

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WOMEN JOINTLY WITH COMMITTEE ON  
CIVIL AND HUMAN RIGHTS

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February 28, 2018  
Start: 1:20 p.m.  
Recess: 5:09 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: HELEN K. ROSENTHAL  
Chairperson

MATHIEU EUGENE  
Chairperson

COUNCIL MEMBERS: Diana Ayala  
Laurie A. Cumbo  
Ben Kallos  
Brad S. Lander  
Daniel Dromm  
Ben Kallos  
Bill Perkins  
Ydanis A. Rodriguez

## A P P E A R A N C E S (CONTINUED)

Dawn Pinnock, Executive Deputy Commissioner Dept.  
Citywide Administrative Services, DCAS

Carmalyn P. Malalis, Chair and Commissioner  
City Commission on Human Rights, CCHR

Elizabeth Holtzman, Former NYC Comptroller, CCHR

Elaine Reiss, Commissioner  
Equal Employment Practices Commission, EEPC

Charise Terry, Executive Director  
Equal Employment Practices Commission, EEPC

Patrick Boyle, Director  
Research Initiatives and Public Hearings  
Research Unit, Equal Employment Practices Commission

Emily May, Co-Founder & Executive Director, Hollaback

Meredith Maskara, Chief Executive Officer  
Girl Scouts of Greater New York

Susan Scafidi, Founder and Director  
Fashion Institute at Fordham University

Jeff Trexler, Associate Director & Teacher  
Fashion Institute at Fordham University

Francesca Burack, President and CEO  
Fearless Talent Development and National Women's NYC  
Federation of Business & Professional Women

Blake Johnson, Supervising Social Worker  
Safe Horizons Community Program Helpline

Sarah Brafman, Attorney, A Better Balance

Rachel Piazza, Teacher, Women's and Gender Studies  
University of Lovell & Founder, Feminist Self-Defense

Jeran Arisa, Sexual Harassment Policy  
City University of New York, CUNY

Paige Sanborn

Christina Chang, Vice President of Public Affairs,  
Planned Parenthood, New York City

Zoe Ridolfi Starr, Co-Chair  
Policy Sexuality Education Alliance of New York City

Emily Kadar, Government Affairs & Advocacy Manager  
National Institute for Reproductive Health

Maneesha Srivatava, Program Manager  
Peer Health Exchange

Ethan Derringer Samick, Public Policy & Program  
Manager at Citizens Union

Becca Litwin, Girls for Gender Equity

Brittany Brathwaite, Organizing Innovation Manager  
Girls for Gender Equity

Izzy (Isidora) Finkelstein, Program Coordinator  
School and Community Violence Prevention  
Center for Anti-Violence Education

Jacqueline Castro, Peer Educator, Center for Anti-  
Violence Education, Sophomore, High School of  
Telecommunications on Technology, Bay Ridge

Jubi Salai, Peer Educator, Center for Anti-Violence  
Education and Freshman, Fort Hamilton High School

3 [sound check, pause]

4 CHAIRPERSON ROSENTHAL: Good afternoon.

5 My name is Helen Rosenthal and I chair the Committee  
6 on Women. Chair Eugene of the Committee on Human  
7 Rights will make a statement just as soon as I'm  
8 finished here today, and I'm so glad we're doing this  
9 hearing together. We are here today to commit  
10 ourselves to ending sexual harassment in the city of  
11 New York. For the more than 330,000 municipal  
12 employees, and for all those who work in New York  
13 City this hearing will be the first of many aimed at  
14 making that commitment a reality. Today, we will  
15 examine the city's existing policies both for its own  
16 workforce and for the private sector. We know we  
17 have strong sexual harassment protections on the  
18 books under federal, state and local law. We know  
19 that the City Charter lays out detailed procedures to  
20 ensure a safe and respectful workplace, but we also  
21 know that in far too many cases, reality has not  
22 caught up with the law. Survivors of sexual  
23 harassment are still too often unsure of their rights  
24 let alone how to safely assert them. Bystanders  
25 are still too often uncertain of their  
responsibilities let alone how they can intervene.

1 Accordingly, harassers are still too often able to  
2 operate with impunity. As recently as 2016, the  
3 Federal Equal Employment Opportunity Commission  
4 Report found that just 7 to 13% of survivors of  
5 sexual harassment ever file a complaint, let alone  
6 find justice. That legacy of underreporting gets us  
7 to the reason our committees are holding this hearing  
8 now. The reason we are approaching this issue with  
9 such urgency can be summed up in three words:

10 #MeToo. Countless women and men have raised their  
11 voices and built the #MeToo movement. The courage  
12 grace of these survivors demand a reckoning not just  
13 for the powerful individuals finally brought to  
14 account, but for our society as a whole. We owe them  
15 a great deal of gratitude and more to the point, we  
16 owe them action. Today, the committees will consider  
17 a package of legislation that represents the first  
18 step toward comprehensively addressing sexual  
19 harassment for those who work in New York City.

20 Twelve bills are being introduced and discussed that  
21 expand protections, confront flawed processes, and  
22 establish new mechanisms from accountability. I want  
23 to personally thank Speaker Corey Johnson for his  
24 leadership and partnership in pulling this package  
25

1 together. Meeting the #MeToo moment means moving  
2 past the temptation to quickly check a box. Instead,  
3 we must commit ourselves to the long hard work of  
4 confronting old attitudes and crafting new policy and  
5 that starts with listening. The committees want to  
6 hear the stories of workers in the public and private  
7 sectors, and we want to hear from the city about the  
8 number of complaints and the outcomes and the good  
9 work that they are already doing. Women have raised  
10 their voices and demanded action before the testimony  
11 of Anita Hill in the Early '90s describing the  
12 hostile work environment created by Supreme Court  
13 nominee Clarence Thomas Introduced the term sexual  
14 harassment tot the nation and sparked an  
15 unprecedented public conversation. Here in New York  
16 in 1993, Comptroller Elizabeth Holtzman audited the  
17 city's Sexual Harassment Policy. The audit exposed  
18 the city's policy as completely inadequate to protect  
19 the rights of survivors. There was one agency that  
20 was willing to even comply at that time for an audit.  
21 The Department of Transportation and the audit  
22 revealed not many complained, and those who were—who  
23 complained were then harassed and forced or chose  
24 forcibly to leave. Just as the work began then, the  
25

1 issue was allowed to fade away. Clarence Thomas was  
2 confirmed to the Supreme Court. That would never  
3 happen today. The Comptroller's audit touched only  
4 on the Department of Transportation, but her work was  
5 resisted by all city agencies, and her term of office  
6 ended. The public conversation moved on. We cannot  
7 allow it to fade away again. Instead, we must take  
8 responsibility for crafting the most comprehensive,  
9 most survivor centered and most holistic anti-sexual  
10 harassment policy and procedures in the country. As  
11 the largest employer in New York this starts with the  
12 city getting its own house in order and leading the  
13 way. Each and every one of our more than 330,000  
14 employees is entitled to a safe and respectful  
15 workplace, and we must do more to guarantee it.  
16 Progress has certainly been made in the 25 years  
17 since Elizabeth Holtzman's audit. The Equal  
18 Employment Practices commissions multiple audits now  
19 of Department of Transportation in the intervening  
20 years for instance reveal significant changes to  
21 their complain process. We will hear more today  
22 about the steps that have been taken. We all  
23 acknowledge, though that critical gaps still remain  
24 in terms of training, employee, engagement and most  
25

1 importantly accountability. More must be done. As  
2 has been reported in recent weeks, the city while it  
3 has a centralized easily accessible database, may not  
4 quite be ready yet to announce its—the accumulated  
5 information of complaints and results and we know and  
6 we'll hear from them today that they're taking  
7 strides to move the ball forward with that. Better  
8 practices do exist. California's Los Angeles County  
9 seems to be ahead of the curve. Since the county  
10 initiated its comprehensive plan in 2011, employee  
11 litigation costs have been cut in half. L.A. County  
12 has found success by emphasizing that complaints can  
13 be submitted to an independent age entity rather than  
14 an employee's own agency, and by ensuring that their  
15 policy of mandatory reporting by supervisors of  
16 sexual harassment incidents is enforced with  
17 reprimands and fines. And the county is still  
18 working to improve its process. Just this year,  
19 legislators announced the creation of a new survey  
20 that will go complainants to gauge satisfaction with  
21 the process. As we move forward New York City must  
22 explore taking additional steps like these and other,  
23 and as we lead the way for our own workforce, we  
24 must ensure that no one is left behind. This means  
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1 adding protections and policies for those in the  
2 private sector as well making sure that all workers  
3 know their right, and know how to access the  
4 resources that they need. As Morah Dunnigan wrote  
5 recently, It is still explosive, radical and  
6 productively dangerous for women to say what we  
7 really mean. I think the #MeToo Movement has  
8 demonstrated a power in making our voices heard. As  
9 policy makers, it is time for us to listen. Today,  
10 we will hear from the Department of Citywide  
11 Administrative Services responsible for the city's  
12 Equal Employment Opportunity policy as well as the  
13 New York City Commission on Human Rights, responsible  
14 for enforcing the city's Human Rights protections for  
15 both the public and private sectors. We will also  
16 hear from the Equal Employment Practices Commission,  
17 the independent body tasked by the New York City  
18 Charter with monitoring the city's compliance with  
19 equal employment laws as well as many advocacy groups  
20 and experts. I want to thank everyone here at the  
21 Council who worked non-stop for making this hearing  
22 possible including my Legislative Director Sean  
23 Fitzpatrick, and my Women's Issues intern Amena  
24 Shekupilwah (sp?) I also want to thank Terzah  
25

1 Nasser's entire team in the Council's Human Services  
2 Division including Aminta Kilowan, Counsel to the  
3 Committee on Women, Counsel Malcolm Butehorn, Bakit  
4 Meurig, Counsel to the Committee on Civil and Human  
5 Rights; Policy Analyst Chloe Rivera and Joan Povolny  
6 Legal Fellow Ravia Kaseem, and Finance Analyst Sheila  
7 Johnson and Daniel Kroop. I want to especially thank  
8 the team for their work on the Committee Report,  
9 which is an invaluable resource I urge everyone to go  
10 online and read. So, I'd like to welcome Public  
11 Advocate Tish James, Council Member Diana Ayala,  
12 Council Member Mark Levine, Council Member Danny  
13 Dromm, and I'd like ask Council Member Eugene first  
14 to make his introduction. Thank you.

16 CHAIRPERSON EUGENE: Thank you vey much,  
17 Co-Chair Rosenthal. Thank you. Good afternoon. My  
18 name is Mathieu Eugene and I'm the Chair of the  
19 Committee on Civil and Human Rights. I'd like to  
20 thank my colleague Chair Rosenthal for taking the  
21 lead on this very important topic: Sexual  
22 Harassment: Best Practices and Polices in New York  
23 City. This the first meeting for both of our  
24 committees and decision, and I'm proud that we are  
25 joining the important social conversation about

1 harassment and are sold as persecuted by—lead to  
2 campaign. But we have started it in New York City.  
3 The Commissioner on Human Rights reports that—that  
4 their investigation into sexual harassment increases  
5 by nearly 50% over the last two years with 109-109  
6 claims filed during the 2015-2016 period as compared  
7 to 73 during the 2013 and '14 period. As of December  
8 2017, the CCHR was given 340 complaints of gender  
9 discrimination of which 40% are claims of sexual and  
10 gender based harassment and 85% of which are  
11 workplace related. This year the divisiveness of  
12 this issue has highlighted the need to re-examine and  
13 inform civil industries including our policy and  
14 government institution. At this hearing today, the  
15 Council hopes to examine what New York City can do  
16 better and gather input on this important package of  
17 sexual harassment legislation. The city of New York  
18 is the largest employer in the New York City. We  
19 stand to lead by example, and such standards that we  
20 serve as a benchmark citywide and perhaps even  
21 nationwide. Currently, New Yorkers as a recourse to  
22 civil agencies to report sexual harassment at the  
23 federal, state and local levels. Civil entities  
24 exist within the city that are just sexual harassment  
25

1 including two agencies which my Mike Kennedy  
2 oversees, the City Commission on Human Rights and the  
3 Equal Employment Practices Commission. New York City  
4 has the most comprehensive (sic) of Human Right Code  
5 in the country. An individual can make complaints to  
6 CCHR for free. City employees can make a complaint  
7 to the Equal Employment Opportunities Official or  
8 contact the CCHR pursuant to the City Charter, the  
9 Department of Citywide Administrative Services, DCAS,  
10 and Department Equal Employment Opportunity Policy as  
11 well as agendas and policies for city agencies to  
12 implement DCAS and the city's legal obligation. The  
13 Equal Employment Practices Commission is tasked with  
14 monitoring compliance that of getting city agencies  
15 to ensure that they are implementing city policies  
16 and complying with federal, state and local laws. As  
17 Chair of the Civil and Human Rights Committee, it is  
18 my goal during this legislative session to work with  
19 CCHR and the EEPC as well as other relevant New York  
20 officials and city agencies to ensure that our city  
21 is doing all that it can to rule out sexual  
22 harassment and hold perpetrators accountable. I look  
23 forward to hearing testimony today and collaborating  
24 with litigant (sic) city agencies, advocacy groups,  
25

1 academics, and other stakeholders to ensure that New  
2 York City adopts effective laws and policies to  
3 combat sexual harassment and assault. And I would  
4 like to take the opportunity also to thank you each  
5 one and all of you here, and all the wonderful person  
6 from there—that's hear from the City Council work  
7 together to make this possible. And again, thank you  
8 to all of you inkling my colleagues and the wonderful  
9 Public Advocate. Thank you so very much. Thank you.  
10 Now I will turn it over to my co-chair Council Member  
11 Rosenthal.

12  
13 CHAIRPERSON ROSENTHAL: Thank you so  
14 much, Dr. Eugene. [coughs] Let's see. I'm going to  
15 ask Council Member Levine actually to make some  
16 remarks because I know you have another hearing to  
17 attend.

18 COUNCIL MEMBER LEVINE: Well, thank you  
19 to both our co-chairs. I'm pleased to be one of the  
20 sponsors of the bill today. I have to say I can't  
21 think of a moment where it was more important that we  
22 had strong leadership from the Woman's Committee, and  
23 we're very luck to have Chair Rosenthal in that role.  
24 Council Member Dromm and I were just lamenting the  
25 dearth of men in this chamber right now, and it is

1 important that—that men own this epidemic and that we  
2 speak out about it, and not flinch from the ugly  
3 truths that are emerging. I also think it's  
4 important that we men not be overly verbose in this  
5 debate as we tend to be, and I'm going to try and  
6 model that behavior by being very brief myself and—  
7 and just observing that at a time when we're seeing  
8 the epidemic of sexual harassment playing out in  
9 Hollywood and Congress, we would be dangerously naïve  
10 to think that we were immune from it here in the city  
11 of New York, a city government with 325,000  
12 employees. It's remarkable how few cases have made  
13 it into the headlines in this tabloid driven town,  
14 but we know as painful as it is to acknowledge that  
15 sexual harassment is a reality faced by far too many  
16 victims in our city government, and we need to shine  
17 a light on that. We need to get the facts, and the  
18 bill that I'm introducing would help to do that by  
19 requiring our city to report agency by agency every  
20 year on the number of—number of sexual harassment  
21 complaints filed with HR, the number of cases where a  
22 discrimination process is commenced, the number of  
23 cases in which a determination is made whether  
24 they're substantiated, what sanctions that are  
25

1 applied, how many cases are dropped because the  
2 victim recants or refuses to go forward with the  
3 case. This information we've never had as  
4 policymakers. We've never had it as the public, with  
5 not any personal identification, but it will give us  
6 a chance to confront the scale of the problem in the  
7 city to hold ourselves accountable for solving it,  
8 and we believe to direct good policy going forward.  
9 Thank you again Madam Chair to both our co-chairs.  
10

11 CHAIRPERSON ROSENTHAL: Thank you. Also,  
12 I'd like to ask the Public Advocate who is also  
13 sponsor of one of the bills to give some more on this  
14 now as well.

15 PUBLIC ADVOCATE JAMES: I want to thank  
16 the co-Chairs for holding this hearing, Council  
17 Member Rosenthal and Council Member Eugene. I am one  
18 of the prime sponsors of T2018-1463. The bill would  
19 mandate that all private employers with 15 or more  
20 employees must conduct annual anti-sexual harassment  
21 training. Supervisors and managerial employees of  
22 such employer shall receive additional training  
23 focusing on this specific responsibilities of those  
24 employees in the prevention of sexual harassment and  
25 retaliation and measures they may take to

1 appropriately address sexual harassment complaints.  
2  
3 The New York City Commission on Human Rights in order  
4 to help employees meet this mandate would also be  
5 responsible for creating a series of online  
6 interactive training modules to be posted on their  
7 website for access by employers. We will no longer  
8 allow women to be diminished, to be objectified, to  
9 be subjects of harassment, direct propositions for  
10 sexual favors, to be touched, to be patted, to be  
11 victims of sexual abuse. No, today my sisters, my  
12 young sisters in particular no, today we war. Today  
13 we demand respect, and we know that sexual assault is  
14 often about power, and so today we flip the scrip,  
15 and today we demonstrate our power by enacting into  
16 legislation and by discussing an issue that  
17 unfortunately for so often has gone unnoticed. Today  
18 we do it with 11 powerful women of the City Council,  
19 11 plus 1, me. [laughter] So, we are at a moment a  
20 crossroads where real fundamental change seems  
21 possible, but change is not inevitable. We must not  
22 squander this moment. We must seize it. A #MeToo  
23 moment has shown a light under a lot—a lot of dark  
24 rocks, and many seem surprised by the vast scope of  
25 this epidemic, but I am not surprised. Women are not

1 surprised. We all have a friend, a sister, a mother  
2 who was forced to put away their dreams because of a  
3 toxic culture of Misogyny and systematic harassment,  
4 and yes, most of us have been victims and we cannot  
5 know exactly how much promise was denied the world,  
6 but we know that it is far too much that these—that  
7 these stories are far too common. We can talk about  
8 Fox News and we can talk about Harvey Weinstein all  
9 that we want, but we all have our own individual and  
10 personal Harvey Weinstein that we know. And so this  
11 legislation will allow us to be more transparent in  
12 the city, more responsive and provide better avenues  
13 for reporting so that filing a complaint should not  
14 be burdensome. It must be clear and independent, and  
15 we can and we must ensure that every agency in the  
16 city of New York properly trains its workers and its  
17 managers and we can and we must report on the  
18 incidents that do happen and take a hard look at  
19 ourselves to determine how we can do better going  
20 forward. We recognize that this is—we don't have all  
21 of the answer, but this is just the beginning. We  
22 can and we must ensure that everyone in and out of  
23 city government knows their rights and the resources  
24 available to them, and we can and we must use our  
25

1 power to legislate our power of the purse, our  
2 taxpaying dollars to ensure that private businesses  
3 within our city that do business with us do the right  
4 thing, and we can and we must push companies to  
5 disclose mandatory arbitration policies that keep  
6 harassment in the shadows and out of the courts,  
7 which is the firmest pillar of government, and we can  
8 and we must create more transparency and oversight  
9 over non-disclosure agreements, which are often used  
10 to cover up sexual harassment and/or sexual  
11 discrimination. We can and we must mandate the  
12 training that too many companies currently ignore and  
13 we can and we must extend the protection of the Human  
14 Rights Law to every New Yorker no matter where they  
15 work, and we can and we must find the funding from  
16 the city or do—from the city or do business with the  
17 city disclosure, which is mandatory, and we must have  
18 a comprehensive policy in place. But more  
19 importantly, we must—we must let women know that they  
20 are not alone, and that we stand with them. As  
21 Elinor Roosevelt once said: It's basically up to the  
22 women. And so, for the 11 powerful women who I call  
23 my sisters and my friends, I urge them to move the  
24 bill and to turn a hashtag into a law. I thank the  
25

1 Chair. I thank all of you, and I thank all of the  
2 advocates and all of the young women who were here  
3 today. This is leadership looks like.

4  
5 CHAIRPERSON ROSENTHAL: I think that's a  
6 new one, turn as hash tag into a law. That's  
7 beautiful. I want to welcome Majority Leader Laurie  
8 Cumbo, and see if she would like to say a few words  
9 about her legislation.

10 MAJORITY LEADER CUMBO: Thank you, Chair  
11 Rosenthal and thank you for all that are here today  
12 especially those that were on the steps of City Hall  
13 today saying it loud and proud. About 1 in 5  
14 Americans have experienced sexual harassment at work.  
15 About half of American women are sexually harassed at  
16 least once after joining the workforce. One in three  
17 women ages 18 to 34 have been sexually harassed at  
18 work. Seventy-one percent of those women said they  
19 did not report it. Gender harassment is the most  
20 prevalent form of sexual harassment. Perhaps 15 to  
21 20% of American women experience it annually.  
22 Imagine that in our work places. So many women,  
23 often young, often undocumented, many immigrant women  
24 of color often are facing harassment that generally  
25 goes unreported. Seventy-one percent of women in the

1 workplace said that they have not reported I, and  
2 today is so important because we are saying you can o  
3 longer say you didn't know. You can no longer say  
4 we've always done it this way. You can no longer say  
5 I just didn't understand. We are putting it out  
6 through this package of legislation that now you will  
7 have to know that this type of behavior will not be  
8 tolerated in the workplace, and as our former-well,  
9 excuse me, as our current president-hopefully it will  
10 be former soon-has said, you can do whatever you  
11 want. This is a pushback. You can't do whatever you  
12 want. You can't do whatever you want and think that  
13 everyone likes it. No one likes it. This is a  
14 package of bills that's going to make sure that women  
15 and men particularly those are that are immigrant  
16 women and men have an opportunity to work in a safe  
17 and comfortable environment, and to know that they  
18 are there for their minds, their work ethic, their  
19 creative and their talent abilities and not for the  
20 bodies. I'm very proud of the bill that I am  
21 supporting and introducing with Speaker-excuse me.  
22 I'm also doing another one--Public Advocate Letitia  
23 James mandating that private employers conduct anti-  
24 sexual harassment training for their employees. The  
25

1 city of New York recognizes the importance of  
2 requiring anti-sexual harassment training as part of  
3 a holistic approach to combatting workplace sexual  
4 harassment. I'm also working with Council Member  
5 Robert Cornegy and requiring employers to post  
6 written policies and procedures to prevent sexual  
7 harassment. While anti-sexual harassment training is  
8 vitally important, so, too, is a daily reminder to  
9 employees and supervisors, managerial personnel of  
10 what their rights and responsibilities are. A simple  
11 and understandable poster outlining those rights and  
12 responsibilities will ensure that employees know what  
13 they can do to address sexual harassment in the  
14 workplace, and this is going to be so incredible for  
15 so many moving forward. I thank you, Chair Rosenthal  
16 for conducting this very important hearing, and as  
17 Public Advocate Letitia James said, we are taking a  
18 hashtag and turning it into legislation. Thank you  
19 so much.

21 CHAIRPERSON ROSENTHAL: I would now like  
22 to turn it over to the Administration. Thank you.

23 LEGAL COUNSEL: Would you all please  
24 raise your right hands? I just need to swear you in.  
25 Do you affirm to tell the truth, the whole truth, and

3 nothing but the truth in your testimony before this  
4 committee, and to respond honestly to Council Member  
5 questions?

6 DEPUTY COMMISSIONER PINNOCK: Okay, I do.

7 LEGAL COUNSEL: Thank you.

8 DEPUTY COMMISSIONER PINNOCK: Thank you.

9 Good afternoon Chair Rosenthal, Chair Eugene, Public  
10 Advocate James and members of the City Council  
11 Committee on Women and the Committee on Civil and  
12 Human Rights. I am Dawn Pinnock, and I proudly serve  
13 as the Executive Deputy Commissioner for the  
14 Department of Citywide Administrative Services also  
15 known as DCAS. I am joined today by members of my  
16 Citywide Diversity and Equal Employment Opportunity  
17 team more commonly known as Citywide Diversity and  
18 EEO, and I am pleased to have the opportunity to  
19 testify today with Carmalyn P. Malalis, Chair and  
20 Commissioner of the City Commission on Human Rights  
21 to inform you about the work the city is doing to  
22 prevent sexual harassment. One of the cornerstones of  
23 our municipal workforce comprised of hardworking  
24 women and men. It is a system based on merit,  
25 fitness, fairness and equity. In a city as large and

1  
2 as diverse as ours, it is important to recognize that  
3 all employees--

4                   CHAIRPERSON ROSENTHAL: [interposing]  
5 Deputy Commissioner, I am so--so appreciate your  
6 patients. I'm really embarrassed to have to do this.  
7 I'm going to ask that we interrupt for one minute.  
8 We had hoped that the former Comptroller was Holtzman  
9 who is running out of town would have a minute just  
10 to give some quick testimony. I though she had left.  
11 It turns out she's here. May I ask your patience?  
12 It will be short and sweet, but it's so poignant--

13                   DEPUTY COMMISSIONER PINNOCK: Of course.

14                   CHAIRPERSON ROSENTHAL: --and it will help  
15 us all understand why we're here today with absolute  
16 gratitude to the work you're doing. Thank you.  
17 [background conversation, pause] Again, thank you and  
18 thank you, Commissioner. Comptroller Holtzman.

