and inform the complaining party about their right to pursue their concerns to the New York City Police Department if appropriate.

There may also be **reasonable accommodations** available for victims of domestic violence, stalking or sexual offenses.



REVIEW

- There are **federal, state and city** laws that prohibit sexual harassment.

The **City's EEO Policy** also prohibits sexual harassment in the workplace and several City agencies have their own sexual harassment policy statements.

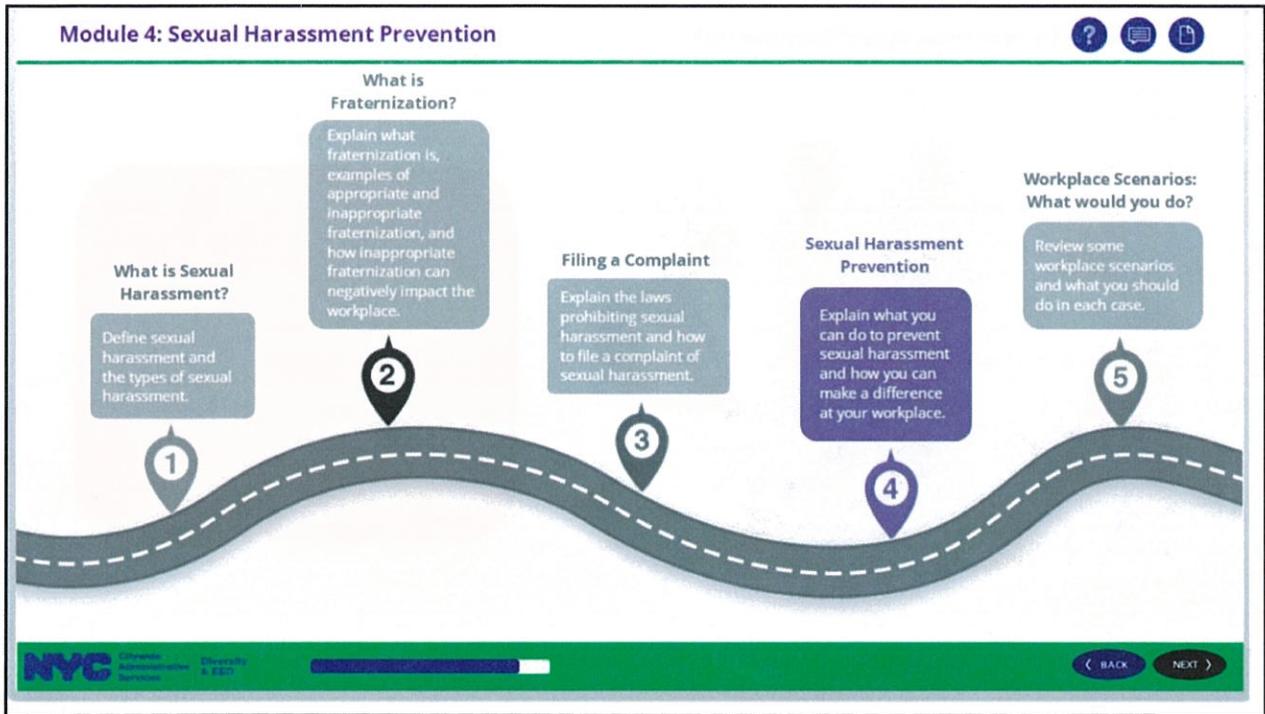
- Victims of sexual harassment may be entitled to **interim or temporary relief** while their complaint is being investigated.

Interim relief may be appropriate where there are fears of workplace violence or threats of physical harm.

There may also be **reasonable accommodations** for victims of domestic violence, stalking or sexual offenses.

Let's review what we covered in this module.

- There are **federal, state and city** laws that prohibit sexual harassment. The **City's EEO Policy** also prohibits sexual harassment in the workplace and several City agencies have their own sexual harassment policy statements.
- Victims of sexual harassment may be entitled to **interim or temporary relief** while their complaint is being investigated. Interim relief may be appropriate where there are fears of workplace violence or threats of physical harm. There may also be **reasonable accommodations** for victims of domestic violence, stalking or sexual offenses.



In Module 4, we will explain what you can do to prevent sexual harassment and how you can make a difference at your workplace.

What Can You Do to Prevent Sexual Harassment?



A workplace free from sexual harassment is a safer, happier, and more productive workplace for everyone.

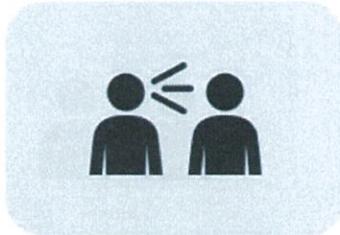
So how can you help prevent sexual harassment in the workplace?

A workplace free from sexual harassment is a safer, happier, and more productive workplace for everyone. So how can you help prevent sexual harassment in the workplace?

What Can You Do to Prevent Sexual Harassment?



Click each image to learn how you can prevent sexual harassment

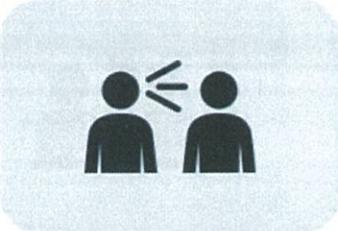


Click each of the images to learn what you can do to prevent sexual harassment or stop it if it is occurring.

What Can You Do to Prevent Sexual Harassment? ?

Click each image to learn how you can prevent sexual harassment

You have taken the first step by taking this course. Knowing what sexual harassment is and the types of behaviors that are inappropriate for the workplace helps you to avoid violating your colleagues rights and steer clear of disciplinary or legal action.



NYC City of New York Department of Citywide ITC

[← BACK](#) [NEXT →](#)

Training: You have taken the first step by taking this course. Knowing what sexual harassment is and the types of behaviors that are inappropriate for the workplace helps you to avoid violating your colleagues' rights and steer clear of disciplinary or legal action.

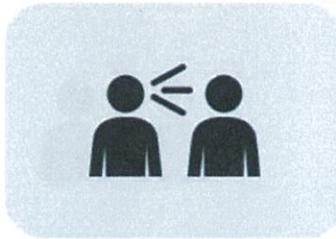
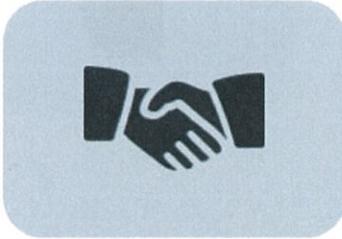
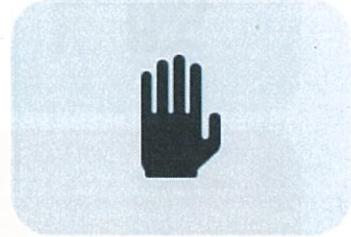
What Can You Do to Prevent Sexual Harassment?



Click each image to learn how you can prevent sexual harassment



You should become familiar with your rights and responsibilities under the law and the City's EEO Policy.

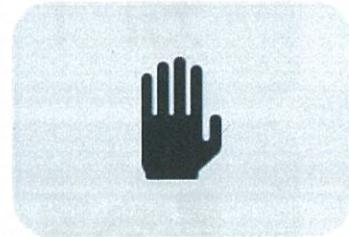


Laws: You should become familiar with your rights and responsibilities under the law and the City's EEO Policy.

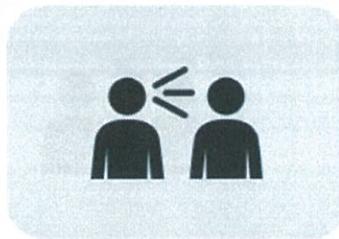
What Can You Do to Prevent Sexual Harassment?



Click each image to learn how you can prevent sexual harassment



Another way to prevent sexual harassment is by always treating others with respect. Remember, if your behavior or comment could offend someone, err on the side of caution and just don't do or say it. If you do offend someone, immediately apologize and don't do it again.

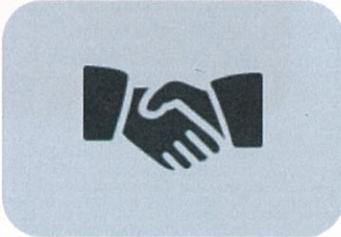


Respect: Another way to prevent sexual harassment is by always treating others with respect. Remember, if your behavior or comment could offend someone, err on the side of caution and just don't do or say it. If you do offend someone, immediately apologize and don't do it again.

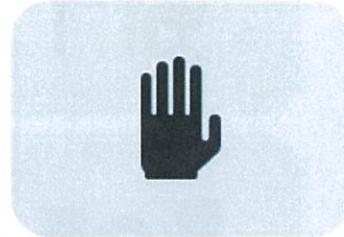
What Can You Do to Prevent Sexual Harassment?



Click each image to learn how you can prevent sexual harassment



If you witness sexual harassment or behavior that you think is inappropriate don't just ignore it; speak up. Immediately contact your agency's EEO Office to report what you observed. You can also be an ally to the person who was harassed by letting them know that you saw what happened to them and encourage them to go to their EEO Office for help. You may even offer to go with them to the EEO Office if they're nervous or afraid to seek help.

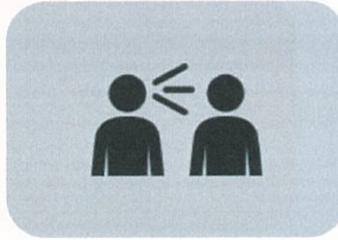


Bystander Reporting: If you witness sexual harassment or behavior that you think is inappropriate don't just ignore it; speak up. Immediately contact your agency's EEO Office to report what you observed. You can also be an ally to the person who was harassed by letting them know that you saw what happened to them and encourage them to go to their EEO Office for help. You may even offer to go with them to the EEO Office if they're nervous or afraid to seek help.

What Can You Do to Prevent Sexual Harassment?



Click each image to learn how you can prevent sexual harassment



In some cases, if you are experiencing unwelcome sexual attention or advances, or feel sexually harassed, asking the harasser to stop may end the harassment. Sometimes, the person may not realize that their behavior is unwelcome and harassing.

Ask the Harasser to Stop: In some cases, if you are experiencing unwelcome sexual attention or advances, or feel sexually harassed, asking the harasser to stop may end the harassment. Sometimes, the person may not realize that their behavior is unwelcome and harassing.

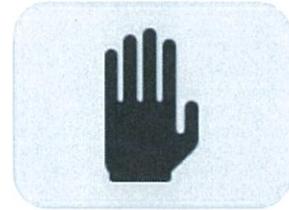
What Can You Do to Prevent Sexual Harassment?



Each situation and person are unique. If you're afraid or prefer to not speak to your harasser, you should instead immediately file a complaint.

Some examples of confronting the harasser could be dangerous include:

- The person being harassed does not feel safe approaching the harasser
- The harassment is verbally or physically threatening
- The person previously asked the harasser to stop but the harassment continued



Each situation and person is unique. If you're afraid or prefer to not speak to your harasser, you should instead immediately file a complaint. Some examples of when confronting the harasser could be dangerous include when the person being harassed does not feel safe approaching the harasser, the harassment is verbally or physically threatening, or the person previously asked the harasser to stop but the harassment continued.

Manager or Supervisor Responsibilities ?

Managers and supervisors have a critical role to play in preventing and stopping workplace sexual harassment. Under the City's Equal Employment Opportunity or EEO Policy, managers and supervisors who receive EEO complaints or otherwise become aware of any harassment should immediately notify the agency's EEO Officer. They should also make every effort to maintain a work environment that **respects and values diversity**.

Ensure that employees know their **workplace rights and responsibilities**.

From the City's EEO Policy.

NYC City of New York
Department of Citywide Operations
Office of Diversity & EEO

← BACK NEXT →

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Manager or Supervisor Responsibilities



Click each of the boxes to learn some practices for managers and supervisors to help prevent sexual harassment in the workplace:

- 1
- 2
- 3
- 4
- 5
- 6

Always perform managerial or supervisory responsibilities in a non-discriminatory manner.

From the City's EEO Policy.

Always perform managerial or supervisory responsibilities in a non-discriminatory manner.

Manager or Supervisor Responsibilities

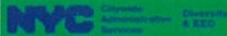


Click each of the boxes to learn some practices for managers and supervisors to help prevent sexual harassment in the workplace:

- 1
- 2
- 3
- 4
- 5
- 6

Promptly consult your agency's EEO Office if you receive an EEO complaint, or if you observe, learn about, or suspect that a violation of the EEO Policy has occurred.

From the City's EEO Policy.



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Manager or Supervisor Responsibilities

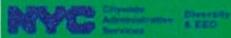


Click each of the boxes to learn some practices for managers and supervisors to help prevent sexual harassment in the workplace:

- 1
- 2
- 3
- 4
- 5
- 6

Complete all recommended EEO, diversity and inclusion training so that you know how to follow the law, lead diverse teams and demonstrate inclusive workplace behaviors.

From the City's EEO Policy.



Complete all recommended EEO, diversity and inclusion training so that you know how to follow the law, lead diverse teams and demonstrate inclusive workplace behaviors.

Manager or Supervisor Responsibilities ? 💬 📄

Click each of the boxes to learn some practices for managers and supervisors to help prevent sexual harassment in the workplace:

- 1
- 2
- 3
- 4
- 5
- 6

Cooperate with your agency's EEO Officer to properly implement the EEO Policy, standards and procedures.

From the City's EEO Policy.

NYC City of New York City Administration & EEO Progress Bar ← BACK NEXT →

Cooperate with your agency's EEO Office to properly implement the EEO Policy, standards and procedures.

Manager or Supervisor Responsibilities

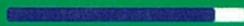


Click each of the boxes to learn some practices for managers and supervisors to help prevent sexual harassment in the workplace:

- 1
- 2
- 3
- 4
- 5
- 6

Do not deny staff access or permission to visit their EEO Office.

From the City's EEO Policy.



Do not deny staff access or permission to visit their EEO Office.

Manager or Supervisor Responsibilities

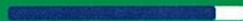


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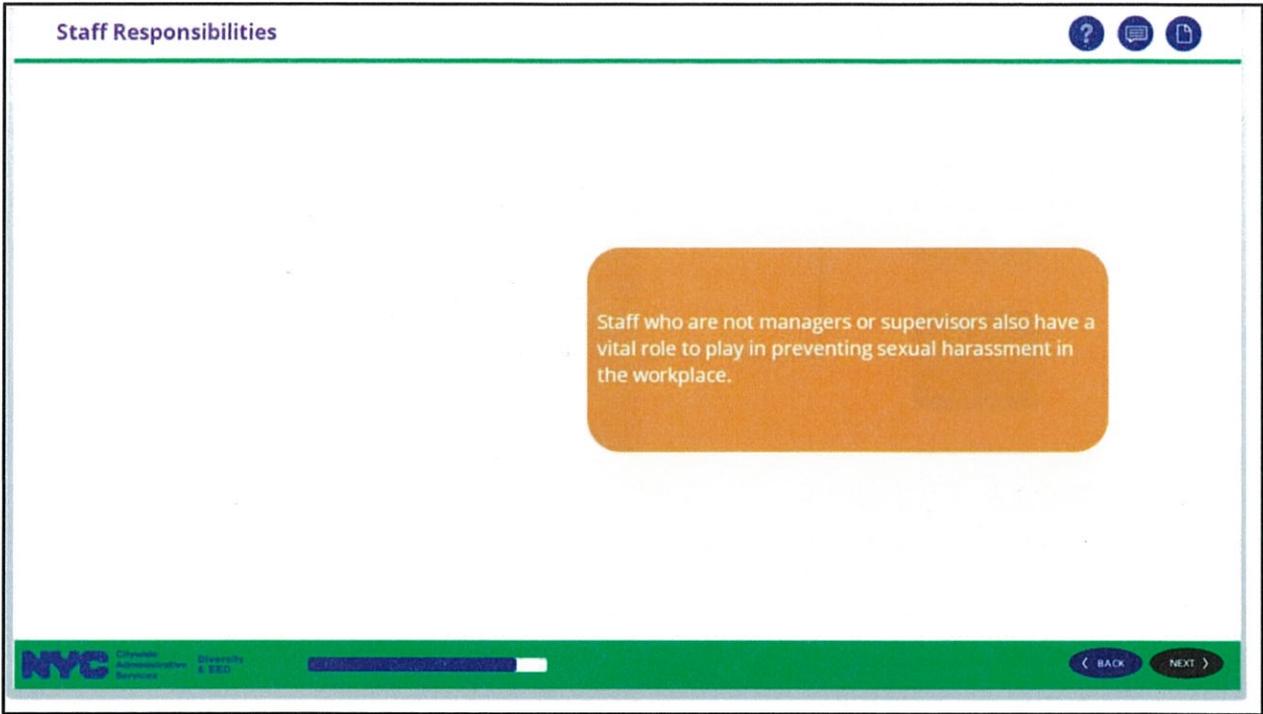
- 1
- 2
- 3
- 4
- 5
- 6

Encourage anyone who was harassed, witnessed harassment, or believes harassment has occurred to contact the EEO Office immediately.

From the City's EEO Policy.



Encourage anyone who was harassed, witnessed harassment, or believes harassment has occurred to contact the EEO Office immediately.



Staff who are not managers or supervisors also have a vital role to play in preventing sexual harassment in the workplace. Click each of the boxes on the screen to learn some practices for staff to help prevent sexual harassment in the workplace.

Staff Responsibilities



Click each of the boxes on the screen to learn some practices for staff to help prevent sexual harassment in the workplace.

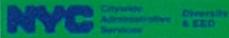
1

2

3

If you believe you have been sexually harassed or treated inappropriately, or you witness someone else being treated inappropriately, promptly report it your EEO office. You may contact the EEO Office in writing or by telephone to discuss a possible violation without revealing your identity. You may also meet with your EEO Office in-person and state your preference to remain anonymous.

From the City's EEO Policy.



If you believe you have been sexually harassed or treated inappropriately, or you witness someone else being treated inappropriately, promptly report it your EEO office. You may contact the EEO Office in writing or by telephone to discuss a possible violation without revealing your identity. You may also meet with your EEO Office in-person and state your preference to remain anonymous.

Staff Responsibilities



Click each of the boxes on the screen to learn some practices for staff to help prevent sexual harassment in the workplace.

1

2

3

All employees are expected to cooperate with EEO investigations. Failure to cooperate may result in disciplinary action.

From the City's EEO Policy.

All employees are expected to cooperate with EEO investigations. Failure to cooperate may result in disciplinary action.

Staff Responsibilities ? 🗨️ 📄

Click each of the boxes on the screen to learn some practices for staff to help prevent sexual harassment in the workplace.

1

2

3

Know Your EEO rights and responsibilities and complete all recommended EEO, Diversity and inclusion training.

From the City's EEO Policy.

NYC Citywide Administration Diversity & EEO ██████████ ← BACK NEXT →

The image shows a screenshot of a digital interface titled "Staff Responsibilities". At the top right, there are three circular icons: a question mark, a speech bubble, and a document. Below the title, a green horizontal line separates the header from the main content. The main content area has a white background. It starts with a paragraph: "Click each of the boxes on the screen to learn some practices for staff to help prevent sexual harassment in the workplace." Below this, there are three grey rounded rectangular boxes numbered 1, 2, and 3, arranged vertically. A blue line with an arrowhead at the end starts from the right side of box 3, goes up, then right, then down, and finally right again, pointing to a larger grey rounded rectangular box on the right side of the screen. This larger box contains the text: "Know Your EEO rights and responsibilities and complete all recommended EEO, Diversity and inclusion training." At the bottom left of the main content area, it says "From the City's EEO Policy." The bottom of the screen features a green footer bar. On the left, it has the NYC logo and the text "Citywide Administration" and "Diversity & EEO". In the center, there is a progress indicator consisting of a blue bar and a white bar. On the right, there are two buttons: "BACK" with a left arrow and "NEXT" with a right arrow.

Know Your EEO rights and responsibilities and complete all recommended EEO, Diversity and inclusion training.



REVIEW

- Preventing sexual harassment starts with **YOU**. Remember to always treat others fairly and with respect. If you are not sure if something you are about to do or say may offend someone, don't do or say it. Err on the side of caution.
- **All employees** must know their rights and responsibilities, and are encouraged to speak up if they experience or observe sexual harassment or any other harassment or discrimination.
- **Managers and supervisors** must ensure that employees know their workplace rights and responsibilities and must notify their EEO Office of any EEO complaints they receive or if they observe, become aware of, or suspect a violation of the EEO Policy.



Office of
Administrative
Services

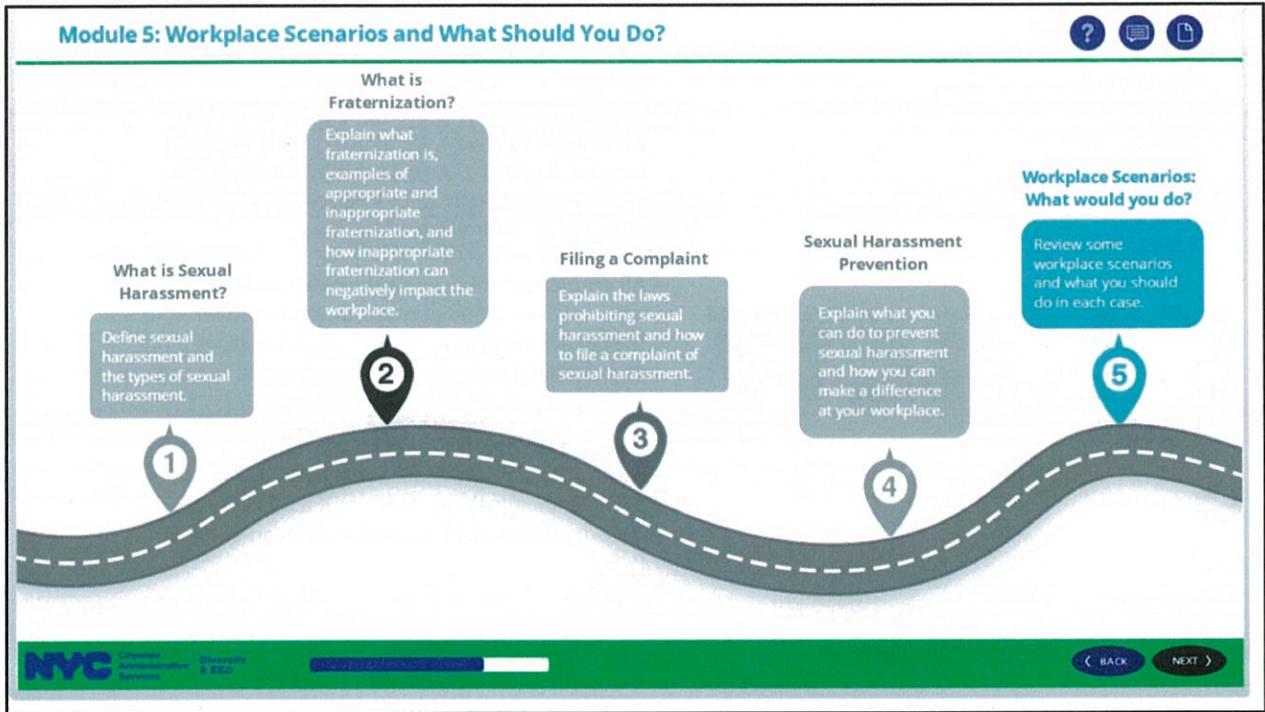
Page 10
of 12

Progress bar



Let's review what we covered in this module.

- Preventing sexual harassment starts with **YOU**. Remember to always treat others fairly and with respect. If you are not sure if something you are about to do or say may offend someone, don't do or say it. Err on the side of caution.
- **All employees** must know their rights and responsibilities, and are encouraged to speak up if they experience or observe sexual harassment or any other harassment or discrimination.
- **Managers and supervisors** must ensure that employee know their workplace rights and responsibilities and must notify their EEO Office of any EEO complaints they receive or if they observe, become aware of, or suspect a violation of the EEO Policy.



In the last part of this course, Module 5, we will review some workplace scenarios and what you should do in each case.



In this last module, we want to ensure that you understand the information that was covered in this course. Let's look at some examples of situations that may occur in the workplace and the correct thing to do in each case.

Scenarios 

In this last module, we want to ensure that you understand the information that was covered in this course. Let's look at some examples of situations that may occur in the workplace and the correct thing to do in each case.

Scenario 1 ?  

Jenna **Mark**

Sorry, thought we were cool.

What should you do? Click the correct answer.

- A. Report what you observed to the EEO office.
- B. Ignore what you observed and walk away.
- C. Warn everyone about Jenna's behavior.
- D. Stay away from Jenna.

You work in a unit where, for the most part, everyone gets along pretty well. Your team members joke a lot and at times 'playful' touching, such as pats on the bottom, occurs as people have worked with each other for many years.

One day you observe your co-workers, Jenna and Mark, joking with each other and Jenna pinches Mark's rear end. Mark is startled and tells Jenna, "don't do that again."

Jenna smirks and responds, "sorry, thought we were cool. It won't happen again." Mark then walks away.

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Administration Disability
Services EEO

← BACK NEXT →

You work in a unit where, for the most part, everyone gets along pretty well. Your team members joke a lot and at times 'playful' touching, such as pats on the bottom, occurs as people have worked with each other for many years. One day you observe your co-workers, Jenna and Mark, joking with each other and Jenna pinches Mark's bottom. Mark is startled and tells Jenna, "don't do that again." Jenna smirks and responds, "sorry, thought we were cool. It won't happen again." Mark then walks away. What should you do? Click the correct answer.

Scenario 1



You work in a unit where everyone gets along. Your team members sometimes 'playful' touch each other. One day, a woman named Jenna is at the bottom of the list of people you worked with each other.

That's correct. You should report what you observed to the EEO Office. As we covered in this course, sexual harassment can involve a range of behaviors, such as unwelcome touching and some behaviors are inappropriate for the workplace even if they aren't illegal. These behaviors should be promptly reported to the EEO office.

Sometimes, it may be difficult for you to know for sure if what you observed was unwelcome behavior, but you can still be an ally to the person you think was harassed. Tell the person that you observed what happened and want to make sure they're fine.

Also tell the person about their right to report harassment to the EEO Office and encourage them to report the matter promptly. You may even offer to accompany them to the EEO Office if it helps.

Click Next to continue.

What should you do?
Click the correct answer.

- A. Report what you observed to the EEO office.
- B. Ignore what you observed and walk away.
- C. Warn everyone about Jenna's behavior.
- D. Stay away from Jenna.

NYC Office of Administrative Services Division of EEO

BACK NEXT

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Scenario 1



You work in a unit where, for the most part, everyone gets along. One day, your team members are talking about a time when a colleague touched the bottom of her shirt. You worked with each of them.

X

That's incorrect. The correct answer is "A." You should report what you observed to the EEO Office. As we covered in this course, sexual harassment can involve a range of behaviors, such as unwelcome touching. Some behaviors are inappropriate for the workplace even if they aren't illegal. These behaviors should be promptly reported to the EEO Office.

Sometimes, it may be difficult for you to know for sure if what you observed was unwelcome behavior, but you can still be an ally to the person you think was harassed. Tell the person that you observed what happened and want to make sure they're fine.

Also tell the person about their right to report harassment to the EEO Office and encourage them to report the matter promptly. You may even offer to accompany them to the EEO Office if it helps.

Click Next to continue.

What should you do? Click the correct answer.

A. Report what you observed to the EEO office.

B. Tell the person you observed what happened and want to make sure they're fine.

C. Warn everyone about Jenna's behavior.

D. Stay away from Jenna.

NYC Office of Administrative Services EEO

BACK NEXT

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Scenario 2 ? 💬 📄



Rich
Loved hearing about your hookups!

Nate

Was Nate's comment an unwelcome sexual advance?
Click the Yes or No.

YES

NO

Rich, an openly gay college intern, went out with team members and his supervisor for drinks to celebrate the end of a hectic week. While out, everyone got a bit drunk and some team members started discussing their most recent 'hook ups'.

The following Monday, Rich's supervisor, Nate, whispered in Rich's ear, "Loved hearing about your hook ups. How about you and me hook up?"

Rich was offended, and quickly walked away.

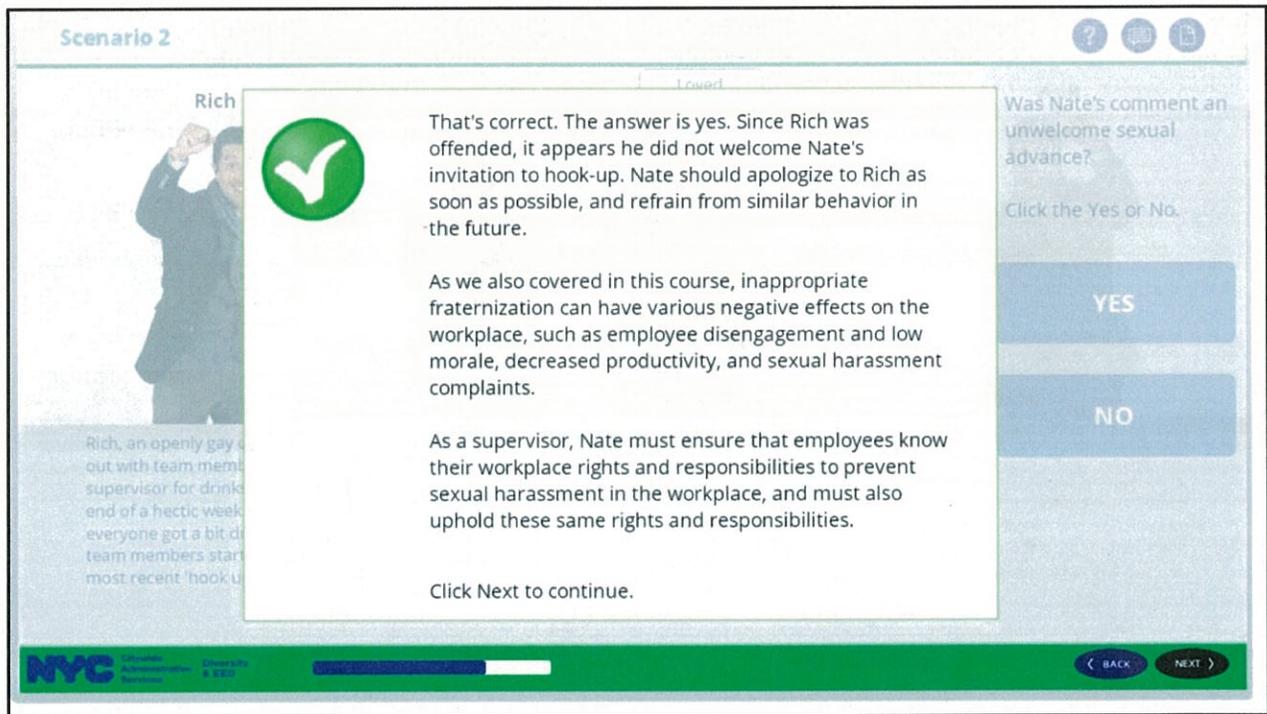
NYC Office Administration Services Powered by HR 2020

BACK **NEXT**

Rich, an openly gay college intern, went out with team members and his supervisor for drinks to celebrate the end of a hectic week. While out, everyone got a bit drunk and some team members started discussing their most recent 'hook ups'. The following Monday, Rich's supervisor, Nate, whispered in Rich's ear, "loved hearing about your hook-ups. How about you and me hook up?" Rich was offended, and quickly walked away. Was Nate's comment an unwelcome sexual advance? Click "Yes" or "No."

Scenario 2

Rich



That's correct. The answer is yes. Since Rich was offended, it appears he did not welcome Nate's invitation to hook-up. Nate should apologize to Rich as soon as possible, and refrain from similar behavior in the future.

As we also covered in this course, inappropriate fraternization can have various negative effects on the workplace, such as employee disengagement and low morale, decreased productivity, and sexual harassment complaints.

As a supervisor, Nate must ensure that employees know their workplace rights and responsibilities to prevent sexual harassment in the workplace, and must also uphold these same rights and responsibilities.

Click Next to continue.

Was Nate's comment an unwelcome sexual advance?

Click the Yes or No.

YES

NO

NYC

BACK NEXT

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As a supervisor, Nate must ensure that employees know their workplace rights and responsibilities to prevent sexual harassment in the workplace, and must also uphold these same rights and responsibilities.

Click Next to continue.

Was Nate's comment an unwelcome sexual advance?

Click the Yes or No.

YES

NO

NYC

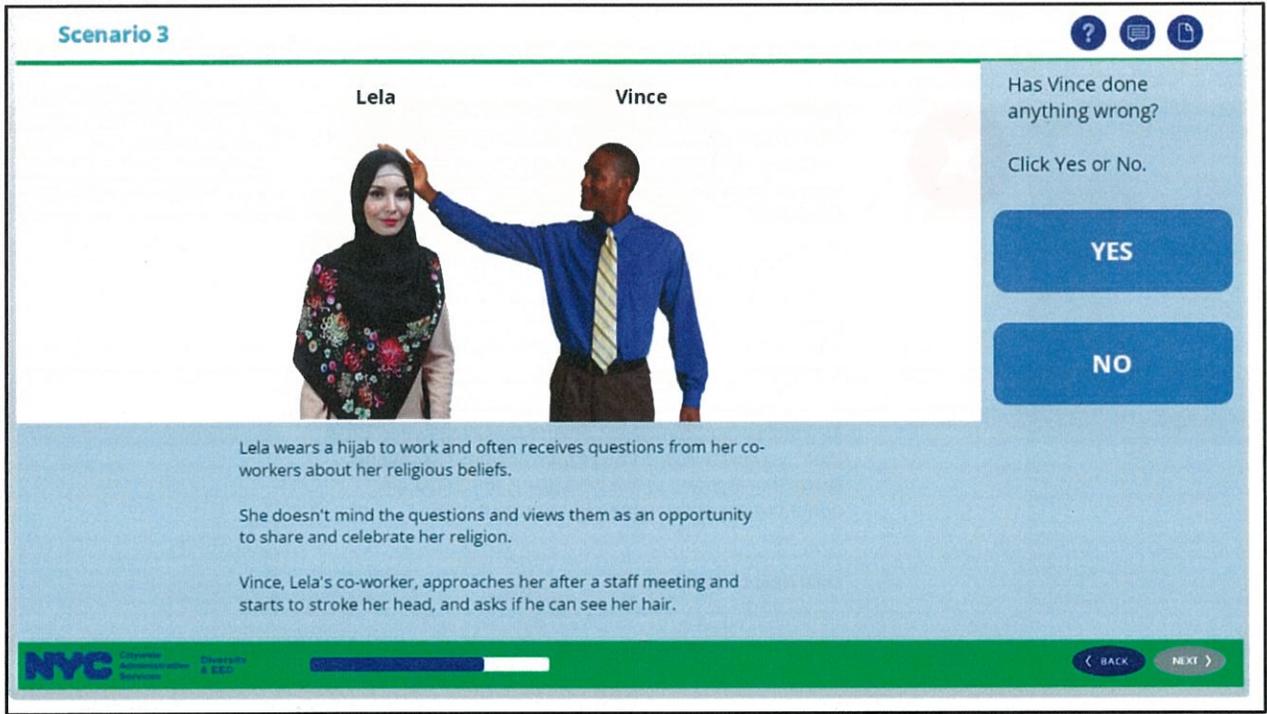
← BACK NEXT →

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Scenario 3

Lela **Vince**



Has Vince done anything wrong?
Click Yes or No.

YES

NO

Lela wears a hijab to work and often receives questions from her co-workers about her religious beliefs.

She doesn't mind the questions and views them as an opportunity to share and celebrate her religion.

Vince, Lela's co-worker, approaches her after a staff meeting and starts to stroke her head, and asks if he can see her hair.

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BACK **NEXT**

Lela wears a hijab to work and often receives questions from her co-workers about her religious beliefs. She doesn't mind the questions and views them as an opportunity to share and celebrate her religion. Vince, Lela's co-worker, approaches her after a staff meeting and starts to stroke her head, and asks if he can see her hair. Has Vince done anything wrong? Click "Yes" or "No."

Scenario 3

Lela Vince

Has Vince done anything wrong?
Click Yes or No.

YES

NO

That's correct. The answer is yes. As we covered in our training, physical behaviors, such as stroking another person's head or hair, can be considered sexual harassment if the person did not welcome the behavior.

Click Next to continue.

Lela wears a hijab and has been talking to other workers about her religion.
She doesn't mind sharing and celebrating her religion.
Vince, Lela's co-worker, approaches her after a staff meeting and starts to stroke her head, and asks if he can see her hair.

NYC City of New York
Department of Social Services
11/20/20

BACK NEXT

That's correct. The answer is "Yes." As we covered in this course, physical behaviors, such as stroking another person's head or hair, can be considered sexual harassment if the person did not welcome the behavior.

Scenario 3

Lela Vince

Has Vince done anything wrong?
Click Yes or No.

YES

NO

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Click Next to continue.

Lela wears a hijab
workers about her
She doesn't mind
to share and celebrate her religion.

Vince, Lela's co-worker, approaches her after a staff meeting and starts to stroke her head, and asks if he can see her hair.

NYC Office of Professional Services Division of Labor Relations Chapter 19 § 87(2)(b)

BACK NEXT

"That's incorrect. The answer is "Yes." As we covered in this course, physical behaviors, such as stroking another person's head or hair, can be considered sexual harassment if the person did not welcome the behavior.

Scenario 4 ?

Max



Melissa





Melissa, a transgender woman, who openly identifies as lesbian, is approached by her co-worker, Max, who asks her out on a date. Melissa declines, but Max follows her while repeating several times his invitation that Melissa go out with him.

Melissa becomes visibly upset, but says nothing. Max finally says to Melissa, "hey, I was just joking- I forgot you're not into men."

May Melissa bring a complaint of sexual harassment against Max?

Click Yes or No.

YES

NO

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Melissa, a transgender woman, who openly identifies as lesbian, is approached by her co-worker, Max, who asks her out on a date. Melissa declines, but Max follows her while repeating several times his invitation that Melissa go out with him. Melissa becomes visibly upset, but says nothing. Max finally says to Melissa, "hey, I was just joking-- I forgot you're not into men." May Melissa bring a complaint of sexual harassment against Max? Click "Yes" or "No."

Scenario 4

Max Melissa

That's correct. The answer is yes. Since Max upset Melissa by following her and repeatedly asking her out on a date, even after she declined his first request, his behavior is an example of an unwelcome sexual request and Melissa can bring a complaint about this.

May Melissa bring a complaint of sexual harassment against Max?

Click Yes or No.

YES

NO

Click Next to continue.

NYC

108

That's correct. The answer is "Yes." Since Max upset Melissa by following her and repeatedly asking her out on a date, even after she declined his first request, his behavior is an example of an unwelcome sexual request and Melissa can bring a complaint about this.

Melissa could also bring a complaint of sexual harassment based on Max's comment, "hey, I was just joking-- I forgot you're not into men." Remember from our training that sexually offensive jokes or jokes about someone's sexual orientation could be considered sexual harassment.

Scenario 4

Max **Melissa**

That's incorrect. The answer is Yes. Since Max upset Melissa by following her and repeatedly asking her out on a date, even after she declined his first request, his behavior is an example of an unwelcome sexual request and Melissa can bring a complaint about this.

Melissa could also bring a complaint of sexual harassment based on Max's comment, "hey, I was just joking-- I forgot you're not into men." Remember from our training that sexually offensive jokes or jokes about someone's sexual orientation could be considered sexual harassment.

Click Next to continue.

May Melissa bring a complaint of sexual harassment against Max?

Click Yes or No.

YES

NO

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BACK **NEXT**

That's incorrect. The answer is "Yes." Since Max upset Melissa by following her and repeatedly asking her out on a date, even after she declined his first request, his behavior is an example of an unwelcome sexual request and Melissa can bring a complaint about this.

Melissa could also bring a complaint of sexual harassment based on Max's comment, "hey, I was just joking-- I forgot you're not into men." Remember from our training that sexually offensive jokes or jokes about someone's sexual orientation could be considered sexual harassment.

Scenario 5



Debra **Keith**

Keith was dating his supervisor, Debra, until he broke up with her last week.

Debra made no protest when Keith initially broke up with her, but the following week, she called Keith to her office for a meeting to discuss one of his assignments.

When Keith arrived for the meeting, Debra grabbed Keith's genitals, and said, "you don't want any trouble at work, do you?"

Keith is offended and feels threatened by Debra's behavior.

He wants to file a sexual harassment complaint against Debra, but believes that he cannot file a complaint because he used to be in a consensual relationship with Debra.

Is Keith precluded from filing a sexual harassment complaint against Debra?

Click Yes or No.

YES

NO

NYC City of New York Department of Citywide 311

[BACK](#) [NEXT](#)

Keith was dating his supervisor, Debra, until he broke up with her last week. Debra made no protest when Keith initially broke up with her, but the following week, she called Keith to her office for a meeting to discuss one of his assignments. When Keith arrived for the meeting, Debra grabbed Keith's genitals, and said, "you don't want any trouble at work, do you?" Keith is offended and feels threatened by Debra's behavior. He wants to file a sexual harassment complaint against Debra, but believes that he cannot file a complaint because he used to be in a consensual relationship with Debra. Is Keith precluded from filing a sexual harassment complaint against Debra? Click "Yes" or "No."

Scenario 5

Debra



Keith was dating his su...
he broke up with her l...

Debra made no protes...
broke up with her, but...
she called Keith to her...
discuss one of his assi...

When Keith arrived for...
grabbed Keith's genitals, and said, "you don't...
want any trouble at work, do you?"

Keith



That's correct. The answer is no. As we covered in our training, sexual harassment can involve verbal or physical conduct of a sexual nature if the conduct was not welcome.

Behavior is unwelcome if the person did not initiate, encourage, provoke or request it, and finds it insulting, offensive, intimidating or threatening. As Keith was offended and felt threatened by Debra's behavior, he can file a sexual harassment complaint against her, even though he used to date Debra.

Click Next to continue.

Is Keith precluded from filing a sexual harassment complaint against Debra?

Click Yes or No.

YES

NO


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Progress: 100%

BACK

NEXT

That's correct. The answer is no. As we covered in our training, sexual harassment can involve verbal or physical conduct of a sexual nature if the conduct was

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As Keith was of

Scenario 5

Debra **Keith**

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Click Next to continue.

is Keith precluded from filing a sexual harassment complaint against Debra?

Click Yes or No.

YES

NO

NYC Citywide Department Training 8 820

BACK **NEXT**

That's incorrect. The answer is no. As we covered in our training, sexual harassment can involve verbal or physical conduct of a sexual nature if the conduct was

not welcome. Behavior is unwelcome if the person did not initiate, encourage, provoke or request it, and finds it insulting, offensive, intimidating or threatening.

As Keith was offended and felt threatened by Debra's behavior, he can file a sexual harassment complaint against her, even though he used to date Debra.

Scenario 6



Lisa



Randy



Lisa and Randy are co-workers and recently went out on a date with each other. Randy asked Lisa to go out with him again, but she declined.

Since then, Randy started waiting for Lisa outside their office building, hoping to talk to her.

Lisa started entering their office building through a different entrance so as to avoid Randy.

Randy then began excessively texting Lisa on weekends and late at night, asking her "for another chance."

Lisa is afraid, and feels threatened by Randy's behavior.

What should she do?

Click the correct answer.

A. Tell a trusted friend to beat Randy up because he won't leave her alone.

B. Report the situation to her EEO Office.

C. Do nothing, and hope Randy loses interest and leaves her alone.

D. Find another job.

Lisa and Randy are co-workers and recently went out on a date with each other. Randy asked Lisa to go out with him again, but she declined. Since then, Randy started waiting for Lisa outside their office building, hoping to talk to her. Lisa started entering their office building through a different entrance so as to avoid Randy. Randy then began excessively texting Lisa on weekends and late at night, asking her "for another chance." Lisa is afraid, and feels threatened by Randy's behavior. What should she do? Click the correct answer.

Scenario 6

Lisa **Randy**

What should she do?

Click the correct answer.

A. Tell a trusted friend to beat Randy up because he won't leave her alone.

B. Report the situation to her EEO Office.

C. Do nothing, and hope Randy loses interest and leaves her alone.

D. Find another job.

That's correct. Lisa should report the situation to her EEO Office. As we covered in this course, temporary relief may be available to someone who feels they're being harassed and feels afraid of their harasser. The agency's EEO Officer and Workplace Violence Coordinator will work together to take steps to ensure that the workplace is safe, and inform the complaining party of their right to report the matter to the New York City Police Department if appropriate.

Remember, too, that there may be reasonable accommodations for victims of stalking, domestic violence or sexual offenses.

Click Next to continue.

behavior.

NYC Office of Administrative Services Diversity & EEO

[BACK](#) [NEXT](#)

That's correct. Lisa should report the situation to her EEO Office. As we covered in this course, temporary relief may be available to someone who feels they're being harassed and feels afraid of their harasser. The agency's EEO Officer and Workplace Violence Coordinator will work together to take steps to ensure that the workplace is safe, and inform the complaining party of their right to report the matter to the New York City Police Department if appropriate.

Scenario 6

Lisa **Randy**

What should she do?

Click the correct answer.

A. Tell a trusted friend to beat Randy up because he won't leave her alone.

B. Report the situation to her EEO Office.

C. Do nothing, and hope Randy loses interest and leaves her alone.

D. Find another job.

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Remember, too, that there may be reasonable accommodations for victims of stalking, domestic violence or sexual offenses.

Click Next to continue.

behavior.

NYC City of New York Department of Administration Office of Diversity & EEO

[BACK](#) [NEXT](#)

That's incorrect. The answer is "B." Lisa should report the situation to her EEO Office. As we covered in this course, temporary relief may be available to someone who feels they're being harassed and feels afraid of their harasser. The agency's EEO Officer and Workplace Violence Coordinator will work together to take steps to ensure that the workplace is safe, and inform the complaining party of their right to report the matter to the New York City Police Department if appropriate.

Remember too that there may be reasonable accommodations for victims of stalking, domestic violence or sexual offenses.

Key Takeaways ? 🗨️ 📄

Take a minute or so to think about your key takeaways from this course.
Here are some highlights from what we covered.



Sexual harassment can happen anytime, anywhere and to anyone.



Be aware of your behaviors and how some types of inappropriate behaviors may negatively impact the workplace and the people around you.



Know your rights and responsibilities in preventing and stopping sexual harassment in the workplace.



Know how to bring a complaint about sexual harassment or about any other form of harassment or discrimination.



Sexual harassment prevention starts with **YOU**. A work environment free from sexual harassment is a productive and respectful workplace for everyone.

NYC Office of Administrative Services & EEO ← BACK NEXT →

Take a minute or so to think about your key takeaways from this course. Here are some highlights from what we covered.

- Sexual harassment can happen at anytime, anywhere, and to anyone.
- Be aware of your behaviors and how some types of inappropriate behaviors may negatively impact the workplace and the people around you.
- Know your rights and responsibilities in preventing and stopping sexual harassment in the workplace.
- Know how to bring a complaint about sexual harassment or about any other form of harassment or discrimination.
- Sexual harassment prevention starts with **YOU**. A work environment free from sexual harassment is a productive and respectful workplace for everyone.

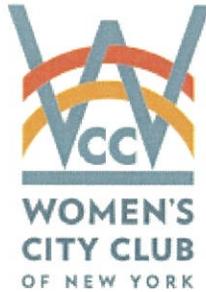
Thank you for participation! If you have questions about the information covered in this training, or want more information about your EEO rights and responsibilities, please contact your agency's EEO Office or Citywide Diversity and EEO.

*Thank
you*



Training Certificate

Thank you for participation! If you have questions about the information covered in this training, or want more information about your EEO rights and responsibilities, please contact your agency's EEO Office or Citywide Diversity and EEO.



FOR THE RECORD

**Testimony of
Carole J. Wacey
Chief Executive Officer
Women's City Club of New York**

**Joint Oversight Hearing by the
New York City Council Committee on Civil
and Human Rights and Committee on
Women**

**Re: Sexual Harassment Best
Practices/Policies in New York City**

February 28, 2018

Contact: Women's City Club, 212.353.8070
Carole J. Wacey, CEO, Women's City Club of New York, cwacey@wccny.org

Good afternoon. My name is Carole Wacey, and I am the Chief Executive Officer of the Women's City Club of New York, an organization that shapes public policy through education, issue analysis, advocacy, and civic engagement. Since our founding days more than a century ago, we have been passionately and actively dedicated to improving the quality of life for all New Yorker—in their education, in the workplace, and in their lives.

I thank the Committee on Civil and Human Rights (Chairperson Eugene) and the Committee on Women (Chairperson Rosenthal) for the opportunity to deliver remarks today as you consider legislation to strengthen best practices and policies to prevent and address sexual harassment.

I first want to tell you a bit about myself. Prior to joining the Women's City Club four months ago—I was a Vice President at Channel Thirteen; Executive Director at Mouse; Director at the Markle Foundation; and I worked with Secretary Riley, Ambassador Kunin, Vice President Gore and President Clinton during my two terms with the Clinton-Gore Administration.

My 25 years in public service is why I felt it is important to be here today—I have dedicated my career to working on policy, legislation, and partnerships that support equitable access to a quality education for all young people. Education is intended to provide a strong foundation for success in career and life.

Conservatively, one in four women has experience workplace sexual harassment and 75% of workplace harassment victims experienced retaliation when they spoke up¹. We are profoundly troubled by the climate of fear that exists for women in this country, as evidenced by the now-daily disclosures of prominent men in leadership roles – in government, in entertainment, in media, in technology, and the list goes on – accused of sexual harassment, abuse, and other heinous crimes. Many of the public denials,

¹ EEOC, Select Task Force on the Study of Harassment in the Workplace, June 2016.

apologies, and excuses have rung hollow in the face of the rising tide of women who are now speaking up and speaking out. Many have felt powerless, vulnerable, and unwilling initially to disclose the harassment or abuse for fear of losing their jobs, their respect, and their reputations. Sadly, many have conceded their victimization began at an early age and continued over long periods of time.

At the Women's City Club of New York, one of our earliest members was a name I am sure you all know—Eleanor Roosevelt, who once said, “With the new day comes new strength and new thoughts.” Our nation is at a historic turning point where there is new strength, and new thoughts about an issue that seems to be pervasive.

As the leader of one of the longest-serving organizations for women, I want to offer my thoughts about a 5-part strategy to this endemic problem:

1. **Education in Schools:** We need to work to ensure that young people (at an early age) are provided with the education about what is acceptable and inappropriate behavior from an early age². Sexual education in our schools must be comprehensive and include training for all genders on what constitutes improper behavior—boundaries and respect.
2. **Public Education:** We need to find creative and ongoing opportunities to educate the public (PSA's³, media) about sexual harassment.
3. **Employer Leadership:** Employers should help to education employees (through trainings for employees/managers), develop policies (zero tolerance, share disciplinary actions against perpetrators, and outlines how the filing/reviewing of complaints are to be handled), monitor behavior, and provide mental health support.
4. **Victim Support:** When someone has been victimized, we need to prevent further victimization and offer an array of support—listen, believe, support, and encourage them to get help.

² Mentell, Edward J., Association for Supervision and Curriculum Development (ASCD), *What to Do to Stop Sexual Harassment at School*, 1993.

³ <https://www.facebook.com/thatsharassment/>

5. **Perpetrator Accountability:** Anyone who violates existing law or public and private policies and procedures must be held accountable for their actions, and any actions that purposely ignore sanctioning perpetrators must be held accountable, as well.

I want to share how the Women's City Club of New York is helping to contribute toward a solution by addressing part 1 of this 5-part strategy I outlined. Four years ago, the Women's City Club of New York ^{joined} founded the Sex Education in New York City Public Schools (SEANYC), which is a coalition of dozens of educators, students, advocacy and community service organizations that support comprehensive sexuality education for all New York City students. This coalition was formed out of concern that students were not being taught comprehensive sex education, despite a New York City mandate that required schools to teach at least one class in middle and high school.

To prevent sexual harassment and violence, children need comprehensive sex education that is age-appropriate and medically accurate, culturally sensitive, and gender inclusive for grades K-12. The curriculum must teach students, from a young age, about developing healthy relationships, and promote healthy sexual behavior that is focused on respect for oneself and others, communication, and consent.

According to a report by New York City Comptroller Stringer last year, only 57% of eighth grade public school students completed the New York State-mandated requirement of one semester of health taught during the middle school years³. Nearly half (43%) of eighth graders who graduated in 2016 did not receive a single semester of health during middle school, as mandated by State law.⁴ Throughout all public schools, there were only 153 licensed health educators in New York City, and only 7.6% of all health education instructors attended any training on sex health education in the previous two years.

³ Healthy Relationships: A Plan for Improving Health and Sexual Education in New York City Schools, NYC Comptroller Scott Stringer. September 14, 2017

⁴ Health Data. Office of Intergovernmental Affairs, NYC Department of Education. Accessed March 16, 2017. <http://schools.nyc.gov/community/city/publicaffairs/Health+Data.htm>

Sadly, many New York City public school students are not learning about sexual health, and many are clearly not taught about healthy sexual behaviors - and what constitutes sexual assault and harassment. Students are often not even being taught by health instructors who are licensed and trained. Schools need the resources to hire more health educators, train current teachers, and implement accountability measures so that schools can provide the sexual health education that students deserve and that is required by State law.

It is promising that, the New York City Council passed a measure, which Mayor de Blasio signed into law in May of last year, which recognizes the immediate need for a thorough assessment of how sexual health education is being implemented in public schools. The law required the creation of a Sexual Health Education Task Force to review the sexual education curricula and implementation and submit recommendations for improvement for grades K-12 to the Mayor and the Speaker, and we look forward to those recommendations for a deeper understanding of healthy sexual behavior and greater respect as our children grow up.

We also need our children and adults to recognize that our city leaders have their backs. The Women's City Club currently is drafting a "Declaration of Rights" that we will soon announce, encouraging all New Yorkers to add their voices and pledge support urging our city's largest companies to take a stand against sexual harassment and support women.

Our vision, and our hope, is that signaling support at the highest levels of corporate America will yield more widespread equity, fairness, responsibility, and accountability. As committed public servants and community leaders, we urge you to join us in embracing a zero-tolerance policy for sexual harassment in the workplace and holding corporations accountable if they do not make an institutional commitment to create a culture of support and hold offenders accountable.

The Women's City Club of New York supports workplace policies that identify clear sexual harassment and retaliation policies and measures that protect victims and holds offenders accountable. And, we call on corporations and government to annually publicly report information on sexual misconduct incidents and sanctions.

We are hopeful that in this year, what is being called *The Year of the Woman*, the #MeToo movement will yield more transparency and accountability that leads to positive changes in our workplace where everyone can feel safe, respected—while doing their best work.

And as a result, we believe our younger generations will eventually pass through the classrooms and head into the boardrooms with a better awareness, and an understanding, that all people must be treated fairly, with dignity, with respect, and with an appreciation for each other's talents, skills, and rights.

Thank you.



Forging Ahead to A New Century of Advocacy and Activism

Our Mission

Women's City Club of New York (WCC) is a nonprofit, non-partisan, multi-issue activist organization dedicated to improving the quality of life for all New Yorkers. WCC shapes public policy through education, issues analysis, advocacy, and civic participation.

Our History

WCC was founded in 1915 in anticipation of the ratification of the 19th Amendment (granting women the right to vote) as a space for women to consider political and societal issues and create change. Notable early members include Frances Perkins, Ida Tarbell, Alice Duer Miller, Eleanor Roosevelt, and Helen Hayes. Early accomplishments include the successful lobbying of Columbia University to admit women to their law school, the opening of the nation's first Maternity Center in 1917, and educating the public to allow women to serve on juries. To this day, WCC members are dynamic, accomplished leaders in a range of fields, from policy and healthcare, to education and the law.

Recent Accomplishments

GUIDING OUR CITY

WCC's Citywide Guides to Services and Resources: Brooklyn, Bronx, Manhattan, Queens and Staten Island are designed to help individuals and organizations gain access to low- and no-cost social services, programs and resources available in New York City.

STANDING UP FOR KIDS

Physical Education for All: The WCC Task Force on Physical Education in New York City Public Schools, a founding member of the *Phys Ed 4 All Coalition*, secured victory in 2017. Mayor Bill de Blasio announced the Universal Physical Education initiative to ensure all City schools have a gym by 2021.

SPEAKING UP FOR EQUALITY

Equal Pay Work: WCC testified in support of a bill prohibiting employers from using salary history as a measure to determine salary offers, which can perpetuate lower salaries for women and people of color. The City Council voted to pass the bill, which is expected to impact 3.8 million workers.

MOBILIZING FOR FAIRNESS

Raise the Age: As a member of the *Raise the Age Coalition*, WCC members hosted public forums, urged policymakers in Albany to pass this critical legislation, and activated its networks through targeted outreach. Raise the Age passed! No longer are non-violent youth prosecuted as adults at age 16 – raising the age to 18.

What's Next?

As WCC enters its second century of activism, it continues to pursue economic, racial, and gender justice with the goal of dismantling the social inequities that deprive citizens of the opportunity to thrive. WCC provides an organized space for people to come together to create change and make a positive difference in their community.



Testimony of the Partnership for New York City
Kathryn Wylde, President & CEO

New York City Council
Committees on Civil and Human Rights and Women

Sexual Harassment Legislation

February 28, 2018

Thank you Chairs Eugene and Rosenthal and members of the committees for the opportunity to testify on legislation concerning sexual harassment. The Partnership for New York City represents the city's business leaders and largest private sector employers. We work together with government, labor and the nonprofit sector to maintain the city's position as the pre-eminent global center of commerce, innovation and economic opportunity.

A number of New York's business and professional services firms are global leaders in establishing policies and training programs to prevent or address sexual harassment in the workplace. Long before the Me Too movement, most employers understood the importance of creating corporate cultures in which employees treat each other with respect. In response to heightened awareness of workplace sexual harassment, most employers are taking the opportunity to assess their current practices and make improvements as needed.

We would respectfully suggest that many employers may have more knowledge and experience than the City Council regarding best practices for prevention, training and responding to sexual harassment in the workplace. The Partnership would be pleased to identify some of these employers and facilitate meetings with Council members and staff to inform your consideration of proposed laws or resolutions on this subject. We believe that this input would be critical to achieving your objective of a harassment-free work environment in the city.

The bills under consideration today have been available for only a few days and, therefore, have not been reviewed by employers. We are sure that the Council wants to enact legislation that encourages employers to act in the best interests of their employees without placing an undue compliance or administrative burden on those who are already doing the right thing. We hope that the Council will be deliberative about its response to this important issue and take the time for consultation that we believe is necessary to develop productive legislation. We are most willing to help in this process.

Thank you.

FOR THE RECORD

Good afternoon.

Thank you, Chairwoman Rosenthal and members of the Committee.

My name is Meridith Maskara, and I am the CEO of the Girl Scouts of Greater New York. As CEO, I have a responsibility to speak as an advocate for the nearly 29,000 girls we serve every day, from every zip code in the city.

That's why I am here today in support of these efforts to address sexual harassment in the workplace. I believe that, if enacted, these changes will make New York a better and more equitable city for everyone.