19                   ELIZABETH HOLTZMAN: Thank you very much  
20 Chair Rosenthal and Chair Eugene, and members of the  
21 Committee, Public Advocate. First of all, let me  
22 thank you for your graciousness and courtesy in  
23 accommodating my schedule. I want to thank also the  
24 witnesses who were kind enough and gracious enough to  
25 allow me to go first. Normally, I wouldn't do this,

1 but I have to catch a train. [laughs] So, I—I just  
2 will try to be very brief and summarize my remarks,  
3 which I will submit to the Council. I want to thank  
4 you Chair Rosenthal and you Chair Eugene for the  
5 vision that you've had in holding this hearing and  
6 thank also the Council Speaker for supporting this  
7 effort. I want to congratulate you on your  
8 leadership and tackling an issue that is vital to the  
9 employees of New York City government and vital to  
10 the employees of all work-of all entities in New York  
11 City. It's vital for all New Yorkers and to the  
12 whole country. You are at the forefront of showing  
13 the way to change we sorely need and the solutions  
14 you fashioned to the widespread and terrible problem  
15 of sexual harassment can become a tool for making the  
16 lives of city government employees better as well as  
17 becoming a model for the entire nation. The Me—the  
18 #MeToo Movement opened the eyes of America to the  
19 continue horrific problems of sexual harassment on  
20 the job. Too many women and even some men have been  
21 victimized. It even happened to me when I was a  
22 young summer law intern. An out-of-town conference  
23 we were attending, the head of the organization I was  
24 working for asked me to come to his hotel room to  
25

1 discuss a legal issue, and when I entered, he  
2 physically threw me on the bed. Luckily, before he  
3 landed next to me, I was able to scramble off the bed  
4 and run out of the room. I didn't need the job for  
5 my future career. That was a fortunate thing, but  
6 too many of use don't have that choice. New York  
7 City government needs to be an example for the  
8 country in terms of how it deals with sexual  
9 harassment of its employees. We often tout our  
10 progressive leadership, but we need to be able to  
11 show that the reality of our city practices matches  
12 the values we espouse. Twenty-four years ago when I  
13 was New York City Comptroller, I undertook to  
14 investigate how the city was handling the problem of  
15 sexual harassment in its workforce. I prompted to do  
16 this by a complaint from the victim about sexual  
17 harassment in the Fire Department. Sexual harassment  
18 was not high on the city's agenda at the time, and so  
19 when my office sent out inquiries to every city  
20 agency seeking information on agency policies and how  
21 the agency handle victims' complaints, we hit a  
22 brick wall. Agencies flatly resisted. They refused  
23 to cooperate. The corporation counsel objected as  
24 well. Finally, luckily one agency responded, the  
25

1 Department of Transportation. My office analyzed the  
2 information we received from DOT including how the  
3 complaints were handled and discovered to our dismay  
4 that the agency was re-victimizing the victims when  
5 they came forward to complain, and was failing to  
6 take action against the perpetrators. Instead of  
7 protecting its workforce, DOT just allowed sexual  
8 harassment to persist and fester. On top of that the  
9 city—the agency's failure to respond in a proper way  
10 to sexual harassment opened the city up to major  
11 liability. My office issued a report on what we  
12 found. The report is entitled *Sexual Harassment at*  
13 *the New York City Department of Transportation, A*  
14 *Case Study*. It was issued in 1993. I provided a  
15 copy of the report to Chair Rosenthal and I  
16 respectfully requested it be inserted in the record  
17 so that it can be made public for others to examine.  
18 I'll be happy to give you a copy. It's worth looking  
19 at. If I could just find that. You said I was going  
20 to be a minute, but I just was re-reading it as I was  
21 waiting, and you'll see for example there was no  
22 punishment of any serious nature. People made  
23 complaints, and you can imagine how difficult it was  
24 to make the complaint to begin with because you don't  
25

1 know what's to going to happen, and the complaint is  
2 substantiated and all that happens is there's a  
3 reprimand and something entered into the file, and by  
4 the way, it's noted in one of these cases that no  
5 record of this shall-complaint shall be kept outside  
6 of the information contained in the EEO's file. So,  
7 it's-it was a way just to protect and preserve a  
8 system of ongoing harassment. That has to end, and  
9 that's what I think is the wonderful thing about  
10 today, and actually it's a great thing about this  
11 country is that we didn't learn from the mistakes we  
12 made, and change that and not make these mistakes  
13 again. I want to say that it's critical given our  
14 report and the absence of follow-up that New York  
15 City government is doing the right thing. You have  
16 to make sure the city's anti-harassment policies are  
17 effective, comprehensive and fair. We need to make  
18 sure that they incorporate the best practices and use  
19 around the country even the world. We need to seek  
20 out leading academic thinking and research on the  
21 subject, and talk to advocacy groups working as  
22 victims. In short, we need to ensure that the city's  
23 policies for its workforce are the finest anywhere  
24 providing protection for victims and holding  
25

1 perpetrators accountable, and with the leadership of  
2 the City Council and—and these two committees and the  
3 support of the Mayor, I know this can happen, but  
4 excellent policies are not enough. The City Council  
5 and other independent entities such as the  
6 Comptroller's Office or the Department of  
7 Investigation should examine the actual practices of  
8 city agencies. What is really happening? Are  
9 victims still being victimized? Are protected—  
10 perpetrators still being protected? Is it the same  
11 old, same old or has things really changed and  
12 changed enough? Finding out the reality is going to  
13 be a tall order. In addition, the city needs to  
14 extend its anti-harassment policies to businesses  
15 with which it does business and to companies in which  
16 the city's pension funds invest. Its procurement and  
17 investment clout need to be put to work on this issue  
18 as well. Now, that you have made such an important  
19 start on this mission, you cannot and should not stop  
20 until it is clear that justice is truly being done,  
21 and I pledged to be of whatever assistance I can in  
22 this endeavor. Thank you very much and thank you  
23 again to members of the Administration.

1  
2 CHAIRPERSON ROSENTHAL: Thank you. We  
3 really appreciate your time. Thank you for staying  
4 and I know how tight it is to get to your train, so  
5 I'm going to let you go.

6 ELIZABETH HOLTZMAN: Thank you very much.

7 CHAIRPERSON ROSENTHAL: That's right, my  
8 colleagues. I saw Council Member Reynoso was here  
9 for a moment and I'd like to ask the administration  
10 to come back and actually start from the beginning,  
11 if that's alright with you. [background comments,  
12 pause]

13 DEPUTY COMMISSIONER PINNOCK: Okay. Good  
14 afternoon, Chair Rosenthal, Chair Eugene, Public  
15 Advocate James and members of the City Council  
16 Committee on Women and the Committee on Civil and  
17 Human rights. I am Dawn Pinnock, and I proudly serve  
18 as the Executive Deputy Commissioner for the  
19 Department of Citywide Administrative Services also  
20 known as DCAS. I'm joined today by members of my  
21 Citywide Diversity and EEO Team more commonly known  
22 as CDEEO. I am pleased to have the opportunity to  
23 testify today with Carmelyn P. Malalis, Chair and  
24 Commissioner of the City Commission on Human Rights  
25 to inform you about the work the city is doing to

1 prevent sexual harassment. One of the cornerstones  
2 of our municipal workforce comprised of hardworking  
3 women and men is a system based on merit, fitness,  
4 fairness and equity. In a city as large and as  
5 diverse as ours, it is important to recognize that  
6 all employees should be afforded the opportunity to  
7 work in a safe environment that is free from  
8 discrimination and harassment. Of particular concern  
9 is the issue of sexual harassment and the dark cloud  
10 it casts on the protections that our employees so  
11 richly deserve. I'm here today to provide some  
12 information on how DCAS and its Office of Citywide  
13 Diversity and EEO partner with city agencies to  
14 ensure that EEO claims in general and sexual  
15 harassment claims in particular are addressed in a  
16 professional, thoughtful and transparent manner.  
17 Citywide Diversity and EEO's primary mission is to  
18 enable city agencies to comply with the Citywide EEO  
19 Policy, and the City Charter provisions and laws  
20 governing equal employment opportunities. To this  
21 end, we assist and collaborate with city agencies in  
22 developing measures and initiatives to effectively  
23 fulfill their EEO obligations and their commitment to  
24 diversity and inclusion. Pursuant to Chapter 35,

1 Section 814 of the Charter, DCAS is responsible for  
2 establishing uniform procedures and standards to  
3 assist city agencies to effectively implement the  
4 mandated responsibilities with respect with EEO and  
5 equity. The city's EEO policy established pursuant  
6 to this authority recognizes all the protections as  
7 provided by city, state and federal law including the  
8 prohibition on sexual harassment. The implementation  
9 of the city's EEO Policy and its related procedures  
10 are mandatory for city agencies and the Citywide  
11 Diversity and EEO team monitor citywide compliance.  
12 DCAS established these procedure-procedures to drive  
13 uniformity and consistency across city agencies in  
14 implementing the city's EEO policy. These procedures  
15 include, but are not limited to, the EEO Complaint  
16 Procedural Guidelines, Reasonable Accommodation  
17 Procedural Guidelines, and the Work Place Gender  
18 Transition Guidelines. DCAS has established  
19 standardized training and reporting requirements to  
20 further drive agency's compliance under the EEO  
21 Policy and to ensure that all persons receive the  
22 same information with respect to EEO and equity in  
23 the workplace. DCAS also developed and delivered  
24 Standardized EEO Diversity and Inclusion Training.  
25

1  
2 These courses are consistent with best practices and  
3 guidance provided by civil rights—rights enforcement  
4 agencies like the United States Equal Employment  
5 Opportunity Commission, EEOC, New York State Division  
6 of Human Rights and the New York City Commission on  
7 Human Rights. EEO Diversity and Inclusion trainings  
8 are offered year-round and are accessible to all city  
9 employees. Section 815 of the Charter requires agency  
10 heads to adopt measures and program to ensure equal  
11 employment opportunity in accordance with the Uniform  
12 Procedures and Standards established by DCAS. The  
13 City's EEO Policy further requires agencies to  
14 conduct a thorough review of all EEO complaints,  
15 which include complaints of sexual harassment, and  
16 requests for reasonable accommodations and to report  
17 these complaints to DCAS on a quarterly basis. The  
18 EEO Complaints Procedural Guidelines instruct agency  
19 EEO officers, investigators and Counselors in their  
20 investigation of EEO complaints in a fair, consistent  
21 and timely manner. In addition to providing step-by-  
22 step instructions to each phase of the complaint  
23 intake and investigative processes, the guidelines  
24 include sample questions for investigation, templates  
25 for letters and specifies the timeframes within which

1 complaints can be submitted and when investigations  
2 should be completed. DCAS also undertakes third-party  
3 investigations when agencies have a conflict of  
4 interest and investigating the complaint themselves.  
5 It shares that function with the city's Law  
6 Department in an effort to ensure that every internal  
7 complaint will be fully and fairly investigated. The  
8 City Charter requires each agency head to adopt and  
9 implement an annual diversity and EEO plan that the  
10 agency will undertake to ensure fair and effective  
11 measures to provide equal employment opportunity.  
12 The Citywide EEO Plan requires the agency to submit  
13 to DCAS quarterly reports on their efforts to  
14 implement the diversity and EEO plans. It also  
15 requires the agencies to submit complaint data, and  
16 data concerning reasonable accommodation requests for  
17 the recorder to DCAS. The Citywide Diversity-excuse  
18 me-the Citywide EEO plan requires agencies to submit  
19 these reports to the Mayor's Office, DCAS, the City  
20 Council and the Equal Employment Practices  
21 Commission, EEPC. Citywide diversity and EEO uses  
22 these reports to inform policy statements, training  
23 and to provide ongoing guidance to agencies. In  
24 addition to our Charter authority, DCAS' commitment  
25

1 to fostering and informed equitable and inclusive  
2 workplace is further demonstrated in its ongoing  
3 provision of consultation, interpretive guidance of  
4 policy and training that goes beyond what the Charter  
5 requires. On a monthly basis the Citywide Diversity  
6 and EEO team host best practices meetings with the  
7 EEO officers from across the city to discuss relevant  
8 topics including, but not limited to proposed  
9 legislation, complaint trends, upcoming training,  
10 quarterly plan submission, EEO and Diversity and  
11 inclusion trends and benchmarking. The team also  
12 utilizes engagement surveys to assess training  
13 content, training needs and to identify other  
14 opportunities for citywide information sharing. The  
15 city's EEO community also has 24 access-24-hour  
16 access to standardized procedures, templates and  
17 other relevant resources via DCAS' EEO and diversity  
18 website. Additionally, Citywide Diversity and EEO's  
19 training portfolio have continued to expand with its  
20 creation of courses covering unconscious bias,  
21 structured interviewing, disability etiquette, and  
22 LGBTQ awareness and inclusion. With regards to  
23 sexual harassment, DCAS is taking a holistic approach  
24 to equip agencies with the resources needed to  
25

1 prevent sexual harassment and other inappropriate  
2 workplace behaviors and to deal with and report  
3 incidents when they arise. Since Fiscal Year 2009,  
4 DCAS has offered EEO, e-Learning and instructor led  
5 training, which covers sexual harassment and  
6 complaint filing. This training is part of our  
7 ongoing offering of courses, and is available to all  
8 city employees with access to a computer or via  
9 enrollment in a classroom course. The city's EEO  
10 practitioners are further required to take a five-day  
11 intensive diversity and EEO training program as part  
12 of their onboarding process, or as a refresher course  
13 based on material developments in the law or the  
14 city's EEO requirements. Additionally, over the last  
15 year, DCAS has worked to develop a specific e-  
16 Learning modules on sexual harassment prevention  
17 entitled *Sexual Harassment Prevention: What to Know*  
18 *About Unlawful and Inappropriate Behavior in the*  
19 *Workplace*. The creation of a citywide module on  
20 sexual harassment is a first for the city, and serves  
21 as another example of the city's commitment to its  
22 workforce and the ongoing work being done to improve  
23 workplace culture. The module was first piloted with  
24 EEO professionals and attorneys across the city in  
25

1  
2 January. Feedback from these pilot sessions had been  
3 incorporated, and it is my pleasure to announce that  
4 the module is complete and ready for launch. This  
5 interactive training will be rolled out to agencies  
6 in phases starting with DCAS. Additionally, at the  
7 second phase of this project, DCAS will develop  
8 instructor led training for individuals without  
9 direct access to computers, and will explore the  
10 creation of bystander training as well as targeted  
11 training for managers and supervisors. To supplement  
12 resources currently provided to city agencies looking  
13 to release communications regarding sexual  
14 harassment, Citywide Diversity and EEO has also  
15 prepared a template for a sexual harassment policy  
16 statement for agency heads. Agencies will be able to  
17 adopt the language or customize the statement to  
18 incorporate to agency specific information prior to  
19 disseminating the statement to their employees on an  
20 annual basis. I'm pleased to share that the template  
21 is also ready for distribution. Once issued, the  
22 Policy Statement will be posted on the DCAS, EEO and  
23 Diversity website to complement the release of the  
24 e-Learning module. Consistent with public and  
25 private practices, Citywide Diversity and EEO has

1 taken a holistic approach to fostering a citywide  
2 workplace culture in which employment and advancement  
3 decisions are made fairly, employees are treated  
4 equitably, the inclusion of diverse experiences are  
5 embraced and that harassment of any kind is not  
6 tolerated. Our provision of standardized resources,  
7 consultation and an expanded training portfolio to  
8 EEO professionals and all public servants positions  
9 the city to identify and effectively address  
10 inappropriate workplace communications and behaviors.  
11 Although sexual harassment is the topic of today's  
12 hearing, it is incumbent upon all of us as members of  
13 the Municipal workforce to confront harassment in all  
14 of its forms as individuals and as a community. Our  
15 individual and collective efforts will create a safe  
16 space within every city agency to ensure that direct  
17 and indirect increase and complaints of harassment  
18 are handled appropriately and expeditiously. In the  
19 coming months, my colleagues in Citywide Diversity  
20 and EEO and I will continue to engage city agencies  
21 to review our existing EEO policies and procedures,  
22 and to strengthen them where necessary. We also look  
23 forward to discussing with the committees the recent  
24 bills introduced in the City Council on this topic  
25

1  
2 and to helping to further refine them as necessary to  
3 fill any gaps in the already strong laws and policies  
4 the city had implemented to address all forms of  
5 employment discrimination. I thank you for the  
6 opportunity to highlight the work performed by the  
7 DCAS team. With respect to sexual harassment, EEO,  
8 Equity and inclusion. We look forward to the  
9 Council's continued partnership, and will gladly  
10 answer any questions.

11 CHAIRPERSON ROSENTHAL: I want to welcome  
12 Council Member Lander.

13 COMMISSIONER MALALIS: Good afternoon,  
14 Chair Rosenthal, Chair Eugene, members of the  
15 Committees on Women and Civil and Human Rights. I  
16 want to say it's a pleasure to be here today with my  
17 colleagues from DCAS, and I want to introduce one of  
18 my colleagues from the Commission on Human Rights.  
19 My Deputy Commissioner for Policy and IGA, Deana  
20 Sussman who is here with me as well today. I'm  
21 Carmalyn P. Malalis, and I'm Chair and Commissioner  
22 for the New York City Commission Human Rights. For  
23 those in the room that do not know, the Commission is  
24 a city agency mandated by statutes to enforce New  
25 York City's robust protections against discrimination

1 and harassment including sexual harassment. I want  
2 to thank you for convening today's hearing on this  
3 very critical topic. The commission has been the  
4 leader in the fight against sexual harassment for  
5 decades, and today we proudly continue that work by  
6 aggressively enforcing the city Human Rights Law in  
7 this area, which is more protective and more robust  
8 than protections at the state and federal level. In  
9 the 1970s, one of my predecessors now Congressperson  
10 Eleanor Holmes Norton held the country's first ever  
11 public hearings on gender discrimination when she  
12 chaired this agency and, in fact, the first reported  
13 usage of the term sexual harassment was at a  
14 Commission on Human Rights hearing in 1977. While  
15 sexual harassment in the workplace is not a new  
16 phenomenon, we are nationally experiencing a reckon  
17 with regards to this all too common human rights  
18 abuse, and deeps thanks are owned to the women, men  
19 and non-by married people who have been bravely  
20 coming forward at much personal and profession  
21 expense to share their stories of sexual harassment  
22 and assault across different industries. The wave of  
23 people breaking their silence has been studied and it  
24 has been unrelenting, and it is our hope that this  
25

1 collective work allows even more voices to be heard,  
2 and even more stories to be surfaced. The power  
3 structures that have existed for so long to allow  
4 this behavior to persist for in some cases decades to  
5 silence victims, to shame victims to make victims  
6 that they are powerless, they are crumbling upon us,  
7 and sexual harassment is being exposed for what it,  
8 an abuse of power and privilege, and it is being  
9 exposed in many of these instances with women leading  
10 the way. Though abuse is in the entertainment  
11 industry continued to dominate the headlines, we know  
12 that low-wage workers, immigrant workers, domestic  
13 workers, LGBTQ workers and workers of color  
14 experience sexual harassment at extremely high rates,  
15 and their unique and intersection vulnerabilities  
16 make it even harder for them to assert their rights,  
17 protect themselves and demand justice. And many of  
18 these kinds of workers they file claims at the  
19 Commission on Human Rights, and though their stories  
20 of discrimination, harassment and retaliation are  
21 known to the Commission staff, the people that  
22 investigate and prosecute their claims as well as the  
23 people who work to strengthen and educate their  
24 communities' employers, we also know that their  
25

1 stories were not given adequate public airing. And  
2 so, with this recognition the Commission organized  
3 and held a citywide public hearing on special  
4 harassment in the workplace on December 6, 2017,  
5 about three months after their renewed interest in  
6 #Metoo. We heard testimony from the diversity of  
7 industries from construction to domestic workers, to  
8 the modeling and fashion industry, and we heard from  
9 workers and advocates and government officials about  
10 what New York City and the commission could do  
11 differently or do better to combat sexual harassment.  
12 It was a powerful night where over 100 people  
13 converged from across the boroughs and some people  
14 even came in from Washington, D.C. to listen to  
15 people's experiences, enduring, fighting, challenging  
16 and overcoming sexual harassment. We extended  
17 invitations to the general public, community based  
18 organizations, legal advocates, all of the City  
19 Council members, other local and some state elected  
20 officials and the Federal Equal Employment  
21 Opportunity Commission among others, and right now I  
22 want to take a moment to publicly thank all the  
23 people some of whom are here today who submitted  
24 testimony or testified in person or stayed throughout  
25

1 that long night to listen to the testimony, including  
2 Public Advocate Letitia James, State Assembly Member  
3 Carmen De La Rosa, and the EEOC. The Commission will  
4 be releasing a report this spring that will include  
5 our findings and recommendations including policy  
6 recommendations, best practices for specific types of  
7 workplaces and other essential information from the  
8 hearing. We will make sure that members of the two  
9 committees here in this body receive copies of that  
10 report, and we will be happy to review it with you.  
11 Starting in early 2016 in response to the activism  
12 surrounding the Women's Marc, the Commission has  
13 worked with local and national media to contribute to  
14 stories on gender discrimination and the unique  
15 protections under the city's Human Rights Law. And  
16 this work has garnered close to 100 press mentions on  
17 gender discrimination and sexual harassment so far.  
18 Last year the Commission published a first ever  
19 public outreach brochure on city Human Rights Law  
20 protections regarding issues that disproportionately  
21 affect women including information on pregnancy,  
22 caregiver and gender discrimination, along with a  
23 fact sheet on sexual and street harassment, both of  
24 which are available on our website in ten languages.  
25

1  
2 These materials were promoted in a digital and social  
3 media ad campaign in March of last year during  
4 women's history month obtaining over two million  
5 views, and have been distributed at many commission  
6 community events and community based organizations  
7 across the five boroughs. Over the past few months  
8 the Commission's web content on gender discrimination  
9 and sexual harassment including video content from  
10 our historic December hearing has garnered close to  
11 300,000 views online. And this coming April we will  
12 also be launching a citywide public awareness  
13 campaign on workplace sexual harassment, protections  
14 under city Human Rights law and how to access the  
15 commission as a resources with ads in subway cars,  
16 bus shelters and across community , ethnic, digital  
17 and social media and, of course, in multiple  
18 languages. As with our other campaigns over the last  
19 three years, we will work with employee rights  
20 advocates, advocates for employers and in the  
21 management bar chambers of commerce and business  
22 associations, community based organizations, legal  
23 services, faith based organizations and other groups  
24 to make sure that we get the word out. The  
25 Commission has also revamped its sexual harassment in

1 the workplace training, which we provide free of  
2 charge to community based organizations, non-profits,  
3 business associations, and other entities consistent  
4 with our capacity. We received significant interest  
5 from different organizations and groups to provide  
6 this training and we have been rolling it out this  
7 month. Now, in the past few months, the Commission  
8 has received quite a bit of retention for his work  
9 combatting sexual harassment and strong legal  
10 protections that exist within the city. So, you will  
11 that in my written testimony I have included some of  
12 the issue that is specific to the city's Human Rights  
13 Law that for purposes of brevity at the hearing I'm  
14 going to—I'm going to skip over. But there is  
15 growing recognition that the federal standard, severe  
16 or pervasive is insufficient and outdated, and that  
17 broader standards like that we have here under the  
18 New York City Human Rights Law could be a model  
19 elsewhere and, in fact, lawmakers from other  
20 jurisdictions including the California State Senate  
21 and the U.S. Senate have sought our feedback and  
22 expertise in exploring alternative standards and  
23 crafting sexual harassment legislation. I want to  
24 highlight a few other important aspects of our law  
25

1 that I think are also relevant to some of the bills  
2 in the package, and to some of the questions that  
3 folks have been asking. Independent contractors,  
4 interns, Volunteers, whether paid or unpaid are also  
5 protected under the city Human Rights Law.  
6 Specifically, independent contractors who may not  
7 have workplace rights under state or federal statutes  
8 are protected as employees under the city Human  
9 Rights Law so long as they are not employers  
10 themselves. We understand that there is proposed  
11 legislation to further clarify and expand protections  
12 for independent contractors and the Commission is  
13 interested in working with the Council to move this  
14 legislation forward. In addition, workers who have  
15 signed arbitration agreements, may still bring claims  
16 to the commission. The commission has authority to  
17 bring claims against covered entities without an  
18 individual being named, and acting as the  
19 complainant, the Law Enforcement Bureau of the  
20 Commission can require that the respondent pay  
21 damages to the wrong party regardless of whether that  
22 individual signed an arbitration agreement. In  
23 addition to mandating policy changes, training and  
24 the payment of civil penalties to the general fund of  
25

1 the city of New York. We should all be proud of the  
2 robust protections of the City Human Rights Law that  
3 it provides to New Yorkers employed at both the  
4 public and the private sectors, and I'm grateful to  
5 the people, many of whom are in this room up there  
6 and out here in the audience who have worked very  
7 hard to strengthen these protections. There are,  
8 however, certainly areas where we can expand  
9 protections and improve access to information and  
10 training, and tools to ensure that employers more  
11 readily comply with the law. We are proud to be  
12 working with the City Council on the package of bills  
13 that have just been introduced, and we also look  
14 forward to continuing that work together on our  
15 shared goals of strengthening the City Human Rights  
16 Law and expanding resources to New Yorkers. Over the  
17 past three years under my leadership at the  
18 Commission, we have been particularly aggressive on  
19 sexual harassment cases. Gender based discrimination  
20 is consistently one of the most common forms of  
21 employment discrimination the commission  
22 investigates, and in 2017, claims of gender-based  
23 discrimination were the top discrimination area of  
24 complaint in employment with 117 claims or 17% of all  
25

1 employment related claims. In the last two years,  
2 sexual harassment claims at the Commission increased  
3 by 43% of the previous two years and since 2015, the  
4 commission has secured over \$1.4 million in penalties  
5 and damages for sexual harassment cases. In my first  
6 year my office issued a final decision in order in a  
7 case of egregious sexual harassment involving  
8 multiple instances of unwanted touching, and constant  
9 lewd comments about the complainant's body and sexual  
10 availability over a three-year period. The  
11 respondent admitted to the behavior and even claiming  
12 that he was entitled to it and the Commission levied  
13 the highest penalty ever in commission history,  
14 \$250,000 in addition to over \$400,000 in damages to  
15 the complainant. Three recent settlements also  
16 illustrate both the work of the Commission enforcing  
17 the law in this area, and also the importance of the  
18 more generous City Human Rights Law Standard. The  
19 Commission awarded an employee of a construction  
20 company nearly \$60,000 in emotional distress damages  
21 and back pay after her Supervisor sent her a lewd  
22 text messages, and subjected her to unwanted  
23 advances. When she was asked—and when she was asked  
24 that her supervisor keep things professional, he  
25

1 fired her. In another recent case an employee  
2 alleged that a supervisor made unwanted comments of a  
3 sexual nature towards her and grabbed her crotch.  
4 While leering—grabs his crotch while leering at her,  
5 and while they were alone in the office. Again, the  
6 Commission found probable cause that sexual  
7 harassment had occurred and settled the case for  
8 \$50,000 in damages for emotional distress to the  
9 complainant. And in a case involving a worker at a  
10 national fast food chain the Commission found  
11 probable cause for the worker's manager rubbed her  
12 shoulders and spoke to her in sexually explicit  
13 terms. The Commission found that the touching and  
14 the comments were sufficient to demonstrate sexual  
15 harassment under the New York City Human Rights Law,  
16 and settled the case for \$10,000 in damages for  
17 emotional distress to the complainant. From now  
18 historic public hearing this past December and our  
19 upcoming report on sexual harassment to our increased  
20 enforcement and heightened damages and penalties to  
21 our updated sexual harassment training and extensive  
22 communications campaigns, I hope it is clear that the  
23 Commission takes our mandate to enforce the broad  
24 protections of the City Human Rights Law extremely  
25

1 seriously. We will continue to act aggressively on  
2 sexual harassment to ensure that New Yorkers feel  
3 safe and respected and supported in the workplace. I  
4 truly appreciate this opportunity to testify today,  
5 and I'm happy to answer any questions.