Our Girl Scouts, and all New York City girls, are well aware of the challenges that women still face in the world and the workforce. They have big dreams—to be engineers and entrepreneurs, doctors and directors—but they see how often women are harassed and harmed, with too little done to prevent this or punish offenders. Girl Scouts, as young as nine, have told us that sexual harassment is an issue they are deeply concerned about. They want to create a better future for themselves, and as adults we must do our part to make that happen.

These common-sense measures being considered here today - conducting a climate survey to assess the general knowledge about sexual harassment policies and prevention, mandating sexual harassment training for private employers, changing the human rights law to recognize sexual harassment as a form of discrimination, mandating regular reporting of incidences of sexual harassment in city agencies - mean we are taking concrete steps and making progress to create better workplaces the next generation entering the workforce.

So, as a woman who lives and works in New York City, and who knows all too well how common sexual harassment is in the workplace, I urge you to pass these measures. As a mother of five daughters, who is concerned about what kind of an environment they will grow up to work in, I urge you to pass these measures. And as an advocate for 29,000 Girl Scouts, and every other girl in this city who deserves a future career free of sexual harassment, I urge you to take action.

I want to thank Chairwoman Rosenthal and the committee for taking up these bills, and for listening today. I look forward to a better and more equitable working environment for women in New York City as a result of your leadership.

Testimony of Jerin Arifa
Co-Creator, City University of New York (CUNY) Policy on Sexual
Harassment, Assault, Domestic Violence and Stalking

New York City Council
Hearing on Sexual Harassment in the City Agencies

February 15, 2018

Honorable Council Members, thank you for organizing this event and the opportunity to submit testimony.

My name is Jerin Arifa. I was one of two students who spearheaded the sexual harassment policy for CUNY – **while I was undocumented!** I understand firsthand how different issues like race, gender and class intersect, and how to achieve systemic change despite obstacles.

Before we worked on the CUNY policy, there was no uniform policy for the **half-a-million students and staff at 24 colleges**. We intentionally engaged in a two-year process of soliciting feedback from various stakeholders. We created a taskforce with staff, faculty, students and administration in a collaborative process of discovering needs and defining a desired policy. We wanted all types of stakeholders to feel ownership of this policy. We leveraged surveys, town hall meetings, events, Op-Ed pieces and my marketing and communications background to raise awareness and create an inclusive policy.

I hope that the City Council will create a policy for all City employees and contractors that will go beyond sexual harassment to look at other forms of gender-based discrimination. Experts see sexual harassment as part of the continuum of sex-based discrimination, which includes everything from sexist jokes to violence. **Sexual harassment and violence are the most extreme form of sexual discrimination.** At CUNY, the policy I worked on looked at this spectrum of discrimination and was the policy against sexual harassment, sexual assault, domestic violence and stalking.

I'm grateful for the various bills that are looking at training. I've designed, led and evaluated trainings for hundreds in the corporate and nonprofit sectors on ending sexual harassment. While working on the CUNY Policy, I organized train-the-trainer trainings by the foremost experts in the U.S. Our experiences confirm what a recent New York Times article reported. **Most sexual harassment trainings are ineffective because they're led by human resources professionals, as opposed to advocates who understand the nuanced dynamics of sexual discrimination.** Some of the current trainings can actually make things worse by reinforcing gender stereotypes. The article also gave an example of what does work: bystander intervention techniques taught at in-person trainings. Online training is highly ineffective in these situations.

Further Reading, which I can email as attachments:

1. *New York Times* articles:
 - a. Anonymous Harassment Hotlines Are Hard to Find and Harder to Trust
<https://nyti.ms/2pNk9vf>
 - b. Sexual Harassment Training Doesn't Work. But Some Things Do.
<https://nyti.ms/2kTud85>
 - c. We Asked 615 Men About How They Conduct Themselves at Work
<https://nyti.ms/2E3kKAd>
2. Center for American Progress article on CUNY Policy:
<http://genprogress.org/voices/2016/06/10/43835/students-lead-charge-comprehensive-sexual-assault-policies-cuny/>
3. *Village Voice* article: <https://www.villagevoice.com/2010/07/27/the-problems-with-cunys-new-sexual-assault-policy/>
4. CUNY Policy 2010 (can email)
5. CUNY Policy 2015: <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/POLICY-ON-SEXUAL-MISCONDUCT-10.1.2015-with-links.pdf>
6. Hunter College violations, Office for Civil Rights
https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02132052-a.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
7. Hunter College violations, summary:
<https://www.insidehighered.com/quicktakes/2016/11/01/hunter-college-found-violation-title-ix>
8. National Women's Law Center testimony to CA hearing (can email)

CUNY Policy and Violations:

- As the Center for American Progress article mentions, the 2010 version of the CUNY policy "includes new and comprehensive guidelines for students and counselors, establishes disciplinary procedures, creates on-campus advocates for victims, provides education and training for faculty and staff, and ensures assistance for students in obtaining medical care and counseling."
- The 2015 version builds on the 2010 policy with additional requirements, as per the New York State's Enough Is Enough legislation, signed into law in July 2015.
- The law required CUNY Administration to include provisions we asked for—but did not get—like campus climate surveys. The survey showed what we predicted without spelled-out, mandatory, in-person trainings. Most students aren't aware of CUNY's policy.
- Not being enforced: "It must also be distributed annually to all students, made available on the college's website and posted in college campus centers and in CUNY owned and operated housing."
- Not being enforced: "colleges must keep accounts of harassment."
- As activists, we asked for clearly defined, mandatory prevention education. Although the policy requires education (p17), it does not spell out what that

should look like. As a result, colleges use a PowerPoint that is highly ineffective in these situations. As the recent New York Times article reported, effective education involves in-person training.

- The Office for Civil Rights found Hunter College in violation of Title IX because the college did not follow the provisions of the policy we created.
- Although we didn't get everything we asked for, our work helped create a foundation for continued anti-violence work at CUNY. It connected advocates across campuses to tackle this problem together.

Recommendations:

Research shows that having a diverse workforce is not just good for ethical reasons. Organizations with diverse talent pools come up with more innovative solutions and yield higher profit margins. McKinsey and Company found that organizations with more ethnic and gender diversity, respectively, were 35 percent and 15 percent more likely to outperform their homogenous counterparts. Diversity is good for business!

With the #MeToo and #TimesUp movements, more and more companies are dealing with the fallout of not having sexual harassment policies in place, or worse, tolerating this type of behavior. The Equal Employment Opportunity Commission reported that employers paid \$699 million to workers for harassment in a five-year period alone. Establishing clearly defined policies and systems to respond to harassment signal to employees that the organization cares about their well-being. Traditional anti-sexual harassment training doesn't work, but bystander intervention training does by inspiring each employee to harness their own leadership.

Everyone has unconscious bias, but diversity and inclusion training can help mitigate implicit and explicit bias in hiring and promoting women and minorities. Inclusion nudges can help foster workplace cultures free of micro or macro aggressions. Company cultures that encourage discrimination-free workplaces—clear communications, transparency, empathy and innovation—also reduce employee turnover and increase productivity, yielding higher profit margins.

A company's strategic marketing and communications must take into account implicit/explicit bias and cultural communication differences. Internal and external messaging that demonstrate commitment to diverse and inclusive workforces attract and retain better talent. We need the brilliance of all of humanity to come up with solutions to global problems.

Summary:

1. I hope that the City Council will engage in an inclusive process that will involve stakeholders from every group.
2. I hope you will also leverage the expertise of advocates on the ground, who understand the nuances of gender-based discrimination.
3. And I hope you will spell out the type of mandatory, in-person training that the various City agencies and contractors must provide.

As a proud American citizen—and a proud Queens girl—I'm excited about what this could mean not just for New York, but the rest of the country. The City has been a trailblazer in other legislation, and we can lead the way once more. I would love to support the City Council through my expertise working in direct service and policy change.

If you have any questions, please don't hesitate to contact me at (917) 727-6486 or jerin.arifa@gmail.com.

Thank you for working on this important issue.

Sincerely,
Jerin Arifa
<https://jerinarifa.com>



CENTER FOR
ANTI-VIOLENCE
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New York City Council Oversight Hearing
Sexual Harassment Best Practices / Policies in New York City
February 28, 2018

Hello. Thank you for the opportunity to testify.

My name is Jacqueline Castro. I'm 16 and I go to the High School of Telecommunication Arts and Technology in Bay Ridge. I'm a sophomore. I am also a Peer Educator at the Center for Anti-Violence Education – CAE.

The Center for Anti-Violence Education builds strength to stop violence. The organization was founded in 1974 and for 44 years has been working throughout New York City with schools, nonprofit organizations and other community groups to prevent, interrupt and heal from violence. CAE works primarily with girls, women, and people who are LGBTQ and TGNC, and people who are at risk of violence because of other parts of their identity, like perceived ethnicity or immigration status. CAE is based in City Council District 38 but works city wide. I live in District 37.

At CAE, we learn self-defense and we also learn how to be Upstanders. We get to teach others about these skills. We also come together as a community to break all kinds of cycles of violence. When learning about and teaching self-defense, we talk about how to prepare yourself if you experience sexual harassment. We teach people how to use their voices, like how to say no and create boundaries if someone approaches you in a way you don't like.

Nobody likes to get harassed and no matter how many times you walk down a street, whether you have on a dress or pants, you still don't feel safe. I'm not saying it's your fault for wearing what you wanted to wear today, but because people who see you think it is okay to sexually harass you. Even if it's not physical harassment, verbal harassment plays an even bigger role. And not much is being done. We learn a lot about how to defend ourselves, but what about the people who harass?

I want to walk outside and not change blocks because one block isn't safe enough. I feel like schools should teach and have more awareness about sexual harassment. I know that people at my high school, or at any high school, and even middle school are aware of what sexual harassment is and that it is wrong. But they aren't aware of how badly sexual harassment could trigger someone because either they are experiencing it at home or with friends or every day.

I know if schools like mine had more policies around sexual harassment or posters or a "Day with no Sexual Harassment," it would change the point of view of a lot of people.

Thank you.



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New York City Council Oversight Hearing

Sexual Harassment Best Practices / Policies in New York City

February 28, 2018

Good Afternoon Everyone. Thank you for this opportunity to testify. My name is Juvisela Castro. I am 14 years old and I am a Freshman at Fort Hamilton High School.

The Center for Anti-Violence Education builds strength to stop violence. The organization was founded in 1974 and for 44 years has been working throughout New York City with schools, nonprofit organizations and other community groups to prevent, interrupt and heal from violence. CAE works primarily with girls, women, and people who are LGBQ and TGNC, and people who are at risk of violence because of other parts of their identity, like perceived ethnicity or immigration status. CAE is based in City Council District 38 but works city wide. I live in District 37.

Part of my job as a Peer Educator is to teach girls in the RisingStrong program at MS 88. We teach girls some physical self-defense moves in case they were in a situation in which they needed to defend themselves. But we also mention things like sex trafficking and sexual harassment for them to be aware that stuff like this goes on. I feel this is important because when I was in middle school I didn't know much about sexual harassment and how to defend myself or try to prevent it. From experience, I know that sexual harassment is a problem at schools. For example, at my old middle school there was a boy who touched a girl inappropriately and he just got suspended. But do they really learn anything when they are suspended? He should have to learn how something like that affects the person who was harassed.

I feel like schools should have program like CAE to teach others about what sexual harassment is, how to use your voice and defend yourself and how to care for themselves after experiencing sexual harassment. Knowing that young girls like me are being informed about how to fight back against sexual harassment makes me feel good, like we are doing something about it and we won't stay and do nothing.

Thank you.



New York City Council Oversight Hearing
Sexual Harassment Best Practices / Policies in New York City
February 28, 2018

I am Taliyah Evans, I am 15 years old and I go to Brooklyn Technical High School. When I'm not at school, I'm at the Center for Anti-Violence Education participating in the Peer Educators program. In this program, teenagers like myself teach self-defense and upstander workshops as well as discuss social justice topics, such as sexual harassment.

The Center for Anti-Violence Education builds strength to stop violence. The organization was founded in 1974 and for 44 years has been working throughout New York City with schools, nonprofit organizations and other community groups to prevent, interrupt and heal from violence. CAE works primarily with girls, women, and people who are LGBTQ and TGNC, and people who are at risk of violence because of other parts of their identity, like perceived ethnicity or immigration status. CAE is based in City Council District 38 but works city wide. I live in District 33.

In a school as big as mine, many instances of sexual harassment happen between students and between students and teachers, often going unheard. Such instances range from comments that make students feel uncomfortable to physical touching. To my understanding, there are still teachers that continue to teach at my school that speak to their students in ways that make them feel uncomfortable. One example is a teacher who my friends' had who was known to give better grades to certain female students and touched their shoulders unnecessarily. Another example is one of my teachers who says "Baby, turn me on" to her favorite male students.

When this happens, a student's first instinct is to go to the Principal which can be helpful to take action, but Principals often have too much on their plates to really address the problem. In Girls for Gender Equity's study on school pushout, they quoted one young person as saying they did not report sexual harassment from their peers because they "... didn't want to make a fuss over it"*. In fact, Girls for Gender Equity reports that while 1 in 3 participants experienced sexual harassment in school, studies show that 97% of youth do not report these instances.

One thing that could help is to have an adult in the building who we could go talk to about these experiences. It is not just about having this person in the building, but making it known that they exist and where they are in the building.

Another thing that could help the problem of sexual harassment in schools, would be to let students know what can be done or what they can do themselves to prevent sexual harassment among their peers. Brooklyn Tech brings in a speaker about bullying each year who students really listen to. It would be nice to have someone relatable and non-judgmental come and speak to us about sexual harassment.

I also think there should be more trainings and workshops on sexual harassment in schools for both students and teachers. At CAE, I help to lead bystander intervention courses that we call Upstander.

We teach these classes to other young people throughout NYC at places like schools, conferences, libraries and community organizations. In Upstander workshops, we give people the tools to identify harassment and intervene. I think that providing more of these workshops could be helpful in reducing the number of incidents of sexual harassment.

Thank you.



Testimony of Girls for Gender Equity
before
The New York City Council
Committee on Civil and Human Rights and Committee on Women
regarding
Sexual Harassment Best Practices/Policies in New York City

Delivered by: Rebecca Litwin
February 28, 2018

Good afternoon, Committee Chair Rosenthal, Committee Chair Eugene and members of the Committee on Civil and Human Rights and the Committee on Women. My name is Becca Litwin. I am currently pursuing my masters in social work and working at Girls for Gender Equity (GGE), an intergenerational, grassroots advocacy, service delivery organization committed to the physical, psychological, social, and economic development of girls and women. Through youth organizing, leadership development, and community-building for gender and racial equity, GGE challenges structural forces that work to obstruct the freedom, full expression, and rights of girls, transgender, and gender non-conforming (TGNC) youth of color. We are also proud members of the Dignity in Schools Campaign and the Sexuality Education Alliance of New York. Thank you for the opportunity to speak today.

Sexual harassment in the workplace has long been an oppressive truth, as has the reality of sexual violence within the workplace of our young people: school. GGE defines sexual harassment as any unwanted behavior or attention of a sexual nature that may or may not interfere with a person's ability to participate in or benefit from a school's programs or activities. Through a participatory action research project, we worked with over 100 girls, transgender and gender nonconforming youth of color throughout NYC to identify barriers to their education as well as the vision of the school that they want, need and deserve. Through this process, we learned that **1 in 3 of the participants reported experiencing some form of sexual harassment in school.** One young person described their experience, sharing, "In elementary [school], people would catcall me in halls, and make sexual comments. I didn't report it though because I didn't want to make a fuss over it." This quote highlights the ways that some PAR participants not only experience sexual harassment but are also not reporting it or are afraid to report it when sexual harassment occurs. Other research shows similar trends of young people experiencing or witnessing sexual harassment who chose not report their experiences. (Hill and Kearl 2011). **Our schools recreate American societal culture in which sexual harassment is a normalized and under-reported part of the school experience. As a city we have the duty and opportunity to change this story.**

To this end, we are calling on City Council to **enforce a stronger implementation of Title IX, The Dignity Act, and Respect for All to support the mental, emotional, and physical health of all young people.** There are existing local, state, and federal laws that are intersectional in nature, however they are not given the adequate fiscal and implementation resources they require in order to be fully and successfully implemented. While the DOE has hired a Gender Equity Coordinator who has gotten nearly a thousand people trained on topics related to sexual harassment, it's not nearly enough. Currently, New York City has 1.1 million students and only one Title IX coordinator. **We urgently need a Title IX**



Coordinator at every Field Support Office who can both address sexual harassment and also work with schools on creating cultures of consent.

Additionally, we need to **divest from NYPD in our schools and invest in increasing the number of trained and supervised guidance counselors and social workers** who are equipped to provide students with, or refer them to, community-based, culturally responsive, survivor-led, gender responsive, trauma-informed support, such as mental health services. As a city we must ensure there is **comprehensive in-school support for students who are survivors of sexual violence**. Girls and TGNC youth of color need a consistent individual who they can turn to for help in their often turbulent school environments.

We must recognize that gender based violence is a spectrum, and sexual harassment is only one piece of that. #MeToo is a movement to end all forms of gender-based violence, and this is a movement of which GGE a been a part for 15 years. We cannot afford to have this conversation end at sexual harassment and workplace policies alone. My colleagues and I at Girls for Gender Equity thank you for continued support in working to ensure our young people have safe and supportive environments in which to learn. I appreciate the opportunity to testify today.

References

Brathwaite, B., & Hudson, K. (2017). *The school girls deserve: Youth driven solutions for creating safe, holistic, and affirming New York City public schools*. New York, NY: Girls for Gender Equity.

Hill, C. A., & Kearl, H. (2011). *Crossing the line: sexual harassment at school*. Washington, D.C.: AAUW.

Policies Uplifted from Girls for Gender Equity's *The School Girls Deserve* Report:

Stronger implementation of Title IX, The Dignity Act, and Respect for All to support the mental, emotional, and physical health of all young people. There are existing local, state, and federal laws that are intersectional in nature, however they are not given the adequate scale and implementation resources they require in order to be fully implemented and successful. Which includes assigning a Title IX coordinator to every NYC DOE School. New York City has 1.1 million students, 1,800 schools but only has 1 Title IX coordinator.

Increase the number of trained and supervised guidance counselors and social workers. Girls and TGNC youth of color need a consistent individual who they can turn to for help in their school environments. Ensure that social workers and guidance counselors have extensive anti-oppressive frameworks/practice training (Minnesota Philanthropy Partners 2013). Inform students about guidance counselors and social workers, what their role is, how they can help, and where they are located. Conduct universal screenings for students' academic, social, emotional, mental, and physical health and other needs and ensure that they receive the proper culturally-responsive support.

Ensure comprehensive in-school support for students who are survivors of sexual violence. Expand the number of school guidance counselors that are equipped to provide students with or refer them to community-based culturally- responsive, survivor-led, gender responsive, trauma-informed support such as mental health services. Provide counseling to assist students who've been exposed to trauma or violence (Duncan 2013).



Testimony of Girls for Gender Equity
before
The New York City Council
Committee on Civil and Human Rights and Committee on Women
regarding
Sexual Harassment Best Practices/Policies in New York City

Delivered by: Brittany Brathwaite, MSW, MPH
February 28, 2018

Good afternoon, Committee Chair Helen Rosenthal, Committee Chair Mathieu Eugene and members of the Committee on Civil and Human Rights and the Committee on Women. My name is Brittany Brathwaite, Organizing and Innovation Manager at Girls for Gender Equity (GGE), an intergenerational, grassroots advocacy organization committed to the physical, psychological, social, and economic development of girls and women. Through youth organizing, leadership development, and community-building for gender and racial equity, GGE challenges structural forces that work to obstruct the freedom, full expression, and rights of girls, transgender, and gender non-conforming (TGNC) youth of color. We also proud members of the Dignity in Schools Campaign and the Sexuality Education Alliance of New York. Thank you for the opportunity to speak today.

Sexual harassment in the workplace continues to be a pressing issue today. However, sexual harassment is not limited to workplace settings, and has a significant impact on youth attending our schools every day. Our recent report, *The School Girls Deserve*, presents findings that show that approximately one in three students in our study reported experiencing some form of sexual harassment in school. While they reported experiencing sexual harassment to our research team, they did not report it to their schools. This is consistent with other research findings including our 2007 participatory action research project looking at the impact of sexual harassment in NYC public schools (Smith, Huppuch, and Deven 2011; Hill and Kearl, 2011). Over ten years after our original study, we still know and understand this as much as pertinent issue as it was then, now.

Efforts to combat sexual harassment in our schools is needed now more than ever. We know that reports of sexual harassment and assault are not novel, however many young people have had no education in New York City public schools have no education about 1) what sexual harassment and assault is? 2) How they can prevent sexual harassment and assault in schools from occurring. In our recent report, young people expressed an overwhelming desire to have comprehensive sexuality education in grades K - 12.

Comprehensive sexual health education is a critical tool in helping young people to identify sexual harassment and assault and influence how they see themselves and their sexuality in positive ways. Comprehensive sexuality education encompasses lessons and skills development around bodily autonomy, respect, elements of healthy relationships, anti-bullying measures and bystander intervention, consent, and safe sexual practices. Starting these lessons in elementary grades is an important part of health education that can help to prevent harassment and intolerance throughout one's school experience



and later in life. Comprehensive sexuality education is an extremely effective way to ensure that young people have the information to make self-determined decisions about their bodies and lives.

We also know that while education offers us a powerful tool to transform how young people learn about themselves and each other, we cannot place the onus of ending sexual harassment and assault solely on their shoulders. In our work, when we asked students to indicate whether they had ever reported sexual harassment, regardless of whether it happened to them directly, 97% of youth said they had not reported it. When participants were prompted to elaborate on their responses, several themes emerged, the most common being that sexual harassment was simply accepted as a part of what it meant to be at school (Smith, Huppuch and Deven 2011). Sexual harassment and gender-based violence cannot be acceptable threads in the fabric of our education system.

Education in the United States is compulsory. Young people do not get to choose whether or not they go to school everyday. They are required to do this by law. However, everyday young people enter institutions where they receive multitudes of unwanted behavior or attention of a sexual nature that may or may not interfere with their ability to participate in or benefit from their school's programs or activities. Workplaces often have a Human Resources department, a union, or outside organization that employees can turn to and report sexual harassment. And while, these practices have a long way to go there is often more clarity and process around reporting for adults in workplaces. In New York City, students have one person - the Title IX coordinator, who in our experience most students know nothing about. One person to handle reports, prevention, and intervention of any issues related to sexual harassment for 1.1 million students. We've done the math, the ratio is off. It would appear that if we are taking this issue seriously, we would have allotted more resources and people-power to insure that schools are truly safe for all young people.

In our vision to create safe and supportive learning environments, our efforts must include education, knowing one's rights, support resources, and full implementation of policies created to protect young people in school environments so that they one day be able to enter the workplace.

We applaud the City Council's commitment to address current rates of sexual harassment in the workplace and beyond, and we urge the city **to advance comprehensive sexual health education citywide and make a serious investment in policies that protect and support students from sexual harassment like Title IX and the Dignity Act.** Thank you for the opportunity to testify on this important issue.

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A Roadmap for Achieving Comprehensive Sexual Health Education in NYC Schools

The need for high-quality comprehensive sexual health education in all grades is urgent. Rates of sexually transmitted infections among adolescents in New York City are dramatically increasing;ⁱ lesbian, gay, bisexual, and queer, and transgender and gender non-conforming (LGBQ and TGNC) students face disproportionate rates of school victimization;ⁱⁱ and New York City youth face some of the highest rates of intimate partner violence in the country.ⁱⁱⁱ Now is the time for New York City to implement bold and innovative sexual health education policies.

New York City Department of Education (NYCDOE) students deserve comprehensive and inclusive sexual health education that is age-appropriate, skills-based, and aligned with the National Sexuality Education Standards (NSES).^{iv} This requires that sexual health education be taught by well-trained teachers, scaffolded from an early age, and include accountability measures that ensure sufficient time to cover critical lessons such as consent, healthy relationships, the use of technology and social media in intimate relationships, and accessing health services. Sexual health education must also be trauma-informed and culturally-responsive, and include LGBQ and TGNC students in each topic and not simply in a one-time, stand-alone lesson.

SEANYC recommends the following curriculum, teacher training, and accountability policy changes for New York City.

Curriculum

The National Sexuality Education Standards (NSES) require that all students in kindergarten through 12th grade receive lessons that build skills in interpersonal communication, decision-making, self-management, goal setting, and analyzing influences. The NSES scope and sequence also explicitly requires that all students in kindergarten through 5th grade receive lessons about personal safety, respect, bodily acceptance and autonomy, gender identity, and positive relationships, as these are critical to ensuring a strong foundation in the early grades upon which more complex skills can be developed in later grades. To best implement high-quality sexual health education in NYCDOE schools, we recommend:

- 1. Approved sexual health education curricula be aligned with the National Sexuality Education Standards (NSES).**
- 2. NYCDOE develop and distribute a standardized scope and sequence for K-12 sexual health education that specifically addresses expectations for D75^v and D79^{vi} schools, students with IEPs,^{vii} and ELLs.^{viii}**
- 3. NYCDOE ensures that any approved curriculum allows room for educators to modify activities and approaches according to the academic and social-emotional needs of their students.**

Teacher Training

New York City Department of Education (NYCDOE) students deserve sexual health education taught by trained, capable, and enthusiastic educators. Too often, teachers who are ill-equipped and uninterested in teaching sexual health education are tasked with this tremendous responsibility. At the very least, this compromises the quality of education that students receive on topics crucial to their health and well-being. At worst, it is actively damaging to young people who are taught by teachers unprepared to lead lessons on sensitive topics like sexual violence, body image, and gender identity. As such, we need teachers who are adequately and regularly trained to provide high-quality sexual health education that supports, empowers, and meets the needs of our diverse student body. To best accomplish this, we recommend:

1. **NYCDOE require all teachers who teach sexual health education to receive training prior to implementing curricula.**
2. **NYCDOE incentivize health education teacher training, inclusive of sexual health training.**
 - a. Sexual health education training must incorporate social and emotional learning and be culturally responsive and trauma-informed.
 - b. Sexual health education training must include LGBTQ and TGNC health as core components.
3. **Specific training be offered on teaching sexual health education to students with disabilities.**
4. **NYCDOE invest in and incentivize the hiring of certified health teachers.**

Accountability & Enforcement

While The New York City Department of Education (NYCDOE) does require that sexual health education be included in the state-mandated semester of health education in both middle school and high school, an enumerated policy indicating specific curricula requirements; number of dedicated classroom hours; optimal grade level and timing during the school year; and accountability protocols to ensure the mandate is adhered to do not exist. Moreover, data from both the NYCDOE and from a SEANYC student-led poll show that many schools are out of compliance with the current NSES directives.^{ix} In order to best achieve compliance with existing mandates and encourage ongoing improvements, we recommend:

1. **NYCDOE mandate comprehensive sexual health education be taught in grades K-12 through a Chancellor's regulation and in the NYCDOE Wellness Policy.**
2. **NYCDOE require that annual Principal Performance Reviews (PPR) include an evaluation of the provision of sexual health education and training of teachers.**
3. **DOE develop and implement standard evaluation tools for measuring the efficacy of sexual health education. Release the data in the NYCDOE Wellness Policy report.**
4. **DOE treat health education classes as essential when writing Individualized Education Plans (IEPs)**
5. **Sexual health education materials be made easily accessible and available on the NYCDOE website.**

For more information on SEANYC's recommendations or NYC's health education, please contact Info@SexEdNYC.org

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<http://www.cdc.gov/nchhstp/newsroom/2016/lgb-youth-report-press-release.html>

ⁱⁱⁱ "CDC Youth Risk Behavior Survey data, New York City, NY 2015 and United States, 2015." Centers for Disease Control and Prevention. 2016. Accessed December 16, 2016. [Link here.](#)

^{iv} Future of Sex Education Initiative. (2012). National Sexuality Education Standards: Core Content and Skills, K-12 [a special publication of the Journal of School Health]. Retrieved from <http://www.futureofsexeducation.org/documents/josh-fose-standards-web.pdf>

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^{vi} District 79 (D79) helps students under 21 years' old who have experienced a disruption to their studies (i.e. court involved youth, student parents, and High School Equivalency students) to stay on track, build skills to succeed in post-secondary opportunities, and gain social-emotional skills. For more information about D79 see <http://schools.nyc.gov/Offices/District79/default.htm>

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^{ix} Health Data. Office of Intergovernmental Affairs, NYC Department of Education. Accessed December 16, 2016.

<http://schools.nyc.gov/community/city/publicaffairs/Health+Data.htm>



Proposed Stop Sexual Harassment in NYC Act

NYC Council Committee on Civil and Human Rights and the Committee on Women

Thank you, Committee Chair Helen Rosenthal, Committee Chair Mathieu Eugene and members of the Committee on Civil and Human Rights and the Committee on Women for the opportunity to speak. My name is Manish Sreevatsava, and I am here today representing Peer Health Exchange.

We are a proud member of the Sexuality Education Alliance of New York City and we strongly support the Stop Sexual Harassment in NYC Act.

New Yorkers, particularly women and transgender and gender nonconforming (TGNC) individuals, experience sexual harassment long before they enter the workforce. Therefore, education about sexual harassment must start **before** someone enters the workplace. Peer Health Exchange believes the ideal place to begin conversations about respect, communication, and consent is in our k-12 schools – this is comprehensive sexuality education.

A lack of quality health education leads to lack of understanding of and ability to navigate consensual relationships. 1 in 10 of New York City's public high school students have experienced sexual dating violence in the last 12 months. This council and the Mayor convened a sex ed task force that we hope will soon come out with recommendations inclusive of rigorous k-12 sexuality education.