7 CHAIRPERSON ROSENTHAL: Thank you. Thank  
8 you so much. I want to welcome Council Member—Oh,  
9 Council Member Rodriguez who was here for a nano  
10 second, and let's see. I—I do just want to mention  
11 very quickly that Council Member Lander has a bill  
12 that would—that we should be talking about as well,  
13 and it will come up in a future hearing that protects  
14 freelancers. You had mentioned it and I'm looking  
15 forward to hearing your comments about his  
16 legislation as well. Council Member Eugene, do you  
17 want to start with questions or would you like me to  
18 jump in?

19 CHAIRPERSON EUGENE: You can start, but  
20 I—I just—I just want to ask one or two questions,  
21 I'll turn it over to you. We know that harassment is  
22 a very tough situation, a very, very tough situation,  
23 and that is, you know, the impact on the victim is  
24 not only temporary, it's not only at the time of the  
25 aggression, but they are going to be traumatized for

1 all their life, and some of the time they have a  
2 situation they're afraid to raise their voices, and  
3 to make complaint because of, you know, fear of  
4 retaliation. They don't want to lose their job. So  
5 what is--what is the--the process, or what the Human  
6 Commission right has in place to protect those people  
7 and to ensure they can be comfortable to make  
8 complaint, and with the necessary changes that we are  
9 looking for in the workplace?

11 COMMISSIONER MALALIS: Sure. So, thank  
12 you for that question, Chair Eugene. You know, it  
13 provides me an opportunity to make sure that everyone  
14 here knows that the Commission's website has very  
15 specific instructions on how folks can contact our  
16 agency. We, of course, received complaints from the  
17 public either from individuals who are victims of  
18 discrimination or harassment themselves from other  
19 elected officials from community-based organizations  
20 or faith based groups or, you know, kind of the gamut  
21 of different entities that are here in New York City  
22 that provide us information from which the Law  
23 Enforcement Bureau at the Commission on Human Rights  
24 is able to investigate these claims, and one of the  
25 most powerful provisions I think that we have under

1  
2 our statute is our ability to initiate those  
3 investigations even without having a complainant's  
4 name on that complaint. It allows us as the  
5 Commission on Human Rights to initiative  
6 investigations on behalf of the Commission, which is  
7 really on behalf of the city so that people who might  
8 be, you know, vulnerable to other forms of  
9 retaliation or discrimination, people who do not want  
10 to have their names on a formal complaint, we can  
11 still investigate their situation without themselves  
12 putting their--their--their name or themselves out  
13 there, and making themselves more vulnerable. It's a  
14 very important provision of the law, and it's  
15 something I always try to mention in public settings  
16 so folks know that even if they are scared about  
17 identifying themselves, that there are other ways  
18 that our agency is able to assist them.

19 CHAIRPERSON EUGENE: I'm glad that you  
20 mentioned the website because this is the era of  
21 technology. Right now, you know, there is nothing we  
22 can do without computers, without-- that technology,  
23 but we have to admit also New York City is home to so  
24 many people coming from all over the place especially  
25 immigrant people, people who are not literate in the

1 computers, people who don't even speak English  
2 properly, and people who are working hard,  
3 hardworking people who are trying to strive and to-  
4 to-to provide for their families and to pay the roof  
5 over their head and bring the food on the table. Many  
6 of them don't have time to-to-to go to the computer  
7 and many of them they don't know really how to use  
8 properly a computer. What do you have available to  
9 reach out to them to ensure that them also they are  
10 protected when they are afraid, when they don't want  
11 to raise their voices? Where do they go to get the  
12 information to know that to do to raise their  
13 complaint, and to formulate their complaints, and to  
14 make sure also them also they are protected?

16 COMMISSIONER MALALIS: Right.

17 Absolutely. You raise a great point Chair Eugene  
18 and, you know, that is-people often times think of  
19 the-the agency and think only about the Law  
20 Enforcement Bureau or the law enforcement abilities  
21 of the agency. We are, you know, our law is  
22 structured in such a way that it also allows us to  
23 have a Community Relations Bureau, and that's a  
24 mandate of the agency as well, and without it that  
25 means that we have community service centers in each

1 one of the five boroughs. Their mandate is to  
2 working within communities meeting people where they  
3 are, commuting-communicating with people the way that  
4 best expresses the-the ideas to those specific  
5 communities so that they know what their rights are  
6 under the law, but they know what their resources are  
7 at the agency. Since I've been here as Commission of  
8 this agency, we have made language access a priority.  
9 My staff now speak 36 languages across my agency.  
10 When people contact us with language that one of-that  
11 does not fall within one of those 36 languages, we,  
12 of course, avail of language support services so that  
13 we are able to communicate with people. I will also  
14 tell you that 100% of our media ad buys are in ethnic  
15 and community media. We are well aware that social  
16 media and that website information is not the sole  
17 way that people in New York City receive their  
18 information, and so we do want to make sure that  
19 people are receiving our information and information  
20 about our resources in multiple ways.

22 CHAIRPERSON EUGENE: [coughs] And thank  
23 you very much, but in term of immigrants, but we know  
24 that they are facing several challenges, and among  
25 the challenges we can mention the culture because,

1 you know, people coming from other countries they  
2 don't—they don't even have a clue about sexual  
3 harassment. They may be harassed, but they don't even  
4 know that. As we know that, it could be the culture  
5 or the way the motives of events in their countries.  
6 So, I think that we have to not only use languages,  
7 different languages, but educate them, and the way to  
8 educate them in this stuff among this stuff, we have  
9 to include also people who speak their languages, and  
10 people who know their culture. What do the Human  
11 Right Commission has been doing to ensure that  
12 people—that, you know, this staff is diverse--

14 COMMISSIONER MALALIS: Uh-hm.

15 CHAIRPERSON EUGENE: --include people of  
16 different ethnic background. Of course, we cannot  
17 include everybody. Impossible, but to include as  
18 many people as we can in order that we can do a  
19 better job in serving not only New Yorkers but all of  
20 the people, immigrant, regardless of where they come  
21 from? What do you know, you have been doing or the  
22 Human Right Commission has been doing to ensure that  
23 we address the issues, and everybody can understand,  
24 can have the information that they need to be  
25 protected?

2                   COMMISSIONER MALALIS: Right. I will  
3 tell you that coming from an immigrant family myself,  
4 reaching out to the city's different immigrant  
5 communities is very important to me. I think I  
6 mentioned six languages. That's somewhat indicative  
7 of the diversity of the staff at the Commission on  
8 Human Rights. We are a small agency, but we are an  
9 agency filled with people who are strong believes in  
10 human rights, and in the work that our agency does.  
11 Thanks to the Administration and thanks to the City  
12 Council, we've expanded quite a bit in the last three  
13 years. We've gone through a staff of 55 to now a  
14 staff of 156, and in that three-period—that three-  
15 year period, I'd say the majority of the people who  
16 have come to the Commission are people who have  
17 persona lived experience working in many of the  
18 vulnerable communities that call the Commission that  
19 file claims here that reach out to our Community  
20 Service Center staff. I think diversity is  
21 incredibly important as is, of course, inclusion,  
22 which is also why we do mandatory—we internally do  
23 mandatory cultural competency trainings for all  
24 commission staff. So, I-I 100% agree with you—the-I  
25 don't know that anyone deserves, you know, a 100%

1 score card in diversity, but you can be sure that  
2 it's something that we are always thinking about at  
3 my agency, and striving to do better at.

4 CHAIRPERSON EUGENE: When your agency  
5 receives a complaint, guide us, explain to us what is  
6 the next step, you know, toward the investigation.  
7 How do you determine which complaint you're going to  
8 investigate and/or not? What--what are the different  
9 steps you go through to investigate the complaint,  
10 and when you get the result, what are the actions  
11 that are being taken?

12 COMMISSIONER MALALIS: Sure. So, the  
13 types of claims that come into our agency are by  
14 their very nature very fact specific. So, if  
15 somebody is calling the agency and is, you know,  
16 either asking questions about whether or not we have  
17 jurisdiction over their situation or is calling to  
18 report a claim of discrimination or harassment, they  
19 will speak to one of our Law Enforcement Bureau  
20 staff. They will schedule an appointment to actually  
21 speak in person with an attorney from our Law  
22 Enforcement Bureau, and they'll go over the--the facts  
23 and the circumstances that are underlying their  
24 complaint. The Law Enforcement Bureau in the  
25

1 beginning of this type of process has something of a-  
2 a neutral poster in that they are just fact  
3 gathering. They are receiving information from the  
4 complainant. They are—they are gathering the  
5 information or—or evidence perhaps from other  
6 witnesses. They are reaching out to the bad actor or  
7 bad actors or potential bad actors in those  
8 situations. The entities that are being accused of  
9 discrimination and harassment and conducting these  
10 types of interviews, and then at some point in this  
11 process, the Law Enforcement Bureau doesn't have to  
12 make a decision as to whether or not they think that  
13 there is probable cause under the Commission on Human  
14 Rights Law to believe that the discriminatory act  
15 occurred, and it is again based on these types of  
16 interviews and evidence being presented. After that  
17 determination is made, if there, in fact is a  
18 determination that there is probable cause to-to-to  
19 say that the discriminatory act occurred, that case  
20 then could be referred to the Office of  
21 Administrative Trials and Hearings for a full trial  
22 on the matter. An administrative law judge con-con-  
23 you know, convenes the parties for a full trial after  
24 which the Administrative Law Judge would then provide  
25

2 a report and recommendation on both liability and  
3 damages. That report would come back to the  
4 Commission on Human Rights and then the Commission on  
5 Human Rights would issue a final decision and order  
6 on both liability and damages.

7 CHAIRPERSON EUGENE: I'm going to ask the  
8 last question because I know many other colleagues  
9 are here to ask questions also, but can--what can you  
10 tell us about the number of complaints reported to  
11 your agencies. How many, you know, from the city  
12 workplaces, and how many from non-city workplaces?

13 COMMISSIONER MALALIS: Uh-hm. All types  
14 of claims or are we just looking at sexual  
15 harassment? Just for clarification.

16 CHAIRPERSON EUGENE: Sexual harassment.

17 COMMISSIONER MALALIS: Sure. If you give  
18 me a moment. [background comments, pause] So, we  
19 are currently investigating 148 cases of sexual  
20 harassment. If you look at all the claims of sexual  
21 harassment that are currently under investigation,  
22 right now at the Commission on Human Rights, of those  
23 148 cases, 16 of those cases involve city agencies,  
24 and of those 16 cases there are 10 cases. Oh, I'm

1  
2 sorry, there are 10 city agencies that implicated in  
3 those 16 cases.

4                   CHAIRPERSON EUGENE: Well, thank you very  
5 much. I will follow up later on. Thank you very  
6 much. Pleas Chair Rosenthal.

7                   CHAIRPERSON ROSENTHAL: Thank you. I'm  
8 going to ask Chair Cumbo—sorry—Council Member Cumbo,  
9 Majority Leader Cumbo to next—ask the next round of  
10 questions.

11                   MAJORITY LEADER CUMBO: Thank you, Chair  
12 Rosenthal. Just have two basic questions. As far as  
13 the legislation that I've introduced with Public  
14 Advocate James, Intro 1463 mandating that private  
15 employers conduct anti-sexual harassment training for  
16 their employees, other than the amount of hours that  
17 are required in order to qualify for that type of  
18 training, other than that, do you have other issues  
19 as it pertains to this legislation?

20                   COMMISSIONER MALALIS: You know, I think—  
21 for of all thank you for the—thank you for the—piece  
22 of legislation and, in fact, it is something that had  
23 come up during the December hearing that we had, but—  
24 but that piece—what that bill covers is something  
25 that had come up I think from a variety of different

2 people who testified at our December hearing. So, it  
3 was nice to—to get validation for—for that need here.  
4 You know, I think as with all the—the types of  
5 legislation that come before us, we are always very  
6 eager to be working with the City Council on  
7 different ways that we could be, you know, tweaking  
8 bills to make sure that they are, you know,  
9 responsive to whatever the actual need is.

10 MAJORITY LEADER CUMBO: Uh-hm.

11 COMMISSIONER MALALIS: And I said earlier  
12 that we were releasing our report from our December  
13 hearing coming up in April and one of the reasons  
14 we're doing that is because we want to kind of take  
15 in all the information that we received not—not only  
16 in person at the hearing, but we also allowed a  
17 period where people were able to submit written  
18 testimony afterwards. So, we've been reviewing all  
19 of that testimony so that we could come up with what  
20 we think would be the best practices and the best  
21 ways of addressing some of the needs, and I suspect  
22 that some of the—the things and recommendations that  
23 we will be coming up with will be consistent with  
24 some things that are in the package. So, I think  
25 it's just looking though at the details.

1  
2 MAJORITY LEADER CUMBO: I think. That  
3 sound promising. When do you think that you will  
4 have a thorough assessment of the information that  
5 you're reviewing currently?

6 COMMISSIONER MALALIS: You mean from our  
7 hearing?

8 MAJORITY LEADER CUMBO: Uh-hm.

9 COMMISSIONER MALALIS: So, we are set to  
10 release our report in April.

11 MAJORITY LEADER CUMBO: And in April  
12 you'll have a better understanding of how this  
13 legislation fits with the feedback that you've gotten  
14 over that period of time?

15 COMMISSIONER MALALIS: That is my  
16 expectation.

17 MAJORITY LEADER CUMBO: Okay, and also is  
18 the—for Intro 1462 with Council member Cornegy and  
19 myself requiring employers to post written policies  
20 and procedures to prevent sexual harassment, what are  
21 your thoughts on that piece?

22 COMMISSIONER MALALIS: Again, you'll—  
23 you'll be happy to hear that that was again a  
24 consistent thread that we heard at the hearing. I  
25 think you'll also be happy to hear that right now,

1 you know, when the commission conciliates or settles  
2 matters with respondents, we're already requiring  
3 this and I'm trying to think of—I'm challenged to  
4 think of a case where we haven't required this. So,  
5 we—we, you know, strong support this piece of  
6 legislation and again would be working with you to  
7 make sure that we have what we need to—to get at the  
8 issue we're trying to address.

10 MAJORITY LEADER CUMBO: Happy to hear it  
11 and I look forward to the feedback and how we can  
12 strengthen this legislation. So that it fits the  
13 needs of the advocates and the folks that are  
14 unfortunately living with this dynamic everyday in  
15 our work environment. Thank you very much.

16 COMMISSIONER MALALIS: Thank you.

17 MAJORITY LEADER CUMBO: Thank you. Chair  
18 Rosenthal.

19 CHAIRPERSON ROSENTHAL: Sure. Council  
20 Member Lander.

21 COUNCIL MEMBER LANDER: [pause] Thank you  
22 to both chairs and—and thank you Chair Rosenthal in  
23 particular for your leadership on this topic and  
24 helping push the city and the Council forward and  
25 thanks so much to our—our city partners and

3 especially to the Human Right Commission. You know,  
4 you know, we now—that this is the first hearing of  
5 these committees in this term.

6 CHAIRPERSON ROSENTHAL: Yep.

7 COUNCIL MEMBER LANDER: You think about  
8 where we were in the first committee, the first  
9 couple of hearing we had a term ago. We didn't yet  
10 have your leadership. The Commission had really been  
11 decimated and you're rebuilding it internally in  
12 partnership with the Council, out collective ability  
13 to triple basically the funding so that you could  
14 grow the staff, and pursue all the things that you're  
15 talking about. It's really significant. So, we have  
16 a long way to go. I think strength—you know,  
17 everything we can do to root out harassment is  
18 necessary, and we're called to it. So, I appreciate  
19 the work we're doing together, but I do think it's  
20 worth noting we've come a long way from where we  
21 were, and I'm grateful for your leadership and  
22 partnership with the Council in—in doing it. I  
23 appreciate it. You were mentioning the—the language  
24 to clarify and strengthen the protections that  
25 freelances and independent contractors have under the  
law. I look forward to—I thank the—the Chair for her

1 reference to that, and hopefully we can work on-on  
2 moving that forward here as well. One particular  
3 category of-of contracted or independent workers that  
4 we've heard a lot, and there was that articles in the  
5 Times about the work Assemblywoman Nily Rozic is  
6 doing around models and folks in the modeling  
7 industry and particularly pervasive harassment that  
8 takes place. I know we've also talked a little about  
9 trying to do some other things like address the  
10 exclusive contract problem that folks-that makes, you  
11 now, workers even more vulnerable there. Was that,  
12 you know, was something that you heard at the  
13 hearing, and do you have thoughts on what we can do  
14 to further strengthen our-our work there.

16 COMMISSIONER MALALIS: Absolutely.

17 DEPUTY COMMISSIONER PINNOCK: Absolutely.

18 I'm-I'm grateful that there were people-some of the  
19 people are here today, in fact, who, you know, are  
20 working with people from the Models Alliances, folks  
21 from Fordham University and people who I think have  
22 been working far beyond the time that has just, you  
23 know, elucidated the problems that we have in New  
24 York City and elsewhere that-that-and the challenges  
25 that face folks in the modeling industry. So, we

1 had—we had several people actually testify during our  
2 December 6<sup>th</sup> hearing specific to that industry, and  
3 certainly we're going to have, you know, parts of our  
4 report coming out in April that address that. I  
5 think one of the other reasons that the hearing was  
6 so helpful it helps also to provide some perspective  
7 to folks at the Commission on areas that we obviously  
8 can and should be doing more to put out there as our  
9 areas of jurisdiction. You know, one of the things  
10 that came out of the hearing there had been, I think  
11 some—some confusion as to whether or not independent  
12 contractors or—which I think is very specific to  
13 this—to this industry whether they were covered for  
14 purposes of being protected under a law. And one of  
15 the things that we're obviously, you know, going to  
16 be making clear going forward is that, of course, yes  
17 they are. They are covered under the Commission on  
18 Human Rights Law unless they are otherwise employers  
19 themselves. We look forward to continuing to work  
20 with the Council on, you know, this area as with  
21 others, and we have been working, like I said with the  
22 advocates for folks in this industry to make sure  
23 that they have resources within the agency and they  
24 know how to utilize our law.  
25

3 COUNCIL MEMBER LANDER: Thank you. We'll  
4 look forward to hearing that testimony, and—and Madam  
5 Chairman, we should talk to Assemblywoman Rozic about  
6 what she's looking at, and also, you know, this—the—  
7 as—what we had heard that one—one particular problem  
8 is this requirement that folks work under exclusive  
9 contracts, which they can't even get outside of and—  
10 and there might be some room there. My last question  
11 I think just speaks to—to what extent we're looking  
12 at strategies to change culture as well as regulation  
13 and enforcement. Regulation enforcement is critical.  
14 That is the charge of the Human Right Commission and  
15 not to—but the—you know, we've got a moment right now  
16 when we have a responsibility to do everything we can  
17 in a much broader way. You know, in our schools and,  
18 you know, and we've got a set of things we've long  
19 done both on the administration and on the Council  
20 side. We do intimate partner violence. The Council  
21 funds a series of contracts to try to help do  
22 education. There's a set of things taking place in  
23 the school, but I guess I just wonder in addition to  
24 what's already a lot of work here, are you out of  
25 that hearing or elsewhere? To what extent is the  
administration trying to develop an even broader

1  
2 approach that says, you know, how we think about what  
3 we're educating in our schools and what we're doing  
4 through our-- You know, how do we in addition to  
5 strengthening our laws and strengthening enforcement,  
6 take this moment to just change culture how men and  
7 boys are--are brought up and live in this city in a  
8 way that makes us, you know, better, respectful, more  
9 equal citizens? That's a big task, but it seems like  
10 a moment when we should be pushing ourselves to do  
11 everything we can.

12 DEPUTY COMMISSIONER PINNOCK: Absolutely,  
13 and that, you know, certainly the--the contents of our  
14 report coming out in April will not be confined  
15 solely to just like legal recommendations and best  
16 practices of that nature, but I think broadly  
17 speaking other ways in which we as a city should be  
18 looking to--to make sure we're fostering dignity and  
19 respect in this situation and--and in other  
20 situations. You know, we--like I said earlier, we  
21 have the Community Relations Bureau partly because,  
22 you know, we're also very much aware that the way  
23 that we have impact throughout the city is not just  
24 about enforcement. It's just--it not only about legal  
25 enforcement. It needs to be coupled with the types

1 of discussions and workshops and relationship  
2 building that takes place more on that community  
3 relations side working with schools and working with  
4 different communities and organizations to be  
5 thinking through how we can best communicate the  
6 challenges that women and girls, you know, face in  
7 these situations. And to be working frankly with  
8 employers and businesses so they have a better  
9 understanding of what their obligations are under the  
10 law, but also beyond the law what are best practices  
11 n these situations? So, even if the law does not  
12 require certain things, what can they do as caring  
13 employers, people who want to be doing the right  
14 thing at the right time? I think beyond the types of  
15 trainings on the law that—that, you know, we are—  
16 we've—we've—we've thought of and, you know, certainly  
17 the Council has thought of in terms of training  
18 people on what their obligations are or their rights  
19 are under the law. This is also an area where I  
20 think bystander intervention has been very important.  
21 It's—it's great to see folks from Hollaback here. I  
22 know that they have been a champion for that for a  
23 very long time. The Commission had talked a lot  
24 about having engaged in bystander training related  
25

3 work, you know, in the past year and a half. In that  
4 time it was very specific to the types of xenophobia  
5 or Islamophobia that we or antisemitism that we had  
6 seen reported at the agency and this is an area that  
7 I think is, of course, very right for us to also be  
8 thinking about bystander intervention and to be  
9 working with other entities to make sure that people  
10 are thinking outside of the box.

11 COUNCIL MEMBER LANDER: Thank you. I  
12 guess I'll just end in that regard by saying I'm  
13 proud that this is my first hearing now as a member  
14 of the—the Women's Issues Committee. I was on the  
15 Civil and Human Rights Committee already but I asked  
16 to be added to this one and I think it—obviously it  
17 is inspiring and critical that leadership is taken by  
18 women in the city, and it's—it's, you know, having  
19 you in that chair and having Chair Rosenthal in that  
20 one is—is critical and, of course, it is also  
21 important that we find ways to step and not just in  
22 that like as a father and a husband way, but, you  
23 know, like as a citizen of this city committed to  
24 equality and justice we're going to find ways to push  
25 the—the men of this city to take our responsibility  
in the work place for this hearing, but more broadly

1  
2 as well. So, if there are thoughts on ways we can  
3 continue in addition to these laws to be pushing and  
4 doing that better we look forward to—I look forward  
5 to working as a member of this committee, and as  
6 partner with you on that.

7 DEPUTY COMMISSIONER PINNOCK: Great.

8 CHAIRPERSON ROSENTHAL: Great. Thank  
9 you.

10 DEPUTY COMMISSIONER PINNOCK: Oh, I  
11 actually wanted to add something just on the city  
12 side. So, there's a great deal of training that  
13 we've specifically done around EEO regulations as  
14 well as sexual harassment, and when you talk about  
15 culture, Commissioner Malalis is exactly right.  
16 Having a space where there is an open dialogue is  
17 key. And so one of the things, and we've actually  
18 brought the slides back for you to review our Sexual  
19 Harassment Training that we're seeking to launch, is  
20 really how we try to hone in on the responsibility  
21 and the accountability that managers and supervisors  
22 have. So, not only are they mandatory reporters,  
23 they also contribute directly to the culture of an  
24 organization. So, if you know that you have a  
25 manager and if you are afraid to come forward and

1 file a complaint, but if you know you share that  
2 information with a trust manager or supervisor, and  
3 then they in turn can then advocate on your behalf.  
4 I—we just think that those things are also very  
5 critical to having the kind of workplace culture we  
6 want in the city. So, we've been actively working  
7 with our EEO Officers to really talk about how we  
8 empower not only bystanders, managers, supervisors,  
9 HR counterparts, because sometimes they are the first  
10 face someone sees when they come into an organization  
11 to also own the fact that, you know, harassment  
12 anywhere impacts all of us.

14 COUNCIL MEMBER LANDER: Thank you.

15 DEPUTY COMMISSIONER PINNOCK: Thank you.

16 CHAIRPERSON ROSENTHAL: You answered my  
17 first question. So, it's really nice segue. I  
18 appreciate it. Did you mention you had a sheet with  
19 something written on it?

20 DEPUTY COMMISSIONER PINNOCK: We actually  
21 brought gifts for you guys, but we didn't know when  
22 it was the appropriate time to share it.

23 CHAIRPERSON ROSENTHAL: Now is the  
24 appropriate time.

2 DEPUTY COMMISSIONER PINNOCK: We have the  
3 [laughter] the--the slide back. Well, yes. It's  
4 actually a screen shot--

5 CHAIRPERSON ROSENTHAL: [interposing] Oh,  
6 great.

7 DEPUTY COMMISSIONER PINNOCK: --of our  
8 sexual harassment training. As mentioned in our  
9 testimony, it's completed. We did not want it--  
10 actually, it was complete on February 27<sup>th</sup>,  
11 coincidentally, but we wanted to make sure that we  
12 shared that information with the Council so that you  
13 would have a sneak peak before we launched citywide.  
14 I think that you will find that the Training  
15 Prevention Program that we've put in place really  
16 aligns with some of your overarching goals with  
17 respect to mandatory training and sexual-related to  
18 sexual harassment.