Peer Health Exchange partners with 53 high schools across New York City, reaching over 5,600 high school students this year who would not be receiving health education, or whose school has identified a need for extra support in talking about critical health issues like sexual health. One of these students is Akilah, a student at John Jay School for Law in Brooklyn. Akilah shared that through her Peer Health Exchange experience, she was able to develop a solid understanding of consent and how to clearly advocate and communicate with a partner if she is not ready to engage in sexual activity. Akilah's classmates agreed that it was through Peer Health Exchange's sexuality education that they learned about consent and how to communicate what they care about. Akilah noted that she stopped being a "follower" and allowing people to do what *they* wanted to her after receiving this education. In a recent evaluation, we found that young people who received Peer Health Exchange programming were 20% more likely than their peers to have an accurate understanding of sexual consent. All New York City students deserve this education – now.

Incidents of sexual harassment and assault are not new, and the call to action to change workplace environments and for comprehensive sexuality education are stronger than ever. Additionally, we know that sexual harassment is an issue that disproportionately affects women and is disproportionately perpetuated by men. And so, we must engage critically with how we are discussing sexuality education with young men. In a culture where toxic masculinity and a misunderstanding of social and power dynamics are ubiquitous, there is a strong call to action

for not just comprehensive sexuality education, but also health education that covers mental health stigmas for men and consequences of substance use.

We applaud the City Council's commitment to address current rates of sexual harassment in the workplace and beyond, and we urge the city to advance comprehensive k-12 sexual health education for young people across the city. Thank you for pushing to make New York City a safer space for all New Yorkers and for the opportunity to testify on this important issue.



Testimony of the National Institute for Reproductive Health
before
The New York City Council Committee on Civil and Human Rights and the Committee on Women
regarding
Policies and Best Practices Addressing Sexual Harassment in New York City
February 28, 2018

Thank you Councilmember Rosenthal, Councilmember Eugene, and members of both the committees holding this important hearing for the opportunity to speak today. Thank you as well to all the sponsors of the bills before you for taking decisive action to address sexual harassment. My name is Emily Kadar and I am here today representing the National Institute for Reproductive Health (NIRH), a reproductive rights organization that builds power at the state and local level to change public policy, galvanize public support, and normalize women's decisions about abortion and contraception.

We are also a co-chair and proud member of the Sexuality Education Alliance of New York City (SEANYC), a coalition of educators, students, advocacy groups and direct service organizations fighting for comprehensive, K-12 sexuality education that meets the National Sexuality Education Standards for all New York City youth. SEANYC aims to ensure that NYC is creating safe learning environments where students can access the information and skills they need to make healthy decisions and fulfill meaningful and productive lives.

The #MeToo movement has illuminated the sad fact that sexual harassment and gender inequity are pervasive in all industries and environments, including schools. New York City must be a leader in addressing this insidious problem. The bills before you, which include initiatives like sexual harassment assessment and anti-harassment trainings at city agencies and private employers, greater transparency, reporting and public information about sexual harassment, and the expansion and strengthening of our city's human rights law are all steps in the right direction, and demonstrate how seriously our Councilmembers are taking this issue.

We also urge the Council to confront sexual harassment at its earliest stages, and consider how we are educating our young people on healthy relationships, consent, respect, and communication. Since 2011, the New York City Department of Education (DOE) has required both middle and high schools to incorporate sexuality education into the two semesters of state-required health education. As we all know, comprehensive sexuality education includes vital information about the prevention of unintended pregnancy, HIV/AIDs, and STIs, but it also provides a foundational understanding of boundaries, bodily autonomy, and consent. This knowledge can help prevent child sexual abuse, teen dating violence, bullying, and sexual harassment.

NIRH believes that the current sexuality education policy does not go far enough. The DOE can mandate via a Chancellor's regulation and its Wellness Policy a comprehensive, age-appropriate sexuality education policy that reflects the National Sexuality Education Standards for all students from kindergarten through 12th grade. I have included as an addendum to my testimony SEANYC's "Roadmap for Achieving Comprehensive Sexuality Education in NYC Schools", which details our recommendations for curriculum, teacher training, and accountability and enforcement measures.

We will only be able to combat these issues if we seek the roots of the problem and confront them early and often. NIRH looks forward to continuing to work with the Council to ensure that all New Yorkers, including women, LGBTQ+ individuals, and young people, are safe, healthy, and protected from sexual harassment and violence. Thank you for the opportunity to testify today.



A Roadmap for Achieving Comprehensive Sexual Health Education in NYC Schools

The need for high-quality comprehensive sexual health education in all grades is urgent. Rates of sexually transmitted infections among adolescents in New York City are dramatically increasing;ⁱ lesbian, gay, bisexual, and queer, and transgender and gender non-conforming (LGBQ and TGNC) students face disproportionate rates of school victimization;ⁱⁱ and New York City youth face some of the highest rates of intimate partner violence in the country.ⁱⁱⁱ Now is the time for New York City to implement bold and innovative sexual health education policies.

New York City Department of Education (NYCDOE) students deserve comprehensive and inclusive sexual health education that is age-appropriate, skills-based, and aligned with the National Sexuality Education Standards (NSES).^{iv} This requires that sexual health education be taught by well-trained teachers, scaffolded from an early age, and include accountability measures that ensure sufficient time to cover critical lessons such as consent, healthy relationships, the use of technology and social media in intimate relationships, and accessing health services. Sexual health education must also be trauma-informed and culturally-responsive, and include LGBQ and TGNC students in each topic and not simply in a one-time, stand-alone lesson.

SEANYC recommends the following curriculum, teacher training, and accountability policy changes for New York City.

Curriculum

The National Sexuality Education Standards (NSES) require that all students in kindergarten through 12th grade receive lessons that build skills in interpersonal communication, decision-making, self-management, goal setting, and analyzing influences. The NSES scope and sequence also explicitly requires that all students in kindergarten through 5th grade receive lessons about personal safety, respect, bodily acceptance and autonomy, gender identity, and positive relationships, as these are critical to ensuring a strong foundation in the early grades upon which more complex skills can be developed in later grades. To best implement high-quality sexual health education in NYCDOE schools, we recommend:

- 1. Approved sexual health education curricula be aligned with the National Sexuality Education Standards (NSES).**
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- 3. NYCDOE ensures that any approved curriculum allows room for educators to modify activities and approaches according to the academic and social-emotional needs of their students.**

Teacher Training

New York City Department of Education (NYCDOE) students deserve sexual health education taught by trained, capable, and enthusiastic educators. Too often, teachers who are ill-equipped and uninterested in teaching sexual health education are tasked with this tremendous responsibility. At the very least, this compromises the quality of education that students receive on topics crucial to their health and well-being. At worst, it is actively damaging to young people who are taught by teachers unprepared to lead lessons on sensitive topics like sexual violence, body image, and gender identity. As such, we need teachers who are adequately and regularly trained to provide high-quality sexual health education that supports, empowers, and meets the needs of our diverse student body. To best accomplish this, we recommend:

1. **NYCDOE require all teachers who teach sexual health education to receive training prior to implementing curricula.**
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 - a. Sexual health education training must incorporate social and emotional learning and be culturally responsive and trauma-informed.
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While The New York City Department of Education (NYCDOE) does require that sexual health education be included in the state-mandated semester of health education in both middle school and high school, an enumerated policy indicating specific curricula requirements; number of dedicated classroom hours; optimal grade level and timing during the school year; and accountability protocols to ensure the mandate is adhered to do not exist. Moreover, data from both the NYCDOE and from a SEANYC student-led poll show that many schools are out of compliance with the current NSES directives.^{ix} In order to best achieve compliance with existing mandates and encourage ongoing improvements, we recommend:

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4. **DOE treat health education classes as essential when writing Individualized Education Plans (IEPs)**
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For more information on SEANYC's recommendations or NYC's health education, please contact Info@SexEdNYC.org

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New York City Council
Committee on Civil and Human Rights and Committee on Women Joint Hearing
Testimony on Proposed Bills Related to Sexual Harassment
(T2018-1459–T2018-1469 and T-2018-1474)
February 28, 2018

Good afternoon. My name is Zoe Ridolfi-Starr, and I serve as the co-chair of Policy for the Sexuality Education Alliance of New York City. Thank you to Councilmember Eugene and Councilmember Rosenthal for convening this hearing, and to the members of each committee and those who have sponsored and supported the bills being discussed this afternoon for their leadership in addressing sexual harassment.

The Sexuality Education Alliance of New York City (SEANYC) advocates for comprehensive, K-12 sexuality education that meets the National Sexuality Education Standards for all New York City youth. Our coalition includes high school students and parents, educators, direct service providers, and advocacy organizations. SEANYC aims to empower all students with the information and skills they need to live safe, healthy, and productive lives.

We commend the efforts of the City Council to strengthen our city's response to sexual harassment in the workplace. As many have articulated today, harassment in the workplace is a pervasive and urgent issue in New York. And it's no wonder: each year, our city allows another generation of young people to enter the workforce without providing the sexuality education they need to make healthy, responsible choices in the workplace and beyond. While this package of bills offers some promising solutions, there is a glaring gap: How do we effectively prevent sexual harassment in the first place?

Children begin to learn about bodies, consent, boundaries, and how to explore and communicate their sexual desires at a very young age. With early and ongoing educational interventions, young people can learn how to responsibly navigate their own sexuality and respect others'. They can learn skills like how to read body language, understand gender and power dynamics, and the appropriate language for talking about LGBTQ issues. They learn about what is and isn't appropriate to discuss in school or the workplace, and the evolving role of social media in personal relationships. When these students leave school, they are better equipped to navigate the workplace, more likely to identify and feel comfortable reporting unacceptable behavior, and less likely to engage in harmful behavior themselves.¹

Without comprehensive sexuality education, young people are often left to absorb their information from damaging representations in the media, ill-informed peers, or teachers who are inadequately prepared to educate students about these topics. These young people will eventually enter the workforce too--and a one-hour training video will not be enough to help them unlearn discriminatory or inappropriate attitudes.

¹ Kenny, M., et. al. (2013). Toward Prevention of Childhood Sexual Abuse: Preschoolers' Knowledge of Genital Body Parts. <http://digitalcommons.fiu.edu/cgi/viewcontent.cgi?article=1121&context=sferc>

Wolf, D.A., et. al. (2009). A School-Based Program to Prevent Adolescent Dating Violence: A Cluster Randomized Trial. *Archives of Pediatrics and Adolescent Medicine*. (163)8: 692-699.

Foshee, V.A., et. al. (1998). An Evaluation of Safe Dates, an Adolescent Dating Violence Prevention Program. *American Journal of Public Health*. (88)1.

In order to truly eradicate sexual harassment, New York City must begin to prioritize comprehensive K-12 sexuality education.

Currently, New York City Department of Education (DOE) requires one semester of health education in middle school and one semester in high school, and the Office of School Wellness Programs calls for a portion of each of these semesters to cover sexuality education. This is the extent of our city's sexuality education requirement, and it is wholly insufficient. Research demonstrates that early and ongoing education is far more effective in changing norms, attitudes, and behaviors than one-off lessons.² What students need is a mandate requiring age-appropriate sexuality education that begins in Kindergarten and occurs regularly until the end of high school, is taught by qualified educators, and is consistent with the National Sexuality Education Standards.

Additionally, the dearth of qualified health teachers and the DOE's failure to effectively enforce the existing mandate means that many schools are not complying with even this minimal requirement. According to the DOE's own data, almost half of eighth graders who graduated in 2016 (43%) did not receive a single semester of health during middle school (as mandated by state law), and only 7.6% of all health education instructors have attended any training on sexuality education in the last two years.³ And in a recent survey by the Connect to Protect (C2P) Bronx Coalition, approximately 1 out of 3 students from Bronx high schools reported they had never received sex education, or are "unsure if they have." Of the students that said they have had sex education, 32% said they only received one or two lessons total.

Clearly, many students are not even receiving the bare minimum of health education--let alone the level of education necessary to help address high rates of sexual harassment. These findings reveal an urgent need to improve sexuality education across New York City. Cities across the country, including Boston, Chicago, and Broward County have all enacted comprehensive K-12 sexuality education programs in recent years, yet New York City continues to fail to meet its own meager goals for middle and high schools.

The prevalence of sexual harassment in our city's workplaces is a consequence of our failure to educate generations of New Yorkers about boundaries, consent, and respect. While the measures being discussed today have the potential to help address sexual harassment in New York City's workplaces, they will only be effective if coupled with a robust plan to expand comprehensive sexuality education across the city. Otherwise, they offer only Band-aid solutions to the problem.

In order to effectively prevent sexual harassment, New York City must achieve compliance with and strengthen our sexuality education policy. In pursuit of this goal, SEANYC has developed a set of recommendations in collaboration with teachers, students, school principals, and other stakeholders. We have included these recommendations here, and hope the Council will review them and continue to push the DOE and the Mayor to create and enforce a mandate for comprehensive K-12 sexuality education.

Once again, we appreciate the leadership of Councilmembers Eugene and Rosenthal, and each of the Councilmembers who have sponsored and supported this hearing and this package of bills. Thank you for the opportunity to testify today.

² International Technical Guidance on Sexuality Education. United Nations Education, Scientific, and Cultural Organization. December 2009. <http://unesdoc.unesco.org/images/0018/001832/183281e.pdf>

³ Health Data. Office of Intergovernmental Affairs, NYC Department of Education. Accessed March 16, 2017. <http://schools.nyc.gov/community/city/publicaffairs/Health+Data.htm>



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SEANYC recommends the following curriculum, teacher training, and accountability policy changes for New York City.

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2. **NYCDOE develop and distribute a standardized scope and sequence for K-12 sexual health education that specifically addresses expectations for D75^v and D79^{vi} schools, students with IEPs,^{vii} and ELLs.^{viii}**
3. **NYCDOE ensures that any approved curriculum allows room for educators to modify activities and approaches according to the academic and social-emotional needs of their students.**

Teacher Training

New York City Department of Education (NYCDOE) students deserve sexual health education taught by trained, capable, and enthusiastic educators. Too often, teachers who are ill-equipped and uninterested in teaching sexual health education are tasked with this tremendous responsibility. At the very least, this compromises the quality of education that students receive on topics crucial to their health and well-being. At worst, it is actively damaging to young people who are taught by teachers unprepared to lead lessons on sensitive topics like sexual violence, body image, and gender identity. As such, we need teachers who are adequately and regularly trained to provide high-quality sexual health education that supports, empowers, and meets the needs of our diverse student body. To best accomplish this, we recommend:

1. **NYCDOE require all teachers who teach sexual health education to receive training prior to implementing curricula.**
2. **NYCDOE incentivize health education teacher training, inclusive of sexual health training.**
 - a. Sexual health education training must incorporate social and emotional learning and be culturally responsive and trauma-informed.
 - b. Sexual health education training must include LGBTQ and TGNC health as core components.
3. **Specific training be offered on teaching sexual health education to students with disabilities.**
4. **NYCDOE invest in and incentivize the hiring of certified health teachers.**

Accountability & Enforcement

While The New York City Department of Education (NYCDOE) does require that sexual health education be included in the state-mandated semester of health education in both middle school and high school, an enumerated policy indicating specific curricula requirements; number of dedicated classroom hours; optimal grade level and timing during the school year; and accountability protocols to ensure the mandate is adhered to do not exist. Moreover, data from both the NYCDOE and from a SEANYC student-led poll show that many schools are out of compliance with the current NSES directives.^{ix} In order to best achieve compliance with existing mandates and encourage ongoing improvements, we recommend:

1. **NYCDOE mandate comprehensive sexual health education be taught in grades K-12 through a Chancellor's regulation and in the NYCDOE Wellness Policy.**
2. **NYCDOE require that annual Principal Performance Reviews (PPR) include an evaluation of the provision of sexual health education and training of teachers.**
3. **DOE develop and implement standard evaluation tools for measuring the efficacy of sexual health education. Release the data in the NYCDOE Wellness Policy report.**
4. **DOE treat health education classes as essential when writing Individualized Education Plans (IEPs)**
5. **Sexual health education materials be made easily accessible and available on the NYCDOE website.**

For more information on SEANYC's recommendations or NYC's health education, please contact Info@SexEdNYC.org

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<http://www.cdc.gov/nchstp/newsroom/2016/lgb-youth-report-press-release.html>

ⁱⁱⁱ "CDC Youth Risk Behavior Survey data, New York City, NY 2015 and United States, 2015." Centers for Disease Control and Prevention. 2016. Accessed December 16, 2016. [Link here.](#)

^{iv} Future of Sex Education Initiative. (2012). National Sexuality Education Standards: Core Content and Skills, K-12 [a special publication of the Journal of School Health]. Retrieved from <http://www.futureofsexeducation.org/documents/josh-fose-standards-web.pdf>

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^{ix} Health Data. Office of Intergovernmental Affairs, NYC Department of Education. Accessed December 16, 2016. <http://schools.nyc.gov/community/city/publicaffairs/Health+Data.htm>

Planned Parenthood of New York City

**Planned Parenthood of New York City Testimony on
Sexual Harassment in the Workplace
before the
NYC Council Committee on Women and Committee on Civil and Human Rights
February 28, 2018**

Good afternoon. I am Christina Chang, Vice President of Public Affairs at Planned Parenthood of New York City (PPNYC). I am pleased to submit testimony for today's public hearing on sexual harassment in the workplace. Thank you to the New York City Council Committee Chairs Helen Rosenthal and Mathieu Eugene convening today's hearing and to the Speaker of the Council and the Committees on Women and Civil and Human Rights for bringing to light this important issue.

Planned Parenthood of New York City has been a leading provider of reproductive and sexual health services in New York City for more than 100 years, reaching nearly 85,000 New Yorkers annually through our clinical and education programs. In addition to our clinical services, PPNYC has a robust education department, providing both youth and adult education programs to more than 25,000 New Yorkers annually. Our programs aim to provide tools to help our participants lead sexually healthy, safe and responsible lives. All of our health curricula include a healthy relationship and consent component and seeks to create an affirming space for all members of our community to thrive.

In this political moment, public conversations on sexual harassment are more important than ever. The #MeToo movement has brought to light the extent to which sexual harassment, assault, and the devaluing of women pervades our society. No workplace or institution is free from these realities and we are just beginning to take a hard look at the societal systems in place that enable such continued abuse. We applaud the Council for taking an important step in convening this hearing to examine the gaps that persist in workplaces across New York City and to begin to act on opportunities for change.

PPNYC strongly supports measures to combat sexual harassment and sexual assault in the workplace. Sexual assault is a matter of public health and safety. Survivors frequently face physical and or mental trauma and suffer high rates of Post-Traumatic Stress Disorder (PTSD), depression, and drug or alcohol abuse.¹ The repercussions are often grave and long lasting. PPNYC works to meet the needs of survivors in our clinical services as well as our education and advocacy work. Our medical history forms include nonjudgmental screening questions for intimate partner violence and sexual and reproductive wellbeing. We provide onsite social workers, as well as, referrals to nearby family justice centers or additional services as needed. Our staff assesses for level of danger and immediacy of support needed and offers care accordingly.

In order for employees to be able to do their job effectively, they need to feel safe. And they need to feel their employer stands with them and values their wellbeing. PPNYC provides staff with routine training on sexual harassment in the workplace, in addition to regular patient privacy and safety protocols, and supports greater resources dedicated to trainings, such as bystander intervention. As a leading health education provider in New York City, we know firsthand how important education, training, and prevention is to addressing sexual harassment. Our staff provide workshops and professional development

¹ The Campus Sexual Assault (CSA) Study: Christopher P. Krebs, Ph.D. ; Christine H. Lindquist, Ph.D.; Tara D. Warner, M.A. ; Bonnie S. Fisher, Ph.D. ; Sandra L. Martin, Ph.D. Retrieved at: <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

Planned Parenthood of New York City

to adults, caregivers, and employees, because people of all ages need education and resources when it comes to healthy relationships, consent, and respectful communication. PPNYC supports the call to require anti-sexual harassment training in our workplaces so employees know their rights when it comes to sexual harassment and assault and are equipped with the tools and knowledge to identify and report harassment. Conversely, managers and employers need training to understand their responsibilities in preventing sexual harassment and the measures they can take to respond to and address complaints. As we begin to see more individuals come forward, we need to ensure employees have the support and resources to be able to report without being subjected to undue retaliation or retribution.

However, these resources should not just be limited to places of employment.

New Yorkers, particularly women and transgender and gender nonconforming (TGNC) individuals, experience sexual harassment long before they enter the workforce. It is incumbent on us as a city to address the extent of sexual harassment we experience in our daily lives and take steps to create environments to help prevent sexual harassment from occurring in the first place. A core component of combating and preventing harassment requires an increased commitment to comprehensive sexuality education. PPNYC firmly believes that conversations around harassment, consent, and understanding what a healthy relationship looks like cannot start early enough.

Comprehensive sexuality education encompasses lessons and skill development around bodily autonomy, respect, identifying healthy relationships, anti-bullying measures and bystander intervention, and safe sexual practices, all critical tools in helping young people to identify sexual harassment and assault and influence how they see themselves and their sexuality in positive ways. Starting these lessons in elementary grades is imperative; students who receive comprehensive sexuality education guided by the National Sexuality Education Standards (NSES) learn:

- “The characteristics of healthy friendships and healthy ways to express feelings by 2nd grade;
- How to compare healthy and unhealthy relationships, communicate differences of opinions while maintaining friendships, and demonstrate ways to treat others with dignity and respect by the end of 5th grade;
- How to describe the potential impact of power differentials in relationships, analyze the similarities and differences between friendships and romantic relationships, communicate personal boundaries and show respect for the boundaries of others by 8th grade;
- How to describe the characteristics of healthy and unhealthy romantic and sexual relationships, analyze the media’s influence on how people define healthy relationships, describe and explain consent, effectively communicate personal boundaries, and demonstrate effective strategies to avoid or end an unhealthy relationship by the end of 12th grade.”²

Research has consistently shown that comprehensive sexual health education works. Positive youth development education, that focuses on the physical, mental, emotional, and social dimensions of sexuality is crucial in helping young people to make health-promoting decisions³ and can help shift

² The Future of Sex Ed, “Building a Foundation for Sexual Health Is a K–12 Endeavor: Evidence Underpinning the National Sexuality Education Standards.” <http://www.futureofsexed.org/buildingfoundation.html>

³ “Enhancing the Emotional and Social Skills of the Youth to Promote their Wellbeing and Positive Development: A Systematic Review of Universal School-based Randomized Controlled Trials.” [Clin Pract Epidemiol Ment Health](http://www.clinpractepidemiolmenthealth.com).

Planned Parenthood of New York City

broader cultural ideas about gender, power, and sexuality. A recent college survey found that when repeatedly exposed to sexual double standard messages from family and peers, female students were less likely to be comfortable with sexual communication than their peers were, male students had higher rates of perpetuating sexual coercion, and both male and female students had higher rates of endorsing rape “myths.”⁴ Truly comprehensive education requires that we unpack gender and power dynamics in relationships and foster critical thinking about gender norms and stereotypes in our everyday lives and what it means to value oneself and recognize one’s own power. Curriculum that centers gender and power in sexuality education would go a long way to challenging the deeply embedded culture of sexual harassment unearthed by the #MeToo movement.

Efforts to combat sexual harassment and assault in the workplace are needed more than ever. We know that reports of harassment and assault are not new, and with this renewed awareness and call for action, we have an unprecedented opportunity to move forward bold large-scale changes. These efforts must include workplace education, resources, support services. And they need to start well before individuals enter the workforce. Comprehensive, inclusive sexual health education from kindergarten to 12th grade enables schools to build a foundation for much-needed learning around sexual harassment and assault in age-appropriate ways, and supports young people to build caring communities that respect the identities of all. We applaud the Council’s commitment to address current rates of sexual harassment in the workplace and urge the city to advance comprehensive sexual health education citywide. To that end, please find attached the Sexuality Education Alliance of New York City (SEANYC)’s policy recommendations for enacting comprehensive sexual health education for all New York students.

Thank you for the opportunity to testify on this important issue.

2015; 11(Suppl 1 M2): 21–40. Published online 2015 Feb 26. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4378066/>

⁴ “Building a Foundation for Sexual Health Is a K–12 Endeavor: Evidence Underpinning the National Sexuality Education Standards.” Future of Sex Education. 2016. Retrieved from <http://futureofsexed.org/documents/Building-a-foundation-for-Sexual-Health.pdf>



A Roadmap for Achieving Comprehensive Sexual Health Education in NYC Schools

The need for high-quality comprehensive sexual health education in all grades is urgent. Rates of sexually transmitted infections among adolescents in New York City are dramatically increasing;ⁱ lesbian, gay, bisexual, and queer, and transgender and gender non-conforming (LGBQ and TGNC) students face disproportionate rates of school victimization;ⁱⁱ and New York City youth face some of the highest rates of intimate partner violence in the country.ⁱⁱⁱ Now is the time for New York City to implement bold and innovative sexual health education policies.

New York City Department of Education (NYCDOE) students deserve comprehensive and inclusive sexual health education that is age-appropriate, skills-based, and aligned with the National Sexuality Education Standards (NSES).^{iv} This requires that sexual health education be taught by well-trained teachers, scaffolded from an early age, and include accountability measures that ensure sufficient time to cover critical lessons such as consent, healthy relationships, the use of technology and social media in intimate relationships, and accessing health services. Sexual health education must also be trauma-informed and culturally-responsive, and include LGBQ and TGNC students in each topic and not simply in a one-time, stand-alone lesson.

SEANYC recommends the following curriculum, teacher training, and accountability policy changes for New York City.

Curriculum

The National Sexuality Education Standards (NSES) require that all students in kindergarten through 12th grade receive lessons that build skills in interpersonal communication, decision-making, self-management, goal setting, and analyzing influences. The NSES scope and sequence also explicitly requires that all students in kindergarten through 5th grade receive lessons about personal safety, respect, bodily acceptance and autonomy, gender identity, and positive relationships, as these are critical to ensuring a strong foundation in the early grades upon which more complex skills can be developed in later grades. To best implement high-quality sexual health education in NYCDOE schools, we recommend:

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For more information on SEANYC's recommendations or NYC's health education, please contact Info@SexEdNYC.org

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NEW YORK CITY COUNCIL

Testimony Regarding:

**Hearing on Oversight – Sexual Harassment
Best Practices/Policies in
New York City**

February 28, 2018

Submitted by:

Paige Sanborn, MS CCLS
Bridg-it LLC
Paige@Bridgit.com

Good afternoon, New York City Council Speaker Johnson and Councilmembers representing the Committees on Women and Civil and Human Rights.

I would first like to thank the Council for this groundbreaking and essential hearing and for your proposed legislation regarding Sexual Harassment. My name is Paige Sanborn, I am a daughter, sister, mother of two, and a Child Therapist. I have a Master's degree in Child Psychology and one in Child Development and Family Studies and have spent my career understanding behavioral patterns in children and families. I have led research programs at schools in New York City and Massachusetts, opened schools in East Africa and developed and implemented programs at hospitals including at Harvard's Joint Center for Radiation Oncology and The Stanford's Lucille Packard Children's Hospital. I have spoken globally about my research and I have used my experience to develop curricula for numerous organizations including The National Urban Technology Center (Urban Tech), which is a social enterprise committed to changing education through digital storytelling, critical thinking and social emotional learning.

I am grateful to be here today in all of my roles, as we are living in a daunting era of escalating violence- from bullying - to assault, in which every 98 seconds an American is sexually assaulted. Understanding that we increasingly use technology to communicate – 3.4 billion people use the internet every day, sending over 200 billion emails - , last year I identified and joined a New York City data and technology organization called Bridg-it. Bridg-it has created an extraordinary digital platform that maps behavioral data in real time. The secure and confidential platform was first created for K-12 schools with input from researchers, psychologists, educators, principals, parents, technologists, community members, organizations and of course, students.



Bridg-it worked for two summers with students from STEPS to End Family Violence and its Relationship Abuse Prevention Program (RAPP). The Brooklyn Middle School that piloted Bridg-it's school program over four years ago, has now seen a 50% decrease in bullying incidents and an increase in positive school culture and climate. Bridg-it's platform technology can now be used in all settings from college campuses, to private organizations and government agencies.

The platform is web-enabled from any device and is also in app form for both apple and android devices. The platform features a **24/7 Reporting Application** in which all at risk behaviors are featured, including over 25 forms of sexual harassment from catcalling to unwanted intimacy, inappropriate sexual displays and misconduct, to rape. The notification is immediate and confidential reports can be sent to whichever governing body or staff members the agencies or organizations select. The platform also addresses general harassment and hostile work environments and can be customized for any entity to track additional behaviors in order to have a clear understanding of the climate at any given time.

Importantly, the platform includes a **"smart" Resource Center** containing trainings, local and national hotlines, community resources, research studies, evidence-based practices, videos, laws and legal definitions, restorative techniques, books, etc. Since the system utilizes "push technology," resources are immediately recommended to users based on their interactions, interest or need. Additionally, all organizations can upload their own policies and other relevant content. The platform has the ability to proactively "push" or recommend *ANY* information to its users, from resources to surveys, to policies and procedures. Importantly, the data collected is live and available any time for review and analysis. The data analytics feature real time data that can be filtered by time, date, bias, incident, location, or category, to understand a community's climate and plan appropriate in-services, preventative programs and interventions.

The Bridg-it platform decreases the time between observation, experience and reporting and equips members with tools to immediately asses, define, and strengthen any environment's culture. Additionally, Bridg-it's Platform technology allows leaders to:

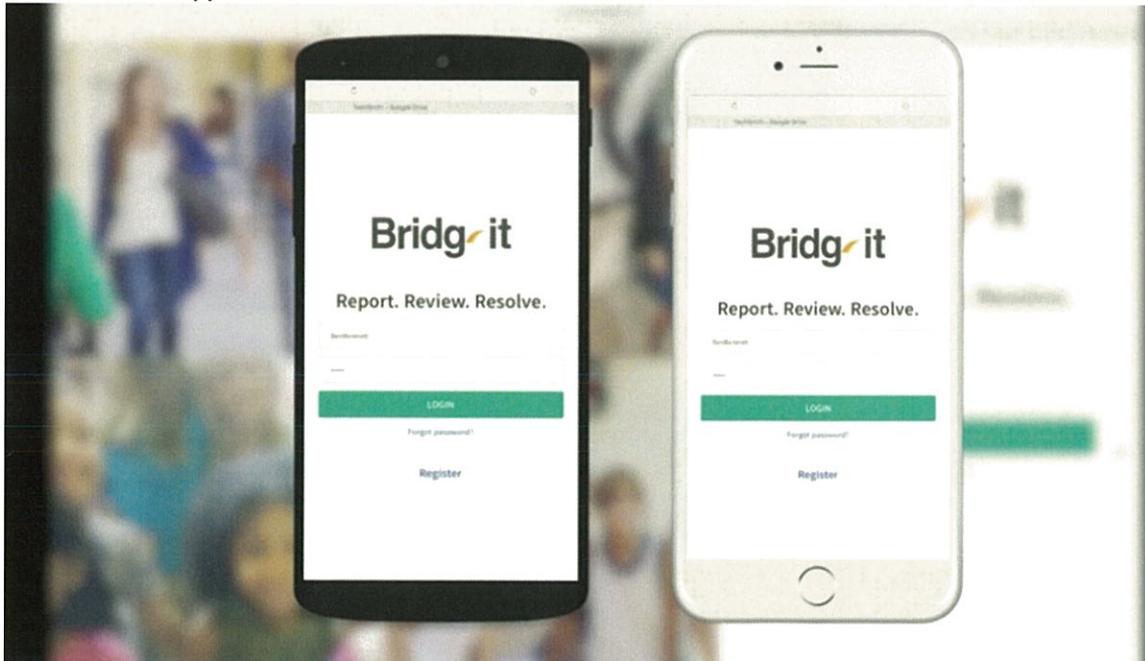
1. Deter and prevent at-risk behavior
2. Map and assess wrongdoing and distress in real time
3. Create a new standard for documenting and sharing incidents of sexual misconduct
4. Provide support and resources to those in need
5. Measure and monitor any environment 24/7
6. Create real-time community-driven feedback loops which support victims, survivors and witnesses

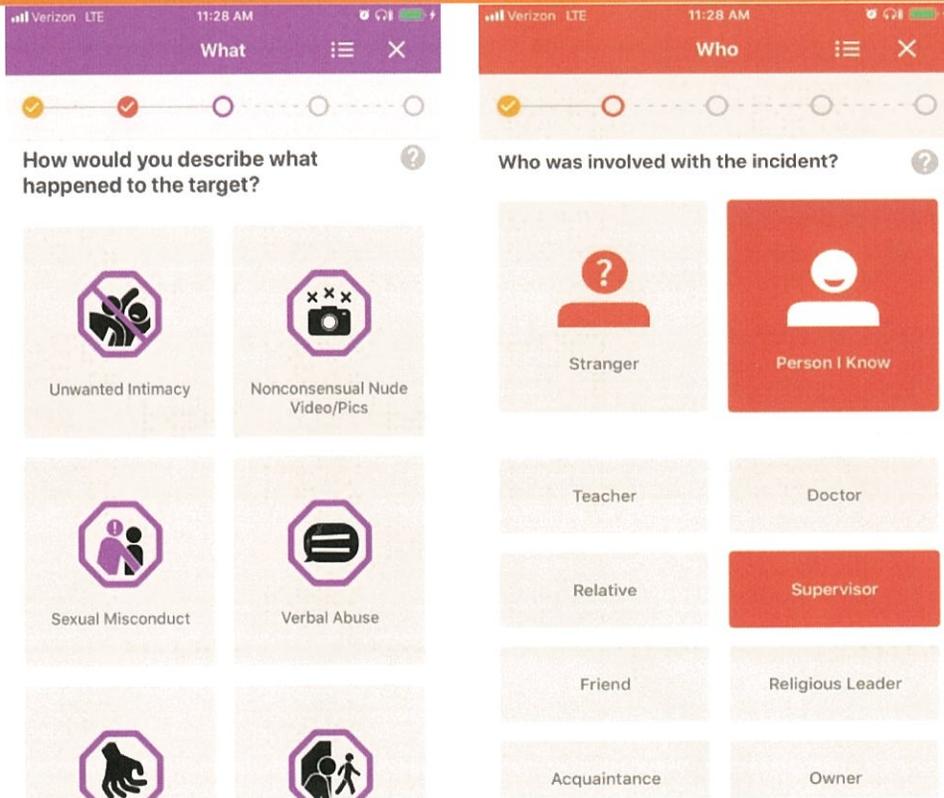
New York City Councilmembers and community leaders can now embrace and use the power of mobile phones and digital devices in a secure way to combat pervasive negativity at a crucial time in which our City and nation need it most.

We would be happy to provide Council Members with a demonstration at any time.

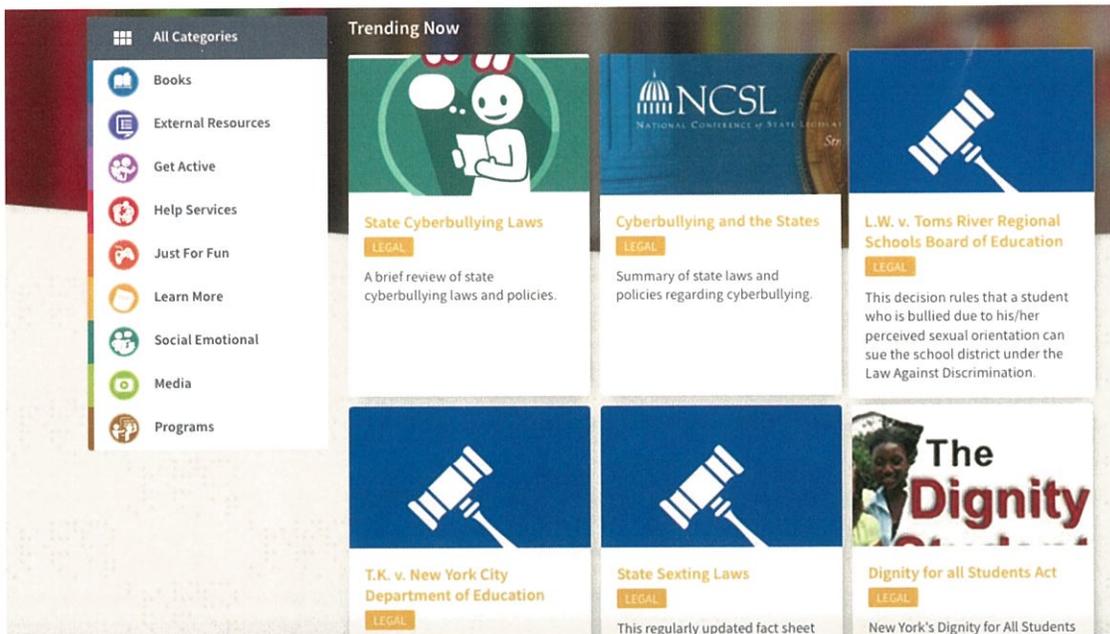
Thank you very much.

Screen Shots of Apps:



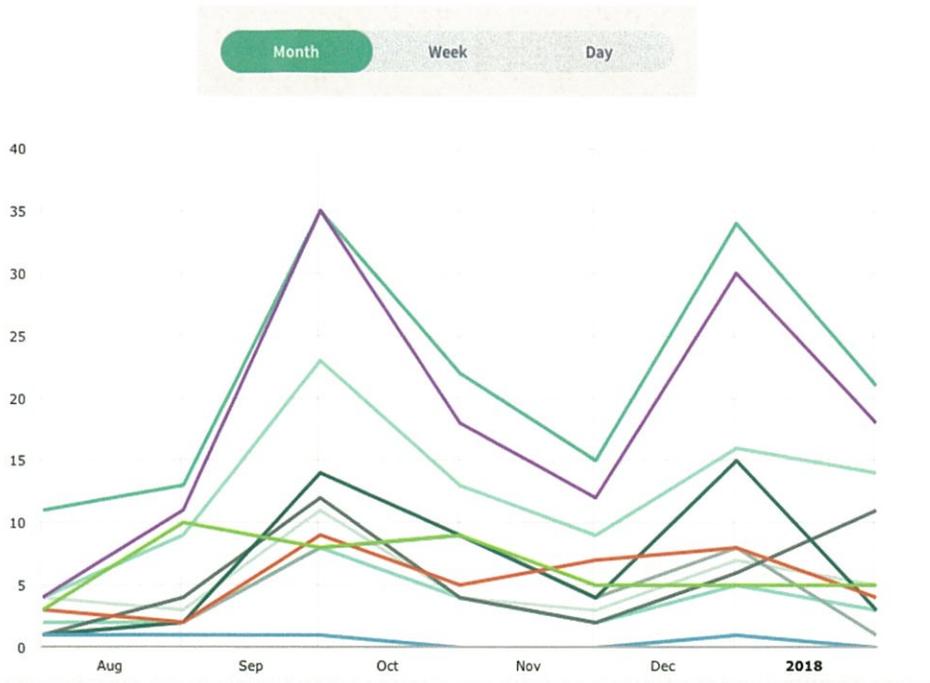


Resource Center Screen Shot

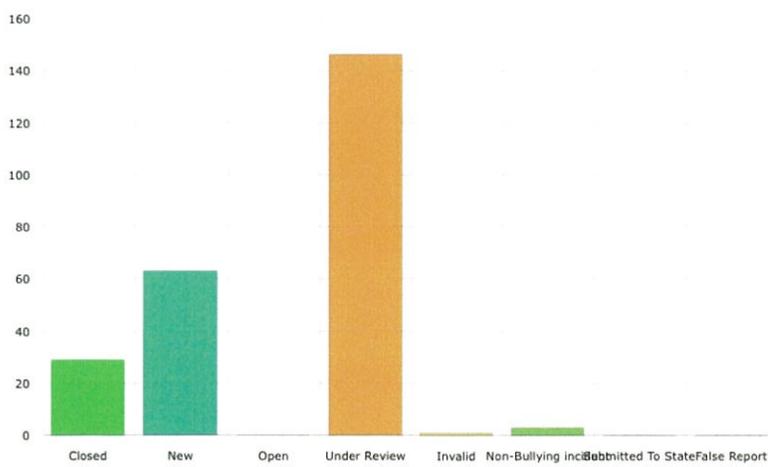


Analytics Samples:

Incident By Location By Month



Report Status Summary. Current Status Year-to-Date



Filters ×

Report Type ▾

- Bullying
- Fighting
- At-Risk Behavior

User Grades ▾

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8 only
- 9
- 10
- 11
- 12

User Gender ▾

- Male
- Female

Bias Type ▾

- National Origin



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Testimony before the New York City Council's Joint Committee on Women and Civil & Human Rights

February 28, 2018

**Submitted by Sarah Brafman, Skadden Fellow and Dina Bakst, Co-President
A Better Balance: The Work & Family Legal Center**

We want to start by thanking the New York City Council for introducing this crucial and timely package of legislation to combat the persistent gender-based harassment and workplace discrimination faced by women, especially women of color, in New York City and, particularly, the economic injustice this form of discrimination perpetuates for low-income working women.

Our organization, A Better Balance (ABB)—a non-profit legal advocacy organization—was founded with the goal of ensuring workers can meet the conflicting demands of their jobs and family needs, and ensuring that women and mothers can earn the fair and equal wages they deserve, without compromising their health or safety. ABB has been proud to work closely with the Council and the Commission on Human Rights to advance many of the pioneering solutions designed to combat gender-based discrimination and level the playing field for women and families.

We applaud the Council for taking such robust steps to combat gender-based harassment in the workplace. From legislation that will help the City identify the root causes of the problem, to requiring that both City and private employers provide comprehensive training to their employees, to lowering the threshold of the Human Rights Law to cover all employees who may



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face gender-based harassment, to making information about workers' rights more accessible and understandable, this group of bills will greatly strengthen New York City law.

Though this package is strong, our testimony will offer several ways the introduced legislation can be further strengthened to better protect workers in our city. Furthermore, we will highlight outstanding issues not yet addressed by this legislation. If the Council adopts these recommended changes to the current bills and introduces several additional pieces of legislation, these bills will not only strengthen New York City Law, but will also become a model for other cities and states around the country in the fight to end gender-based harassment.

We thank you for the opportunity to testify and for considering our recommendations.

I. Strengthening the Introduced Legislation

We strongly recommend the Council amend three components of the existing legislation. First, we recommend that the Council enact more vigorous oversight and reporting requirements for City contractors. Furthermore, we recommend the Council include consequences for those contractors who thwart the Human Rights Law. Second, we want to ensure that the definition of gender-based harassment remains broad and that this legislation does not unwittingly narrow the definition. Third, we recommend that the Council include qualification standards for those that will conduct the mandated trainings for City and private employees.

1. T2018-1468 Should Expand Reporting Requirements and Penalties for City Contractors.

Bill #T2018-1468 states that as part of employment reports, city contractors would have to include "employment practices, policies, and procedures, including those related to preventing



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and addressing gender-based harassment.” While it is important for city contractors to report this information, this bill does not go far enough in holding contractors accountable for gender-based harassment that occurs in their workplaces.

The City should strengthen this legislation in several ways. First, contractors should be required to annually report the number of gender-based harassment complaints received, the number of violations, and the number of settlement agreements reached. The City should also be permitted to terminate the contract and debar the employer from future public contracting opportunities if the contractor has either 1) repeatedly violated the New York City Human Rights Law, or 2) included a clause within their employment contract requiring employees to submit to arbitration with respect to claims of gender-based harassment.

In November 2017, the Council passed a law prohibiting discrimination in public contracting.¹ The Council should pass further legislation to hold contractors accountable for violations of gender-based harassment laws. Businesses who receive our hard-earned tax dollars should not sexually harass or otherwise discriminate against women. Unfortunately, they often do. For example, we know gender-based harassment is rampant in the construction industry.² A study by the Department of Labor found that a startling 88 percent of women working in construction experienced gender-based harassment in the workplace,³ a factor that contributes to

¹ N.Y.C. Pub. Law 2017/223, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2895217&GUID=1613D9B6-3995-4194-9CBF-2DE496AF4702>.

² See Advisory Committee on Occupational Safety and Health, U.S. Dep’t of Labor, *Women in the Construction Workplace: Providing Equitable Safety and Health Protection* 7 (June 1999), <https://www.osha.gov/doc/accsh/haswicformal.html>.

³ *Id.*

women's low workforce participation (just 2.6% nationally) and promotion rates in that industry.⁴ Women who leave these jobs cite harassment as a key reason,⁵ yet billions of dollars worth of New York City public contracts go to construction services.⁶ New York can and must do better to onboard and retain women in these higher paying jobs. Holding contractors accountable for their behavior is one key step toward this goal.

2. T2018-1474 Should Be Amended to Ensure the New York City Human Rights Law Definition of Gender-Based Harassment Remains Broad.

In T2018-1474, the Council rightly calls for an extension of the statute of limitations within which an individual can file a harassment claim with the Commission on Human Rights. The bill defines a claim of harassment as one “based on unwelcome conduct that intimidates, interferes with, oppresses, threatens, humiliates or degrades a person based in whole or in part on such person’s gender.”

While this definition is assuredly well-intentioned, this definition could have the effect of narrowing the broad definition of gender-based harassment articulated in *Williams v. New York City Housing Authority*. The court in *Williams* held that under the New York City Human Rights Law, harassment is proven by showing that a person “has been treated less well because of” their gender.⁷ In 2016, the Council affirmed the holding of *Williams* when it amended the Human Rights Law to ensure that the provisions of the law remain liberally construed and specifically

⁴ Fatima Goss Graves et al., National Women’s Law Center, *Women in Construction: Still Breaking Ground 2* (2014), https://www.nwlc.org/sites/default/files/pdfs/final_nwlc_womeninconstruction_report.pdf.

⁵ *Id.* at 7.

⁶ Martha Mann Alfaro et al., *New York City Procurement Law: Doing Business with New York City 2* (Nov. 6, 2013), http://www.nyc.gov/html/law/downloads/pdf/Procurement_Book.pdf.

⁷ *Williams v. New York City Housing Authority*, 61 A.D.3d 62, 72 (1st Dep’t 2009).



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cited *Williams* within the law as a “case that ha[s] correctly understood and analyzed the liberal construction requirement.”⁸ In an attempt to strengthen the Human Rights Law, it is crucial that the Council not unintentionally narrow the harassment standard.

3. T2018-1459 and T2018-1463 Should Include Qualification Standards for Gender-Based Harassment Trainers.

We applaud the Council’s inclusion of bills T2018-1459 and T2018-1463 requiring that both city and private employers provide gender-based harassment trainings for their employees. T2018-1463, the bill pertaining to private employers makes clear that employers may use a training module developed by the City Commission on Human Rights to satisfy the requirement. However, should an employer choose not to use the training developed by the Commission on Human Rights, the bill does not provide clear standards as to who is qualified to otherwise perform the trainings. T2018-1459, the bill related to the training of City employees, also fails to set forth qualification standards for trainers. A similar law already in effect in California requires that the trainings be “be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.”⁹ Both pieces of legislation should consider including similar language to make clear that trainings must be performed by those with knowledge of the law and the remedies associated with it.

⁸ N.Y.C. Pub. Law 2016/035, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2352241&GUID=DA8ADB16-C9DD-4BBF-BF42-6A571390B170&Options=ID|Text|&Search=%22human+rights+law%22>.

⁹ Cal. Gov’t Code § 12950.1, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040AB1825.



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II. Additional Legislation the Council Should Introduce to Combat Gender-Based Harassment

While the Council took steps to introduce an array of crucial legislation, there are several key pieces of legislation the Council should also consider introducing. These include limiting the scope of pre-employment non-disclosure agreements, introducing industry-specific legislation to protect vulnerable workers, strengthening protections for independent contractors, making elected Council members explicitly, individually liable when the City pays out settlements on their behalf related to gender-based harassment, extending these protections to all forms of discrimination covered under the New York City Human Rights Law, and increasing the budget for the Commission on Human Rights. These additional pieces of legislation will ensure that all workers, especially the most vulnerable, are able to work in safe, healthy, and harassment-free environments.

1. The Council Should Limit the Scope of Pre-Employment Non-Disclosure Agreements.

Employers often require employees to sign pre-employment non-disclosure agreements to protect company trade secrets. However, in some cases, employers also require employees to sign agreements that ban them from making statements affecting the company's "reputation" which effectively bars employees from discussing gender-based harassment complaints or other forms of discrimination.¹⁰ According to the National Labor Relations Board, employees must be

¹⁰ Annie Hill, *Nondisclosure Agreements: Gender-based harassment and The Contract Of Silence*, The Gender Policy Report (Nov. 14, 2017), <http://genderpolicyreport.umn.edu/nondisclosure-agreements-sexual-harassment->



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allowed to “discuss among themselves their harassment complaints” and cannot be dismissed for doing so or for engaging in concerted activity to oppose gender-based harassment.¹¹ While many of these non-disclosure agreements are unenforceable, they still deter unwitting employees from reporting and discussing gender-based harassment. The Council should introduce legislation to ensure that pre-employment non-disclosure agreements do not curtail employees’ ability to speak out and report gender-based harassment violations.

2. The Council Should Introduce Legislation to Protect Vulnerable Workers.

While the Commission should work to more broadly and expeditiously enforce the current protections against gender-based harassment in the City Human Rights Law, there are also new policies that could help deter gender-based harassment in the workplace, especially women working in low-wage and male dominated industries. These women often face multiple, interconnected forms of harassment face on the job every day and must face impossible choices in order to keep earning a paycheck. For instance, our client Luisa¹² had to endure her supervisor’s gender-based harassment only for it then to evolve into harassment based on her pregnancy. Terminated just weeks before giving birth, Luisa suffered tremendous economic and emotional distress as a result of this discrimination. Not only did Luisa lose much-needed income, but she also lost out on opportunities to advance in the workplace. When Luisa was fired, she went to work at a different supermarket where she again started at an entry-level position, while the supervisors who discriminated against her continued to occupy their positions

and-the-contract-of-silence/.

¹¹ *Phoenix Transit System and Amalgamated Transit Union, Local Union No. 1433, AFL-CIO*. 337 NLRB 78 (2002).

¹² Name changed to protect confidentiality.

of power. When low-wage working women cycle in and out of the workforce, they lose not only wages, but also seniority and other benefits of continuous employment that would promote economic stability for their families.¹³ What began as gender-based harassment eventually led to pregnancy discrimination and the perpetuation of the gender wage gap.

Chicago and California have already taken steps to pass laws that specifically address the needs of low-wage workers. In a survey conducted in Chicago, Unite Here Local 1 found that 49 percent of housekeepers surveyed have had guest(s) expose themselves, flash them, or answer the door naked.¹⁴ Nearly two-thirds of those surveyed who worked in casinos reported that a patron had groped, pinched, or grabbed them.¹⁵

Recognizing the severity of the issue, in October 2017, the Chicago City Council passed an ordinance requiring hotel employers to provide a “panic button” to any worker who works alone in rooms without other employees present.¹⁶ As part of the law, employers must also maintain policies that encourage workers to report gender-based harassment, make reporting procedures clear, and allow workers to immediately stop working in dangerous settings, to be re-assigned to a different work area, and to take paid time off to sign a complaint against the offending party or testify as a witness in a legal proceeding against the offending party.¹⁷ The law also has strong

¹³ See Dina Bakst & Phoebe Taubman, A Better Balance, *The Pregnancy Penalty: How Motherhood Drives Inequality & Poverty in New York City* 6 (2014).

¹⁴ Unite Here Local 1, Hands Off Pants On: Gender-based harassment in Chicago’s Hospitality Industry 3 (July 2016), <https://www.handsoffpantson.org/wp-content/uploads/HandsOffReportWeb.pdf>.

¹⁵ *Id.* at 7.

¹⁶ Chi., Ill., Municipal Code § 4-6-180, <https://chicago.legistar.com/LegislationDetail.aspx?ID=3025158&GUID=06801462-1105-4464-84D8-CAA0C11CEECE&Options=Advanced&Search=&FullText=1>.

¹⁷ *Id.*

anti-retaliation protections, prohibiting employers from retaliating against any employee that uses the panic button, files a complaint, or takes time off to pursue legal action against the offending guest.¹⁸

While unionized hospitality workers in New York City are provided with panic buttons, New York City should follow Chicago's lead and develop a similar policy that includes anti-retaliation provisions, for all New York City hospitality workers.¹⁹ In California, a worker-led movement led to the passage of a law strengthening protections for janitorial workers, including industry-specific trainings.²⁰ New York City should lead the way in devising similarly robust policies for other industries such as the construction and food service industry, where workers experience alarmingly high levels of gender-based harassment.²¹

3. The Council Should Strengthen Protections for Independent Contractors.

A Better Balance applauds the Council's proposal to lower the employer threshold in gender-based harassment cases from four employers to all employers. However, further protections are needed for independent contractors to ensure that they are able to recover under the law under the same standard as other employees. First, the Council should amend the definition of

¹⁸ *Id.*

¹⁹ Industry-Wide Agreement between New York Hotel and Motel Trades Council, AFL-CIO and Hotel Association of New York City, Inc. (July 2012), http://hotelworkers.org/images/uploads/NYC_Hotel_Industry_Wide_Agreement.pdf.

²⁰ Cal. Lab. Code § 1429.5, <http://codes.findlaw.com/ca/labor-code/lab-sect-1429-5.html>.

²¹ For instance, a 2014 study conducted by Restaurant Opportunities Center United and Forward Together found that the restaurant industry, which employs 11 million workers, is the single largest source of gender-based harassment in the U.S.²¹ Many of these complaints come from tipped workers, who must subject themselves to gender-based harassment in order to make minimum wage. *See* Restaurant Opportunities Centers United, Forward Together, et al. October 7th, 2014. *The Glass Floor: Gender-based harassment in the Restaurant Industry*. New York, NY: Restaurant Opportunities Centers United. http://rocunited.org/wp-content/uploads/2014/10/REPORT_The-Glass-Floor-Sexual-Harassment-in-the-Restaurant-Industry2.pdf.

independent contractor in the Human Rights Law to ensure that all forms of independent contractors are covered under the law.²² Currently, the Human Rights Law defines independent contractors as “natural persons employed as independent contractors to carry out work in furtherance of an employer’s business enterprise *who are not themselves employers.*”²³ We recommend removing the clause “who are not themselves employers” to ensure that all workers, even those who may work independently but still do so in furtherance of a larger business entity are protected by the Human Rights Law.

Moreover, the Human Rights Law sets forth a more lenient standard of liability for employers of independent contractors, only holding employers of independent contractors liable “where such discriminatory conduct was committed in the course of such employment and the employer had actual knowledge of and acquiesced in such conduct.”²⁴ Employers of independent contractors in New York City should be subject to the same standard of liability as other employers in New York City.

Finally, as part of the online materials the Commission will create pursuant to the legislation set forth in T2018-1461, the City Commission should ensure that a special section is devoted to advising independent contractors of their rights.

4. The Council Should Make Explicit that Elected Members of the City Council are Individually Liable for Gender-Based Harassment Violations.

²² See N.Y.C. Admin. Code § 8-102(5).

²³ *Id.*

²⁴ N.Y.C. Admin. Code § 8-107(13)(c).



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The New York City Human Rights Law already specifies that in certain instances employers may be held individually liable.²⁵ However, the Council should follow Congress' lead and introduce legislation making explicit that elected members of the City Council must individually reimburse the City for any tax-payer dollars that are used to settle gender-based harassment claims.²⁶

5. The Council Should Strengthen Protections for All Forms of Discrimination.

While ABB applauds the Council for introducing this comprehensive package of bills to combat gender-based harassment, the New York City Human Rights Law enumerates a long list of protected statuses.²⁷ The additional protections afforded by this proposed legislation, specifically the lowering of the employee threshold and the private employer training requirement, should extend to all forms of discrimination covered under the New York City Human Rights Law.

6. The Council Should Increase the Budget of the New York City Commission on Human Rights.

Under Commissioner Malalis's leadership, the Commission on Human Rights has shown unprecedented dedication to enforcing the City Human Rights Law to ensure that all New Yorkers, including those with the least means, need not compromise their health, safety, or economic security and can benefit from the full protections offered by the law. These bills would require the Commission to create new online materials, training materials, an employment

²⁵ See, e.g., N.Y.C. Admin. Code § 8-107(6).

²⁶ Congressional Accountability Act of 1995 Reform Act, H.R.4924, 114th Cong., § 115 (2018).

²⁷ See N.Y.C. Admin. Code § 8-107.



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poster, as well as author a risk-assessment reports and conduct a climate survey. Given these additional responsibilities, the Council should ensure that the Commission is provided the appropriate resources to effectuate this legislation without compromising their robust enforcement and current responsibilities.

CONCLUSION

We thank the Council for their leadership in combatting gender-based harassment in the workplace and for considering these amendments and additional recommendations. A Better Balance looks forward to working with the Council to improve upon these crucial pieces of legislation.



moving victims of violence from crisis to confidence

**Testimony of
Blake Johnson,
Safe Horizon**

**Oversight: Sexual Harassment Best Practices / Policies in New York
City**

**Committee on Women
Hon. Helen Rosenthal, Chair**

**Committee on Civil & Human Rights
Hon. Mathieu Eugene, Chair**

New York City Council

February 28, 2018

Thank you for the opportunity to testify before you today regarding sexual harassment best policies and practices in New York City. My name is Blake Johnson, and I am the Supervising Social Worker in Safe Horizon's Community Programs. Safe Horizon is the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime. Safe Horizon's mission is to provide support, prevent violence, and promote justice for victims of crime and abuse, their families and communities.

Currently, Safe Horizon oversees domestic violence shelters, Child Advocacy Centers, hotlines for victims of domestic violence, rape and sexual assault, and other crimes, services in Family Justice Centers, a runaway and homeless youth shelter and drop in centers, legal services, court-based programs, community programs, mental health services, an anti-trafficking program, and the Crime Victims Assistance Program. We have decades of experience offering services to individuals who have been victims of sexual assault and other forms of violence. By using a safety-focused, trauma-informed, Client-Centered Practice (CCP) approach, Safe Horizon works with victims of sexual violence to help them heal, understanding that clients are the experts in their own lives and that our work will be most successful when it is collaborative.

This testimony will focus on overall issues pertaining to sexual harassment and violence, how Safe Horizon has responded to such issues, and recommendations for best practices to address and prevent harassment in the workplace.

Sexual harassment and violence prevalence

We view sexual harassment and sexual assault as part of the same continuum, arising from the same cultural and political factors. Both sexual harassment and assault are all too prevalent in the United States. A recent poll showed that half of American women have experienced unwanted and inappropriate sexual advances, 30 percent have experienced unwanted advances from male co-workers, and 25 percent have experienced unwanted advances from men who have influence over their work situation. Those who had been harassed reported that they experienced a significant emotional toll as a result, including feelings of anger, humiliation, intimidation, and shame.¹

Sexual assault also occurs at alarmingly high rates. In a study by the U.S. Centers for Disease Control and Prevention, one in five women and one in 71 men reported being raped at some point in their lives.² In eight out of ten cases of rape, the victim knew the person who assaulted them. It is particularly relevant to this hearing that 8 percent of rapes occur when the victim is at work. Rape is perhaps the most under-reported crime; one study found that 63% of sexual assaults are not reported to the police. The long-term effects of rape are significant and costly. It is estimated that rape costs the United State more than any other crime annually (\$127 billion), and 81% of women and 35% of men report significant short-term or long-term impacts such as Post Traumatic Stress Disorder (PTSD).³ The prevalence of sexual harassment and assault highlights the need for continued dialogue around issues of violence, power, and control, and greater protections for individuals, particularly in the workplace.