19 CHAIRPERSON ROSENTHAL: Okay, and this  
20 was just finished yesterday?

21 DEPUTY COMMISSIONER PINNOCK: It's fresh  
22 off the press, this project.

23 CHAIRPERSON ROSENTHAL: Okay.

24 DEPUTY COMMISSIONER PINNOCK: We actually  
25 started this project a year ago.

1  
2                   CHAIRPERSON ROSENTHAL: [interposing]  
3 This hearing has already produced the results we  
4 hoped for. [laughter] And the Commissioner of Human  
5 Rights mentioned that they have a new training as-  
6 that they created as well. Do those two—are they the  
7 same? Do you two work together on that?

8                   COMMISSIONER MALALIS: So, our training  
9 is specific to the city—it is very much focused on  
10 the City Human Rights Law, and our training is  
11 generally made available to the public since, you  
12 know, we have jurisdiction over both public and  
13 private employers and employees and, you know, I  
14 mentioned the DCAS training is much more geared  
15 towards the city employment--

16                   DEPUTY COMMISSIONER PINNOCK:  
17 [interposing] Yes, it is.

18                   COMMISSIONER MALALIS: -but DCAS and the  
19 Commission on Human Rights do consult quite a bit on  
20 things because DCAS is obviously very interested in  
21 making sure that they are compliant with the City  
22 Human Rights Law. They've been a great partner. In  
23 doing these types of trainings.

24  
25

CHAIRPERSON ROSENTHAL: Okay. So, we got  
it hot off the presses, but you already reviewed it,  
and you love it?

COMMISSIONER MALALIS: Um—

CHAIRPERSON ROSENTHAL: Oh, not?

COMMISSIONER MALALIS: I don't know--

CHAIRPERSON ROSENTHAL: [interposing]  
It's okay. It doesn't matter.

COMMISSIONER MALALIS I don't exactly  
know what you have in front of you right now. So, I-

-

DEPUTY COMMISSIONER PINNOCK: No, she's  
fine.

CHAIRPERSON ROSENTHAL: Okay, I guess I  
would just want to know I mean you were talking so in  
such a proud way about the new Training Module that  
you had just come up with, and I-I just wondered  
maybe if you could just confirm that they're in sync.  
They capture the same things. Of course, you're  
talking to the privet sector as well.

COMMISSIONER MALALIS: We can certainly  
make sure they're consistent on law. Uh-hm.

3 CHAIRPERSON ROSENTHAL: Great. Thank  
4 you. So, let's see, Deputy Commissioner—I'm going to  
5 get this right, Pinnock.

6 DEPUTY COMMISSIONER PINNOCK: Yes.

7 CHAIRPERSON ROSENTHAL: If we could start  
8 with you. Tell me more about the EEO professionals--  
9 and this is what you were just talking about--at each  
10 of the agencies. Are they hired by the agency with  
11 certain criteria of what--of their--what they need to  
12 know or are they hired and vetted by DCAS? What  
13 criteria is used for these professionals, and do some  
14 of the agencies have maybe somebody who fills  
15 multiple jobs, EEO being one of--of several, and do  
16 you have a sense of how many agencies, you know, have  
17 people who are singularly focused on EEO, and I'm  
18 wondering if in each agency if they report to the  
19 Commissioner themselves or if maybe they report  
20 through HR?

21 DEPUTY COMMISSIONER PINNOCK: So, the EEO  
22 Officers do report to the agency head. Each agency  
23 is required under the Charter to have an appointed  
24 EEO officer. In terms of the onboarding process,  
25 specifically related to budget and all of that that,  
the EEO Officer is hired by the agency

1 notwithstanding we are part of the vetting process  
2 specifically for individuals who are coming on at the  
3 most senior levels, Assistant Commissioner and above.  
4 For other individuals who might be coming at a  
5 different level within city government we are still  
6 very much consulted with as it relates to the job  
7 posting to ensure that there's consistency, if there  
8 are any nuances or agency specific information that  
9 should be included, and it's part of our vetting  
10 process, when we sit down with a candidate, we  
11 sometimes use the information that we know about a  
12 particular agency to see how well we believe that  
13 they would fair based on organizational culture.  
14 Notwithstanding, we also provide an orientation with  
15 the EEO Officers when they're brought on board. So,  
16 our team--a team of seven--[laughs], they sit down  
17 with the newly appointed EEO Officers and really  
18 explain what the Charter requires, what their  
19 obligations are under the law. It talks to them  
20 about the level of resource that they could expect  
21 from the Citywide Diversity and EEO Office. We  
22 sometimes provide them with a bit of a tutorial with  
23 respect to systems that we currently use, but we are  
24 very hands-on.  
25

3 CHAIRPERSON ROSENTHAL: Sorry. Just to  
4 make it clear, I-I didn't quite hear you. They all  
5 report directly to the Commissioner?

6 DEPUTY COMMISSIONER PINNOCK: Yes, they  
7 do.

8 CHAIRPERSON ROSENTHAL: Okay.

9 DEPUTY COMMISSIONER PINNOCK: Yes, they  
10 do. We also work directly with the EEO Officers in  
11 terms of training. We provide a five-day intensive  
12 course where we not only review EEO policy and  
13 related employment laws and anti-discrimination laws,  
14 we also take through the investigative process. We  
15 provide them with guidelines with respect to the  
16 investigative process, step-by-step instructions and  
17 we do talk to them about matters relating to  
18 reporting, because that is a significant portion of  
19 their work handling complaints.

20 CHAIRPERSON ROSENTHAL: Sorry, and just  
21 real quickly, will they all be given refresher  
22 training with the new sexual harassment prevention  
23 program that you've come up with?

24 DEPUTY COMMISSIONER PINNOCK: Yes, we  
25 actually piloted this course withal the EEO Officers,  
and the attorneys that we work with across the city.

1 The pilot was conducted in January, and then we had a  
2 host of focus groups whereby we received comments.  
3 You know, in some cases folks wanted something that  
4 was a little more advanced. Some individuals thought  
5 that it was spot on, and so we incorporated the  
6 comments of our colleagues prior to finalizing on the  
7 training.

9 CHAIRPERSON ROSENTHAL: Sorry, just real  
10 quickly, how many agencies do not current-currently  
11 have a vacancy in the EEO position?

12 DEPUTY COMMISSIONER PINNOCK: I don't  
13 know off hand. I can certainly provide that  
14 information, but also to your question relating to  
15 are there some cases where an EEO officer may have  
16 another hat? Yes. There are some cases specifically  
17 for some of our smaller agencies where the HR lead is  
18 also the EEO lead, but I can certainly provide any  
19 known vacancy information.

20 CHAIRPERSON ROSENTHAL: Yeah, I'd love to  
21 know that information. So, specifically, how many  
22 wear two hats, and how many vacancies there are, and  
23 how many filled positions there are? And-and  
24 similarly, if you have a sense of turnover, are these  
25 people who are-I don't know if you keep that

1 information, but turnover would be interesting to  
2 know as well.

3  
4 DEPUTY COMMISSIONER PINNOCK: Yes,  
5 another hat that I wear is I oversee Human Capital.  
6 So, we do have turnover information. So I can  
7 certainly provide that.

8 CHAIRPERSON ROSENTHAL: So, can you—okay,  
9 So, do you ever currently and—and again and, you  
10 know, we're all just waking up—do you currently  
11 survey city employees to measure the extent to which  
12 they are familiar with the policy and that they're  
13 knowledgeable about how to report an incident?

14 DEPUTY COMMISSIONER PINNOCK: We conduct  
15 engagement surveys. However, that specific content  
16 has not been included, and I'm happy that you  
17 mentioned that because when we saw the bill relating  
18 to the climate survey, we certainly think that the  
19 current engagement survey that we have potentially  
20 serves as a springboard for expansion where we could  
21 potentially include that information.

22 CHAIRPERSON ROSENTHAL: And so, you—so,  
23 you do climate surveys now around other aspects--

24 DEPUTY COMMISSIONER PINNOCK: Yes.

2 CHAIRPERSON ROSENTHAL: --of EEO. What  
3 is the response rate overall or do some agencies--how  
4 often are they sent around, and if you could get us a  
5 sense of response rate, that would be really  
6 interesting.

7 DEPUTY COMMISSIONER PINNOCK: I will  
8 definitely provide specific on the sponsor rate, but  
9 I would say overall we send out climate surveys  
10 relating to engagement, which is the one that I just  
11 talked to you about, but also relating to how  
12 effective our training programs have been.

13 CHAIRPERSON ROSENTHAL: Yes.

14 DEPUTY COMMISSIONER PINNOCK: And so  
15 generally the response rate loom over 50% so, the EEO  
16 community tends to be very, very committed. This  
17 work is not for the faint of heart, and so I--I can  
18 certainly you with the phone number as well.

19 CHAIRPERSON ROSENTHAL: For the employees  
20 are there certain titles that are required to get  
21 sexual harassment prevention training or do all  
22 employees get sexual harassment prevention training?

23 DEPUTY COMMISSIONER PINNOCK: Yes, at the  
24 time that any employee with New York City is on-  
25 boarded, part of your Onboarding Annual Employee

1  
2 Orientation consists of training specifically on the  
3 EEO Policy, and there's a specific section that  
4 covers sexual harassment. Within that particular  
5 training module we talk about what it means to be a  
6 mandatory reporter. We outline the various ways in  
7 which you could file a complaint. Whether you do  
8 that anonymously, whether you do it in writing. We  
9 also inform employees of their rights to submit a  
10 complaint external to their agency if they feel a  
11 need to do that. So, yes upon hire, every employee  
12 receives it and every two years, the EEO training is  
13 required across the city.

14 CHAIRPERSON ROSENTHAL: And how often is  
15 the Climate Survey sent out?

16 DEPUTY COMMISSIONER PINNOCK: The Climate  
17 Surveys really are tied. They more so project based.  
18 We—we have not had a special schedule relating to  
19 that.

20 CHAIRPERSON ROSENTHAL: Okay, great, and  
21 is the—does the policy include separate reporting  
22 requirements for managers or supervisors who should  
23 be reporting on the incidents?

24 DEPUTY COMMISSIONER PINNOCK: Yes, the  
25 EEO Policy there's an accountability Standard section

1  
2 and specifically we talk about the role of managers,  
3 supervisors and HR staff as mandatory reporters, and  
4 so essentially it informs them of the fact that when  
5 someone submits a complaint, or if they learn or  
6 witness anything that they believe relates to  
7 discrimination or harassment in the workplace,  
8 they're required to share that information with and  
9 EEO Officer. In turn, when that information goes to  
10 and EEO Officer, the investigative process would be  
11 initiated.

12 CHAIRPERSON ROSENTHAL: Has anyone ever  
13 been reprimanded for not reporting?

14 DEPUTY COMMISSIONER PINNOCK: I'm not  
15 aware of any cases where that has happened.

16 CHAIRPERSON ROSENTHAL: Okay. If they  
17 were found not to report, what are the consequences?

18 DEPUTY COMMISSIONER PINNOCK: If it is  
19 determined that they—and it's—it's found that they  
20 have not reported, then correction action would  
21 ensue. That could be something as—it could run the  
22 gamut between a reprimand up into including  
23 termination. It would really depend on the nature of  
24 the complaint.

3 CHAIRPERSON ROSENTHAL: Okay, Great. No  
4 case. Sorry, I'm just making sure I'm hearing you.  
5 Tell me more about the third-party investigation  
6 process that the Law Department and DCAS does. When-  
7 are there times when that process is not invoked, and  
8 what are the circumstances in which it is invoked?

9 DEPUTY COMMISSIONER PINNOCK: The  
10 circumstances within which the process is invoked is  
11 when there is a conflict of interest. Excuse me.  
12 Essentially, in an exceptional case whereby an agency  
13 head could be named as responding or they could be  
14 named as a witness or the EEO Officer themselves  
15 named as the respondent or witness, those matters  
16 would be referred to DCAS. As-as stated, we also  
17 work with our internal General Counsel's Office and  
18 the Law Department in working through the case, and  
19 then conducting the appropriate investigation. At  
20 the time that we have rendered a determination to  
21 share-excuse me-when we've made a determination we're  
22 ready to share, we then send that information to the  
23 referring agency's General Counsel's office for  
24 review and it is up to that's General Counsel's  
25 Office then to proceed with the corrective action.  
And so, I'm not aware of any cases in which that-that

3 process had not been invoked. I thin that our EEO  
4 officers as well as their General Counsel's officers  
5 at the various agencies they tend to be pretty  
6 diligent about referring those cases that they  
7 believe that there--that there's--there's a conflict of  
8 interest that exists.

9 CHAIRPERSON ROSENTHAL: So, how many  
10 times has it gone out of the agency in the last year.  
11 Just even a sense of numbers, and how do you know  
12 once it goes, the finding goes back to the General  
13 Counsel whether or not the--the con--there are  
14 consequences?

15 DEPUTY COMMISSIONER PINNOCK: Well, it's--

16 CHAIRPERSON ROSENTHAL: [interposing]  
17 It's substantiated and what the consequences are?

18 DEPUTY COMMISSIONER PINNOCK: There  
19 certainly is follow up with the agency with respect  
20 to how the determination what, in fact, is adopted,  
21 our General Counsel's Office along with the support  
22 of the Law Department follow-up with the agency  
23 directly to ensure that the corrective action has  
24 been implemented. In terms of an actual number to  
25 what you mentioned at the beginning of the hearing  
we're still in a very intense and thoughtful process

3 with reviewing all of our complaint data, and  
4 unfortunately, I don't have that number to share with  
5 you today.

6 CHAIRPERSON ROSENTHAL: Do you find that—  
7 I know the Equal Employment Practices Commission also  
8 does audits and identifies corrective actions. Have  
9 you ever collaborated with them or find-found, you  
10 know, validating work that you do for each other?

11 DEPUTY COMMISSIONER PINNOCK: Certainly  
12 we consider the EEPD as a partner. They audit us as  
13 well, our HR function and our EEO function.

14 CHAIRPERSON ROSENTHAL: Okay.

15 DEPUTY COMMISSIONER PINNOCK: But we do  
16 view them as a thought partner. So, there are times  
17 when we do share information. There are times with  
18 the EPC has called on us if there was information  
19 they needed in the past.

20 CHAIRPERSON ROSENTHAL: Have they ever  
21 called on you to work with the agencies to comply  
22 with their recommendations?

23 DEPUTY COMMISSIONER PINNOCK: I'm unaware  
24 of any cases.

25 CHAIRPERSON ROSENTHAL: Okay. Could you  
talk a little bit about filing a complaint

3 anonymously? How would an employee know that they  
4 could do that and how to do that?

5 DEPUTY COMMISSIONER PINNOCK: In the EEO  
6 training that they receive at the time that they're  
7 on-boarded, they are also informed of their rights to  
8 submit an anonymous complaint. Additionally, as a  
9 complement to the EEO policy, we've created a  
10 handbook. It's called *All About EEO: What You May*  
11 *Not Know*. It's written in a way that is very, very  
12 simple, but it's still very impactful, and it-it  
13 really emphasizes the appropriate ways to submit a  
14 complaint. There's actually a list of steps for a  
15 complainant if they're seeking to file where we  
16 advise them, you know, on how to ensure that they  
17 have dates, names, places, you know adding some  
18 specificity to their complaints. That is laid out  
19 for them. We also touch upon anonymous complaints,  
20 and so we receive those complaints sometimes via  
21 telephone or in writing, and once we review that  
22 case, we then start our investigative process similar  
23 to how we would even if someone were to come in  
24 person.  
25

3 CHAIRPERSON ROSENTHAL: Do you have  
4 posters like that are posted around at an agency for,  
5 you know, filing a complaint.

6 DEPUTY COMMISSIONER PINNOCK: No. I know  
7 that we have the resources on every agency's Internet  
8 site through the handbook, but certainly posters  
9 could be something we could explore.

10 CHAIRPERSON ROSENTHAL: Okay, great.  
11 Council Member Lander has a quick question.

12 COUNCIL MEMBER LANDER: Thank you, Chair.  
13 I'm sorry. Yes, I have to—I have to run. So this—  
14 this comes back to the Human Rights Law, and I  
15 appreciate all this line of questioning and I'm eager  
16 to follow up on what we—what we can do in city  
17 agencies, but I—thank you guys for calling out some  
18 of the—the really good advocates and supporters in  
19 the crowd like our friends at Hollaback. Seeing our  
20 friends from Planned Parenthood reminds me of a  
21 question that I wanted to ask. A friend of my in the  
22 St. Louis City Council passed a law specifically  
23 prohibiting discrimination or harassment based on—on  
24 reproductive choice and status, which then the  
25 Missouri State Legislature preempted and killed, but  
that's unfortunately Missouri. I wonder, you know,

1 is that covered—are we—are we covered? Is that  
2 something you've heard anything about and we should  
3 consider having covered? You know, this was a more  
4 specific employment discrimination concern that women  
5 who had had abortions or may reproductive choices  
6 would face employer discrimination. Hopefully that's  
7 not happening, but you could imagine a variety of  
8 different ways in which both harassment and  
9 discrimination might take place there, and I just  
10 wonder do we consider that covered by gender  
11 discrimination in the law currently? Is this  
12 something you've heard anything about? Is this  
13 something we need to pay more attention to in this  
14 context?  
15

16 COMMISSIONER MALALIS: We've heard about  
17 the bill, and kind of conceptually and subject matter  
18 wise there are many ways in which I think some of the  
19 situations in which that type of discrimination would  
20 manifest itself would currently be covered under our  
21 law when you think of broadly gender-based  
22 protections, but also specifically. You know, our  
23 pregnancy accommodations provision speaks broadly to  
24 pregnancy and to [background comments] pregnancy,  
25 child birth, and related medical conditions, and

1  
2 certainly it's one where we would take a look at the  
3 legal enforcement guidance that we had released now  
4 what? 2016. There are some of the situations I  
5 think that would fall under, you know, some of the  
6 circumstances you mentioned that we mention in our  
7 Legal Enforcement Guidance.

8 COUNCIL MEMBER LANDER: Okay, and Council  
9 Member Williams whispers in my other ear that he has  
10 that he has that bill here in the New York City  
11 Council. So, we don't have to look at Megan Green in  
12 St. Louis for it. Okay, I'm glad that it's—that it's  
13 introduced that we're looking at it together, and I  
14 appreciate again all the--

15 DEPUTY COMMISSIONER PINNOCK:  
16 [interposing] And child birth and related conditions--  
17 -

18 COUNCIL MEMBER LANDER: --work you're  
19 doing here. (sic)

20 DEPUTY COMMISSIONER PINNOCK: --are also  
21 covered in the City's EEO Policy.

22 COUNCIL MEMBER LANDER: Great. Thank  
23 you.

24 CHAIRPERSON ROSENTHAL: Thank you. You  
25 know, in my—I want to welcome Council Member Jumaane

1 Williams to our hearing. In my first year in the  
2 Council we were looking at gender discrimination in  
3 the Fire Department, which—which seems to have its  
4 challenges. Could you talk about the varying  
5 organizational cultures across city agencies, you  
6 know, Department of Sanitation, the Fire Department,  
7 ACS, and is there consideration of those cultural  
8 differences when you're providing information or  
9 collecting information from the different agencies?  
10

11 DEPUTY COMMISSIONER PINNOCK: Yes, we do  
12 take that into consideration, and that's the reason  
13 why our relationship with the EEO Officers is so  
14 important. There have been times where in our best  
15 practices meetings we've had discussions relating to  
16 the impact that culture has on system harassment and  
17 discrimination. As a result, we have worked directly  
18 with some of our agency partners in terms of  
19 developing webinars. We've also worked with them and  
20 in some cases some of our larger agencies have  
21 greater resources to do this where they also created  
22 what they believe is agency specific training to  
23 speak to some of those cultural differences. So,  
24 while they use our EEO Policy or sexual harassment  
25 information as a framework, they build upon that in

1  
2 order to provide scenarios that are very specific to  
3 their organizational culture.

4 CHAIRPERSON ROSENTHAL: Do you have  
5 enough staff to spot check, to go to a fire station  
6 and look at a locker room for example?

7 DEPUTY COMMISSIONER PINNOCK: As it  
8 relates to our particular staff I would say no.  
9 However, we do use our EEO officers, and also by  
10 extension they had EEO liaisons that are sometimes  
11 unit based or office based to ensure that we broaden  
12 our network.

13 CHAIRPERSON ROSENTHAL: Do you know of-of  
14 situations where they are spot checking in the Fire  
15 Department. I use them as an example only because  
16 they're an obvious one. Perhaps there are others as  
17 well, but, you know, the information that I hear from  
18 the female firefighters how, you know, the, you know,  
19 the nude female calendars or, you know, inappropriate  
20 language on the walls is horrific, and I'm just  
21 wondering, you know, who's—who-how often that's look  
22 at, whether it's looked at.

23 DEPUTY COMMISSIONER PINNOCK: I'm unaware  
24 of any specific spot checks. However, I will tell  
25 you that we've been working very closely with the

1  
2 Fire Department in terms of enhancing the training  
3 offering.

4 CHAIRPERSON ROSENTHAL: Okay, great. I  
5 actually am going to ask Council Member Williams if  
6 he's ready to ask questions, and I have a last  
7 question for you, but I'd like to let him do his  
8 thing.

9 COUNCIL MEMBER WILLIAMS: Thank you very  
10 much, Madam Chair. Mine is more of a comment. I  
11 just am sad that I have to be here and grateful for  
12 the leadership particularly the women in the Council  
13 for—for pushing this issue. Of course, Council  
14 Member Rosenthal. You know, I myself just as a male,  
15 I wanted to speak about being able to check my male  
16 privilege to be able to listen to what was going on  
17 particularly in this hearing, and this past hearing,  
18 an #MeToo. I remember when we had a hearing around  
19 street hails or street whistling I think it's called.  
20 What's it called? Street harassment, yes. It was  
21 eye-opening to me just again the privilege of males  
22 sometimes you don't understand what the impact is. I  
23 mean to hear a woman speaking about the impact and  
24 from the time I guess maybe you were hitting puberty  
25 to just go get some milk because a big hassle, and

1 then again hearing these stories as they came out,  
2 they were doing two things that helped. One was  
3 again my male privilege. Sometimes we have an  
4 immediate reaction. That not be the best, and then I  
5 also remember my experience as a black person and  
6 taking about things that I had and the ways that you  
7 have to survive as a black person at work, at school  
8 going through society made me pause. And then  
9 listening to young-to women I cared about around me  
10 start describing what they had to go through, through  
11 work and the things that just were appalling as I  
12 heard it, and they spoke of it as-as something that  
13 bothered them, but something they had to endure in  
14 order to continue employing and moving up the ladder.  
15 And, those things were just appalling to hear  
16 repeated over and over and over as systemic thing  
17 that is being accepted. So, I am, you know, proud to  
18 be co-sponsoring one of these bills. I'm proud that  
19 all of these things are now getting the light they  
20 deserve. I think one of the big problems is that we  
21 allowed it to hid in plains sight for way too long,  
22 and so I-I'm glad to see that hopefully this might  
23 provide some relief that people have experienced, but  
24 more importantly hopefully and prevent people from  
25

1 experiencing it even further, and so as I said in  
2 the—in the press conference, there's just really—  
3 there was no excuse before. There definitely is no  
4 excuse now, and hopefully it's well to help push that  
5 back. I want to highlight one thing that I read here  
6 from Tyler Evens. I'm not sure if she's here. I  
7 just happened to read it. She's 15 years old. She  
8 goes to Brooklyn Tech, which is my alma mater. So,  
9 it just struck me of not even have a thought through  
10 high school just reviewing things that many people  
11 may have thought was okay that wasn't, and so these  
12 young people are bringing this up now. Just horrible  
13 examples and of a teacher saying, Baby, turn me on to  
14 her favorite male students. One teacher who is  
15 better to give who is known to give better grades to  
16 certain female students and touch their shoulders.  
17 She had a great idea and she that they bring speakers  
18 about bullying to the schools, that the students  
19 really listen to, but none around sexual harassment,  
20 and so maybe that's something that can also be put in  
21 to schools as well. So, I just wanted to highlight  
22 her experience here, but thank you, Madam Chair, and  
23 I'm very excited that we're—we're doing this. I'm

3 sad that we have to, but I want to thank you for your  
4 leadership and others in the Council.

5 CHAIRPERSON ROSENTHAL: Thank you,  
6 Council Member Williams. Okay, I have to say this.  
7 Council Member Williams, what I really appreciate  
8 about you is you are currently the only Council  
9 member who has pledged to support a woman following  
10 you in the Council ensuring that a woman would get  
11 elected, and given that there are only 11 of 51  
12 Council Members who are women, we need more of our  
13 colleagues to step up in the way that you have. So,  
14 you've—you—you have cred with me.

15 COUNCIL MEMBER WILLIAMS: Well, thank  
16 you. [laughter] I hope I—I hope I just didn't piss  
17 off my other colleagues, but I'm excited we have  
18 [laughter] a slew of candidates--

19 CHAIRPERSON ROSENTHAL: [interposing] I  
20 don't care. Yes.

21 COUNCIL MEMBER WILLIAMS: --who are women.  
22 So, I'm very excited and also I wanted to make sure I  
23 wasn't equating my experience as a black person with  
24 the experience of a woman. I just wanted to make  
25 sure I put that out there but it was--

2 CHAIRPERSON ROSENTHAL: [interposing] I'm  
3 walking the same tight rope.

4 COUNCIL MEMBER WILLIAMS: Thank you.

5 CHAIRPERSON ROSENTHAL: Thank you. Just  
6 one more quick question for you Deputy Commissioner.  
7 Could you describe how each agency or give us a sense  
8 of the variety and how agencies keep track of  
9 complaints, and I know you're working on it, but  
10 could you just confirm for the record that you're  
11 working on a central database where you would be  
12 collecting the same information from every agency and  
13 does this require new software or how does this work?