¹ <http://www.langerresearch.com/wp-content/uploads/1192a1SexualHarassment.pdf>

² <https://www.cdc.gov/ViolencePrevention/pdf/SV-DataSheet-a.pdf>

³ http://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf

Though sexual harassment and assault are often looked at as two separate phenomena, sexual harassment exists on a continuum of sexual violence. What begins as sexual harassment could later lead to sexual assault. Remarks or encounters that are not addressed outright could escalate to more aggressive forced encounters of assault later on. Both harassment and assault relate to power and control in that these behaviors take advantage of power differences between people, whether in a relationship or a workplace setting. It is crucial for employers to understand how power dynamics can influence circumstances where employees experience harassment, and that fear of repercussions can be a significant barrier to reporting harassment.

The dynamics of power and control that are prevalent in sexual harassment and assault are often compounded when considered alongside issues like gender, race, sexual orientation, and immigration status. In particular, the current national rhetoric around immigration and increased enforcement by Immigration and Customs Enforcement (ICE) can have a chilling effect for immigrants who have experienced sexual harassment or assault, given fears that reporting harassment or assault could lead to deportation. The following statistics highlight how certain groups experience increased vulnerability to sexual harassment and assault:

- Gender
 - The U.S. Department of Justice reports that 91% of the victims of rape and sexual assault are female and 9% are male.⁴
 - The NYS Office of Victim Services reports that an estimated 50% of transgender individuals (both male and female identified) are sexually assaulted at least once in their lifetime.
- Race
 - Young women of color experience sexual violence at a higher rate than young white women. For example, 40% of black women report forced sexual contact by age 18, and nearly 1 in 5 Latina teens reported sexual violence in a dating relationship in the last 12 months.⁵
 - Men and women of color bear a heavier burden of sexual violence, stalking, and intimate partner violence than white men and women.⁶
- Sexual orientation
 - In the US, individuals who identify as gay, lesbian, or bisexual experienced higher rates of sexual violence than their heterosexual counterparts.
- Immigration status
 - Increased vulnerability to reoccurring sexual assault based on immigration status is common.⁷

⁴ Rennison, C. A. (2002). Rape and sexual assault: Reporting to police and medical attention, 1992-2000 [NCJ 194530]. Retrieved from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics: <http://bjs.ojp.usdoj.gov/content/pub/pdf/rsarp00.pdf>

⁵ <http://www.svfreenyc.org/research/>

⁶ https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf

⁷ <http://www.svfreenyc.org/research/>

Safe Horizon's Response & Recommendations

Our country is in the middle of a significant dialogue about sexual harassment and violence, with individuals from varied backgrounds disclosing their experiences with sexual harassment, abuse, and assault. In addition to what we see reported in the media, this movement is playing out at the local level within our communities. Safe Horizon staff have seen the effects of the national dialogue on our clients. Safe Horizon's Rape and Sexual Assault Hotline saw a 40% increase in calls from October to December 2017 compared to the same timeframe in 2016, corresponding to the rise of the #MeToo Movement. We will continue to be available to individuals as they seek out support and services, and anticipate that the national dialogue and local efforts will bring issues of sexual harassment and assault out of the shadows.

Regarding best practices to address and prevent sexual harassment, employers must take disclosures of harassment and abuse seriously. Policies and procedures around addressing sexual harassment must be in place, but organizations should also foster a positive workplace culture that values the voices and experiences of its employees. A strong policy can be in place, but if an organization's culture does not encourage reporting and/or make it easy to do so, or does not take claims of harassment seriously, then it is meaningless. Additionally, disclosures of harassment and abuse, and any subsequent follow up actions like interactions with the legal system, can be traumatic. It is important for any organization to understand the potential for trauma that someone might experience, and to ensure that this response is not minimized and that appropriate resources are available to them.



**FASHION LAW
INSTITUTE®**

Sexual Harassment: An Agenda for Reform

**Professor Susan Scafidi, Founder and Director
Jeff Trexler, Attorney and Associate Director**

**Testimony presented to the New York City Council
Committee on Women jointly with the Committee on Civil & Human Rights**

February 28, 2018

Like film and television, the fashion industry is currently rife with reports of sexual harassment. From Harvey Weinstein's alleged use of *Project Runway* as a vehicle for predatory activity to reports of male models being harassed by photographers, certain stereotypical behaviors in the fashion workplace are finally of public concern. There is far more to the story of the industry's experience, however, than salacious tales of beautiful people in ugly situations.

Since our inception, the Fashion Law Institute has been working with individuals at all levels of the industry, as well as with fashion companies and related organizations, on ways to address this vital issue. Through our monthly pro bono Fashion Law Pop-Up Clinics alone, we have assisted designers and models, skilled workers and students, employees and independent contractors. We believe that, just as fashion was at the cutting edge of labor reform a century ago due to the industry's need to address its own failings in the area of health and safety, the modern fashion industry and its reform efforts can serve as an instructive model.

Our research and experience at the confluence of fashion, law, and academia leads us to focus on the following four primary ways in which the current outcry can be transformed into more effective laws and policies:

- Extending the scope of protection to a wider range of participants in the workplace,
- Increasing transparency via corporate reporting while preserving individual privacy,
- Reducing the stigma and adverse career effects of filing even a successful claim, and
- Establish a working group to discuss innovation in sexual harassment legal reform.

From behind the seams to runway to retail, the industry is already taking action to increase transparency and expand the scope of protection, and we believe the next step is to reduce the career consequences and stigma of speaking up. We would like to thank the New York City Council Committee on Women and Committee on Civil & Human Rights for the invitation to testify and for their longstanding commitment to eradicating sexual harassment, and we look forward to continuing to work together.

I. Learning from Fashion

Sexual harassment is a longstanding issue in fashion, law, and academia, though recent shifts in workplace culture have intensified awareness of the growing gap between individuals treated as expendable versus those with the power and resources to act with impunity.

While recent news and social media reports of sexual harassment in this industry might be a surprise to the general public, for those of us who have been working on this issue it is an all too familiar problem – and one that many have been trying to address. For example, the Fashion Law Institute, founded in 2010 with the support of Diane von Furstenberg and the Council of Fashion Designers of America, has held several public programs on gender discrimination, and models, designers, and other fashion professionals have come to us for help through our pro bono Fashion Law Pop-Up Clinic, in which experienced attorneys and Fordham law students provide free legal assistance.

Moreover, we have seen a number of leading fashion brands work to strengthen their corporate infrastructure by enhancing employee ethics policies and establishing new internal enforcement procedures. Models have been a special (if not exclusive) focus of attention, and one especially noteworthy sign of the industry's responsiveness to public concern is this year's historic agreement between rival fashion conglomerates Kering and LVMH to issue joint standards for preventing abuse, including sexual harassment. The Fashion Law Institute itself helped with the formation of the Model Alliance as well as the enactment of the pathbreaking New York law extending the legal protections afforded child actors to child models. We are currently working with, among others, the Humans of Fashion Foundation, co-founded by Kristina Romanova and our alumna Antoniette Costa.

There is a temptation to respond to the shocking experiences of models, actresses, and other high-profile and typically white individuals with piecemeal protection that privileges specific industries and professions. However, it is precisely because sexual harassment and other labor problems have historically been so prominent throughout fashion that the industry has long been on the cutting-edge of more general reform.

II. Increasing Transparency

The fashion industry provides several examples of ethical transparency that could be adapted as models for comprehensive reform. Accountability throughout the supply chain has been a programmatic concern for years, with standards and audits that extend to labor conditions. For instance, the Higg Index, a metric developed by a coalition of leading fashion brands, specifically provides for auditing and disclosing not only environmental impact but also how companies address sexual harassment.

Such efforts illustrate how it is possible to provide usable and trustworthy information without revealing trade secrets or private information about individuals. While there have been several recent proposals to ban nondisclosure agreements as a way to dispel the culture of silence that often protects harassers, the all too real potential for stigma and retaliation could make the elimination of privacy devastating for the very people such proposals are designed to protect.

A. Nondisclosure Agreements

We urge the New York City Council, if it takes action in regard to nondisclosure provisions, to balance the public policy need for transparency with preservation of individual harassment complainants' privacy and personal agency. One way to effect this balance would be to enact a reform reflecting the fact that, after #MeToo, few if any companies dare to file breach of contract claims against complainants who break their silence. A bill that allows complainants to either comply with or void nondisclosure agreements without liability would restore individuals' freedom either to maintain their privacy or to speak out.

B. Mandatory Reporting

In addition, we urge the New York City Council to consider another means of increasing transparency, namely, enacting a corporate reporting requirement that preserves individuals' anonymity. There are already basic templates for proposals now under consideration by the New York City Council: the bill introduced by Council Members Levine, Williams, Torres and Cabrera to add § 3-119.2 to the Administrative Code, which would mandate annual reporting on workplace sexual harassment within city agencies, and Council Member Van Bremer's bill to amend § 1305(e)(2) of Chapter 56 of the New York City Charter, which would require city contractors and subcontractors to include practices, policies, and procedures pertaining to sexual harassment in their employment reports. A similar mandate for all private employers – nonprofit and commercial – could require the following disclosures without placing complainants in jeopardy:

- A summary of harassment policies,
- The number of harassment reports and alleged repeat offenders,
- The selection of either internal or third-party investigators, and
- The resulting disposition of complaints, including monetary settlements and employment status of complainant and accused.

Requiring the disclosure of such data would not only be valuable for employees and others in the workplace, but it would also provide a clear incentive to improve.

III. Extending Protection

Another way in which prominent companies in the fashion industry have been trying to curb harassment is through expanding the scope of protection to additional individuals. Efforts toward establishing new standards for the treatment of models, many of whom are independent contractors beyond the scope of full protection for employees, are just the most conspicuous example. Companies have also been extending nondiscrimination provisions through policies and contractual provisions that apply to all dealings with a brand, including codes that bind independent contractors and others who fall outside existing law.

The New York City Human Rights Law is already a model in this regard, going beyond federal law to extend anti-discrimination protection to interns and to certain independent contractors. In

light of the increasing awareness of how many people still do not enjoy equal protection under civil rights laws, we believe the next step would be to extend the full protections of the New York City Human Rights Law to all independent contractors and employees in all businesses regardless of size.

A. Independent Contractors, Employees, and Volunteers

Like many industries composed of small businesses as well as larger entities, the fashion industry illustrates the need for employee protection regardless of employer size. Many fashion-related companies fall below the four-employee threshold of existing anti-discrimination law. While New York State Human Rights Law was recently amended to provide that all employers regardless of size are subject to its provisions regarding sexual harassment, the lack of federal and city protection has directly contributed to the sense of civil rights disenfranchisement now surfacing in news and social media reports. Council Member Powers' bill to extend protection against gender-based harassment to all employees in New York City regardless of their companies' size would be a welcome statement.

With regard to independent contractors, although the New York City Human Rights Law offers protection not found in federal and state statutes, it does so in a way that still leaves a number of individuals exposed — not just in fashion but throughout the gig economy. As a result, even before the #MeToo movement, fashion brands had taken private and public steps toward giving independent contractors protection not provided by law, with the Kering and LVMH charter arguably the most prominent example. The drive toward extending protection to independent contractors has only increased in recent months; for instance, Condé Nast, publisher of *Vogue* and *GQ*, recently put in place a Code of Conduct that included protection against harassment regardless of employment status.

At the very least, independent contractors across industries would benefit from outreach promoting awareness of the existing protection provided under current city law, but expanding the scope to encompass all independent contractors would eliminate apparent ambiguities and loopholes. There are at least two reasons the independent contractor protections in New York City do not appear to provide reliable protection for those in the fashion industry and beyond:

- The most literal reading of § 8-102.5 gives individual independent contractors without their own employees the protections afforded employees when working for an employer, but only when that employer has four or more employees. Inasmuch as a number of fashion brands and service providers are small enterprises with fewer than four employees, this effectively leaves a sizable swath of the industry unprotected. This size requirement might make sense on the federal level due to interstate commerce concerns, but that federal constitutional issue does not apply at more local levels.
- The § 8-107(13)(c) requirement of actual knowledge and acquiescence for employer liability for harassment by a non-agent independent contractor can make recourse practically unobtainable.

In addition to employees and independent contractors, fashion is an industry in which events — particularly fashion shows — are often staffed in part with volunteers who arguably would not qualify as interns. Expanding the scope of protection to include volunteers would also be beneficial.

B. Protection across Professions

In improving the current legal framework pertaining to harassment, it is also essential to provide equal protection for all across industries and professions.

The range of people raising concerns about sexual harassment underscores the importance of this fundamental principle. The individuals getting the most media attention — actresses, models, journalists, and those in the political realm — certainly deserve to be protected from harassment, but so too do makeup artists, stylists, freelance designers, and workers from every other profession deserving of celebration in a contemporary update of Brooklyn bard Walt Whitman's *I Hear America Singing*. No one should be ignored; civil rights reform that creates special protection for one type of work but leaves others — even within the very same workplace — without any legal recourse can inadvertently exacerbate discrimination based on race, gender, or class.

Fashion shows exemplify how models are not the only people in fashion outside the employee category and the full scope of legal protections that come with it. Anyone who has produced a fashion show is familiar with its web of temporary contract gigs: freelance designers, design assistants, make-up artists, hair stylists, photographers, lighting and video technicians, DJs, interns, volunteers, publicists, reporters, and, yes, attorneys are just a few of people who make a show work, and similar non-employee relationships can be found throughout the fashion industry, including fashion journalism, costume design, and retail. And every participant from backstage to front of house, whether employee or independent contractor, can potentially encounter harassment.

IV. Reducing Stigma

The effects of harassment do not stop with the resolution of a complaint. Even when there has been a settlement or courtroom success, the stigma that attaches to reporting sexual abuse can permanently harm the reporting party's career.

The cycle of stigma must end, and the New York City Council is in a unique position to help. Just as the Council has been promoting invaluable safeguards against stigma based on credit history, criminal background, and mental health, there is now a clear opportunity to prevent reporting harassment from being a professional death sentence.

One step toward providing a better future toward those who report harassment is to dispel the myth that those who make such reports are more likely to be a disruptive force. Based on our experience with people who make such reports, they in fact tend to be far less likely to make trivial subsequent complaints, as they are aware of the burdens of the investigative process. A

study following up on the subsequent experiences of those who reported harassment could help alleviate stigma and also make employers more sensitive to the problem.

For those who have faced down sexual harassment, moving forward in their careers requires a comprehensive shift in employers' attitudes. Perhaps a fitting sequel to the #metoo movement could be a "hire a troublemaker" campaign, encouraging employers to value rather than shun whistleblowers. Employers are conscious of the serious reputational risks to nonprofits and commercial businesses alike in today's media environment, and people who report harassment who have proven their commitment to maintaining a reputation for integrity in an increasingly transparent world. Just as "well-behaved women seldom make history" has become a rallying cry among those who report harassment, reclaiming accusations such as "troublemaker" can be an effective means of empowerment.

V. Exploring Innovation

The turn to social media and news outlets to report harassment reflects a widespread perception that the procedures for resolving complaints are inadequate. The fundamental problem with the current system for resolving complaints is that it effectively outsources adjudication to an interested party – namely, the very employer who employs the harasser. The suspicions raised by this inherent conflict of interest are difficult to overcome; even when the employer hires an outside company to handle harassment complaints, there is a reasonable concern that this company was chosen for bias toward the company hiring it, which is, of course, paying its bills.

In addition, the main rationale for this system is that it provides a means by which the employer can minimize or eliminate liability. A number of lawyers are rather open about this, and it can stretch the boundaries of reason to believe that the procedures treat stopping harassment as more important than limiting damage.

One hallmark of a robust legal system is its capacity to adapt to evolving experiences and expectations. Council Members could further burnish the City's national reputation as a beacon of innovation in civil rights by establishing a working group to explore new approaches to reform.

VI. Conclusion

Finally, as we continue to discuss the best way to stop harassment and retaliation, it would be appropriate to remember those who risked – and lost – their dreams in the hope of ending a nightmare they never should have had to endure. For each person speaking today, many more remain silent. Making all of these people whole again is a mission far more difficult than any agenda for legal reform, yet there is perhaps nothing more vital both for them and for us.

Once again, we thank you for the invitation to testify today, and we join in the hope for a safer, more equitable future.

FEARLESS



Francesca Burack
CEO/President, Fearless Talent Development, Inc.
President, National Federation Business and Professional Women's Clubs-NYC
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Testifying on Proposals Dealing With Sexual Harassment 022818

Thank you Council Member Rosenthal and the Committees on Women and Civil & Human Rights for holding this hearing.

I would also like to thank Public Advocate Trish James, Speaker Johnson, Council Members Adams, Levine, Williams, Torres, Cabrera, Van Bramer, Cumbo, Cornegy, Rivera, Powers, Ampry-Samuel, Miller and anyone else I may have left out who is sponsoring an important bill, resolution and/or law dealing with sexual harassment. I wanted to identify each sponsor by name because sexual harassment is so prevalent in our society and has such devastating effects on the victims and those that witness this kind of horrendous behavior. Thank you all for your leadership.

Congratulations to all of you for taking these bold and courageous steps in dealing with the prevention of sexual harassment and abuse.

I am Francesca Burack, CEO/President of Fearless Talent Development, Inc and President, National Federation Business and Professional Women's Clubs-NYC, the local affiliate of International Federation of Business and Professional Women, located in 110 countries around the world.

I am happy to see that the proposed laws deal not just with NYC employees, but also hold companies doing business with NYC accountable for the climate of their workplaces. And thank you for calling on the US Congress to pass, and the President to sign S.2203/H.R. 4734.

These proposals today, can serve as a model for other cities, municipalities, states and of course, the Federal government to take appropriate steps in creating workplaces where employees come to work feeling safe and secure. It also sends a message to the private sector that they need to do more to prevent sexual harassment in every workplace so all employees in this Great City of ours are protected from illegal, humiliating and demeaning behaviors.

Since my expertise and the mission of Fearless Talent Development is in the design and implementation of processes and trainings to create environments and work cultures where everyone is treated with dignity and respected for their contributions to the goals of an organization I want to focus my remarks on the proposed training.

I know you are not into details now, but when you are, here are just three recommendations for your consideration regarding training:

1. Managers and supervisors should receive the same training as the employees so they understand and know exactly what is being taught, with an additional section on their specific responsibilities in dealing with victims reporting abuse; witnesses reporting abuse; and

training on appropriate communication skills so there is no miscommunications with employees, and employees felt listened to, respected and heard.

2. Following the managers and supervisors training, there should be widespread publicity that managers and supervisors have been trained to handle allegations of sexual abuse and misconduct.

3. There is mention of two trainings per year. Does this mean the same people are trained twice in one year? If so, there needs to be a Part 1 & Part 2 with a focus on different scenarios employees and/or managers and supervisors can encounter so that participants do not think or verbalize their resentment to sitting through this training twice.

Let me give you some background about the National Federation of Business and Professional Women's Clubs-NYC. We were created in 1919 by a lawyer in New York City named Lena Madison Philips. She went on to create the International Federation of Business and Professional Women. NFBPWC-NYC's 2018 theme is Gender Discrimination. I would be interested in talking to members from here about doing a presentation for our group. There are at least five other NYC women's groups who have expressed interest in what we are doing and are now sponsoring some of our meetings too.

On behalf of the women in New York City, if I may be so presumptuous to speak for all of them, I thank all of you for your hard work in helping to create an atmosphere of safety and security for our NYC employees; for putting us on the map as a city with a heart that responds to issues and concerns that affect our citizens, and for reminding everyone that we are the Greatest city in the world.

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NEW YORK CITY COUNCIL
COMMITTEE ON WOMEN'S ISSUES
COMMITTEE ON CIVIL RIGHTS
February 28, 2018 Hearing

Testimony of Allegra L. Fishel, on behalf of the
Gender Equality Law Center, Inc.
Regarding Oversight- Sexual Harassment Best Practices/Policies in New York City

Introduction and Expertise

The Gender Equality Law Center (“GELC”) is a 501(c)(3) nonprofit public interest law firm and advocacy organization whose mission is to advance laws and policies that combat gender-based discrimination in all areas of public and private life. We use a combination of initiatives to achieve this goal, including strategic litigation, legislative reform work, legal mentoring and training, and public education. While our work impacts all victims of gender bias in New York City, our direct representation focuses on low income individuals who would otherwise not be able to secure legal representation.

Among the gender-based issues that we focus on, GELC is a leader in representing sexual harassment victims. The Organization’s Executive Director, Allegra Fishel, has been litigating gender bias and sexual harassment cases since the early 1990s when the law, primarily federal law under Title VII of the 1964 Civil Rights Act (“Title VII”) began to recognize that sexual harassment was a form of gender

discrimination and actionable as a violation of that statute. She continued to litigate cases under the New York City Local Restoration Act of 2005, that brought expanded definitions and new life to the New York City Human Rights Law ("City Law"). The City law is very broad and far easier to prove sexual harassment than under Title VII.¹ Ms. Fishel has also partnered with many other organizations and private lawyers to litigate complex sexual harassment cases. Two of these cases, Ferris v. Delta Airlines, 277 F.3d 128 (2nd Cir. 2001) (extending workplace harassment to an overseas hotel where flight attendants slept during a layover) and Feingold v. New York, 366 F.3d 138 (2nd Cir. 2004) (addressing sexual orientation discrimination and anti-Semitism) were decided by the United States Second Circuit and still hold precedential weight.

In addition to litigating cases, Ms. Fishel has counseled hundreds of women who have experienced sexual harassment and/or assault on the job. In doing so, she has heightened her own awareness of workplace barriers that prevent women and other victims from coming forward to complain. Moreover, she has worked with dozens of experts and therapists who specialize in understanding the emotional experiences of workplace violence and trauma.

Throughout the past two decades, both in private practice and then while litigating cases at GELC, Allegra Fishel has striven to include non-money damages in all

¹ The New York State Human Rights law, by contrast, follows the higher proof standards of Title VII.

² The New York Court of Appeals has recently clarified the standard for punitive damages under the City Law. That is, an employer can be held liable for punitive damages (potentially uncapped) where it acts: "with willful or wanton negligence, or recklessness, or a "conscious disregard of the rights of others or conduct so reckless as to amount to such disregard " N.Y.3d

settlements, including training and policy revisions so as to lessen, if not completely eliminate, the chance for repeated behavior.

While many of GELC's clients are women, the Organization focuses on the broader concept of gender-based discrimination. Therefore, it recognizes that sexual harassment is not limited to heterosexual male on female harassment, although the majority of our cases still focus on this power dynamic. We also represent individuals who experience same-sex sexual harassment, as well as those within the LGBTQ community who have been sexually harassed and/or harassed on the basis of their failure to conform to outdated gender stereotypes.

Finally, in addition to counseling and litigating cases on behalf of sexual harassment victims, GELC also conducts sexual harassment training for employees through panels and events at community centers and schools, conducts anti-bullying workshops for middle and high school students, and trains lawyers in the private bar on how to effectively litigate sexual harassment cases in court.

Summary of Comments on Proposed Legislation

The stark truth is that laws protecting victims from sexual harassment and other gender stereotyping have, for the most part, failed. The overwhelming majority of mid-size to large employers – both public and private – have drafted sexual harassment policies and ostensibly distributed them to their employees since the late 1990's. Yet, despite existing laws, and the implementation of sexual harassment policies that should be utilized to prevent and remedy sexual harassment in the workplace, little has changed in terms of workplace culture in decades. Many individuals cannot identify

sexual harassment even when they feel uncomfortable, and many more do not know they have the right to do anything about the harassment even if they have a reasonable belief that something is wrong. Most victims are too intimidated to come forward and complain for fear of reprisal. These fears are not unfounded.

The largest percentage of sexual harassment cases that are litigated are those in which the employee is actually disciplined, denied a benefit or fired after reporting sexual harassment to their employer, in other words, retaliation cases. Employees understand more clearly that is against the law. And, they can point to a concrete action, or set of actions as violating their rights. It is more difficult, however, when the workplace environment is saturated with offensive comments and perhaps there is no touching at all. Employees frequently do not know they can do anything about this harassment. They frequently suffer in silence, embarrassed, humiliated and internalizing experiences of shame and self-blame. They suffer emotional and relationship consequences of these feelings. Not surprisingly, they often resign or are pushed out of the job when their work performance falters because they are so distressed. These cases are vindicated far less often. Consequently, law and policies alone have failed to change the deeply ingrained imbalance of power in many workplaces. It takes a cultural change combined with truly meaningful enforcement of these laws to be the next step in helping to eradicate sexual harassment in New York City workplaces.

We applaud the commitment of Council Members to enact laws with the goal of strengthening protections for victims of sexual harassment in City agencies and other New York City-based workplaces.

Specific Proposed Legislation that the Gender Equality Law Center Endorses

1. Council Member Powers' proposal to amend the Administrative Code to expand sexual harassment protections to all employees, in other words, that even a sole employee of a private employer would be covered under this amendment.

We support the Council Member's departure from the requirement that an employer have four or more employees to be covered by the anti-discrimination provisions of the New York City Human Rights Law ("City Law"). Nowhere do we welcome this expansion more than in relation to helping victims of sexual harassment who are domestic workers. GELC has counseled and represented numerous victims of sexual harassment who are domestic workers, who are often the sole retained employee of their employer; or perhaps one of just two or three. Our cases were brought under the New York State Human Rights Law ("State Law") that already permits causes of action on behalf of a single employee for sexual harassment.

This gap in coverage under the City Law, however, single employee workplaces vulnerable, and leaves domestic workers whom, in our experience, face a higher prevalence of harassment and assault in their workplace, especially so. The City Law provides more expansive protections, broader coverage and easier burdens of proof than the State Law. It also provides for punitive damages that simply don't exist under State Law. For these reasons, the expansion of coverage for victims of sexual

harassment would be a huge victory for many New York women who may live in the homes of their employers and who are vulnerable to sexual harassment and assault.

2. Council Speaker Johnson's proposed amendment to the New York City Charter mandating anti-sexual harassment training at New York City agencies (including specialized training for supervisors and managerial employees) is an important step in New York City in becoming a national leader in working to end sexual harassment in municipal workplaces. We respectfully caution the Council, however, that passing such a law without providing a budget to ensure that such trainings are provided for by professionals with an expertise in conducting sexual harassment trainings, (or at least for creating successful prototype trainings) could undermine the effectiveness of any such proposal. We therefore encourage the City Council to ensure that the City is adequately funded to establish robust and meaningful training for City employers. This could either be through an *Ad Hoc* advisory committee (See GELC Proposal 1 below) or through reaching out to other advocates and professionals with appropriate credentials to help advise in the creation of sexual harassment trainings and the most effective methods of delivery.

3. Council Member Cumbo and Public Advocate Letitia James proposed law requiring all private employers with 15 or more employees to conduct training on anti-sexual harassment training for their employees.

4. Council Member Ampry-Samuel's proposed amendment to the NYC Administrative Code in relation to requiring information about sexual harassment to be made available online for public access.

Legislative Revisions Required to Protect NYC Victims of Workplace Harassment

The wealth of proposed bills that are addressed at the Joint Hearing is impressive. The City's commitment to ensuring the safety and well being of its workers is an important recognition of the MeToo and TimesUp Movement, and the reality that having laws without training and enforcement is generally ineffective. These proposed pieces of legislation are a huge acknowledgment by New York City to relieve the serious and debilitating problem of sexual harassment in the workplace.

We would like to propose additional legislative revisions that, based on GELC's experience, could make a dramatic impact in reducing sexual harassment in the workplace and/or encouraging victims to come forward to complain and seek redress.

Proposal 1: Ad Hoc Advisory Committee to Help The City Draft and Implement Proposed Legislation to Stop Sexual Harassment in the Workplace

The City should establish an *Ad hoc* Advisory Committee to help the City of New York, including the City Council, draft and implement proposed legislation to: (1) assess risk factors in specific workplaces; (2) identify the best notice requirements and sexual harassment training(s); (3) establish reporting requirements; and (4) establish best practices for City agencies in handling complaints of sexual harassment.

This *Ad Hoc* committee should include members from the employee-side employment bar who have extensively litigated sexual harassment cases; victims who were and were not able to effectively redress sexual harassment at work; community organizations and non-profits that handle sexual harassment cases on behalf of victims; and other nonprofit and government organizations that work on sexual harassment policies. The group should also include psychologists and therapists who work with

victims of sexual harassment. It is GELC's opinion that such a committee is critical in further developing, refining and implementing any of the proposed legislation because doing so will address sexual harassment from a holistic approach, connecting real world obstacles and statutory language.

Proposal 2: Mandatory Sexual Harassment Policies For All NYC Employers

Council Members Cornegy and Cumbo's proposal to require a "mandatory anti-sexual harassment rights and responsibility poster for all employers in New York City" is on the right track. Notice to employees about their rights, especially when the notice is detailed and defines how sexual harassment can look, is vitally important for employees who have little or no knowledge about their legal rights in the workplace. It is also critically important that the notice be multilingual. In GELC's experience working on sexual harassment cases, however,

While some employees do review posters, particularly if they are outside a known place where such notices are hung, e.g. a human resources office or break room, posters are largely ineffective as a means of notifying employees about their legal rights. Many employees do not know where posters are hung in the workplace, and they frequently get hidden behind other postings or furniture. Moreover, even if employees could locate a poster on sexual harassment information in their workplaces, many feel self-conscious standing in a public location to review a poster about their legal rights. In fact, where an employee is being sexually harassed by one or more persons whose desk or presence is near the location of poster, it is unlikely that the

employee will take stock of the notice, much less feel comfortable approaching the poster to learn about their legal rights.