14 DEPUTY COMMISSIONER PINNOCK: So, prior  
15 to Fiscal Year 2014, each agency really followed a  
16 paper based complaint filing system. In Fiscal Year  
17 2014, there was more an automated process put in  
18 place. That being said, we are at a point where we  
19 are trying to confirm that there's been consistency  
20 with the youth, you know, of the system as well as a  
21 consistency with the understanding of the various  
22 categories within the system. So, that's part of our  
23 overall review, and I'm sorry---I think that I forgot  
24 your last question you asked.

3 CHAIRPERSON ROSENTHAL: That is the  
4 change, what you already described.

5 DEPUTY COMMISSIONER PINNOCK: Okay, and  
6 so we actually have created what could be a really  
7 solid central or repository of information.

8 CHAIRPERSON ROSENTHAL: Yes.

9 DEPUTY COMMISSIONER PINNOCK: That is the  
10 reason why we just need to go through this very  
11 thorough review to ensure that there's a clear  
12 interpretation of the policy that got use of the  
13 system as well as the usage of the system.

14 CHAIRPERSON ROSENTHAL: Okay. Thank you  
15 very much.

16 DEPUTY COMMISSIONER PINNOCK: Thank you.

17 CHAIRPERSON ROSENTHAL: Commissioner, if  
18 I could just ask you very few questions because we've  
19 already--

20 COMMISSIONER MALALIS: [interposing]  
21 Sure.

22 CHAIRPERSON ROSENTHAL: --talked so much  
23 together and you've already answered so much. You  
24 mentioned that 117--there were 117 claims in 2017 and  
25 that that that is an increase, and I know so much  
work goes into addressing each complaint, but we also

1 know that it's probably a drop in the bucket compared  
2 to what's out there. I'm wondering if you have the  
3 resources that you need first to do a public educate-  
4 education campaign, which I'm really excited about  
5 and excited to learn more about and help with in any  
6 way we can, but then, you know, should there be 500  
7 complaints or a thousand complaints do you have the  
8 resources that you need?  
9

10 COMMISSIONER MALALIS: You know, there's  
11 a few things I would say to that. One, you know, my-  
12 in my previous life, so to speak, before heading the  
13 agency, I was a lawyer who did employment law for a  
14 living. I did employee related employment law  
15 including, of course, sexual harassment related  
16 claims, and having that experience I also know that  
17 there are many reasons that people don't necessarily  
18 come forward and file as an agency. Everyone's  
19 experience I think is very unique--

20 CHAIRPERSON ROSENTHAL: [interposing]  
21 Yep.

22 COMMISSIONER MALALIS: --and people's  
23 situations and the vulnerabilities that people have,  
24 the priorities that people have in their personal  
25 lives are very distinct, and there are certainly many

1 situations in which rather than choosing to file at  
2 an agency, which could be considered something of an  
3 escalation, there are many times where employees will  
4 with or without counsel speak directly to their  
5 employer's HR Department or real (sic) officers or,  
6 you know, take other methods or utilize other methods  
7 in order to resolve other situations. For that  
8 number also specifically as the Commissioner I would  
9 say that there are many instances in which depending  
10 on, you know, the needs of the complainants coming  
11 forward, the Commission also tries to expedite some  
12 types of cases, and in some situations that means not  
13 even filing a complaint, but reaching out to the  
14 employer, reaching out to the business and trying to  
15 resolve that claim more expeditiously because the  
16 circumstances demand it, frankly. So, I wouldn't-I-I  
17 want to just be clear on what that metric may or may  
18 not also be including. I think, of course, any  
19 agency head would be happy to have resources. That's  
20 all a wonderful thing to-to think about. Like I said  
21 earlier, we are already planning a, you know, a  
22 modest campaign on sexual harassment, on the City  
23 Human Rights Law, and what it covers and on the-the

1 resources available at our agency that will be coming  
2 out this spring.

3  
4 CHAIRPERSON ROSENTHAL: Okay. By the way  
5 does your office offer mediation services?

6 COMMISSIONER MALALIS: We do that. Yes.

7 CHAIRPERSON ROSENTHAL: Okay, apart from  
8 those complaints filed with the--with your Commission  
9 on Human Rights, do you have an idea of how many  
10 sexual harassment complaints are filed in New York  
11 City?

12 COMMISSIONER MALALIS: In New York City  
13 in State Court?

14 CHAIRPERSON ROSENTHAL: No, the city.  
15 Um, oh--

16 COMMISSIONER MALALIS: [interposing] So,  
17 I'm--I'm--I'm just--so apart from the ones that are  
18 filed at our agency, when you say complaints filed do  
19 you mean in court, in Federal Court or State Court?  
20 I'm just trying to clarify the question.

21 CHAIRPERSON ROSENTHAL: No, I appreciate  
22 it, and I'm thinking of what the answer is.  
23 Certainly yes for cases that may have gone that far  
24 or that route, but perhaps there are other places  
25 that collect this information that we're not thinking

1 about right now. The district on the--the Federal EEO  
2 for example.  
3

4 COMMISSIONER MALALIS: I'm not aware of  
5 that--of that number.

6 CHAIRPERSON ROSENTHAL: Okay, so--

7 COMMISSIONER MALALIS: [interposing] I  
8 think there--there is probably, you know, many  
9 different ways of kind of slicing that--that--that cake  
10 so to speak and depending on which, you know, which  
11 units or which communities you're looking at. So,  
12 I'm not aware of numbers beyond the stats that we  
13 keep for complaints filed at the agency. I mean we  
14 could also get back to you--

15 CHAIRPERSON ROSENTHAL: [interposing] I  
16 mean is it in the--

17 COMMISSIONER MALALIS: We could--I'm happy  
18 to get back to you on this.

19 CHAIRPERSON ROSENTHAL: Of course, of  
20 course. It's just sort of an interesting thought  
21 that there are other places out there that might be  
22 collecting this information that we could tap into  
23 and know about to make sure that we're--yeah, to know  
24 for example, you know, the impact of your education  
25 program. Perhaps if there were some other place

1 that's collecting this information we would want to  
2 see the numbers go up, or go down or we would just  
3 want to see what direction they go in.  
4

5 COMMISSIONER MALALIS: So, there's--there  
6 are a few different venues that might be available to  
7 people including the New York State Division on Human  
8 Rights, and then the Federal EEOC, which has offices  
9 in New York City. One question, though, that--that--  
10 that I don't know, and we can get back to you on is  
11 whether they actually publish data specific to the  
12 five boroughs, or if they--

13 CHAIRPERSON ROSENTHAL: [interposing]

14 Yes.

15 COMMISSIONER MALALIS: --as--as the  
16 Commissioner said, sort of slice it in different  
17 ways, but we can look into that and also State Court  
18 and Federal Court that might be litigating under our  
19 law and using our broad standard, but we would not  
20 see that at the Commission.

21 CHAIRPERSON ROSENTHAL: I really  
22 appreciate it. You totally answered my question  
23 because I think their number was 7,000 Federal EEOC,  
24 and I had no context of what that was. So, thank  
25 you. I really appreciate your expertise, and looking

1  
2 at that. I think that's it for me. Do you have any  
3 other questions?

4 CHAIRPERSON EUGENE: Probably one or two  
5 questions because I remember that you mentioned that  
6 they are training available for the staff. Is that  
7 correct in the training? [background comments,  
8 pause] Commissioner--

9 COMMISSIONER MALALIS: Trainings for the  
10 staff?

11 CHAIRPERSON EUGENE: What are the  
12 trainings--yeah, training available--

13 COMMISSIONER MALALIS: [interposing] So  
14 there are a few different types of trainings--

15 CHAIRPERSON EUGENE: What type training--

16 COMMISSIONER MALALIS: Sure.

17 CHAIRPERSON EUGENE: --available for the  
18 staff for the supervisors in the Human Right  
19 Commission in order for them to be able and prepared  
20 to address the harassment issues?

21 COMMISSIONER MALALIS: Right, so--so agency  
22 heads have the discretion to mandate trainings for  
23 their staff. We currently have several trainings  
24 internally that are mandated for all of my staff,  
25 which include Human Rights 101 Training that's for

3 all employees so that everyone since we are the  
4 Commission on Human Rights have a good understanding  
5 as to what the law covers. We have language access  
6 training, Transgender 101 working with Transgender  
7 People in their communities, working with people with  
8 disabilities, working with victims of domestic  
9 violence, sexual harassment in the workplace,  
10 conflict of interest training, computer based EEO  
11 training, Diversity and Inclusion, Everybody Matters,  
12 the DCAS training as well as the Unconscious DCAS  
13 Training.

14 CHAIRPERSON EUGENE: In term of training,  
15 you know, to address the sexual harassment, how many  
16 times that take place? How often they take place?  
17 Is that the monthly, annually? [background comments]

18 DEPUTY COMMISSIONER PINNOCK: Well,  
19 sexual harassment training is covered in the City's  
20 EEO Policy.

21 CHAIRPERSON EUGENE: Uh-hm.

22 DEPUTY COMMISSIONER PINNOCK: So, every  
23 employee receives that training upon hire, and then  
24 every two years thereafter as a refresher.

25 COMMISSIONER MALALIS: And within my  
agency it's annually every year.

1  
2 CHAIRPERSON EUGENE: But how do you  
3 measure? Because every time that we are doing  
4 something with that—in this area, we ought to take a  
5 moment to evaluate, to quantify, you know, the  
6 effects of the benefit of the success of what we are  
7 doing. How do you evaluate the effectiveness of  
8 those trainings?

9 COMMISSIONER MALALIS: Well, one I think,  
10 you know, we—so every year we are re-examining our  
11 EEO plan, and we're re-releasing an EEO Plan to  
12 agency staff, and the REO Plan has a statement of  
13 diversity principles. It has a statement of, you  
14 know, what we want in terms of our aspiration for  
15 diversity and inclusion within the agency, the  
16 statement as to who are the different EEO officers  
17 are within the agency, in my agency, the head EEO  
18 Officer is also my Chief of Staff, and that is meant  
19 to communicate the importance to which we put on this  
20 issue, and so part of the—the process of doing that  
21 annually is to receive feedback from staff members.  
22 Everyone knows when [coughing] I would send it out  
23 that they are able to approach me or any number of  
24 the other people that are identified as EEO members  
25 within my staff so that they can talk to them about

1 any interests or concerns or—or additions that they  
2 would want to make to anything in our Diversity Plan.

3  
4 CHAIRPERSON EUGENE: Thank you.

5 DEPUTY COMMISSIONER PINNOCK: And there  
6 are also quarterly updates made to those annual plans  
7 of the Commissioner.

8 CHAIRPERSON EUGENE: Thank you very much.  
9 Let me ask my last question very quick. First—first  
10 of all, let me thank you, you know, all the members  
11 of the panel for the effort that you have been doing  
12 to address this very, very important issue we are all  
13 concerned about. But if you have to do something  
14 more than what you are doing right now to better  
15 address the issues of sexual harassment, like what it  
16 would be? Or, let me put it in another way because  
17 my father usually said that my son, there's no  
18 perfection. There is no perfection. We—every time we  
19 got to re-evaluate what we are doing in improving and  
20 do more to reach our goal, what do you believe that  
21 should be done from your institution and together  
22 with the City Council what can we do as a city, as a  
23 society to ensure that we can decrease. Because one  
24 of the things also we observe the—there—there was an  
25 increase of the complaint for sexual harassment. So,

1 I don't know how we interpret that. What is--what is  
2 the take on that, but what can we do to decrease the  
3 number sexual harassment or what is the biggest  
4 challenge for you in your effort to address the  
5 sexual harassment?  
6

7 COMMISSIONER MALALIS: I think, you know,  
8 the reality is in a city of more than 8.5 million  
9 there's not a one-size-fits-all approach. It's  
10 roughly one of the reasons we held our hearing on  
11 December 6 and we wanted diversity of different  
12 industries and workers and workers' advocates  
13 represented because we wanted to hear, you know,  
14 there are certain industries in which people are very  
15 isolated, and so the challenges they face are  
16 specific to that type of isolation. There are  
17 certain industries that are considered non-  
18 traditional professions for women, and there are  
19 certain challenges that they face. There are certain  
20 challenges faced by domestic workers, by immigrant  
21 workers, by LGBTQ workers, and so, you know, I keep  
22 mentioning this report that we're putting out in  
23 April. It is really meant to think through the  
24 diversity of different industries and work places  
25 that we have in New York City. It certainly would

1 not be able to cover every single industry, every  
2 single workplace because we are New York City, but it  
3 is meant to cover many of the—of the different types  
4 of experiences at least that were raised earlier in  
5 testimony at that hearing. And I think, you know, I  
6 think, too, working with all of the different city  
7 partners, whether it's business or schools or houses  
8 of faith or the City Council, and helping folks be  
9 introspective about, you know, how they can be  
10 including best practices in their own places of  
11 employment is a very important thing, And that's  
12 something that we try to do daily, you with the work  
13 we do especially with the Community Service Centers  
14 we have in each one of the boroughs and in the policy  
15 work that we do at the agency. So, I think there are  
16 a variety of ways in which we are still, you know,  
17 hearing experiences, thinking through what are the  
18 best ways of—of recognizing and addressing the  
19 situations, and I imagine—my—my great hope as Chair  
20 Rosenthal had said earlier in the hearing was that,  
21 you know, what—what the city is doing right now is a  
22 beginning, and that there will be more conversations  
23 to be had. There will be more conversations and  
24  
25

1 experiences to be aired, and I'll leave it to my  
2 colleague to--

4 DEPUTY COMMISSIONER PINNOCK: Thank you.

5 There are a few things that we are actually  
6 considering now, and one of the first is really to  
7 create better synergy between our EEO and our HR  
8 Leads. There are often times when there are  
9 complaints that come into an EEO officer that are more  
10 appropriate for our HR Lead to handle. Also, there's  
11 data that the two can really share to really drill  
12 down to see where you're receiving the most  
13 complaints. Is it indicative of the culture of this  
14 particular department? Has there been a shift in  
15 leadership? Has there been some kind of  
16 organizational change that's contributed to some of  
17 the data we're seeing. So, I definitely think  
18 creating that synergy, which is something we're  
19 actively working to do, having the EEO team and the  
20 Human Capital team work together at DCAS is a model  
21 that we really want to share and a model for the  
22 entire city of New York. Also, we would like to  
23 explore streamlining some of our reporting  
24 requirements. Currently, the Charter requires that  
25 individual agencies send their data to the EEOC, the

1 Council and the Mayor's Office. We believe that  
2 since we provide a citywide function, it's—it's a far  
3 better service if we're able to provide all of that  
4 information for our city partners where there would  
5 just be one file. So, we're all speaking from the  
6 same place as it relates to any complaint data that  
7 we receive. And lastly, you know, and this is really  
8 my pitch for the EEO Officers, they work extremely  
9 hard, and so, we're trying to think about ways I  
10 which to better support them at the time that they  
11 are on-boarded providing them with more information  
12 about the agency, really holding their hands a little  
13 bit as they get acclimated to their respective agency  
14 to ensure that we're increasing the tension within  
15 that group, but also that they know that every step  
16 of the way since they serve as the eyes and ears that  
17 we are here to support them.

19 CHAIRPERSON EUGENE: Thank you very much  
20 to all of you, and thank you also for the wonderful  
21 job that your institutions are doing to address the  
22 sexual harassment issue, and we in the City Council  
23 we are dedicated to work together with you because we  
24 are part of the same team. We are all in this  
25 together.

3 COMMISSIONER MALALIS: Thank you.

4 CHAIRPERSON EUGENE: Thank you so very  
5 much. Thank you, Madam Chair.

6 CHAIRPERSON ROSENTHAL: Thank you. I'm  
7 not sure I agree with you about the—curtailing the  
8 data reporting. So, it's going to be really  
9 interesting to talk about and follow up with, and  
10 we're going to hear next from the EEPCC. So, I'll be  
11 curious to know their thoughts about that, but I very  
12 much appreciate what you're saying in terms of there  
13 being so much data and sort of, you know, who's  
14 looking at, who's analyzing it? Is it consistent  
15 across the city.

16 DEPUTY COMMISSIONER PINNOCK: I think  
17 we'd love to work with you on that.

18 CHAIRPERSON ROSENTHAL: Great. So,  
19 Deputy Commissioner Pinnock, really appreciate your  
20 time.

21 DEPUTY COMMISSIONER PINNOCK: Thank you.

22 CHAIRPERSON ROSENTHAL: Commissioner  
23 Malalis, Deputy Commissioner Sussman, thank you so  
24 much for coming. We really appreciate your time.

25 COMMISSIONER MALALIS: Thank you.

3 CHAIRPERSON ROSENTHAL: Next, we are  
4 going to call up the Equal Employment Practices  
5 Commission. So Charise Terry, Elaine Reiss, J.  
6 Patrick Boyle, and Alicia as well, and I apologize if  
7 I just butchered your name. [pause] So, if the  
8 reporters could take it out in the hall, and if we  
9 could--so if the reporters could take it out in the  
10 hall, and we could hear now from the EEPC, and I'm  
11 hoping that someone from City Hall stays back, and  
12 will hear the rest of today's--will be here for the  
13 rest of today's hearing. Alright. Okay.

14 ELAINE REISS: Is it on? I think it is.

15 CHAIRPERSON ROSENTHAL: So, yes. Could  
16 you please introduce yourselves and start, and if  
17 it's alright only because of the lateness of the day,  
18 I'm going to put everyone on the clock. I'm sorry.  
19 We're going to start with--and this is generous. I  
20 know you're not going to feel that way, but we're  
21 going to start with three minutes each, and then a  
22 little later we're going to switch down to two, and I  
23 apologize for that, but just so everyone gets ready,  
24 and I know that the questioning from Council members  
25 will be less. So, don't--thank you everyone for your  
time. If you could start Commissioner Reiss.

1  
2                   COMMISSIONER REISS: [interposing] I want  
3 to start by thanking Council Member Rosenthal and  
4 Council Member Eugene for the invitation to come and  
5 talk to you today. I want to thank you, Council  
6 Member Rosenthal for bringing your staff over and  
7 trying to learn about what the EEPC does. I want to  
8 thank you as well for sharing the legislation with  
9 you, and having read it, and after our explanation  
10 today, you will discover why I for one think we need  
11 to work with you on the legislation because we do  
12 think some of it is duplicative and redundant on what  
13 we already do and what we already have been doing for  
14 a while. And I do want to for the record to once  
15 more make the offer that we did the other day, which  
16 is to say we would like to meet with all of the new  
17 Council Members to explain what the EEPC does, and  
18 with—I'm—I am finished now. I am a Commissioner of  
19 the EEPC. I am a Mayoral appointee. You will  
20 understand better what that means in about half a  
21 second. [laughter]

22                   CHARISE TERRY: [off mic] Good afternoon,  
23 Chair. [background comments, pause] There you go.  
24 [on mic] Good afternoon, Chair Rosenthal and Chair  
25 Eugene. My name is Charise Terry. I am the

1 Executive Director of the Equal Employment Practices  
2 Commission, and I'll just jump right into my  
3 testimony. You can introduce yourself when you  
4 present testimony. The Commission--this Commission  
5 represented by Elaine Reiss appears before you today  
6 to present testimony on its role in instituting best  
7 practices and policies for the prevention of sexual  
8 harassment in city government. Created by the New  
9 York City Charter, the Equal Employment Practices  
10 Commission is an independent non-mayoral agency  
11 empowered to monitor and evaluate city agencies to  
12 ensure that they maintain effective Equal Employment  
13 Opportunity or EEO for employees and applicants from  
14 protected groups. Agencies which fall under this  
15 commission's jurisdiction are those that are funded  
16 in whole or in part by the city Treasury, those which  
17 the majority of the Board members are appointed by  
18 the Mayor, or those which the majority of the board  
19 members serve by virtue of being city officers. In  
20 order to promote Equal employment opportunities,  
21 Chapter 36 of the City Charter authorizes the EEPC to  
22 monitor the coordination of Affirmative Employment--  
23 Employment Program established by the city; monitor  
24 the employment policies, programs, practices of city  
25

1 agencies; ensure compliance with the city's Human  
2 Rights Law, State and Federal Anti-Discrimination  
3 Laws and the EEPD standards and propose polity-policy  
4 legislative and/or regulatory recommendations to the  
5 Mayor, New York City Council and the Department of  
6 Citywide Administrative Services. Chapters 35 and 36  
7 of the New York City Charter assigns to the EEPD  
8 powers and duties geared towards the maintenance of  
9 Equal Employment Opportunity programs, which include,  
10 but are not limited to reviewing and providing  
11 suggestions on the Uniformed Standards, procedures  
12 and programs with DCAS as well as the plans adopted  
13 by the city agencies, auditing and evaluating the  
14 programs, policies and procedures of city agencies  
15 and their efforts to ensure fair and effective equal  
16 employment opportunity at least once every four  
17 years. I'll go forward a bit. Making policy and  
18 legislative and budget-budgetary recommendations to  
19 the Mayor, City Council, DCAS and city agencies as-as  
20 deemed necessary to ensure equal employment  
21 opportunity within the city of New York, and  
22 requesting and receiving from any city agency  
23 information and such assistance as may be necessary to  
24 carry out the provisions of this charter. To  
25

3 effectuate the aforementioned provisions, the City  
4 Charter assigns the board of five per diem Commission  
5 members. The board is comprised of two appointees  
6 from the Mayor, two from the City Council and the  
7 chair is jointly appointed by the Mayor and the  
8 Speaker of the Council who all serve in staggered  
9 four-year terms. This arrangement is intended to  
10 ensure balance [bell]

11 CHAIRPERSON ROSENTHAL: Even with that,  
12 we're going to go off the clock. That's alright.  
13 Keep going because I see now that you've split it up.  
14 So--

15 CHARISE TERRY: Right. Oh, yeah.

16 CHAIRPERSON ROSENTHAL: If you could put  
17 it--look at your testimony. If you could sum it up in  
18 some way.

19 CHARISE TERRY: Right.

20 CHAIRPERSON ROSENTHAL: Thank you.

21 CHARISE TERRY: This arrangement is  
22 intended to ensure balance in installation from  
23 political influence and facilitate exercise of  
24 jurisdiction over the employment practices of mayoral  
25 and non-mayoral agencies as well as the Offices of  
elected officials and political appointees. Sexual

1 harassment impacts employment decisions and  
2 unreasonable interferes with the work performance  
3 thereby creating a barrier to equal employment  
4 opportunities. The City Charter authorizes the EEPC  
5 to audit and evaluate the employment practices and  
6 procedures of city agencies and their efforts to  
7 ensure fair and effective equal employment  
8 opportunity for females and minority group members.  
9 Thus, the EEPC has developed audit protocols that  
10 focus on the prevention of and protection from sexual  
11 harassment. I am going to skip forward just to save  
12 time. Today, we have personnel from the EEPC's  
13 Research Unit and Audit Units to describe the role  
14 that EEPC has and will assume in addressing the  
15 prevention of sexual harassment in New York City  
16 government via its audit mandates. [background  
17 comments, pause]

19 PATRICK BOYLE: Good afternoon. My name  
20 is Patrick Boyle, Director of Research Initiatives  
21 and Public Hearings of the EEPC's Research Unit. In  
22 2018, the Equal Employment Practices Commission  
23 commenced its audit plan using Sexual Harassment.  
24 Prevention Audit, SHPA. In preparation for this type  
25 of audit, the EEPC has requested citywide complaint

1 information from the Department of Citywide  
2 Administrative Services, Office of Citywide Diversity  
3 and Equal Employment Opportunity. The EEPC also  
4 request from an agency during its audit a breakdown  
5 of the number of and types of discrimination  
6 complaints filed internally and externally. This  
7 audit is intended to prepare agencies to address  
8 potential issues involving sexual harassment.  
9 Failure to carefully strap-carefully cap--craft  
10 strategies preventing the occurrence of sexual  
11 harassment or the inability to manage complaints that  
12 may be filed as a result of an incident are costly  
13 not only in terms of financial resources, but also  
14 the detrimental effects resulting in a hostile  
15 workplace, cultural discord and negative public  
16 image. The SHPA will assist agencies with  
17 implementing corrective actions intended to ensure  
18 compliance with federal, state and local laws. They  
19 have the standard EEPC Audit process. In addition,  
20 the audit can provide agencies with insight  
21 identified by the EEPC and guidelines proposed by  
22 authorities such as the EEOC and State Division of  
23 Human Rights. The SHPA framework examines a series  
24 of equal employment intertwined components. As  
25

1 sexual harassment prevention initiatives must remedy—  
2 must remedy a systemic disruption of the workplace.  
3 These components span the entirety of the workforce  
4 structure. Senior leadership, human resources  
5 departments, equal employment offices, learning and  
6 development functions, managers and most importantly  
7 the individual employees all play vital roles in the  
8 prevention and protection initiative. The initial  
9 component focuses on the former sexual harassment.  
10 Policy that is set forth by the organization. The  
11 policy must contain certain elements that define the  
12 issues and procedures while clarifying roles and  
13 responsibilities of every employee. This policy  
14 should include the obligation to report incidents,  
15 how to file complaints and, transparent investigatory  
16 processes as well as potential disciplinary actions.  
17 The next component focuses on the importance of  
18 leadership action. For successful sexual harassment  
19 prevention initiatives, leadership must commit to  
20 assigning the required resources e.g. time, budget  
21 and labor resources, et cetera. This includes  
22 effective communications to management and other key  
23 stakeholders about the value of leadership  
24 accountability and constant vigilance to identify  
25

1 potential risk. This vigilance requires cultural  
2 awareness and a commitment to workforce data  
3 analysis. Another component examines the available  
4 sexual harassment reporting and tracking system. The  
5 ideal process has guidelines in place that assist  
6 complainants and investigators through the process in  
7 a timely well documented and efficient manner. Given  
8 the sensitive nature of reporting these events, a  
9 procedure that guarantees expedience,  
10 confidentiality, and anonymity when requested for the  
11 complainant or whistleblower might be just--

12  
13 CHAIRPERSON ROSENTHAL: [interposing] If  
14 I could ask you to wrap up. We have your testimony  
15 and--and you should know this as well, we have it for  
16 the file. If you'd just hit the--the main punchlines,  
17 we'd appreciate it.