A better method of ensuring that employees are educated about what constitutes sexual harassment in the workplace and what their legal rights are regarding making the conduct stop, would be a law mandating that every employer in New York City create a sexual harassment policy that is distributed to its employees. The City should assist smaller employers in creating such policies by providing “best practices” templates either through the New York City Commission on Human Rights or through other agencies. While such policies alone are insufficient to end sexual harassment in the workplace, a policy is far more effective in communicating information to employees than a poster.

Proposal 3: Enhanced Training for New York City Internal EEO Offices

Most City Agency employees in New York City have the option of bringing discrimination complaints to the attention of an Equal Employment Opportunities (“EEO”) Office within their Agency. The process of substantiating the merits of any complaint, investigating allegations of discrimination, and recommending discipline or remedial changes within the workplace can be handled in such EEO offices on an expedited basis. Relief is potentially much faster than through filing a complaint with an outside administrative agency, e.g. New York City Commission on Human Rights or in court. Moreover, after receiving a complaint of sexual harassment, the EEO Office can act quickly to prevent the escalation of the harassment, thereby potentially saving the employee’s job – what virtually all employees want.

Therefore, GELC proposes that the capacity and expertise of these internal EEO offices are enhanced through legislation proposed and passed by the City Council. A budget allocation should be made by the City Council to expand the number of EEO staff and to provide extensive training on how to handle sexual harassment complaints, both in terms of investigatory techniques as well as sensitivity training to assist victims who have endured harassment in a City Agency job. With meaningful staff, including trained investigators/lawyers and a social worker or therapist on staff, these EEO offices can become neutral safe spaces for employees to vet their experiences without fear of judgment or reprisal. Given that the most difficult problem in redressing sexual harassment in the workplace is the fear women (and members of the LGBTQ community) have coming forward to complain to managers or an internal Human Resources Department, the EEO office is at least one step removed from the day-to-day work and supervision of the employee making a complaint.

Proposal 4: Bills Keeping Track of Sexual Harassment Compliance Should be Easily Accessible to the Commission and the Private Bar
Seeking to Focus on Recidivist City Employers

While GELC appreciates the proposed bill put forth by Council Members Levine, Williams, Torres and Cabrera regarding the requirement that City Agencies keep mandatory annual reports on sexual harassment incidents, we have some concerns about the legislation as currently proposed. First, subsection (d) regarding the required annual report, is unclear in its statement that “if any category requested contains between 1 and 5 incidents of sexual harassment claims, the number shall be replaced with a symbol.” GELC does not understand what the reference is to “category.”

Moreover, we would strongly disfavor any replacement of the number of actual occurrences of sexual harassment with a symbol within any City Agency. Is the suggestion in this proposed legislation that when between 1 and 5 incidents is documented it is considered so insignificant that the number needs to be replaced by a symbol? If so, GELC would strongly disagree that any number is insignificant so as to avoid transparency by the City.

Second, it is vitally important in the City's efforts to stop sexual harassment in its own workplaces, that reports about sexual harassment complaints are accessible both to government attorneys and the private bar. For instance, if it can be demonstrated by the number of sexual harassment complaints that a particular City Agency is a notable recidivist, that information should be accessible to an OATH judge in hearing of a sexual harassment case when evaluating potent civil penalties against the Agency, or to a private lawyer seeking punitive damages in court.

While we realize that disclosure of this information puts the City in a potential uncomfortable position vis a vis its own efforts to stop sexual harassment in its workforce, if the City Council is serious about holding City government accountable, information about reports of sexual harassment and the outcomes of such complaints must be accessible.

Proposal 5: Mandatory Training For Employees of Private Employers Should Be Expanded to Include Private Employers With 4 or More Employees

Mandatory training for the employees of private employers on anti-sexual harassment prevention and the law should not be limited to those private employers with 15 or more employees. See proposed bill to amend the New York City

Administrative code to require mandating anti-sexual harassment training for private employers. (Sponsors Council Member Cumbo and The Public Advocate, Letisha James). GELC proposes that this law be extended to even smaller employers, as little as four employees conforming to the minimum number of employees covered under the New York City Human Rights Law.

In GELC's experience, it is smaller employers who are unaware of their legal obligations and who fail to provide safeguards for employees under the law. Thus, it is the employees of these employers who are most vulnerable. It is GELC's informed opinion that if the City is serious in its commitment to root out sexual harassment in the workplace, that it must be vigorous in ensuring compliance with the law for smaller employers with less than 15 employees.

While it is our belief that in-person, interactive trainings are always preferable to online trainings, there is no reason that smaller employers cannot use online interactive training to satisfy the requirements of anti-sexual harassment training. That would certainly be preferable to leaving these employers without guidance and their employees vulnerable to sexual harassment. As such, GELC proposes an amendment to the proposed bill, requiring in-person sexual harassment training for all employers with 15 or more employees, and sexual harassment training, including online training for employers with between 4 and 14 employees. For smaller employers, there would be no negligible actual out of pocket costs other than having access to a computer and the internet so as to access the City Commission's website for training materials.

Proposal 6: Stronger Penalties For Failure to Adhere to Training Requirements

With regard to Council Members Cumbo and James' proposal requiring mandatory training for private employers, GELC strongly advises that the penalty section be strengthened to ensure compliance. There is no better way to prevent the gender-based victimization of employees on the than to ensure that effective and meaningful training occurs. After an employee is harmed by harassment, there may not be a way to make them entirely whole again and pursuing remedies through a legal proceeding can be protracted and re-victimizing for the employee. Therefore, the penalty for non-compliance with such training – that could have prevented the harassment in the first place -- must have teeth to be effective.

While a penalty of \$100 to \$500 may be appropriate if an employer was unaware of the requirements under this new law (and in fact, as the law is currently drafted first time violators who correct this violation within 60 days can avoid any penalty at all), a mere penalty of \$2,000 for a middle to large-size employer who has violated this law a second time or more will have little to no effect in creating compliance, except among the tiniest of employers.

Civil Rights lawyers who have litigated discrimination cases would agree that the strongest tool for ensuring an employer does not allow repeated bad behavior in the workplace are penalties and punitive damages – these are the tools that produce sustained change. This commentary is not to suggest that all employers are inherently bad. Rather, protecting employees against workplace harassment (or any other type of discrimination that involves employee interactions on the job) requires a committed and

vigilant employer that may need to expend financial resources to do so, including creating better policies and practices and even hiring additional staff. It is the threat of paying out of pocket damages of a sizeable sum – the proverbial stick – that seems to be the greatest motivator toward employer compliance. It is therefore necessary to raise the maximum to the point where a larger employer would be financially deterred from failing to enforce these trainings.

Proposal 7: Failure to Provide Anti Sexual Harassment Training to Employees of Private Employers Should Create a Rebuttable Presumption in Favor of Awards of Civil Penalties

Under the NYC Human Rights Law, the New York City Commission on Human Rights (“Commission”) has the authority to seek civil penalties for the discriminatory conduct of employers in cases pending before its agency; or at a hearing before the Office of Administrative Trials and Hearings (“OATH”). GELC strongly recommends that the failure of any New York City employer to have an effective sexual harassment policy in place, as well as to provide mandated training for employers (with four or more employees) should create a rebuttable presumption that an award of civil penalties against an employer is warranted. Currently, civil penalties range from \$125,000 to \$250,000 (the greater amount related to willful or malicious conduct on the part of the employer). See NYC Administrative Code, §8-126.

The failure to incorporate mandatory training (and if proposed and passed by the City Council, a proposal for an employer to create and distribute a mandatory sexual harassment policy) should be evaluated under a negligence, or should have but failed to, standard. A second violation, after the employer has been caught failing to comply

with these prophylactic measures, should rise to the level of willful or malicious conduct, subjecting them to an assessment of the higher civil penalty up to \$250,000. It is only through the establishment of such fines that employers can be held accountable. For cases brought in court, litigants have the potential to recover uncapped punitive damages that in the case of a large company can well surpass the civil penalty caps. The New York State Court of Appeals recently solidified that legal standard.²

Awards that fine or punish employers who refuse to help prevent sexual harassment or restrict avenues for redress for their employees are critical tools for helping stop workplace harassment.

Proposal 8: Limited Confidentiality in Settlement Agreements

The topic of “confidentiality,” sometimes referred to as non-disclosure agreements (“NDAs”), in settling sexual harassment cases has become a hot topic in the past six months. Historically, victims of sexual harassment would agree to confidentiality as a term and condition of settling a sexual harassment case. While there are reasons for this privacy, the counter argument is that NDAs shield the public and future employees from knowing about the pervasive existence of sexual harassment in workplaces or reasons why a potential victim suffers on the job or is forced out. While “confidentiality,” or “secrecy” agreements may foster early resolutions

² The New York Court of Appeals has recently clarified the standard for punitive damages under the City Law. That is, an employer can be held liable for punitive damages (potentially uncapped) where it acts: “with willful or wanton negligence, or recklessness, or a “conscious disregard of the rights of others or conduct so reckless as to amount to such disregard “ N.Y.3d 325 (NY Ct. of Appeals, Feb. 2018).

of cases and spare plaintiffs from having to share embarrassing facts, they generally restrict the type of transparency that can prevent the conduct from reoccurring.

GELC believes there is a middle ground. To balance the public and private interests and recognize the devastating impact sexual harassment has on victims, GELC recommends that the City Council establish a Working Group to address these issues and help make legislative recommendations.

One possible solution might be for the City Council to establish a government agency, commission and/or some other entity that would have the authority to create a database of private employers sued for sexual harassment. Data and statistics would be kept by this government entity and released to lawyers and other advocates seeking to compare their cases with others brought by similar victims against the same company. This is just the beginning of many conversations to bring forth ideas about how to create transparency and accountability for recidivist employers; while protecting the privacy interests of the victims and potentially creating a space for early settlement.

Finally, the City Council should enact legislation that requires all settlement agreements entered into between the parties to a sexual harassment case (whether in an administrative agency or court) to include affirmative language stating that notwithstanding the waiver of the employee's sexual harassment claims (in exchange for consideration), nothing in the agreement will prevent the employee from cooperating with any federal, state or local anti-discrimination agency investigating sexual harassment claims against the same company with whom the litigant is releasing

claims. This form of provision is now used in all settlement agreements in New York in which discrimination claims are dismissed with regard to the EEOC.

Conclusion

We applaud the commitment and actions taken by a number of New York City Council Members set forth in the bundle of legislation to eradicate workplace sexual harassment. It is clear that there is no better time than now for public and private employers to take a unified stand against violence in the workplace. As advocates of victims of workplace harassment, GELC appreciates the opportunity to submit these comments. We hope that the Council considers our recommendations as a joint effort to ensure the New York City leads the country in effectively shifting the culture to ensure that all workers can earn a wage while remaining free of violence and discrimination.

If you have any questions, please feel free to contact us at 347-844-9003, or email me at afishel@genderequalitylaw.org.



Testimony: Sexual Harassment Best Practices / Policies in New York City

February 28, 2018

Good afternoon and thank you for the opportunity to provide testimony on behalf of Hollaback!. I'm Emily May, co-founder and executive director of Hollaback!. Hollaback! is a global, people-powered movement to end harassment in all its forms.

Hollaback! was created to end street harassment, and has expanded to address all forms of public space harassment, including online harassment and workplace harassment.¹ Many times, this harassment is targeted by perceived identity - gender, race, ability, religion, or orientation.

Public space harassment is an essential consideration for workplace sexual harassment. First, most of us commute through public space, and what happens in public space can impact the workplace. Second, while someone is at work, they may still be accessing public space whether it is physical public space or online public space. Third, separate traumas may compound each other - for example, a separate public space harassment and an additional workplace sexual harassment. Harassment in public space and private space share similarities, including frequency among marginalized communities, abuse of power dynamics, and harmful effects. As the New York City government considers policies that address workplace sexual harassment, it should carefully consider public space harassment.

Street Harassment: Trauma on the Workplace Commute

Street harassment can cause employees to arrive to their job feeling anxious and distracted.² During my commutes, I have been harassed and seen subway masturbators. When I get to work after these incidents, I'm upset and distracted. When I share the story, many female coworkers have similar stories of their own.

In 2012, Hollaback! and Cornell partnered for a study of street harassment experiences.³ Reported emotional responses included anger, fear, and helplessness - lasting PTSD is an

¹ For information on our programs about street harassment, bystander intervention training, our global site leader program, and The People's Supper, visit <https://www.ihollaback.org/>.

For information on HeartMob, our program which provides support to people experiencing online harassment, visit <https://iheartmob.org/>.

² For research on street harassment, see our reports available at <https://www.ihollaback.org/research/>.

³ See The Worker Institute at Cornell. (2012) *The Experience of Being Targets of Street Harassment in NYC: Preliminary Findings from a Qualitative Study of a Sample of 223 Voices who Hollaback!*. New York, NY: Wagner, K.C., Livingston, B., Diaz, S.T. Cornell ILR School and Hollaback!, report available at https://www.ihollaback.org/wp-content/uploads/2012/06/corrected-dataILR_Report_TARGET_1B_102320_12-1.pdf; summary page available at <https://www.ihollaback.org/fact-sheet-the-experience-of-being-targets-of-street-harassment-in-nyc/>.



additional effect.⁴ This can lead to situations where an employee's overall well-being is affected, potentially impacting punctuality, attendance, productivity, health care costs, morale and sense of safety.⁵

Some street harassment may be within the employer's control, and may therefore also be considered workplace sexual harassment. Additionally, all street harassment can impact any subsequent workplace sexual harassment, by affecting employee response or willingness to report a compound trauma of workplace harassment. Policies should consider that when someone experiences workplace sexual harassment, they may simultaneously be processing trauma from street harassment.

Online Harassment

For many, online work is professionally required, for example, jobs for writers or in the media. Online harassment (including rape/death threats, doxxing, and defamation) causes emotional trauma and disproportionately targets women, people of color, and LGBTQ+ individuals. The majority of targets are women, and the bombardment discourages women from "writing and earning a living online."⁶ Online harassment "stakes out the internet as a male space in the same way that sexual harassment does in the workplace[,] and excludes women from professional activities online."⁷ Women writers, especially women of color, are giving up writing

⁴ See *The Experience of Being Targets* report, at page 3, full citation at footnote 3 herein. "any type of harassment (i.e. verbal, groping, assault) could produce extreme feelings of fear, anger, shame, etc. This indicates that it may be the violation of being harassed, rather than the specific behavior, that is one of the main drivers of a target's emotional response. Thus an "outsider" might deem the situation "minor" or "not a threat" but the reaction of the target is likely to be just as severe because of the experience of vulnerability and the latent threat of escalation." Id. at page 4.

See also, Hollaback! (2013) *An Employer, Union & Service Provider's Guide to Ending Street Harassment* at pages 10-11 and footnotes 10-12, available at

<https://www.ihollaback.org/wp-content/uploads/2013/05/FINAL-Employer-Manual-May-2013-web.pdf>.

⁵ See *An Employer, Union & Service Provider's Guide to Ending Street Harassment* at page 11.

In a separate study of service agencies and unions, more than 86 percent of respondents had received a report of street harassment in the past two years from a client, while 96 percent reported that they or a colleague had been street harassed. See The Worker Institute at Cornell. (2012). *When Street Harassment Comes Indoors: A Sample of New York City Service Agency and Union Responses to Street Harassment*. New York, NY: Livingston, B., Wagner, K.C., Diaz, S.T. Cornell ILR School and Hollaback!, report available at

<https://www.issuelab.org/resource/when-street-harassment-comes-indoors-a-sample-of-new-york-city-service-agency-and-union-responses-to-street-harassment.html> ; and summary page available at <https://www.ihollaback.org/fact-sheet-when-street-harassment-comes-indoors/>.

⁶ Danielle Keats Citron, *Law's Expressive Value in Combatting Cyber Gender Harassment*, 108 Michigan Law Review 373 (2009) at 375, 379, available at

<https://repository.law.umich.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1300&context=mlr>. The online harassment also "brands them as incompetent workers [as well as] rais[ing] their vulnerability to offline sexual violence." Id. at 375.

⁷ *Law's Expressive Value* at 391.



online a result.⁸ A recent poll of TIME writers found that 80% avoided topics because they feared the online response, and that “half the women on staff considered quitting journalism because of hatred they’ve faced online, although none of the men had.”⁹ Many civil society organizations are ill-prepared to respond to the harassment of their staff, leading to unsafe working conditions and a lack of dialogue on digital safety and literacy. Research shows that the systems and policies of organizations and online platforms can have a major impact - “labeling content as harassment is critical for surfacing community norms around appropriate user behavior.”¹⁰

Hollaback! has worked in depth with BuzzFeed to address this issue, and developed a set of open-source resources for civil society organizations to better protect their staff from online harassment in collaboration with the Mozilla Foundation and Kairos Fellowship.¹¹ This includes staff safety plans in the event of harassment and/or digital security threats, a digital safety how-to guide, how to be an effective ally and bystander online, and leadership support infrastructures guidelines for staff facing online harassment.¹²

Bystander Roles: Bystander Trauma and Bystander Intervention

For any harassment, there may be bystanders - sometimes they are traumatized by witnessing the harassment, and sometimes they are able to help.¹³ The presence of an inactive bystander can lead to worsened trauma for the person being harassed.¹⁴ In service industries such as hospitality or restaurant work, sexual harassment numbers are particularly high, so bystander trauma and bystander intervention may be especially important.¹⁵ All employers, including city

⁸ Michelle Goldberg, *Feminist Writers are so Besieged by Online Abuse that Some have Begun to Retire*, The Washington Post, Feb. 20, 2015, available at https://www.washingtonpost.com/opinions/online-feminists-increasingly-ask-are-the-psychic-costs-too-much-to-bear/2015/02/19/3dc4ca6c-b7dd-11e4-a200-c008a01a6692_story.html?utm_term=.ddde931dba3d.

⁹ Joel Stein, *How Trolls are Ruining the Internet*, TIME Magazine, Aug. 18, 2016, available at <http://time.com/4457110/internet-trolls/>. Additionally, 80% “consider online harassment a regular part of their jobs.” Id.

¹⁰ See Blackwell, L., Dimond, J., Shoenebeck, S., & Lampe, C., *Classification and Its Consequences for Online Harassment: Design Insights from HeartMob*, Journal of Proceedings of the ACM on Human-Computer Interaction, 2017 Nov. (Vol. 1)(Article 24), available at <https://dl.acm.org/citation.cfm?id=3134659>.

¹¹ See Hollaback!’s *From Ad Hoc to Prepared: Developing an Anti-Online Harassment Infrastructure* at https://iheartmob.org/resources/org_process. These materials were created in partnership with the Kairos Fellowship and Mozilla.

¹² Id.

¹³ See Hollaback!’s Bystander Resources, available at <https://www.ihollaback.org/resources/bystander-resources/>.

¹⁴ See *The Experience of Being Targets* at page 4, full citation at footnote 3 herein.

¹⁵ Restaurant Opportunities Centers United, Forward Together, et al. October 7th, 2014. *The Glass Floor: Sexual Harassment in the Restaurant Industry*. New York, NY: Restaurant Opportunities Centers United, available at <http://rocunited.org/publications/the-glass-floor-sexual-harassment-in-the-restaurant-industry/>, also referencing Hollaback!’s *An Employer, Union, & Service Provider’s Guide* as a resource.

contractors should train their staff on bystander intervention, including how to respond to staff on staff interactions, and client on staff interactions.

Solutions

There are many solutions relating to street harassment, online harassment, bystander intervention and how they impact the workplace. Some policy suggestions¹⁶ include:

- **Training for employers on how street harassment and online harassment impact their employees, how to intervene when you see harassment happening - commonly known as “bystander intervention training.”**¹⁷

Hollaback! has trained the NYPD, DOT, and DOS in understanding harassment -- and responding to it via bystander intervention through our award-winning 5 D's of bystander intervention. We are happy to see the “importance of bystander intervention” included in the trainings proposed by Councilmember Johnson for city agencies, as well as the training proposed by Councilmember Cumbo and Public Advocate James for private employers. We would also like to see city employees trained in tactics for bystander intervention so that they know not just why bystander intervention is important, but are given options on how to do it. Research shows that giving people options on how to intervene dramatically improves the likelihood that they actually will -- and that as little as a knowing glance can reduce trauma for people who experience harassment. The trainings should also include information on how to manage street harassment and online harassment, when they are experienced during one's commute or employment. This information should also be shared on the NYC Commission on Human Rights website.

- **Research on the impact of street harassment and online harassment on employees, including retention, turnover, productivity and the subsequent financial impact on employers.** We've worked with Cornell to issue research on the impacts of street and online harassment on employees and service providers in New York City, but deeper study is required to assess the financial impact of harassment -- which, we know from efforts to address workplace harassment in the 1980s -- is the data that will fuel employers to act. Questions on street and online harassment -- as well as bystander intervention -- should be integrated into the proposed climate surveys sponsored by Councilmember Rosenthal.

¹⁶ For additional solutions, see Hollaback!'s Policy Recommendations, available at <https://www.ihollaback.org/resources/policy-recommendations/> and Hollaback!'s *An Employer, Union & Service Provider's Guide*, full citation at footnote 4 herein.

¹⁷ See *When Street Harassment Comes Indoors* at page 2, full citation at footnote 5 herein. “New York City-based social service, advocacy and labor organizations receive a significant number of complaints regarding street harassment from clients, constituents, consumers and/or staff, and believe street harassment is an issue of importance for employees and/or those they serve[] [and] desire increased training.” *Id.* See also *An Employer, Union & Service Provider's Guide* at page 16; and *From Ad Hoc to Prepared*.



- **Training of 311/911 operators¹⁸ on how to effectively respond to harassment -- whether it happens on the street, online, in the workplace, schools, or anywhere where it may occur.**
- **Reasonable accommodations for those experiencing street harassment on the commute, or online harassment.¹⁹** This may include adjusting hours to reduce exposure, allowing employees to work from home, and allowing “sick leave” to be used to recover from harassment and assault, for example. More examples can be found in Hollaback! Guide for Employers.

Thank you for your leadership on addressing harassment -- in all its forms, for all New Yorkers.

¹⁸ See *When Street Harassment Comes Indoors*; and How to Lead a Community Safety Audit available at <https://www.ihollaback.org/how-to-lead-a-community-safety-audit/>.

¹⁹ See *An Employer, Union & Service Provider's Guide to Ending Street Harassment* at page 11.

BYSTANDER INTERVENTION

Bridging Differences in the Workplace

Training Approach

Training can be delivered through facilitator-led in-person sessions or via webinar formats. Each training will include customization that meets your organization's specific workplace needs and policies.

Benefits of the Training

- Gain an understanding of what harassment is, where it happens, what it can look like, and its impacts in the workplace
- Develop communication and conflict management skills using our 5Ds of bystander intervention approach
- Learn how your identity and experiences shape how you show up as a bystander
- Practice what you've learned with case studies and small group discussions
- Empowers employees as bystanders, equipping everyone in the workplace to prevent or stop harassment
- Enhance organizational culture and employee engagement

An Overview

- Bystander Intervention is a strategy for prevention harassment and is based on the philosophy that people make decisions and continue behaviors based on the reactions from others. Bystander intervention training can serve as a complement to current workplace harassment programs. Moving beyond the do's and don'ts, Bystander intervention training equips each employee with the tools to intervene when they observe actions in the workplace that are misaligned with the organization's values, policies, or procedures.
- With many years of expertise in providing Bystander Intervention training to a wide variety of organizations, Hollaback! is uniquely positioned to help your organization create a culture where harassment is more quickly identified and effectively addressed at all levels of the organization.



Did You Know ...?

A Fact Sheet about Harassment in the Workplace

Workplace harassment affects a wide variety of workplace populations.

Though sexual harassment constitutes the largest proportion of harassment cases (45%) in private, state and municipal workplaces, harassment complaints fall within other categories as well. Racial harassment (34%), age harassment (15%), disability harassment (19%) and religious and ethnic harassment (together, 18%) all occur in the workplace.

There are environmental workplace factors that may contribute to harassment.

Some examples include: a historically homogenous workforce, such as fewer women among a male-dominated industry; workplaces with engrained power-structures between executives and staff; and workplaces focused on client relationships or service industries that rely upon customer satisfaction, as occurs in the hospitality industry.

Policies and procedures are not enough.

Acknowledging the existence of environmental workplace risk factors is a necessary first step to implementing policies and procedures to limit harassment. Organizations should also pay attention to these circumstances and encouraging respectful conversations and collaborations and accountability for all employees, from the CEO to the part-time employee.

The tone at the top communicates more than just workday expectations of hours and profits; it sets a behavioral example for both management and staff.

Workplace harassment undermines an organization's most valuable resource, its people. The organization must communicate internally to its employees and externally to clients and customers that everyone is due respect and demeaning and disrespectful conduct will not be tolerated.

Leadership and accountability must be more than buzzwords.

Management must use its resources – time and money – to create an atmosphere intolerant of harassment and complacency. Leadership and accountability creates an atmosphere where harassment tends not to thrive.

One vital step to reducing and combating workplace harassment is bystander intervention.

Bystander intervention can take the form of any number of steps to diffuse the situation and address the harassment calmly with the harasser and avoid conflict escalation. Creating distance between the people involved, or contacting others for assistance are two simple ways for everyone – bystanders and others – to participate safely in creating a respectful workplace environment. Bystander intervention provides support to the harassed, and accountability to the harasser, when it occurs.

Encouraging bystander intervention makes all of us accountable to our peers and fosters a workplace intolerant of demeaning, disruptive and disrespectful conduct.

An atmosphere that provides respect and civility to all reduces the opportunity for harassment, and creates a safe, welcoming and inclusive environment where business and its workforce thrive.

“A strong training program is a critical piece of a holistic harassment prevention effort. We know that workplace incivility often acts as a ‘gateway drug’ to workplace harassment. These trainings, therefore, provide employees with the specific skills they need to act respectfully and to intervene when they observe disrespectful or abusive behavior. In short, the program is designed to stop improper behavior before it ever rises to the level of illegal harassment.”

Remarks of EEOC Commissioner Chai Feldman, “EEOC Launches New Training Program On Respectful Workplaces, United States Equal Employment Opportunity Commission (October 4, 2017).

Contact Us

If you're interested in bringing Bystander Intervention Training to your organization, contact Hollaback!

Email: programs@ihollaback.org

Phone: 347-889-5510

Sources:

Feldblum, Chai R. and Lipnic, Victoria A., Select Task Force on the Study of Harassment in the Workplace, United States Equal Employment Opportunity Commission (June 2016).

University of Kansas, “Enhancing Workplace Culture Through Bystander Intervention,” Staff Leadership Summit 2017.

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Miller, Claire Cain, “Sexual Harassment Training Doesn't Work. But Some Things Do,” The New York Times, December 11, 2017.

hollaback!'s impact



about us

Hollaback! is a global, people-powered movement to end harassment. We work together to understand the problem, ignite public conversations, and develop innovative strategies that ensure equal access to public spaces. We leverage the very spaces where harassment happens - from online to the streets - to have each other's backs, create communities of resistance, and build a world where we can all be who we are, wherever we are.

our mission

is to build safe and inclusive spaces by transforming the culture that perpetuates sexual discrimination and violence.

we carry out this mission

by building the power of people to create measurable and long-lasting impacts in the movement for public justice.

"What makes me so hopeful, so optimistic...is that so many have embraced the kind of active citizenship that makes our democracy work, civic leaders like...[Hollaback!'s] Emily May, a New Yorker who is working to bridge divides by bringing people with diverse views together over the simple joys of a shared meal and honest conversation."

- President Barack Obama

now is the time to invest in hollaback!

Our work has never been more relevant or more critical.

↑ **70%** **MORE BYSTANDER & SITE LEADER TRAININGS**
All time 6,856 | Past Year 4,567

↑ **50%** **MORE ACTIONS ON THE GROUND & ON HEARTMOB**
All time 6,376 | Past Year 3,019

↑ **20%** **MORE STORIES OF HARASSMENT MAPPED AND SHARED.**
All time 11,392 | Past Year 1,453

Hollaback! ***builds the power of people directly affected by harassment.*** giving them the tools to tackle the monumental systems of oppression behind harassment - from sexism, racism, homophobia, and more - and the power to lead the movement locally

We ***employ new technologies*** to reach diverse, global audiences and engage them in effective, replicable actions

We have ***built a scalable movement*** in a field that was nascent and under-recognized, until now.

In the next year, we're poised to triple our impacts. Our model is rapidly scaling to meet dramatically increasing demand - and we're ready to respond.

programs



hollaback! storysharing platform

Hollaback!'s website and app work to break the silence around harassment globally, providing a public platform for people to share their stories of harassment and receive immediate support. Our app allows for "real time" submission of stories, including the ability to map your own harassment and share your personalized map on social media to receive support from your community.



hollaback! community organizer training & site leader program

Hollaback! has trained over five hundred young leaders to become site leaders in their communities. These community organizers are provided with a free, six month long training, including monthly webinars on strategic planning, community outreach, technology, traditional and social media, volunteerism, and public speaking. Site leaders have gone on to lead local campaigns, create education initiatives, and run for office.



bystander intervention training

Building from an evidence-tested GreenDot model, Hollaback! holds cutting-edge bystander intervention trainings online and in person to provide information on how to effectively prevent and respond to harassment. We also map stories of harassment and allow people to intervene virtually through our "I've Got Your Back" button, which is attached to each story reported to Hollaback! and HeartMob.