18 ALICIA: [off mic] Good afternoon. Good  
19 afternoon. My name Alicia Duel (sic), the Manager of  
20 EEO Analysis in the EEPC Audit Unit. I didn't turn  
21 on my mic. Can you hear me, in the EECF Audit Unit  
22 and I will be concluding the testimony. The EEPC's  
23 Audit Unit consists of one manager myself and four to  
24 five EEO Program analysts. The EEO Program Analysts  
25 administer audits and serve as a resource to the EEPC

1 Executive Director and board members for any audit  
2 findings and conclusions. This section is about our  
3 powers. So, I'll just skip down to during that SHPA  
4 and EEO, program analysts will review and examine  
5 the complaint and investigation component of an  
6 agency's EEO program to ascertain whether the agency  
7 has established meaningful and responsive procedures  
8 for receiving and investigating sexual harassment  
9 complaints. The agency's complaint tracking and  
10 monitoring system, the number and types of sexual  
11 harassment complaints. The agency's—the agency has  
12 received the ability to—of personnel to—I'm sorry.  
13 The ability of personnel dedicated to complaint  
14 intake and investigation, redacted complaint files  
15 and supporting documentation that demonstrates  
16 complaints are—were investigated and determination  
17 was made and remedial action was documented and the  
18 roles and responsibilities of the EEO personnel, the  
19 agency counsel and the agency head in complaint  
20 investigation procedures. [background comments]

22 CHAIRPERSON ROSENTHAL: Okay, this is  
23 amazing, just amazing. I mean and what you were just  
24 talking about could you—so, and I know you collect  
25 this information for reports that are sent around,

1 but would you be a source of information to know how  
2 many complaints were filed, sexual harassment  
3 complaints were filed last year or the year before--  
4 the year with most--

6 COMMISSIONER REISS: I suspect where the  
7 response will be after we've continued, we complete  
8 the analysis of all of the agencies, and I think as  
9 we have stated to you privately, we do a quarter of  
10 them annually. We are beginning the sexual  
11 harassment, and if you will, analysis, and so four  
12 years from today we can tell you that what we hope we  
13 can tell you next year as we look at it is what the  
14 report is for a good third of the workforce within  
15 the city, which is what we're trying to do with  
16 putting together our--what agencies we're going to  
17 look at next year. Am I correct?

18 CHAIRPERSON ROSENTHAL: Right. I  
19 appreciate that. Help me understand why it--what it--  
20 the--the depth of what you're doing so that it will  
21 take four years to answer the question.

22 COMMISSIONER REISS: Because we go  
23 through each--we do it by going through--we do 35  
24 agencies a year. So, our numbers would only be, and  
25 remember it is what has happened as opposed to what

1 might happen. It's not current. It's just historic.  
2 We, therefore, will be able to tell you as to last  
3 year what happened in the 35 agencies we looked at,  
4 and therefore, what—for the term we look at it. So,  
5 we look at it for I guess—is it a two-year term or a  
6 three-year term?  
7

8 CHARISE TERRY: I'll answer that. I'll  
9 try to answer it a little

10 CHAIRPERSON ROSENTHAL: Look, I know this  
11 is a kind of—what I like is I know you're thinking  
12 hard about it—

13 CHARISE TERRY: Right.

14 CHAIRPERSON ROSENTHAL: --and that you  
15 understand that it's multi-faceted. Okay.

16 CHARISE TERRY: So, in 2014 and 2015 as  
17 we discussed, the EEPCC conducted discriminate—an  
18 audit called the Discrimination Complaint and  
19 Investigation Procedures Audit. Back then we  
20 received aggregate data from the Department of  
21 Citywide Administrative Services, which you spoke to  
22 day. Since they are currently mining the data and I  
23 guess maybe speaking with agencies on how their—the  
24 data is being reported as Dawn Pinnock testified to,  
25 the information that we received—we've received since

1 then because we don't receive the information in  
2 aggregate from DCAS any more has been from individual  
3 agencies doing an audit. So, that's why Commissioner  
4 Reiss got it saying that--

5  
6 CHAIRPERSON ROSENTHAL: The last time you  
7 got an annual summary, was to-for-was for

8 CHARISE TERRY: [interposing] Was 2014.

9 CHAIRPERSON ROSENTHAL: 2014, and is that  
10 calendar year or a fiscal year?

11 CHARISE TERRY: A fiscal year.

12 CHAIRPERSON ROSENTHAL: Okay, do you  
13 happen to remember what the number of sexual  
14 harassment complaints were citywide, and-and while  
15 Patrick is looking that up, do you-do you think that  
16 data systems are in place with the city agencies in  
17 between the agencies and DCAS or the agencies and you  
18 to report this information almost, you know, in a-as  
19 it's happening fashion or do those data systems not  
20 exist yet?

21 CHARISE TERRY: Usually what-what we  
22 found back then was that every city agency well  
23 mayoral agency I should say--

24 CHAIRPERSON ROSENTHAL: [interposing]  
25 Right.

2 CHARISE TERRY: --reported to--to DCAS  
3 like through a quarterly system of reporting.

4 CHAIRPERSON ROSENTHAL: And that  
5 quarterly system was everyone is using the same type  
6 of spreadsheet that can talk to each other or--?

7 CHARISE TERRY: First it was done by a  
8 spreadsheet, and then there was an electronic--  
9 electronic system that was developed that allowed  
10 agencies to log on and--and log in the information.  
11 However, that is the system that is currently being  
12 checked.

13 CHAIRPERSON ROSENTHAL: Got it so the  
14 most recent system is one where every agency can log  
15 in, submit their numbers?

16 CHARISE TERRY: Right.

17 CHAIRPERSON ROSENTHAL: And when was the  
18 last year that they were doing spreadsheets. Do you  
19 remember? You don't have to remember.

20 CHARISE TERRY: 2015. Right.

21 CHAIRPERSON ROSENTHAL: Okay. [background  
22 comments] Okay.

23 CHARISE TERRY: Right that's when we  
24 received the last spreadsheet.

3 CHAIRPERSON ROSENTHAL: Got it, right for  
4 2014.

5 CHARISE TERRY: Okay, and so do you wan  
6 to--

7 CHAIRPERSON ROSENTHAL: [interposing] Do  
8 you have access to that data portal where they are  
9 entering--agencies are entering the information?

10 CHARISE TERRY: The EEPC has requested  
11 access.

12 CHAIRPERSON ROSENTHAL: You have. That  
13 was going to be my next question. So you think you  
14 should have access to that portal?

15 CHARISE TERRY: Absolutely. Yes.

16 CHAIRPERSON ROSENTHAL: Right.

17 CHARISE TERRY: We've requested access,  
18 and so we are waiting on the access.

19 CHAIRPERSON ROSENTHAL: Could you submit--  
20 has--was that request made orally or in writing?

21 CHARISE TERRY: In writing.

22 CHAIRPERSON ROSENTHAL: In writing.  
23 Could you submit for--for our records--

24 CHARISE TERRY: [interposing] Sure.

25 CHAIRPERSON ROSENTHAL: --that request?

CHARISE TERRY: Sure.

3 CHAIRPERSON ROSENTHAL: Okay, thank you  
4 very much.

5 CHARISE TERRY: Because I think that we  
6 have the number that you asked for.

7 CHAIRPERSON ROSENTHAL: Oh, thank you.

8 CHARISE TERRY: Patrick.

9 PATRICK BOYLE: So, the last reports that  
10 we received were quarterly reports, and we received  
11 three of them. So, the best we could do was pull  
12 together the three-quarters and give you the summary,  
13 and a three-quarter total for Q2-2015 to Q4-2015, was  
14 78 total sexual harassment complaints filed.

15 CHAIRPERSON ROSENTHAL: So, I'm sorry.  
16 Could you just repeat that one more time?

17 PATRICK BOYLE: Sure.

18 CHAIRPERSON ROSENTHAL: I heard up to  
19 CUNY.

20 PATRICK BOYLE: So, Q2 to Q4 of Fiscal  
21 Year 2015 is the data that we have. During that  
22 three-quarter period there were 78 sexual harassment  
23 complaints filed.

24 CHAIRPERSON ROSENTHAL: For what  
25 agencies?

PATRICK BOYLE: For all agencies.

3 CHARISE TERRY: That's an aggregate.

4 PATRICK BOYLE: That's an aggregate.

5 CHAIRPERSON ROSENTHAL: An aggregate all  
6 mayoral.

7 CHARISE TERRY: According to the  
8 information and-and-and right. This is-this mayoral  
9 agency specifically.

10 PATRICK BOYLE: Uh-hm.

11 CHAIRPERSON ROSENTHAL: Right, so we're  
12 not including NYCHA. We're not including H&H. Does  
13 it include SCA?

14 CHAIRPERSON ROSENTHAL: Including the  
15 DOE.

16 CHAIRPERSON ROSENTHAL: I was just going  
17 to ask are the DOE and SCA not included. Okay, so,  
18 is it-do you-how-how-would the EEPC have a sense of  
19 whether or not the systems in place at agencies are  
20 conducive to employees making a complaint? Does that  
21 wait for an audit for that to happen or do you have  
22 other mechanisms for looking at that?

23 CHARISE TERRY: So the City Charter Chap-  
24 Chapter 35-

25 CHAIRPERSON ROSENTHAL: Uh-hm.

3 CHARISE TERRY: --dictates that city  
4 agencies should submit an agency specific plan on  
5 their efforts to implementing Equal Employment  
6 Opportunity as well as quarterly reports on their  
7 quarterly efforts to implementing the plan.

8 CHAIRPERSON ROSENTHAL: Efforts meaning  
9 like a qualitative report?

10 CHARISE TERRY: It's qualitative and  
11 quantitative. So, that report would have data that  
12 indicates whether or not employees were trained. It  
13 would have whether or not they hired any EEO staff.  
14 All of the efforts that they've taken to implement  
15 whatever the EEO plan was for that year.

16 CHAIRPERSON ROSENTHAL: Do any--

17 CHARISE TERRY: [interposing] That's also  
18 the data--excuse me--that's also the--the report that  
19 would include the complaint information.

20 COMMISSIONER REISS: Councilwoman  
21 Rosenthal, I think you're asking a rather difficult  
22 question, and I don't think we can really respond to  
23 it, and that is that while we will audit what the  
24 rules require, I don't think we can really audit  
25 culture and the cultural change that this hearing is  
trying to bring about.

3 CHAIRPERSON ROSENTHAL: Uh-hm.

4 COMMISSIONER REISS: And so, we can tell  
5 you what we will discover with the data. We can tell  
6 you what—what standards are in place. We can tell  
7 you the number of people who complained. We cannot  
8 tell you the number of people who did not complain.  
9 We cannot tell you the number of people who felt that  
10 if they came forward to complain, that no one would  
11 listen. We can't—what we do is really assess the  
12 data, and even though we look at it, qualitatively,  
13 what we can't tell you about is what's not there.

14 CHAIRPERSON ROSENTHAL: And do you think  
15 that your commission should have the responsibility  
16 to do that? In other words, to do a climate survey?

17 COMMISSIONER REISS: I'm—this Commission  
18 has conducted surveys in the past not specifically on  
19 sexual harassment. However, a part of the survey was  
20 concerning whether or not sexual harassment training  
21 was done? It was under the—the question about EEO  
22 training in general.

23 CHARISE TERRY: Okay, it's very difficult  
24 for us. Why? Because we have 14 people.

25 CHAIRPERSON ROSENTHAL: Because you have  
14 people?

1  
2 CHARISE TERRY: And we—and right and our  
3 headcount was recently—with the last let's say five  
4 years we increased it—we increased to 14. The  
5 Manager of the Audit Unit, as she just said, it's her  
6 and about 4 to 5 analysts. So, it's much more  
7 difficult for us to do a survey because we need  
8 cooperation from the agency and, you know, agencies  
9 don't always like to cooperate during an audit.

10 CHAIRPERSON ROSENTHAL: But according to  
11 the Charter, they have to, is that right?

12 CHARISE TERRY: Correct. We try to make  
13 them—with the cooperation.

14 COMMISSIONER REISS: [interposing] That's  
15 right, but they have--

16 CHAIRPERSON ROSENTHAL: [interposing]  
17 Just wanted that for the record.

18 COMMISSIONER REISS: --but they have  
19 their own problems. For example, the Parks  
20 Department, just use it as an example. How are you  
21 going to survey them? They don't have computers. As  
22 much as we would like to believe everybody does.  
23 There isn't really the central location. We've  
24 looked at it as being—I mean there—there's several  
25 different problems differing with who the employees

2 are and how you—how you would get the response. So,  
3 I—I'm not making excuses--

4 CHAIRPERSON ROSENTHAL: [interposing]

5 Well, and another problem with part—

6 COMMISSIONER REISS: [interposing] I'm  
7 not making excuses for anybody. I'm just indicating  
8 that we could undertake to do it. That doesn't mean  
9 our response rate will be depending on the—on a  
10 particular agency we might have trouble with it, and  
11 we could do it now. I mean we could—we have the  
12 authority. It isn't—I don't think that's the issue.

13 CHAIRPERSON ROSENTHAL: Yep.

14 COMMISSIONER REISS: And we are auditing.  
15 We have created because—we, too, know about the  
16 #MeToo movement. We have created a sexual harassment  
17 survey, if you will, or a mechanism to look at  
18 throughout the agencies. It's just based on the way  
19 we function will take us four years to know the  
20 entire city's employment base.

21 CHAIRPERSON ROSENTHAL: You know, it's  
22 interesting that you bring up parks. Many of their  
23 workers are contracted workers, which adds another  
24 layer.

3 CHARISE TERRY: so I must put for the  
4 record Commissioner, I must say that we audit about  
5 35 agencies per year, sometimes more. I anticipate  
6 that with the new abbreviated sexual harassment audit  
7 we would be able to do that audit faster because it's  
8 more specific than looking at all of the complaints  
9 that agencies may have and that will be—we will be  
10 implementing that audit for our 2018 to 2020 Audit  
11 Protocol or Audit Plan and Protocol.

12 CHAIRPERSON ROSENTHAL: Have you—I'm  
13 pretty sure that this is in your purview—have you  
14 looked at the ne training modules that CCHR and DCAS  
15 were talking about.

16 CHARISE TERRY: We looked at the new DCAS  
17 Training Module yes.

18 CHAIRPERSON ROSENTHAL: I guess it was  
19 just issued yesterday. So, I think we had like--

20 CHARISE TERRY: [interposing] We had at  
21 the point when we received it, it was a pilot.

22 CHAIRPERSON ROSENTHAL: Okay. Did you  
23 have input on—into their final program policy.

24 CHARISE TERRY: I wouldn't want to—I'm—  
25 I'm not sure which one that one is.

1  
2                   CHAIRPERSON ROSENTHAL: Okay. That's  
3 alright. This is an online training, Sexual  
4 Harassment Prevention: What to Know About Unlawful  
5 and Inappropriate Behaviors in the Workplace. It's  
6 the—the training that they came out with yesterday as  
7 a result of that pilot.

8                   CHARISE TERRY: That one seemed the—I  
9 don't think we received that on.

10                   CHAIRPERSON ROSENTHAL: This is just a  
11 Xerox of the website. Okay, I'd be interested in  
12 your opinion on that later. Let's see. Have been  
13 asked by the administration to do an audit on any  
14 specific agency as it has to do with sexual  
15 harassment?

16                   CHARISE TERRY: No.

17                   CHAIRPERSON ROSENTHAL: Okay, and have you  
18 made recommendations or monitored and agency as a  
19 result of that agency's sexual harassment policies or  
20 practices?

21                   CHARISE TERRY: In the course of doing a  
22 general EEO program audit, we have recommended during  
23 that audit that sexual harassment is added to maybe  
24 the training curriculum because we do review training  
25

3 curriculum or we may recommend that sexual harassment  
4 is added to a policy or a policy statement.

5 CHAIRPERSON ROSENTHAL: Yep, and in that  
6 audit, do you have the sense, which I understand you  
7 have limited not on the staff, but a limited number  
8 of agencies that you can audit, but do you have a  
9 sense of how many agencies maybe did not have a  
10 thorough sexual harassment training program?

11 CHARISE TERRY: Most agencies either  
12 follow the Mayor's EEO Policy, which includes a  
13 sexual harassment statement and a description and  
14 directions on who to contact if there is sexual  
15 harassment, and those are the mayoral agencies. The  
16 non-mayoral agencies quite a few of them modeled  
17 their policies off of the Mayor's policy.

18 CHAIRPERSON ROSENTHAL: Is anyone looking  
19 at the non-mayoral?

20 CHARISE TERRY: We are. We audit 141  
21 agencies.

22 CHAIRPERSON ROSENTHAL: Including the  
23 non-mayoral?

24 CHARISE TERRY: Right. We have agencies  
25 that are under our jurisdiction that are non-mayor

2 like the community colleges, the district attorneys,  
3 the borough presidents.

4 CHAIRPERSON ROSENTHAL: And the DAs may  
5 or may not respond, comply. Not everyone--

6 CHARISE TERRY: Everybody responds.

7 CHAIRPERSON ROSENTHAL: I'm not going to  
8 throw rocks. Okay.

9 CHARISE TERRY: Everybody responds.

10 CHAIRPERSON ROSENTHAL: Okay, great. I  
11 want to thank you so much for coming today. We heard  
12 you. We're going to be meeting with you a lot more.  
13 We really appreciate your time. Thank you, and if  
14 you could as a follow up, and you mentioned this,  
15 Commissioner Reiss, to the extent to which the pieces  
16 of legislation that we're talking about today  
17 duplicate effort, if you could write us a memo or  
18 your thoughts about that, that would be very much  
19 appreciated quickly. Okay.

20 COMMISSIONER REISS: Yes, thank you.

21 CHAIRPERSON ROSENTHAL: Thank care.  
22 Thank you. I'm next going to call up the first round  
23 of advocates--of non-city people. [laughter] If  
24 you're an assignment for Kathryn Wylde or the  
25 Partnership for New York, Emily May from Hollaback;

1 Meredith, Maskara, if I'm pronouncing that wrong from  
2 Girl Scouts of the Greater New York; and Allegra L.  
3 Fisher from Gender Equality Law Center. [pause] You  
4 know, I'm going to try very hard although you can  
5 tell it's not in my nature to hold you to a timeline.  
6 But if you could work very, very hard not to read  
7 your testimony, most everyone's testimony we have,  
8 and to summarize it, that would be very much  
9 appreciated. I'm going to ask the partnership to go  
10 first.  
11

12 FEMALE SPEAKER: Thank you. I'm reading  
13 the testimony as you said of Katherine Wylde,  
14 President and CEO. She wanted to be here in person,  
15 but she had a conflict this afternoon.

16 CHAIRPERSON ROSENTHAL: Right, but I give  
17 you the authority to summarize.

18 FEMALE SPEAKER: Okay. [laughs] So, a  
19 number of New York firms are global leaders in  
20 establishing policies and training programs to  
21 prevent or address sexual harassment, and long before  
22 the #MeToo movement, most employers understood the  
23 importance of creating corporate cultures in which  
24 employees treat each other with respect. In response  
25 to heightened awareness of the workplace sexual

1 harassment, most employers are taking the opportunity  
2 to assess our current practice and make improvements.  
3 We would respectfully suggest that many employers  
4 have more knowledge and experience than the City  
5 Council regarding best practices for prevention,  
6 training and respond to sexual harassment. The  
7 partnership would be pleased to identify some of  
8 these employers and facilitate meetings with Council  
9 members and staff to inform your consideration of  
10 proposed law. We believe this input would be critical  
11 to achieve their objective of a harassment free  
12 workplace. The bill under consideration today has  
13 only been available for a few days and, therefore,  
14 have not been reviewed by employers. We are sure  
15 that the Council wants to enact legislation that  
16 encourage employers to act in the best interest of  
17 their employees without placing an undue  
18 administrative burden on those who are already doing  
19 the right thing. We hope the Council will be  
20 deliberative about its response to this important  
21 issue, and take the time for consultation. We are  
22 most willing to help in this process.

24 CHAIRPERSON ROSENTHAL: Got it and sure  
25 we'd be—we'd welcome that absolutely. My scheduler

3 can be reached at [nparris@council.nyc.gov](mailto:nparris@council.nyc.gov). We really  
4 await meeting with you.

5 FEMALE SPEAKER: Great. Thanks.

6 EMILY MAY: Great. [pause] Is that  
7 better?

8 CHAIRPERSON ROSENTHAL: Yes. [off mic]

9 EMILY MAY: Sure. Hi, everyone. I'm  
10 real excited to be here. My name is Emily May. I'm  
11 the Co-Founder and Executive Director of Hollaback.  
12 I'm going to go ahead and give you some quick notes  
13 since you have a copy of my testimony. As you  
14 probably already know, Hollaback addresses harassment  
15 in all of its forms. What I want to do today is  
16 underscore a little bit for you some of the forms of  
17 harassment that employees are facing that we don't  
18 always think about when we think about workplace  
19 harassment particularly harassment that happens on  
20 the street especially during people's commutes, and  
21 harassments that's happening online while people are  
22 at work, and then I want to highlight a couple of  
23 recommendations that we have in response to the  
24 amazing amount of legislation that you guys have put  
25 forward. So, in terms of the commute, what we see  
putting consistently happening is when people are

1 harassed on their commute to work they show up to  
2 work distracted. It's hard to work, right. They'll  
3 try to take a longer route to work to even—we've even  
4 heard people leaving jobs to avoid harassment, and  
5 so, we've partnered with Cornell to do research on  
6 this issues and—and have noted that, you know, the  
7 same effects that happen with any kind of sexual  
8 harassment in the workplace, anxiety, depression,  
9 Post-Traumatic Stress Disorder are also showing up  
10 related to street harassment when people are just  
11 trying get to work. And the same employee—employer  
12 impacts are showing up impacting punctuality,  
13 attendance, productivity, healthcare costs, morale,  
14 et cetera. And I bring this to your attention because  
15 one of the things that learned from the amazing work  
16 done on workplace harassment in the '80s and '90s is  
17 that it wasn't really until we had an assessment of  
18 the financial cost to employers that sexual  
19 harassment was—was taking on them like a very, very  
20 numeric money cost for employers that employers  
21 really showed up and took leadership on this. And so  
22 I think gathering research on this issues is really  
23 key. Also, oh, my goodness. Three—three minutes was  
24 quick. Online harassment.

FEMALE SPEAKER: And extra one. [laughs]

EMILY MAY: Just quickly. Online

harassment is another key issue particularly if it's like journalists and anybody who is required to hold a personal social media account for their work. So, a recent poll of Time writers, for example, showed that 80% of people avoided topics to avoid harassment. We work significantly with the BuzzFeed to address this issue and we have a guide as well that we've done with the Mozilla Foundation and the Kairos Fellowship on how to address this. So, jumping ahead to quick recommendations, I love the fact that you guys are looking at training from employers on harassment. I want to encourage you to also look at how street harassment and online harassment are impacting their employees, and also I want to push you to move beyond looking at what's in the legislation as the Importance of bystander intervention, and also looking tactically at teaching employees what bystander intervention looks like in the workplace. What we know is just knowing it's important isn't enough. People need options. As you look at research on street-on-and -and that side of the equation and the climate surveys that you've put

1 together, Council member, again wonderful. Let's  
2 also look at how street harassment and online  
3 harassment are impacting employees. Most employees  
4 have no idea how these two issues are impacting them,  
5 and are going to see the same effects in their—in  
6 their workforce as other folks. Lastly, we'd love to  
7 see training of 311 and 911 operators on all forms of  
8 harassment, and we'd love to see reasonable  
9 accommodations for—for harassment. Some—some  
10 different cities around the country have things  
11 called Sick and Safe Leave policies that allow people  
12 to use sick leave to—to secure their own safety and  
13 include certain accommodations like working from home  
14 or, you know, changing the hours of their commute, et  
15 cetera, et cetera, and we have a whole guidebook on  
16 how employers can do that as well. So, sorry to run  
17 over.  
18

19 CHAIRPERSON ROSENTHAL: Looking forward  
20 to seeing the guidebook.

21 EMILY MAY: Yes.

22 CHAIRPERSON ROSENTHAL: If you could  
23 submit that as part of your testimony, and also I'm  
24 very interested in what you came up with in your work  
25 with BuzzFeed. To the extent that can be submitted as

2 part of your testimony as well, we would welcome. We  
3 have a lot to learn.

4 EMILY MAY: Thank you.

5 CHAIRPERSON ROSENTHAL: Thank you.

6 ALLEGRA L. FISHEL: Is this working?

7 CHAIRPERSON ROSENTHAL: Yeah.

8 ALLEGRA L. FISHEL: Sounds good. [coughs]

9 Hello. My name is Allegra L. Fishel. I'm the  
10 Executive Director of the Gender Equality Law Center.  
11 We're a non-profit legal and advocacy center that  
12 works to combat gender-based discrimination in all  
13 its forms through a variety of different types of  
14 initiatives. As I think most people in this room  
15 would agree, sexual harassment is one of the most  
16 pernicious forms of gender-based discrimination and  
17 is not only emotionally devastating to its victims,  
18 but often causes them to be pushed out of the job and  
19 to lose their benefits earning a living. Just very  
20 quickly, to try to summarize our written testimony.  
21 I want to comment very briefly on some of the  
22 proposed bills. First, I want to applaud Council  
23 Member Powers' proposed legislation to expand the  
24 scope of coverage for sexual harassment victims,  
25 which would bring the law in line with the state

1  
2 carve-out, which provides that even employee—even  
3 employers who has a sole employee would be able to  
4 bring a claim for sexual harassment. We do a lot of  
5 work with domestic workers and sexual harassment  
6 assault is a huge problem. We also really want to  
7 focus—to weigh in on how important some of the  
8 preventative measures are. They are set forth in  
9 these bills because as a long time litigator who  
10 litigates sexual harassment cases, it is much better  
11 to prevent the harassment than to be working to try  
12 to remedy the damage that it causes after the fact.  
13 We appreciate the notice requirement that was  
14 proposed by Council Member Cumbo. We do, and we set  
15 forth more in our written testimony, have concerns  
16 that notices alone are probably not terribly  
17 effective. In our experience, they're not posted.  
18 They're hidden, and it would be very awkward  
19 sometimes to be reading about your rights in front of  
20 your harasser, and so we propose that sexual  
21 harassment policies be mandated for all private  
22 employers [bell] and I'm going to quickly, quickly  
23 go through a couple of other points. We think the  
24 mandatory sexual harassment training—I'm not going to  
25 really talk about city agencies. For private

1 employers, it is absolutely key and we would suggest  
2 that all employers with four or more employees rather  
3 that 15 be required under the law to provide these  
4 trainings to their employees that the penalties be  
5 significantly strengthened, \$2,000 for a second  
6 offense for other than the tiniest of employers to us  
7 does not seem very meaningful, and I can tell you,  
8 and I think most people who have litigated these  
9 cases will share my opinion that it is really the  
10 threat of some serious financial repercussions that  
11 often does the trick to bring employers into line.  
12 And then I'll just add one other point, because I've  
13 run out of time, which is that we strongly suggest  
14 that City Council and this committee form some type  
15 of ad hoc committee that can reach out to a lot of  
16 different people to help inform this legislation. We  
17 would include community members that could inform the  
18 City Council about language barriers about cultural  
19 differences. We would include victims who actually  
20 had to tackle what are the barriers in the workplace  
21 from coming forward. Legal advocates that have  
22 litigated these cases and even people like therapists  
23 that understand the emotional ramification and we  
24 have a lot more detail in our written testimony.  
25

3 CHAIRPERSON ROSENTHAL: Thank you. That's  
4 exactly what we'd like to do. So, I'm eager for your  
5 help.

6 ALLEGRA L. FISHEL: Thank you. We'd  
7 like to offer it.

8 MEREDITH MASKARA: Thank you. My name is  
9 Meredith Maskara. I'm am the CEO of the Girl Scouts  
10 of Greater New York, and if you don't know, the Girl  
11 Scouts of Greater New York serves 29,000 girls  
12 between the ages of 5 and 17 in the five boroughs of  
13 youth count, and our program is mostly delivered by  
14 8,000 volunteers, most of them all women, who are not  
15 just volunteers, but are also part of the workforce  
16 here in the city as well. So, we have launched this  
17 year as an advocacy—a year of advocacy for our girls.  
18 We teach our girls civic engagements, and for them to  
19 be able to speak up and use their voice when it comes  
20 to issues of their concern, and I can tell you that  
21 girls as young as the age of 9 have raised sexual  
22 harassment as one of their major concerns with us  
23 throughout our programming. This means that they  
24 have either experienced it themselves or that they  
25 know that one of their loved ones has or one of their  
volunteers who was a mentor near and dear to their

1 heart. So it is our—it is our duty as an  
2 organization to be able to speak on their behalf and  
3 on their future to make sure that we provide a safe  
4 space for them as an organization, and they now  
5 expect that to be translated into their work  
6 experience when they enter the workforce. So on  
7 behalf of the girls, and the volunteers here in New  
8 York City we thank you for all that you're doing, but  
9 let's make sure that—that we pass these—these  
10 initiatives so that we can protect our girls' space  
11 and they become young women in our workforce.  
12

13 CHAIRPERSON ROSENTHAL: Okay, that's  
14 great.

15 MEREDITH MASKARA: [off mic] On behalf  
16 [on mic] of the Girl Scouts, thank you. [laughter]

17 CHAIRPERSON ROSENTHAL: It must have  
18 been. That's great, and that's great to be able to  
19 know we can think about you as an advocate for this  
20 and education.

21 MEREDITH MASKARA: [interposing] And, of  
22 course, any time if you need—if you need to discuss  
23 this with girls we have girls who are ready, willing  
24 and able to—to come here and speak about their  
25 concerns as well.

1 CHAIRPERSON ROSENTHAL: Let's follow up.

2 MEREDITH MASKARA: Thank you.

3 CHAIRPERSON ROSENTHAL: Okay, thank you  
4 all. Really appreciate it.

5 MEREDITH MASKARA: Yes.

6 CHAIRPERSON ROSENTHAL: Now moving onto  
7 our next panel from Self Horizons Blake Johns-Safe  
8 Horizons? Is that what I said? What did I say? Who  
9 knows? Okay, Safe Horizons, Blake Johnson,  
10 Francesca.

11 FRANCESCA: [off mic] I'm here.

12 CHAIRPERSON ROSENTHAL: Thank you and  
13 you'll introduce yourself, and Susan Scafidi from the  
14 Fashion Institute, and Jeff Trexler also from the  
15 Fashion-I want to saw Law Institute.

16 JEFF TREXLER: [off mic] The Law  
17 Institute.

18 CHAIRPERSON ROSENTHAL: Awesome. Come and  
19 join us. Look forward to your testimony. We're  
20 going to keep to the two-minute clock with apologies.  
21 Thank you and especially if you're submitting  
22 testimony know that we will all read it. So, if you  
23 could summarize, we'd appreciate that. The Fashion  
24 Law Institute you want to get us started? [pause]  
25

1  
2                   SUSAN SCAFIDI: Hi, Susan Scafidi,  
3 founder and Director of Fashion Institute. We're a  
4 non-profit. We're—but we're also based at Fordham  
5 University where we actually both teach, and so just  
6 to tell you briefly what we do is a range of things,  
7 academic research, analysis including those 12 bills.  
8 We read them all, advocacy can increase distance to  
9 individuals including a clinic and education of the  
10 industry as a whole. We work with everybody from  
11 enormous multi-national companies to trade  
12 associations to emerging designers. Fashion is  
13 actually the second largest industry in New York.  
14 So, I was delighted that Council Member Lander  
15 mentioned it and, of course, Commissioner Malalis as  
16 well. It's also a complex industry of design,  
17 manufacturing, retail, runway, the whole range. It's  
18 also a majority female industry actually except in  
19 certain job categories, but at the same time the  
20 creative outsider industry, which celebrates  
21 traditional rules, it celebrates rule breaking and  
22 also is—very oriented to physical appearance of  
23 course. So, we—it's a little bit schizophrenic in  
24 some ways. We have issues with harassment of both  
25 women and men, but also very proactive even pre-

1 Weinstein efforts to form within the industry and  
2 from in companies and organizations within the  
3 industry changed these things. We should hope that  
4 and as we expressed in our testimony, some of the  
5 thing that we've come up with experienced shared can  
6 be universalized. We've heard quite a bit about  
7 models recently, and that's something we've worked on  
8 for the past eight years. We helped launch the Model  
9 Alliance and so forth, and that's certainly an  
10 important area to think about, but I think we really  
11 need to go, if you'll pardon the pun, behind the  
12 scenes a little bit to think about individuals  
13 throughout the industry that experience harassment,  
14 and I just want to share with you two examples very  
15 quickly from the—from people that we've—we've  
16 encountered and experienced work from the dozens if  
17 not hundreds of stories that we've heard. Because it  
18 gives a sense of the range of issues [bell] we're  
19 dealing with. An attorney, who's also an immigrant,  
20 who was in a fashion company experienced such  
21 pervasive environmental harassment that—that that  
22 individual was eventually pushed out of the company  
23 and left the industry altogether all the way down to  
24 an individual who was working as an independent  
25

1 contractor and he had not the kind of education that  
2 an attorney had. He had a ticket to New York and a  
3 dream, and was so ashamed at the themed sex  
4 harassment that he encountered in the industry that  
5 when he came to our clinic his first question was  
6 will anyone see me or know that I'm here? And so,  
7 we can't continue to lose that kind of talent as  
8 people like those---those folks leave the industry.  
9 And so I'd like to sort of throw the hearing, the  
10 time over to my colleague Jeff Trexler who is the  
11 Associate Director of the--of the Institute and  
12 teaches our Fashion Ethic Course to just quickly  
13 summarize our specific recommendations.  
14

15 JEFF TREXLER: And thank you again. This  
16 is a very quick summary of a much longer document,  
17 and we'd love to keep working with you in the future.  
18 We have four recommendations largely centered around  
19 the problem of stigma. I know we've--we've been  
20 talking about how to reduce it, and how there can be  
21 an interplay between law and culture. One way you  
22 can do it is through transparency, and specifically  
23 requiring disclosure by all private employers in New  
24 York City, and not just whether they've received  
25 internal complaints, but also have there multiple

1  
2 complaints directed at one individual or—and whoever  
3 the individual might be, and as a—and in the process  
4 of settlement are they giving money—monetary  
5 settlements or are they requiring departure. And I  
6 believe that you'll be able to data mount that, and  
7 see some very interesting patterns over time. We  
8 also make recommendation about non-disclosure  
9 agreements. We do not recommend banning them because  
10 a number of people do not want their stories to go  
11 public because of the stigma, but if you would remove  
12 liability for complainants who breach that who decide  
13 to tell their stories, that would be a good—a good  
14 move to make. We also heartily agree with expanding  
15 protection with independent contractors. We're an  
16 industry where you will often have an independent  
17 contractor working with an independent contractor so  
18 they fall outside the scope of current New York law,  
19 and—and—and/or they'll also or there will be small  
20 employers under force who want to close those  
21 loopholes. Stopping stigma is a—is a major, major  
22 part of our concern. We want you to—it would be  
23 great if there was some ways to encourage people to  
24 hire troublemakers, and also to create incentives not  
25 to fire people who bring—to bring these complaints

3 particularly through surreptitiously through  
4 settlements. And finally, I want to second the  
5 recommendation for a working group. We strongly  
6 believe that this conversation should not end here.  
7 It should not end with the current proposals. New  
8 York brought this sexual harassment law to the fore  
9 of the nation's consciousness 40 years ago, and now  
10 we're in a position to be the innovators and redesign  
11 sexual harassment law for the 21<sup>st</sup> Century, and I  
12 think it would be great for New York City to start  
13 that conversation right there.

14 CHAIRPERSON ROSENTHAL: Did I mention my  
15 scheduler's name and email address?

16 JEFF TREXLER: If you could give that  
17 gain, please, that would be fantastic.

18 CHAIRPERSON ROSENTHAL: Sure. His name  
19 is Ned Terrace and the email address is nterrace t-e-  
20 r-r-a-c-e @council.nyc.gov and you'll see our counsel  
21 will be at the meeting as well. We're eager to learn  
22 from you.

23 JEFF TREXLER: Wonderful and I'd be  
24 delighted to be part of that conversation.

25 CHAIRPERSON ROSENTHAL: [off mic] Is the  
red light off? No, [on mic] Now, it is.

1  
2                   FRANCESCA BURACK: Good afternoon. I'm  
3 Francesca Burack and I'm President and CEO of  
4 Fearless Talent Development and I'm also President of  
5 the National Women's Federation of Business and  
6 Professional Women in New York City. We're and  
7 affiliate of the International Business and  
8 Professional Women and we are in 110 countries. We  
9 work very hard on advocacy issues for women not just  
10 here in New York but around the world, and in my firm  
11 we are primarily focused on women and helping women  
12 step into their power and take fearless action like  
13 this Council is doing with this—with this whole issue  
14 of sexual harassment, and I thank you so much for  
15 doing this. I'm going to focus on the training  
16 because our expertise as a business and as this  
17 women's organization is to really help create culture  
18 where women and other individuals feel respected and  
19 can come forth and present complaints and ideas in a  
20 meaningful way. So, I wanted to focus primarily  
21 first on the managers and supervisors because they  
22 are the ones that are creating the culture in their  
23 department or agency, and I think it's really  
24 important that whatever experience, training  
25 experience any worker is—is receiving, that the

1 supervisors and managers go through that exact  
2 training so that they understand what's being said,  
3 and what employees are going to expect from them, and  
4 then there also, of course has to be a section on  
5 supervisors and managers and how to set culture and  
6 most important is not only the responsibility and  
7 accountability, but really their communication skills  
8 because everything starts and ends with  
9 communication, and how effectively we can communicate  
10 and that, of course, sets the whole cultural  
11 environment, and who is going to feel free enough to  
12 come by and talk to us [bell] and for us to treat  
13 them with dignity and respect so that they can feel  
14 like they're being heard. So, that's from me, and  
15 this can't be done online. This has to be done face-  
16 to-face with practice, practice, practice, and that's  
17 one recommendation, and the second is following this  
18 experience this training that all supervisors and  
19 managers should go through, this should be publicized  
20 so that employees realize that supervisors and  
21 managers are now trained. They can listen and hear  
22 what's being said, and they expect you to come forth  
23 if there is something going on in the workplace. So,  
24 that's really, really important, and the third is I  
25

1  
2 wasn't quite sure I saw that in the training that  
3 there were going to be two trainings per year, and I  
4 wasn't sure if it was the same training for different  
5 groups or if it's two different trainings that are  
6 going to be going on. One is the basics and the  
7 other is more advanced, but if there is going to be  
8 two for the same—for a—for the same population, there  
9 should be different titles so that people don't  
10 immediately think they're going through the same  
11 thing, and the training should be different. It  
12 should be more advanced one versus the other, and as  
13 for a question, I was a little surprised earlier.  
14 First of all, I think everyone is really trying their  
15 best in city agencies to make things happen, and I  
16 applaud them, but something as simple as a question  
17 put to people: Do you feel that the administration  
18 of your department could listen to you—would listen  
19 to you if you went to them with a complaint about  
20 sexual harassment? Yes or no, and if it's no, why  
21 not? And it could be anonymously done. I mean this  
22 is like a really simple thing that can be, you know,  
23 done, and I'm only too happy to lend my advice and  
24 counsel and my experience to anything that we're  
25 doing, and it's great to see you. The last time I

3 saw you in this situation was in 2015 with Martha  
4 Burk, and we were working on the vendor transparency  
5 on board diversity.

6 CHAIRPERSON ROSENTHAL: [off mic] Thank  
7 you.

8 FRANCESCA BURACK: Thank you.

9 BLAKE JOHNSON: Here we do. I believe  
10 it's on. Okay. So, good afternoon, everyone. I'm  
11 Blake Johnson. I'm the Supervising Social Worker for  
12 Safe Horizons Community Program Helpline. At Safe  
13 Horizon we are the nation's leading victim assistance  
14 organization, and New York's largest provider of  
15 services to victims of crime. We are also the  
16 country's largest and domestic provider—domestic  
17 violence provider et al. Our mission is, of course,  
18 to provide support, prevent violence and promote  
19 justice for victims of crime and abuse and with  
20 families and communities. So, to just jump right  
21 into our—how it is that we view sexual violence. So  
22 we view sexual harassment and sexual assault as part  
23 of the same continuum arising from the same cultural  
24 and political factors. As has previously been  
25 mentioned here, we do view that these are all  
behaviors that are stemming ultimately from power and

1 control. In the same way that we address these  
2 within the lives of the people who reach out to us,  
3 we also think it is very important to address these  
4 within workplaces. Since a lot of statistics has  
5 already been mentioned here in the room, to summarize  
6 the ones that are apart of the testimony, in addition  
7 to all of what other folks have contributed here, I  
8 think a huge point of the—what we have in—well what  
9 is in this testimony it's specifically about how  
10 sexual violence strongly impacts people or minority  
11 identity. So, specifically trans folks, gay men,  
12 bisexual and bisexual men and women, lesbians and  
13 also folks of many different immigration and racial  
14 groups are all strongly impacted by sexual violence  
15 both in the community and in the workplace. In terms  
16 of recommendations, regarding best practices and  
17 preventing sexual harassment, certainly be absolutely  
18 recommend stronger policies in which to address  
19 sexual [bell] harassment in the workplace. And we  
20 also want to note that though a strong policy can be  
21 in place, the strong policy is absolutely meaningless  
22 if it is not, if it is not accompanied by  
23 exceptionally strong culture within an organization  
24 that is also willing to enforce the policy and work  
25

1 with it. Without this, the policy does not mean  
2 anything. We also want to—we also want to give light  
3 to a lot of other factors that are involved within  
4 victimization and things that should be thought about  
5 within policy. And, specifically, this is related to  
6 trauma that victims of sexual violence might  
7 experience and how policies should also be formed in  
8 a way that responds to the fact that people who have  
9 been through sexual violence might need different  
10 types of accommodations to deal with the trauma that  
11 they're going through in order to be able to, you  
12 know, file or engage in any type of policy or process  
13 that an organization implements.

14  
15 CHAIRPERSON ROSENTHAL: Thank you. Thank  
16 you all very much. Appreciate your expertise in your  
17 testimony. The next panel we're bringing up is Sarah  
18 Brafman from a Better Balance; Jeran Arisa, Rachel  
19 Piazza and Paige Sanborn, and I just want to thank  
20 you all for your patience. I know it's getting late,  
21 and we have couple of more panels, but we really  
22 appreciate your being here. Great. If we could—  
23 Sarah, if you start, start us off that would be  
24 great. Just introduce yourself and try to give the  
25 highlights. Thank you.

1  
2           SARAH BRAFMAN: Is that better? Okay,  
3 thank you Council Member Rosenthal. I so appreciate  
4 your leading this effort and a Better Balance  
5 appreciates—appreciates your leading this effort.  
6 So, I'm Sarah Brafman. I'm an attorney with a Better  
7 Balance we work to combat many forms of  
8 discrimination in the workplace, but obviously gender  
9 based discrimination is one of them especially  
10 discrimination faced by women of color in—in New York  
11 City and low-wage workers. We very much applaud the  
12 very strong, very robust package of bills. I'm going  
13 to take us through a few recommendations that we have  
14 to strengthen both the legislation to have the  
15 sentence reduced, and some recommendations that we  
16 have for additional legislation that we'd like to see  
17 come out of the Council. So, the—the three points  
18 that I want to raise in terms of the introduced  
19 legislation is—the first one relates to the reporter  
20 contracting. Right now the bill really just talks  
21 about reporting on policies. We think that it's very  
22 important to have much stronger enforcement over city  
23 contractors who violate the Human Rights Law, and in  
24 our testimony suggest multiple ways to do that. So,  
25 really a two-prongs of it. First addressing

1 reporting requirements that they have, and the state  
2 is taking this on as well to really hold state  
3 contractors accountable for reporting complaints,  
4 violations, et cetera, and then the second piece is  
5 really, you know, not providing state contractor city  
6 contracts rather to contractors who are violating the  
7 Human Rights Law. And another piece of this is a lot  
8 of contractors and a lot of private employers we see  
9 put mandatory arbitration clauses into their  
10 contracts, and something that the city can do is to  
11 say, you know, we won't contract with you if you're  
12 going to put in those types of clauses. The second  
13 piece I wanted to address in terms of the introduced  
14 legislation is on the training. Wow, that time  
15 really does go by fast. So, the—in terms of the  
16 training, we think there should be qualification  
17 standards for the trainer both for city and private  
18 employers, and the third piece of it is that the  
19 current definition of sexual harassment, which has  
20 been defined in the case law, is very broad, and we  
21 wouldn't want the legislation to, for instance the  
22 legislation around extending the statute of  
23 limitations to unwittingly narrow the definition that  
24 has been set forth in the case law. And then in  
25

1 terms of the proposals that aren't here, but that  
2 we'd like to see, the first one is around pre-  
3 employment non-disclosure agreements that private  
4 employers should not muzzle employees signing an  
5 employment contract, and the second one that I really  
6 want to flag is also industry specific legislation.  
7 So, we've heard from people in different industries,  
8 but there are especially in low-wage industries very  
9 targeted legislation that can help combat sexual  
10 harassment. So, for instance in Chicago, they just  
11 passed an ordinance—ordinance around hotel workers.  
12 In L.A., there was a movement around janitors and  
13 California passed legislation around janitors, and  
14 so, really to look at specific industry legislation  
15 that can help combat sexual harassment for vulnerable  
16 low-wage workers and workers in male dominated  
17 industries. The other piece I want to echo is  
18 strengthening protections for independent  
19 contractors. That includes changing the definition  
20 of independent contractors, changing the liability  
21 standard and do very strong public education for  
22 independent contractors, and I'll leave it there  
23 because the—the rest of it is outline in the rest of  
24 our testimony.  
25

1  
2 CHAIRPERSON ROSENTHAL: [off mic] We have  
3 it, and in the follow-up.

4 SARAH BRAFMAN: Yean, and we look forward  
5 to working with you.

6 CHAIRPERSON ROSENTHAL: [on mic] We have  
7 it in the follow-up. Thank you very much.

8 RACHEL PIAZZA: Hi. Thank you so much for  
9 the opportunity to speak today. My name is Rachel  
10 Piazza. I teach women's and gender-- Am I in there?

11 CHAIRPERSON ROSENTHAL: Yeah, just speak  
12 into the mic a little bit closer.

13 RACHEL PIAZZA: Sure. So, my name is  
14 Rachel Piazza. I teach women's and gender studies at  
15 the University of Lovell. I have written for numerous  
16 publications about the spectrum of gender based  
17 discrimination, and I'm the founder of Feminist Self-  
18 Defense. It's a program that uses an evidence based  
19 model that has been shown to decrease incidents of  
20 sexual harassment and violence. I know from my work  
21 that women thrive when they're empowered with tools  
22 and strategies to confront sexual violence, and I  
23 teach women not only to defend themselves physically,  
24 but to interrupt incremental boundary violations as  
25 they occur. And research shows that women who

1  
2 complete this type of self-defense training are 50 to  
3 60% less likely to encounter any type of sexual  
4 harassment or assault, and so while it's important  
5 that we don't hold women responsible for these types  
6 of actions against them for sexual harassment, it's  
7 also super important to that we empower women with  
8 the tools that they need to respond and address them  
9 front on. So, I would hope that this type of  
10 training could be considered in the future. Thank  
11 you.

12 CHAIRPERSON ROSENTHAL: [off mic] Thank  
13 you.

14 JERAN ARISA: Council Member Rosenthal,  
15 thank you so much for your leadership on this topic,  
16 for holding this hearing, and allowing me to submit  
17 testimony. My name is Jeran Arisa. I spearheaded  
18 sexual harassment policy for all of CUNY while  
19 undocumented. Before our work there was no uniform  
20 policy for all of CUNY, for the half of million  
21 students and staff. When we worked on the CUNY  
22 Policy, and we looked at the spectrum of violence,  
23 and discrimination that incorporated sexual  
24 harassment, assault, domestic violence and stalking,  
25 because as many of the speakers said, sexual

1 harassment is the most violent, it's like the most  
2 extreme forms of sex discrimination. Now, as a proud  
3 American citizen, I have continued my work in ending  
4 discrimination. I have designed, led and evaluated  
5 trainings for hundreds on ending sexual harassment.  
6 A recent New York Times article confirmed what I know  
7 from my own experience in both the non-profit and  
8 corporate sector, most sexual harassment trainings  
9 are not effective. They can actually make things  
10 worse because they're most often led by HR staff who  
11 don't understand the nuanced dynamics of this form of  
12 sex discrimination. The Times article explained what  
13 does work, which is bystander intervention training  
14 in person. Online training is not effective in this  
15 context. In closing, I hope you'll create a citywide  
16 policy that looks at the spectrum of gender-based  
17 discrimination that goes beyond sexual harassment,  
18 and I hope you'll spell you mandatory in-person  
19 training led by experts and not necessarily HR  
20 advocates that all three agencies must provide.  
21 [bell] Thank you.

22  
23 PAIGE SANBORN: Hi. Good afternoon. I'd  
24 like to thank you for this groundbreaking and  
25 essential hearing and for your proposed legislation

1 regarding sexual harassment. My name is Paige  
2 Sanborn. I'm a daughter, a sister, a mother of two  
3 and job that I call this. (sic) I am grateful to be  
4 here today in all of my roles as we are living in a  
5 daunting era of escalating violence some going into  
6 assault. Last year I identified and joined a New  
7 York based technology organization a data and  
8 technology organization called Bridget It. Bridge it  
9 has created an extraordinary digital platform that  
10 allows for easy reporting, icon-based in 60 seconds  
11 only, but not behavioral data in real time. The  
12 secure and confidential platform was created for K  
13 through 12 schools, but it is-they worked for two  
14 summers with students in Steps to End Violence.  
15 Steps to end Family Violence and Relationship Abuse  
16 Program, RAP, the Brooklyn Middle School that we  
17 pilot in over the past four years has seen 50%  
18 decrease in bullying incidents, and an increase in  
19 cognitive school culture and climate. Bridge. Its  
20 platform technology can now be used in settings at  
21 college campuses, private organizations, and  
22 government agencies. We've developed apps and  
23 websites and changed up the platform to be able to  
24 accommodate other needs. The platform is web enabled  
25

1 from any device, and it is an app both for an android  
2 and an Apple. The platform features 24/7 reporting  
3 application in which all at-risk behaviors are  
4 featured including 25 forms of sexual harassment from  
5 cat calling to unwanted intimacy, inappropriate  
6 sexual displays, misconduct to operate a risk. (sic)  
7 The notification is immediate and the reports are  
8 confidential. They can be anonymous, but the ones  
9 that are within the system are confidential and sent  
10 to whomever the governing body or staff members or  
11 agencies would like to select. The platform also  
12 addresses general harassment and hostile work  
13 environments [bell] and can be customized for any  
14 entity to track additional behaviors in order to have  
15 a clear understanding. The only other thing I wanted  
16 to add, the most important thing is that we also have  
17 a multi-lingual resource center. So, any—and it's an  
18 artificial intelligence based platform. So, any time  
19 anything is touched, any time the platform is  
20 touched, it is gathered. And so, if I were to report  
21 something I'm given information to help me. If I'm  
22 raped, I'm given—I'm sent hotlines and sent  
23 restorative techniques, books and legal definitions  
24 of what happened, and I think that's a really  
25

3 important piece of it. There's a ton more that goes  
4 on with it, but in terms of time, you have the  
5 testimony to read those.

6 CHAIRPERSON ROSENTHAL: That is just  
7 great. Thank you. We're going to follow up with  
8 you.

9 PAIGE SANBORN: Yeah, I hope so.

10 CHAIRPERSON ROSENTHAL: I really  
11 appreciate that. Okay, the next panel we have  
12 Christina Chang from Planned Parenthood of New York;  
13 Emily Kadar from the National Institute for  
14 Reproductive Health; Zoe Ridolfi Starr from the  
15 Sexuality Education Alliance of New York City; and  
16 Manisch Schreva—oh, I was so close. Schreva Tess and  
17 Trevor. Okay, thank you from the Peer Health  
18 Exchange. Thank you.