(Bahamas) Bystander Intervention Success

As I walked to a local fast food restaurant, I witnessed a college student being verbally harassed by a man (I presume she didn't know him). I watched their interactions for a bit, but then the man got too inappropriate, so I intervened. His inappropriate actions? He attempted to grope the student in the parking lot because she was trying to ignore him. I intervened by pretending to know the woman and calmly asking: "Hey, aren't you in my communications class? Did you write the instructions for the first assignment?" She caught on and continued the conversation by replying, "I did! Where are you going? We can discuss the assignment there." I'm proud to say I successfully intervened and ended street harassment for at least one Bahamian.



the people's supper

gathers people across the country to have dinner together and build community through better conversations. The project was born in the wake of the 2016 election and a growing divide in the U.S.. Our goal is to create more civil discourse, repair the breach in our relationship to one another, and to heal within our individual communities through gathering and communication.



heartmob

HeartMob is an online platform for individuals to share and document their online harassment - and to receive real-time support from bystanders. Bystanders are given an option of how to support, including documentation, supportive messages, reporting to platforms, and more, all chosen by the individual experiencing harassment. Over five thousand actions have been taken on Heartmob.

(Madrid) We Remembered our Bystander Intervention Training

Then he started trying to harass more women by the bar, so I came between them on the premise of ordering a drink. He started getting more and more belligerent. At this point I decided it was time to 'delegate' so I told the bartender that this man was harassing women. Other women told the bartender he needed to call the police. Another female bartender said he should just let it be, but to his credit, he came over and escorted the man out despite his protests.

The women thanked me and my friend for intervening and defending them. Usually I'm a bit shy about intervening but I found with the 5Ds: Direct, Distract, Delegate, Delay, and Document it really helped give us a structure for how to intervene.

contact us

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HEART MOB

THE PEOPLE'S SUPPER

Testimony on Sexual Harassment in the Workplace
Held by: Committee on Civil & Human Right, New York City Council
February 28, 2018

On behalf of LatinoJustice PRLDEF, a national civil rights organization engaged in advocacy and impact litigation on behalf of underserved Latino communities along the east coast, I would like to thank you for the opportunity to address you today on the important issue of sexual harassment in the workplace, and in particular how Latinas, immigrant women and low-wage workers face unreported and unwanted sexual harassment, assault and various forms of gender-based discrimination throughout New York City.

Several years ago, LatinoJustice PRLDEF initiated our Latin@s at Work project, or LAW, which works with low-wage Latina immigrant workers in New York City. Through LAW project we partner with community-based organizations throughout the city to educate and empower workers about their rights under state and federal laws, and where needed and appropriate, provide legal representation and advocacy for workers to assert their rights through civil litigation. We have worked with our community partners to try and surface discrimination on the basis of gender, ethnicity and national origin, as well as sexual harassment. The New York City economy unfortunately still runs off of the exploitation of low-wage workers, especially immigrant women and gender non-conforming individuals who face particularized vulnerability because of their immigration status, economic hardships and the private or isolated nature of their work, such as domestic workers, laundry workers, factory workers and restaurant workers.¹

Immigrant workers predominate in low-wage jobs and industries throughout the city and country. Latina women are overrepresented in the lowest paying job sectors with jobs that fail to offer structured paths to improve their social mobility.² Because of both the precariousness nature of some types of low-wage work and the isolation and desperation many low-wage workers feel, a climate ripe for harassment and discrimination is often created. Gender-based discrimination and sexual harassment is often rampant in the low-wage workplace, where there are both too few opportunities to check or report illegal behavior and where many Latina immigrant workers end up, often because they feel that working in abusive or discriminatory

¹ *The Glass Floor: Sexual Harassment in the Restaurant Industry* (Oct. 7, 2014), <http://rocunited.org/2014/10/new-report-the-glass-floor-sexual-harassment-in-the-restaurant-industry/>.

² Labor Council for Latin American Advancement, *Trabajadoras: Challenges and Conditions of Latina Workers in the United States* (2012), available at http://www.lclaa.org/images/pdf/Trabajadoras_Report.pdf.

conditions is their only option. As a result, they see and experience sexual harassment as a byproduct of their work and immigration status.³

This is even more evident in some sectors where workers are subject to harassment because of the nature of their work, which can take place in geographically more isolated areas or in private settings. This, combined with their immigration status, leads to unchecked harassment and workers who are unconnected with groups or others who could inform them of their rights. For example, in New York, one in every three domestic workers has reported feeling harassed and abused at work by their employer, and they attribute such abuse to either race or immigration status. Despite the passage of the Domestic Workers Bill of Rights in 2010, we have repeatedly seen domestic workers complain to us of theft of wages, no overtime pay, no days off a week for rest (despite being entitled to at least one weekly under the amended law), minimal to no sick or vacation leave and of course being exposed to sexual harassment. We are concerned that the hard-fought amendments to the Human Rights Law, as well as the Labor Law, as a result of the Bill of Rights are not being used as often as they could be to protect domestic workers from abuse.

For example, one of our clients is a domestic worker based in Queens, who worked for nearly seven years as a part-time live-in nanny and housekeeper for a family, caring for the children and the house. She was forced to sleep in tight quarters and often in the children's room, tending to them at all hours of the night. She experienced nearly daily harassment by her employer, the mother of the children, who would call her insulting names and use vulgar language to speak to her. She gave her sexually illicit gifts that were demeaning and offensive and made sexually laced comments or accusations. With no one to turn to, no one to complain to and practically no time outside of the house and away from her employers, in addition to her own financial responsibilities for her family, she felt forced to put up with sexual harassment she never would have ordinarily accepted.

Other clients have come forward with similar stories of working in factories, bakeries or restaurants where they've been exposed to supervisors who make sexually explicit or offensive comments to them on a daily basis. All are low-wage Latina immigrant workers who work long hours for low pay, in often hostile conditions. One client was pulled into a corner by a supervisor who claimed he wanted to speak to her about giving her a promotion. When he made illegal sexual and intimate propositions that were then turned down, he retaliated by changing her work schedule which made it impossible for her to tend to her family obligations, like picking up her children from school. This retaliatory act was ironically used as an excuse by the employer as how they responded to her complaint as an intent to separate her from her supervisor by punishing her while leaving him with the same salary, title, schedule and access to other employees.

Other clients have stories of being grabbed physically all over their body by supervisors on their way to the bathroom, to their cars, to factory floors or to tend to customers. They've received text messages and calls at all hours of the night and day outside of their shifts with sexually explicit propositions in exchange for better treatment and hours at work. They listen to comments on a daily basis about their anatomy, their clothing, their relationships and

³ Domestic Workers United & DataCenter, *Home is Where the Work Is: Inside New York's Domestic Work Industry 5* (2006), available at <http://www.datacenter.org/reports/homeiswheretheworkis.pdf>.

behaviors. They are aggressively yelled at, called offensive names and demeaned by their supervisors, including male supervisors of the same nationality, race or faith. Many continue to feel unable to speak out or address it because of fears of retaliation and the economic harm it will cause to them and their families. And under this current federal administration which has turned racist posturing into policies, some clients have even received threats of deportation or feared physical retaliation or harm.

We are concerned that this practice will become all too frequent in this current climate of anti-immigrant rhetoric, where employers use a workers' immigration status as both a sword and shield: on the one hand they feel emboldened to discriminate openly against workers by harassing them, making inappropriate comments, withholding wages or subjecting them to unsafe or unsanitary workplaces all while reminding them how grateful they should be; while on the other retaliating by threatening to call immigration officials where they could face deportation proceedings should they speak up or exert their rights. Because of the climate of deep fear that many immigrants, including many of our clients, currently feel, they are hesitant to assert their rights and challenge sexual harassment and abuse, making them more vulnerable to exploitation.⁴

We thank this Committee for its interest in surfacing the realities of this city's low-wage immigrant workforce and daily encounters with sexual harassment, which continue to go unnoticed and unaddressed by the #MeToo movement. It's important that this city require employers – ALL employers, no matter how small or how private – to provide their employees with information about their rights, and that anti-sexual harassment policies be imbedded into all oversight and compliance procedures the city engages in.

Thank you,

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⁴ American Civil Liberties Union, et al., *No Free Pass to Harass: Protecting the Rights of Undocumented Immigrant Women Workers in Sexual Harassment Cases*, https://www.aclu.org/sites/default/files/pdfs/womensrights/no_free_pass_20071119.pdf.

City Council Oversight Hearing
Sexual Harassment Best Practices/Policies in New York City
Committee on Women
Committee on Civil and Human Rights

Good morning Chair Rosenthal, Chair Eugene and members of the City Council Committee on Women and the Committee on Civil and Human Rights. I am Dawn Pinnock, and I proudly serve as Executive Deputy Commissioner for the Department of Citywide Administrative Services (DCAS). I am joined today by members of my Citywide Diversity and Equal Employment Opportunity team, more commonly known as Citywide Diversity and EEO. I am pleased to have the opportunity to testify today with Carmelyn Malalis, Chair and Commissioner of the City Commission on Human Rights, to inform you about the work the City is doing to prevent sexual harassment.

One of the cornerstones of our municipal workforce, comprised of hardworking women and men, is a system based on merit, fitness, fairness, and equity. In a city as large and diverse as ours, it is important to recognize that all employees should be afforded the opportunity to work in a safe environment that is free from discrimination and harassment. Of particular concern is the issue of sexual harassment and the dark cloud it casts on the protections that our employees so richly deserve. I am here today to provide some background information on how DCAS and its Office of Citywide Diversity and Equal Employment Opportunity (CDEEO) partner with the City agencies to ensure that EEO claims in general, and sexual harassment claims in particular, are addressed in a professional, thoughtful, and transparent manner.

CDEEO's primary mission is to enable City agencies to comply with the Citywide EEO Policy, and the City Charter provisions and laws concerning equal employment opportunity (Charter). To this end, we assist and collaborate with City agencies in developing measures and initiatives to effectively fulfill their EEO obligations and their commitment to diversity and inclusion.

Relevant Authority

Pursuant to Chapter 35, section 814 of the Charter, DCAS is responsible for establishing uniform procedures and standards to assist City agencies to effectively implement their mandated responsibilities with respect to EEO and equity.

The City's EEO Policy established pursuant to this authority recognizes all the protections as provided by City, state, and federal law, including the prohibition on sexual harassment. The implementation of the City's EEO Policy and its related procedures are mandatory for City agencies and the CDEEO team monitors Citywide compliance. DCAS established these procedures to drive uniformity and consistency across City agencies in implementing the City's EEO Policy. These procedures include, but are not limited to, the EEO Complaint Procedural Guidelines, Reasonable Accommodation Procedural Guidelines, and the Workplace Gender Transition Guidelines. DCAS has established standardized training and reporting requirements to

further drive agencies' compliance under the EEO Policy, and to ensure that all persons receive the same information with respect to EEO and equity in the workplace.

DCAS also develops and delivers standardized EEO, diversity, and inclusion training. These courses are consistent with best practices and guidance provided by civil rights enforcement agencies, like the United States Equal Employment Opportunity Commission (EEOC), NYS Division of Human Rights, and the NYC Commission on Human Rights. EEO, diversity, and inclusion trainings are offered year-round and are accessible to all City employees.

Section 815 of the Charter requires Agency Heads to adopt measures and programs to ensure equal employment opportunity in accordance with the uniform procedures and standards established by DCAS. The City's EEO Policy further requires agencies to conduct a thorough review of all EEO complaints, which include complaints of sexual harassment, and requests for reasonable accommodations, and to report these complaints to DCAS on a quarterly basis. The EEO Complaint Procedural Guidelines instruct agency EEO Officers, Investigators, and Counselors in their investigation of EEO complaints in a fair, consistent, and timely manner. In addition to providing step-by-step instructions for each phase of the complaint intake and investigative processes, the guidelines include sample questions for investigations, templates for letters, and specifies the timeframes within which complaints can be submitted, and when investigations should be completed.

DCAS also undertakes third-party investigations when agencies have a conflict of interest in investigating the complaint themselves. It shares that function with the Law Department in an effort to ensure that every internal complaint will be fully and fairly investigated.

The City Charter requires each agency head to adopt and implement an annual Diversity and EEO Plan that the agency will undertake to ensure fair and effective measures to provide equal employment opportunity. The Citywide EEO Plan requires the agencies to submit to DCAS quarterly reports on their efforts to implement the Diversity and EEO Plan. It also requires the agencies to submit complaint data and data concerning reasonable accommodation requests for the quarter to DCAS. The Citywide EEO plan requires agencies to submit these reports to the Mayor's Office, DCAS, the City Council, and the Equal Employment Practices Commission (EEOC). CDEEO uses these reports to inform policy statements and training, and to provide ongoing guidance to agencies.

Agency Support

In addition to our oversight authority, DCAS' commitment to fostering an informed, equitable, and inclusive workplace is further demonstrated in its ongoing provision of consultative services and training that goes beyond what the Charter requires. On a monthly basis, the Citywide Diversity and EEO team hosts best practices meetings with EEO Officers from across the City to discuss relevant topics, including but not limited to, proposed legislation, complaint trends, upcoming training, quarterly plan submissions, EEO/diversity and inclusion trends, and benchmarking. The team also utilizes engagement surveys to assess training content, training needs, and to identify other opportunities for Citywide information sharing. The City's EEO community also has 24-hour access to standardized procedures, templates, and other relevant resources via DCAS' EEO and Diversity Website. Additionally, CDEEO's training portfolio has

continued to expand with its creation of courses covering unconscious bias, structured interviewing, disability etiquette, and LGBTQ awareness and inclusion.

Sexual Harassment

With regard to sexual harassment, DCAS is taking a holistic approach to equip agencies with the resources needed to prevent sexual harassment and other inappropriate workplace behaviors, and to deal with, and report incidents when they arise. Since FY 2009, DCAS has offered EEO e-learning and instructor-led training which covers sexual harassment and complaint filing. This training is part of our ongoing offering of courses and is available to all City employees with access to a computer or enrollment in a classroom course. The City's EEO practitioners are further required to take an intensive 5-day Diversity and EEO Basic Training as part of their onboarding process, or as a refresher course based on material developments in the law or the City's EEO requirements.

Over the past year, DCAS has worked to develop a specific e-learning module on sexual harassment prevention, entitled, Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace. The creation of a citywide module on sexual harassment is a first for the City and serves as another example of the City's commitment to its workforce and the ongoing work being done to improve workplace culture.

The module was piloted with EEO professionals, liaisons, and attorneys across the City in January. Feedback from this pilot session has been incorporated and it is my pleasure to announce that the module is complete and ready for launch. This interactive training will be rolled out to the agencies in phases, starting with DCAS. Additionally, as a second phase of this project, DCAS will develop instructor-led training for individuals without direct access to computers and will explore the creation of bystander training, as well as targeted training for managers and supervisors.

To supplement resources currently provided to City agencies looking to release communications regarding sexual harassment to employees, CDEEO has also prepared a template for a sexual harassment policy statement for Agency Heads. Agencies will be able to adopt the language or customize the statement to incorporate agency-specific information prior to disseminating the statement to their employees on an annual basis. I'm pleased to share that the template is also ready for distribution. Once issued, the policy statement will be posted on the DCAS' EEO and Diversity Website to complement the sexual harassment e-learning module.

A Look Ahead

Consistent with public and private best practices, CDEEO has taken a holistic approach to fostering a Citywide workplace culture in which employment and advancement decisions are made fairly, employees are treated equitably, the inclusion of diverse experiences are embraced, and that harassment of any kind is not tolerated. Our provision of standardized resources, consultation, and an expanded training portfolio to EEO professionals and all public servants positions the City to identify and effectively address inappropriate workplace communications and behaviors. Although sexual harassment is the topic of today's hearing, it is incumbent upon all of us as members of the municipal workforce to confront harassment in all of its forms as individuals and as a community. Our individual and collective efforts will create a safe space within every City

agency to ensure that direct and indirect inquiries and complaints of harassment are handled appropriately, and expeditiously.

In the coming months, my colleagues in CDEEO and I will continue to engage City agencies to review our existing EEO policies and procedures and strengthen them where necessary. We also look forward to discussing with the Committees the recent bills introduced in the City Council on this topic and to helping you to refine them as necessary to fill any gaps in the already strong laws and policies the City has implemented to address all forms of employment discrimination.

I thank you for the opportunity to highlight the work performed by DCAS' CDEEO team to date with respect to sexual harassment, EEO, equity, and inclusion. We look forward to the Council's continued partnership and will gladly answer any questions at this time.



**Testimony to the New York City Council on Sexual Harassment Best Practices and
Policies in New York City
February 28, 2018**

Good morning Chairs Rosenthal and Eugene, and members of the Committees on Women and Civil and Human Rights. My name is Rachel Bloom and I am the Director of Public Policy & Programs at Citizens Union. Thank you for the opportunity to testify today on the important matter of sexual harassment best practices and policies in New York City.

Citizens Union is an independent, non-partisan civic organization of New Yorkers that promotes good government and advances democratic reform in our city and state. As part of our mission, we work to ensure that public officials and their staff meet their responsibilities to the people and uphold the public trust. *We feel strongly that guaranteeing a safe, empowering, and dignified workplace for all New Yorkers, especially women and especially those working in city government, is at the basis of that effort.*

We are at a turning point in addressing the shortcoming of existing labor rights to protect employees from sexual harassment around the country. As the need for reform in most industries has become well-articulated, elected officials must set an example of what meaningful change looks like. At a minimum, city government workplaces must have serious safeguards to prevent sexual harassment and abuses of power. With no known aggregation of city agencies' sexual harassment policies, this effort must begin with a thorough review of best practices and existing policy, requiring a concerted effort across city agencies and input from public employees, elected officials, and experts. As the first official step in such a process, we applaud this convening.

Citizens Union notes with concern that there has never been a comprehensive review of practices and policies related to sexual harassment across city government. Outside of the city's Equal Employment Opportunity (EEO) Policy – of which only a small portion is dedicated to sexual harassment – standards related to sexual and gender-based harassment, if they exist at all, are not readily known to the public and there are no assurances that they meet the needs of city employees. We cannot tell if they adequately address the common experiences of city employees, especially women. Citizens Union commends efforts to update the citywide EEO Policy on an ongoing basis, but we are not convinced that this single instrument can fulfill the need for specific, agency-appropriate policy that is also publically transparent.

There are over 130 New York City agencies and a municipal workforce of 330,000 employees. The city's EEO Policy is a general guideline for equal employment practices across the myriad functions of city government, with a greater emphasis on hiring than on-the-job behavior. According to the EEO Policy, it is up to each agency to hire an EEO Officer who must be notified of an EEO complaint. The procedures for dealing with an EEO complaint and who is responsible for fulfilling the responsibilities of the EEO Officer within each agency are not uniform, and there may be broad latitude in how the Policy is enforced. Until individual agency-based sexual harassment policies are publically reviewed, it will be impossible to know if adequate protections are in place, how they are being enforced, and where shortcomings in the city's overall sexual harassment prevention system are.

Inasmuch as there are not uniform policy practices across agencies, there seem also to be no public tracking of sexual harassment complaints, or reporting on the nature of complaints and the outcomes of investigations. There is a database of EEO-related metrics but such data disaggregated by category, including sexual harassment, is not publically available. Because there is a serious dearth of sunlight on these agency-based policies, it is unclear whether such information is collected at all.

In conclusion, it is clear that more needs to be done to ensure that the policies related to sexual harassment in city agencies are adequate and available for public review. Moreover, to guarantee the appropriate, adequate, and efficient application of such policies there needs to be thorough reporting of important metrics including the number of sexual harassment complaints filed, the outcome, and where incidents occur. To this end, an official commitment to transparency in this area is essential. We again commend these committees for taking up this charge and strongly urge the Mayor to proactively support this review and advance reforms that protect the safety and dignity of women, and all city employees, in the workplace.

Thank you for seeking Citizens Union's testimony today. I welcome any questions you may have.



**Testimony to the New York City Council on Sexual Harassment Best Practices and Policies in New York City
February 28, 2018**

Good morning Chairs Rosenthal and Eugene, and members of the Committees on Women and Civil and Human Rights. My name is Ethan Geringer-Sameth and I am the Public Policy & Program Manager at Citizens Union. Thank you for the opportunity to testify today on the important matter of sexual harassment best practices and policies in New York City.

Citizens Union is an independent, non-partisan civic organization of New Yorkers that promotes good government and advances democratic reform in our city and state. As part of our mission, we work to ensure that public officials and their staff meet their responsibilities to the people and uphold the public trust. *We feel strongly that guaranteeing a safe, empowering, and dignified workplace for all New Yorkers, especially women and especially women of color and especially those working in city government, is at the basis of that effort.*

We are testifying today because sexual harassment is not only a labor rights issue, it is not only a public safety issue – it is a good government issue when sexual and gender-based harassment goes unaddressed in city government. It is a matter of democratic representation, broadly speaking. How many voices have been silenced due to unchecked sexual harassment and intimidation?

At this early stage in the review of the city's sexual harassment policy, we offer three recommendations:

1. That this review is conducted with transparency and input from city employees, agency heads, experts, community stakeholders, and elected officials;
2. That it takes the detailed public reporting of sexual harassment complaint metrics seriously; and to that end,
3. Reporting should include information on factors like race, age, and type of employment because it is important to document the diverse experiences of women who intersect with other axes of advantage and disadvantage.

We are at a turning point in addressing the shortcoming of existing labor rights to protect employees from sexual harassment around the country. As the need for reform in most industries has become well-articulated, elected officials must set an example of what meaningful change looks like. At a minimum, city government workplaces must

have serious safeguards to prevent sexual harassment and abuses of power and the policy regulating them must be known to the public. As the first official step in such an effort, we applaud this convening.

Citizens Union notes with concern that there has never been a comprehensive review of practices and policies related to sexual harassment across city government. Outside of the city's Equal Employment Opportunity (EEO) Policy – of which only a small portion is dedicated to sexual harassment – standards related to sexual and gender-based harassment, if they exist at all, are not readily known to the public and there are no assurances that they meet the needs of city employees. We cannot tell if they adequately address the common experiences of city employees, especially women. Citizens Union commends efforts to update the citywide EEO Policy on an ongoing basis, but we are not convinced that this single instrument can fulfill the need for specific, agency-appropriate policy that is also publically transparent.

There are over 130 New York City agencies and a municipal workforce of 330,000 employees. The city's EEO Policy is a guideline for equal employment practices across the myriad functions of city government, with a greater emphasis on hiring than on-the-job behavior. According to the EEO Policy, it is up to each agency to hire an EEO Officer who must be notified of an EEO complaint but there may be broad latitude in how the Policy is enforced. Until a full review is conducted, it will be impossible to know if adequate protections are in place, how they are being enforced, and where shortcomings in the city's overall sexual harassment prevention system are.

There seem also to be no public tracking of sexual harassment complaints, or reporting on the nature of complaints and the outcomes of investigations. There is a database of EEO-related metrics but such data disaggregated by category, including sexual harassment, is not publically available. Because there is a serious dearth of sunlight on these agency-based policies, it is unclear to what extent such information is collected at all.

In conclusion, it is clear that more needs to be done to ensure that the policies related to sexual harassment in city agencies are adequate and available for public review. Moreover, to guarantee the appropriate application of such policies there needs to be thorough reporting of important metrics including the number of sexual harassment complaints filed, the outcome, and where incidents occur. The reporting should also include other related information that will help illuminate the other factors – like race and age – that impact the experience of sexual harassment. To this end, an official commitment to transparency in this area is essential. We again commend these committees for taking up this charge and strongly urge the Mayor to proactively support this review and advance reforms that protect the safety and dignity of women, and all city employees, in the workplace.

Thank you for seeking Citizens Union's testimony today. I welcome any questions you may have.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/28/18

(PLEASE PRINT)

Name: Rebecca Litwin

Address: _____

I represent: Girls for Gender Equity

Address: 25 Chapel St, BK

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Date: 2/28/18

(PLEASE PRINT)

Name: Brittany Brathwaite

Address: _____

I represent: Girls for Gender Equity

Address: 25 Chapel St, BK

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Date: _____

(PLEASE PRINT)

Name: J. Patrick Boyle

Address: 253 Broadway, NY NY 10007 Rm 602

I represent: Equal Emp. Practices Commission

Address: 253 Broadway NY, NY 10007 Rm 602

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Date: 2/28/2018

(PLEASE PRINT)

Name: Charise L. Terry

Address: 253 Broadway Suite 602, NY NY 10007

I represent: Equal Employment Practices Comm.

Address: _____

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Date: Feb 28 2018

(PLEASE PRINT)

Name: Elaine REISS

Address: 924 WEST END AVE

I represent: EEPC

Address: 253 Broadway

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in favor in opposition

Date: 2-28-2018

(PLEASE PRINT)

Name: Ilacia Zuehl

Address: 253 Broadway 602

I represent: Equal Employment Practices Comm.

Address: 253 Broadway Rm 602

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition *all on Sexual*

Date: *2/28/18* *Harassment*

(PLEASE PRINT)

Name: *Francesca Bernal*

Address: *118 E 60 St - NYC 10022*

I represent: *Fearless Talent Development + NFBPWC-*

Address: *Same* *NYC*

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in favor in opposition

Date: *2/27/18*

(PLEASE PRINT)

Name: *Emily Kadar*

Address: *14 Wall St 3B NY NY 10005*

I represent: *National Institute for Reproductive*

Address: *Health*

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in favor in opposition

Date: *2/29/18*

(PLEASE PRINT)

Name: *Carmel P. Malachuk*

Address: *22 Rensselaer St*

I represent: *CCHR*

Address: _____

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in favor in opposition

Date: 2/28/18

(PLEASE PRINT)

Name: Doa Grido Starr

Address: 41st Franklin Ave #13 Bklyn NY

I represent: Sexuality Education Alliance of NYC

Address: 114th St NY

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in favor in opposition

Date: 2/28/18

(PLEASE PRINT)

Name: Dona Severin

Address: 22 Beale St

I represent: CCHR

Address: _____

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Date: 2/28/18

(PLEASE PRINT)

Name: Dawn Pinnock

Address: 1 Centre St

I represent: DCA S

Address: _____

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 in favor in opposition

Date: 2/28/18

(PLEASE PRINT)

Name: Rachel Piazza

Address: 937 Park Pl Apt 2R 11213

I represent: _____

Address: _____

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 in favor in opposition

Date: 2/28/18

(PLEASE PRINT)

Name: Sarah Braftman

Address: 40 WORTH ST. 10TH FLOOR 10013

I represent: A BETTER BALANCE

Address: _____

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Appearance Card

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 in favor in opposition

Date: 2/28/18

(PLEASE PRINT)

Name: KATHRYN WYLDE

Address: _____

I represent: PARTNERSHIP FOR NYC

Address: 1 BATTERY PARK PLAZA NY, NY

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in favor in opposition

Date: 2/28/18

(PLEASE PRINT)

Name: Christina Chase

Address: 26 Bleeker Street

I represent: Planned Parenthood of NYC

Address: _____

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Appearance Card

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in favor in opposition

Date: 2/28

(PLEASE PRINT)

Name: Susan Scatidi

Address: Fashion Law Institute, 150 W. 62nd St., NYC, 10023

I represent: Fashion Law Institute

Address: _____

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Appearance Card

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in favor in opposition

Date: 2/28

(PLEASE PRINT)

Name: Jeff Trexler

Address: 150 W. 62nd St., New York NY 10023

I represent: Fashion Law Institute

Address: _____

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Date: 2/28/18

(PLEASE PRINT)

Name: Verin Arifa 2/28/18

Address: 8045 30th Ave Flushing NY

I represent: _____

Address: Rachel Piazza
937 Park Pl Apt. 2K 11213

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in favor in opposition

Date: 2/28/2018

(PLEASE PRINT)

Name: Allegra Fisher

Address: 540 President Street 3rd Fl. Bklyn NY

I represent: Gender Equality Law Center

Address: _____

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in favor in opposition

Date: 2/28/2018

(PLEASE PRINT)

Name: Blake Johnson

Address: _____

I represent: Safe Horizon

Address: 2 Lafayette St.

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in favor in opposition

Date: 2/28/2018

(PLEASE PRINT)

Name: Meridith Maskara

Address: _____

I represent: Girl Scouts of Greater New York

Address: 40 Wall Street

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Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lee Goldberg

Address: 10 Arrowhead Road

I represent: Mystef/my company Tealiant

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/28/18

(PLEASE PRINT)

Name: Ethan Geringer-Smith

Address: 299 Broadway, Suite 700 NY, NY 10007

I represent: Citizens Union

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2-28-18

(PLEASE PRINT)

Name: EMILY MAY

Address: 30 3RD AVE BROOKLYN

I represent: HOLLABACK!

Address: same

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/28/17

(PLEASE PRINT)

Name: Manish Srivastava

Address: 55 Exchange Place NY, NY

I represent: Peric Health Exchange

Address: 55 Exchange Place NY, NY

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Appearance Card

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in favor in opposition

Date: 2-28-18

(PLEASE PRINT)

Name: Paige Sorbon

Address: 116 Little Neck Rd

I represent: Bridgit

Address: Centersport NY 11721

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I intend to appear and speak on Int. No. 5904 ^{Special} ~~Hatchman~~ Res. No. _____
 in favor in opposition
Date: 2/28/18

(PLEASE PRINT)
Name: Natasha Bannan
Address: _____
I represent: Latino Justice PRUDF
Address: 99 Hudson St, NYC, NY 10013

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition
Date: _____

(PLEASE PRINT)
Name: Liz Hottzman
Address: _____
I represent: _____
Address: _____

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