19 CHRISTINA CHANG: Good afternoon. My  
20 name is Christina Chang and I'm Vice President of  
21 Public Affairs of Planned Parenthood of New York City  
22 and thank you to the committee chairs, Rosenthal and  
23 Eugene and the Speaker for convening today's hearing.  
24 PPNYC has been a leading health and education  
25 provider in New York City for more than 100 years,  
and reaches more than 25,000 New Yorkers annually

1 both youth and adults through our Youth and Education  
2 Adult Education Programs. All of our health  
3 curricula include a healthy relation and consent  
4 component and seeks to create an affirming space for  
5 all members of our community to thrive. In this  
6 political moment, public conversations on sexual  
7 harassment are more important than ever. The #MeToo  
8 Movement has brought to light the extent to which  
9 sexual harassment, assault and the devaluing of women  
10 pervades our society. Now work place or institution  
11 is free from these realities, and we're just  
12 beginning to take a hard look at the societal systems  
13 in place that enable such continued abuse. We  
14 applaud the Council for taking an important step in  
15 convening this hearing to examine the gaps that  
16 persist in work places across New York City and to  
17 begin to act on opportunities for change. In order  
18 for employees to be able to do their jobs  
19 effectively, they need to feel safe, and they need to  
20 feel their employer stands with them and values their  
21 wellbeing. As leading health educator, PPNYC knows  
22 first hand how important education and prevention is  
23 to addressing sexual harassment. Our staff provides  
24 workshops and training to adults, caregivers, parents  
25

1 and professionals because people of all ages require  
2 learning around healthy relationships, consent and  
3 respectful communication. PPYNC supports a call to  
4 require anti-sexual harassment training in our  
5 workplaces so employees know their rights when it  
6 comes to sexual harassment and assault and are  
7 equipped with the tools and knowledge to identify and  
8 report harassment. Conversely, managers and  
9 employers need training to understand their  
10 responsibilities in preventing sexual harassment and  
11 the measures they can take to respond to and address  
12 complaints. As we see more individuals come forward,  
13 we need to ensure employers have the support and  
14 resources to be able to report without being  
15 subjected to undue retaliation or retribution.  
16 However, these resources should not be limited to  
17 places of employment. New Yorkers particularly women  
18 and transgender and gender non-conforming individual  
19 experience [bell] sexual harassment—I'll be quick—  
20 long before they enter the workforce. We need to  
21 address the extent of sexual harassments we  
22 experience in our daily lives and take steps to  
23 created environments to help prevent harassment from  
24 occurring in the first place, and the way to do this  
25

1 is and a core component of prevention requires an  
2 increased commitment to comprehensive sexual reality  
3 education. Research has consistently shown that  
4 comprehensive sex ed works. Position youth  
5 development education that focus on the physical  
6 mental, emotional and social dimensions of sexuality  
7 is critical in helping young people make health  
8 promoting decisions that can help shift broader  
9 cultural ideas about gender, power and sexuality  
10 challenging the deeply embedded culture of sexual  
11 harassment unearthed by the #MeToo Movement. Reports  
12 of harassment and assault are not new, but with this  
13 renewed awareness and call for action we have an  
14 unprecedented opportunity to move forward large scale  
15 changes. These efforts must include workplace  
16 education resources and support services, but it  
17 needs to start well before individuals enter the  
18 workforce. We applaud the Council's commitment to  
19 addressing sexual harassment in the workplace, and  
20 urge the city to advance comprehensive sexuality  
21 education citywide as a powerful tool to shift the  
22 prevailing culture that enables sexual harassment and  
23 abuse to one that build caring communities and  
24 institutions that build caring communities and  
25

1 institutions that respects the identities and rights  
2 of all of us. Thank you.

3  
4 ZOE RIDOLFI: Good afternoon. My name is  
5 Zoe Ridolfi Starr and I serve as the Co-Chair of  
6 Policy for the Sexuality Education Alliance of New  
7 York City. Thank you for convening this hearing and  
8 for supporting the bills being discussed this  
9 afternoon. The Sexuality Education Alliance or  
10 SEANYC advocates for comprehensive K-12 sex education  
11 that meets the National Sexuality Education Standards  
12 for all New York City youth. Our coalition includes  
13 high school students and parents, educators, direct  
14 service providers and advocacy organizations. We  
15 commend the efforts of the City Council to strengthen  
16 our city's response to sexual harassment in the  
17 workplace. As many have articulated today,  
18 harassment in the workplace is a pervasive and urgent  
19 issue in New York, and it's no wonder because each  
20 year our city allows another generation of young  
21 people to enter the workforce without providing the  
22 sexuality education they need to make healthy  
23 responsible choices in the workplace and beyond.  
24 While this package of bills offers some promising  
25 solutions, there is a glaring gap: How do we

1 effectively change the culture and prevent sexual  
2 harassment in the first place? Children begin to  
3 learn about bodies, consent and boundaries at a very  
4 young age. With early and ongoing educational  
5 intervention, young people can learn how to  
6 responsibly navigate their own sexuality and to  
7 respect that of others. They can learn skills like  
8 how to responsibly navigate their own sexuality and  
9 respect others. When these students leave school,  
10 they are better equipped to navigate the workplace,  
11 more likely to identify and feel comfortable  
12 reporting unacceptable behavior, and less likely to  
13 engage in harmful behaviors themselves. Without  
14 comprehensive sexuality education, young people are  
15 often left to absorb their information from damaging  
16 representations in the media, ill-informed peers or  
17 teachers who are inadequately prepared. These young  
18 people will eventually enter the workforce, too, and  
19 the one-hour training video will not be sufficient to  
20 help them unlearn discriminatory or inappropriate  
21 attitudes. In order to truly eradicate sexual  
22 harassment, New York City must begin to prioritize  
23 comprehensive K through 12 sexuality education.  
24 Currently, the Department of Education requires only  
25

1 one semester of health education [bell] in middle  
2 school, and another in high school, and the Office of  
3 School Wellness Program calls for a portion of each  
4 of these semesters to cover sexuality education.  
5

6 This is the extent of our city's sexuality education  
7 requirement, and it is wholly insufficient. Research  
8 demonstrates that early and ongoing education is far  
9 more effective in changing norms, attitudes and  
10 behaviors than one-off lessons. Additionally, the  
11 dearth of qualified health teachers and the DOE's  
12 utter failure to effectively enforce even the  
13 existing mandate means that many schools are not  
14 completing—complying with the minimal requirement.

15 According to DOE's own data, almost half of 8<sup>th</sup>  
16 graders who graduated in 2016 did not receive a  
17 single semester of health during middle school, and  
18 only 7.6 of all health education instructors have  
19 attended any training on sexuality education in the  
20 last two years. The prevalence of sexual harassment  
21 in our city's workplaces is a consequence of our  
22 failure to educate generations of New Yorkers about  
23 boundaries, consent and respect. While we do believe  
24 the measures being discussed today have the potential  
25 to address sexual harassment, it will only be

1 effective if coupled with a robust plan to expand  
2 comprehensive sexuality education across the city.  
3 In order to effectively prevent sexual harassment,  
4 New York City must achieve compliance with and  
5 strengthen our sexuality education policy. In  
6 pursuit of this goal, SEANYC has had developed a set  
7 of recommendations in collaboration with teachers,  
8 students, school principals, and other stakeholders.  
9 This recommendation--

10  
11 CHAIRPERSON ROSENTHAL: [interposing] Can  
12 you all of that is in here--

13 ZOE RIDOLFI: [interposing] Yes.

14 CHAIRPERSON ROSENTHAL: --right? If you  
15 could just wrap up.

16 ZOE RIDOLFI: Yes.

17 CHAIRPERSON ROSENTHAL: Thank you.

18 ZOE RIDOLFI: Once again, we appreciate  
19 your leadership and look forward to the opportunity  
20 to work with you in the future.

21 EMILY KADAR: Thank you, Chairwoman and  
22 the rest of the Council members for holding this  
23 important hearing today and giving us the opioids  
24 opportunity to speak. My name is Emily Kadar, and  
25 I'm here today representing the National Institute

1 for Reproductive Health. I'm also here as a member  
2 of the Sexuality Education Alliance in New York City,  
3 which all of my colleagues at the table are as well.  
4 The #MeToo Movement has illuminated the sad fact that  
5 sexual harassment and gender inequity are pervasive  
6 in all industries and environments including schools.  
7 New York City must be a leader in addressing this  
8 insidious problem. The bills before you today, which  
9 include initiatives like sexual harassment assessment  
10 and the anti-harassment trainings at city agencies  
11 and private employers, greater transparency reporting  
12 and public information about sexual harassment makes  
13 expansions in strengthening our city's Human Rights  
14 Law are all steps in the right direction and  
15 demonstrate how seriously the Council is taking this  
16 issue, but we also urge the Council to confront  
17 sexual harassment at its earliest stages and consider  
18 how we are educating our young people on healthy  
19 relationships, consent, respect and communication.  
20 Since 2011, the New York City Department of Education  
21 has had the requirement, which you just heard Zoey  
22 describe and as we all know, comprehensive sexuality  
23 education includes vital information about the  
24 prevention of unintended pregnancy, HIV-AIDS and  
25

1 STIs, but it also provides some foundational  
2 understanding of the boundaries, bodily autonomy and  
3 consent. This knowledge can help prevent child  
4 sexual abuse, teen dating violence, bullying and  
5 sexual harassment. We at NRH believe that the  
6 current sexuality education policy does not go far  
7 enough. The DOE has the ability to mandate the  
8 Chancellor's regulation and its own wellness policy,  
9 a comprehensive age-appropriate sexuality education  
10 policy that reflects the National Standards for all  
11 student kindergarten through 12<sup>th</sup> Grade. I've  
12 included the road map lays this out with my  
13 testimony. We will only be able to combat these  
14 issues if we seek the roots of the problem and  
15 confront them early and often. NRH looks forward to  
16 continuing to work with the Council [bell] to ensure  
17 that all New Yorkers including women, LGBTQ  
18 individuals and young people are safe, healthy and  
19 protected from sexual harassment and violence. Thank  
20 you for the opportunity to testify today.

21  
22 MANEESHA SRIVATAVA: Thank you, Council  
23 Member Rosenthal for the opportunity to speak and for  
24 your leadership on this really important issue. My  
25 name is Maneesha Srivatava. (sp?) I'm a Program

1  
2 Manager with Peer Health Exchange, a non-profit that  
3 trains college students to deliver a skills based and  
4 culturally responsive health curriculum to  
5 underserved and under resources high schools. So, we  
6 really applaud the package of bills that have been  
7 discussed here today to combat sexual harassment and  
8 sexual assault, and education about sexual harassment  
9 we believe must start before someone actually enters  
10 the workplace. One in ten of New York City's public  
11 high school students have experienced sexual dating  
12 violence in the last 12 months. PHE believes the  
13 ideal and best place to be in conversations about  
14 respect, communication and consent is in our K  
15 through 12 schools. A lack of quality health  
16 education leads to a lack of understanding of the  
17 ability—and the ability to navigate consensual  
18 relationships. We partner with 53 high schools  
19 across New York City and reached over 5,600 high  
20 school students this year who would not otherwise be  
21 receiving health education. In a recent evaluation,  
22 we found that young people who received our  
23 programming were 20% more likely than their peers to  
24 have an accurate understanding of sexual consent. We  
25 know that sexual harassment is an issue that

1 disproportionately affects women and it's an issue  
2 that dis—that is disproportionately perpetrated by  
3 men. And so, if we must critically engage with how  
4 we are discussing sexuality education, we must also  
5 critically engage with how we're specifically dealing  
6 with sexual education with young men. In a culture  
7 where toxic masculinity and the misunderstanding of  
8 social empowered dynamics are ubiquitous, there's a  
9 call to action for not just comprehensive sexuality  
10 education, but also health education that covers an  
11 addresses mental health stigmas for men, and the  
12 impacts of substance use. We commend the City  
13 Council's commitment to address the current rates of  
14 sexual harassment in the workplace, and beyond and we  
15 urge them to advance [bell] comprehensive K through  
16 12 sexual health education for young people across  
17 the city.

19 CHAIRPERSON ROSENTHAL: This is so  
20 terrific, and I really appreciate the road map that  
21 all of you stapled to your testimony. It's quite  
22 clear.

23 FEMALE SPEAKER: Sure.

24 CHAIRPERSON ROSENTHAL: So, thank you for  
25 that. Thank you for your time. Next we're going to

1 hear from Ethan Derringer Samick from Citizens Union;  
2 Carrie Tracy from Community Service Society of New  
3 York; Rebecca Litwin for—from the Girls for Gender  
4 Equity; and Brittany Brathwaite from—also from the  
5 Girls for Gender Equity. We really appreciate your  
6 time and your testimony. Can I ask you to start?  
7 Make sure the red button is on.

9           ETHAN DERRINGER SAMICK: Good morning,  
10 Chair Rosenthal. My name is Ethan Derringer Samick,  
11 and I'm the Public Policy and Program Manager at  
12 Citizens Union and I thank you for the opportunity to  
13 testify today. Citizens Union is an independent non-  
14 partisan civic organization of New Yorkers that  
15 promotes good government and advances in democratic  
16 reform in our city and state. As part of our  
17 mission, we work to ensure that public officials and  
18 the staff meet their responsibilities to the people  
19 and uphold the public trust. We feel strongly that  
20 guaranteeing a safe, empowering and dignified  
21 workplace for all New Yorkers especially women and  
22 especially women of color and especially those  
23 working in city government is at the basis of that  
24 effort. The reason that we're testifying today is  
25 because this is not only a labor rights issue, it's

2 not only a public safety issue, it's also a good  
3 government issue when sexual harassment goes  
4 unaddressed in city government. It's a matter of  
5 democratic representation broadly speaking. How many  
6 voices have been silent due to sexual harassment over  
7 the many years that it's gone relatively, and I say  
8 relatively not lightly unaddressed? So, at this  
9 early stage in the review of the city's Sexual  
10 Harassment Policy, we offer just three  
11 recommendations. One, that the review is conducted  
12 with transparency, that it takes the detailed public  
13 reporting of sexual harassment metrics seriously, and  
14 finally to that end, that reporting should include  
15 other information on other factors like race and age  
16 and level of employment so that we can take into  
17 account that the experience of women are not always  
18 the same, and that women who are at the intersections  
19 of other axes of advantage and disadvantage are taken  
20 into account. Thank you.

21 CHAIRPERSON ROSENTHAL: [off mic] Thank  
22 you.

23 BECCA LITWIN: Good afternoon, Chair-  
24 Chair Rosenthal. My name is Becca Litwin. I'm  
25 currently pursuing my masters in social work and

1  
2 working at Girls for Gender Equity, an organization  
3 challenging structural forces that work to obstruct  
4 the freedom, full expression and rights of girls  
5 transgender and gender equity in communities of  
6 color. We are also proud members of the Dignity in  
7 Schools Campaign and SEANYC who just shared. Thank  
8 you for the opportunity to speak today. Sexual  
9 harassment in the workplace has long been an  
10 oppressive truth as has the reality of sexual  
11 violence in the workplace of our young people's  
12 school. With the Participatory Action Research  
13 Project we worked with over 100 girls and TDNC youth  
14 of color throughout New York City to identify  
15 barriers to education and envision the schools they  
16 want, need and deserve. Through this process we  
17 learned that 1 in 3 of the participants reported  
18 experiencing some form of sexual harassment in  
19 school. One young person described their experience  
20 sharing, "In elementary school people would cat call  
21 me in halls, make sexual comments, and I didn't  
22 report it because I didn't want to make a fuss over  
23 it." This quote highlights the way that some of our  
24 prior participants not only experience sexual  
25 harassment, but are also not reporting it or are

1  
2 afraid to report it. Our schools recreate American  
3 society culture in which sexual harassment is a  
4 normalized and underreported part of the school  
5 experience. As a city, we have a duty and  
6 opportunity to change this story. To this end, we're  
7 calling on City Council to enforce a stronger  
8 implementation of Title IX of the Dignity Act with  
9 respect for all to support the mental, emotional and  
10 physical health of all young people. There are  
11 existing local, state and federal laws that are  
12 intersectional in nature. However, they're not given  
13 the adequate physical and implementation resources  
14 they require in order to be fully and successfully  
15 implemented. While the DOE has hired a Gender Equity  
16 Coordinator who has gotten near a thousand people  
17 trained on topics related to sexual harassment, it's  
18 not enough. Currently, New York City has 1.1 million  
19 students and only one Title IX Coordinator. We  
20 urgently need a Title IX Coordinator at every field  
21 support office who can both address sexual harassment  
22 and also work with schools on creating cultures of  
23 consent. Additionally, we need to divest from NYPD  
24 in schools and invest in creating the number-  
25 increasing the number of trained and supervised

1  
2 guidance counselors and social workers [bell] who are  
3 equipped to connect students to the community-based,  
4 culturally responsive survivor-led trauma informed  
5 support. We need to make sure there's comprehensive  
6 in-school support for students who are survivors of  
7 sexual violence. Finally, we must recognize that  
8 gender-based violence is a spectrum and sexual  
9 harassment is only one piece of that. #MeToo is  
10 movement to end all forms of gender-based violence,  
11 and this is a movement of the GGS. It's been a part  
12 for over 15 years. We can't afford to have—have this  
13 conversation end at sexual harassment and workplace  
14 policies alone. Thank you for your continued support  
15 and the opportunity to testify today.

16                   BRITTANY BRAITHWAITE: Good afternoon,  
17 Council Member Rosenthal. Thank you so much for your  
18 leadership and the opportunity to speak today. My  
19 name is Brittany Brathwaite. I am the Organizing  
20 Innovation Manager at Girls for Gender Equity, Becca  
21 already said what that was, and so I want to echo  
22 those points that sexual harassment in the workplace  
23 is a pressing issue, but it is not limited to  
24 workplace settings, and it has a significant impact  
25 on youth attending schools everyday. Becca uplifted

1 a report that we recently did. We did a similar  
2 study ten years ago and found the same thing, and so,  
3 we are not releasing much of a change. We know that  
4 the reports of sexual harassment are not novel and  
5 many young people have had no education in New York  
6 City public schools as to what sexual harassment or  
7 assault is, and how they can prevent it from  
8 occurring. In our recent report our young people  
9 expressed an overwhelming desire to have  
10 comprehensive sex education in grades K through 12 as  
11 uplifted by folks from the SEANYC panel.

12 Comprehensive sex education is an extremely effective  
13 way to ensure that young people have the information  
14 to make self-determined decisions about their bodies  
15 and their lives. The lessons—there's lessons ranging  
16 from bodily autonomy respect, elements of healthy  
17 relationships, anti-bullying measures, bystander  
18 interventions, consent, safe sexual practices, et  
19 cetera, and we also know that while education offers  
20 us a powerful tool to transform how young people  
21 learn about themselves and each other, we cannot  
22 fully place the onus on young people for ending  
23 sexual harassment and assault. When we asked young  
24 people in our study to indicate whether they had ever  
25

1 reported sexual harassment regardless of whether it  
2 happened to them directly, 97% of youth said they had  
3 not reported it. When participants were prompted to  
4 elaborate on their responses, several things emerged,  
5 the most common being that sexual harassment was  
6 simply accepted as part of what is meant to be at  
7 school. Sexual harassment and gender based violence  
8 cannot be an acceptable threat in the fabric of our  
9 education system. Young people have to attend  
10 school. It is a law. They cannot—they cannot leave  
11 or quit. Many workplaces have human resources  
12 departments, a union or an outside agency that  
13 employees can turn to report sexual harassment, and  
14 while these practices have a long way to go, there  
15 are often more clarity and process around reporting  
16 for adults in the workplace. In New York City  
17 students have one person, the Title IX Coordinator  
18 who in our experience most students don't even know  
19 who that is. One person to handle reports,  
20 prevention and intervention of any issues related to  
21 sexual harassment for 1.1 million students. We've  
22 done the math. The ratio is off. It would appear  
23 that if we're taking this issue seriously, would have  
24 allotted more resources and people power to ensure  
25

1 that schools are truly safe for all young people.  
2 Our vision along with yours is to create safe and  
3 supportive learning environments, and our efforts  
4 must include education, knowing one's rights, support  
5 resources and the full implementation of policies  
6 created to protect young people in the school  
7 environment. So, here act to advance comprehensive  
8 sex education citywide [bell] and make a serious  
9 investment in policies that protect and support  
10 students for sexual harassment like Title IX in the  
11 Dignity Act. Thank you.

12  
13 CHAIRPERSON ROSENTHAL: I really  
14 appreciate your bringing up those connections. So,  
15 thank you very much. Thank you for taking the time  
16 to come in and as all, we appreciate good government.  
17 So, thank you for making it clear it's part of the  
18 definition. Our next panel is Isadora Finkelstein  
19 from the Center for Anti-Violence Education, Talia  
20 Evans from the Center for Anti-Violence Education,  
21 Jubasala Castro also from the Center. I see we have  
22 a whole thing gong here. [laughter] This is good and  
23 Jacqueline Castro also from the Center for Anti-  
24 Violence Education. You're our last panel, women.

25 IZZY FINKELSTEIN: Great.

1  
2 CHAIRPERSON ROSENTHAL: Thank you for  
3 staying all the way to the end. If you have copies  
4 of your testimony, terrific. You can hand it over to  
5 the sergeant-at-arms. Alright, whoever wants to  
6 start. Thank you.

7 IZZY FINKELSTEIN: Okay. Hi everyone.  
8 My name is Izzy Finkelstein. I'm the Program  
9 Coordinator for School and Community Violence  
10 Prevention at the Center for Anti-Violence Education.  
11 We're going to leave most of the talking to the  
12 brilliant young people on either side of me, but a  
13 little bit about CAE. So, the Center for Anti-  
14 Violence Education builds strength to stop violence.  
15 The organization was founded in 1974, and for 44  
16 years has been working throughout New York City with  
17 schools, non-profit organizations and other community  
18 groups to prevent, interrupt and heal from violence.  
19 We work primarily with girls, women, LGBTQ and trans  
20 and very non-conforming people, and others who are at  
21 risk of violence because of their identities. We are  
22 based in Council District 38, and are very thankful  
23 to the City Council for funding much of the work that  
24 we do, and I'm going to turn it over to these two.

CHAIRPERSON ROSENTHAL: [off mic] Who is  
your Council Member?

IZZY FINKELSTEIN: Lander. Uh-hm.

JACQUELINE CASTRO: Alright. Hello and  
thank you for this opportunity to testify. My name  
is Jacqueline and I'm 16 and I go to—I'm a sophomore  
at High School of Telecommunications on Technology in  
Bay Ridge, and I'm also a peer educator at the Center  
for Anti-Violence Education, CAE and in CAE we learn  
self-defense and we also learn how to be up-standers.  
We get to teach others about these skills as well. We  
also come together as a community to break all kinds  
of cycles of violence, and 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. And, like from—like some  
brief—brief background of myself is like—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 think it is okay to

1 sexually harass you. Even if it's not physical  
2 harassment, verbal harassment plays an even bigger  
3 role and not much is being done. We learned a lot  
4 how to be—how to defend ourselves, but what about  
5 people who harass? I want to walk outside and not  
6 change blocks because one block isn't safe enough. I  
7 feel like schools should teach and have more  
8 awareness about sexual harassment. I know that  
9 people at my high school or any high school or even  
10 middle school are aware of what sexual harassment is  
11 and that it is wrong, but they aren't aware of how  
12 badly sexual harassment could trigger someone because  
13 either they're experiencing it at home with friends  
14 or everyday. I know if schools like mine had more  
15 policies about sexual harassment or posters like a  
16 day with no sexual harassment, it would change the  
17 point of view a lot of—of a lot of people. Thank  
18 you. [background comments]

20 JUBI SALAI: Okay, good afternoon  
21 everyone. Thank you for this opportunity to testify.  
22 My name is Jubi Salai (sp?) I'm 14 years old, and I  
23 am a freshman at Fort Hamilton High School. I'm also  
24 a peer educator at the Center for Anti-Violence  
25 Education, and part of my job as a peer educator is

1 to teach girls In the Rising Strong Program at MS88.  
2 We teach girls some physical self-defense moves in  
3 case they were in a situation in which they needed to  
4 defend themselves, but we also mention things like  
5 sex trafficking and sexual harassment for them to be  
6 aware that stuff like this goes on. I feel this is  
7 important because when I was in middle school I  
8 didn't know much about sexual harassment and how to  
9 defend myself and try to prevent it. From  
10 experience, I know that sexual harassment is a  
11 problem at schools. For example, at my old middle  
12 school there was a boy who touched a girl  
13 inappropriately and he just go suspended, but do they  
14 really learn anything when they're suspended? He  
15 should have to learn how something like that affects  
16 the person who was harassed. I feel like school  
17 should have programs like CAE to teach others about  
18 what sexual harassment is, how to use your voice and  
19 defend yourself, and how to care for themselves.  
20 After experiencing sexual harassment, knowing that  
21 girls like me are being informed about how to fight  
22 back against sexual harassment makes me feel good  
23 like we're doing something about it, and we won't  
24 stay and do nothing. Thank you.  
25

3 CHAIRPERSON ROSENTHAL: Wow. Thank you  
4 both so much for coming here to testify. We know  
5 today has been a little bit of a eye-opening  
6 experience for everyone who is here today to learn  
7 about what the city does and doesn't do, and the last  
8 three panels really have been talking about what we  
9 need to do in—in our schools, and after hearing you,  
10 I have to say I feel there's hope. So, this was just  
11 the perfect way to end today's hearing. I really want  
12 to thank you for coming, and thank everyone and folks  
13 who stuck around. Thank you very much, and  
14 especially to the Committee Counsels Aminta and  
15 Halmit. (sp?) [background comments] Maltese  
16 Maharlika. Maltese. [background comments] Okay.  
17 So, I'll get there and—and, of course Sean  
18 Fitzpatrick, thank you so much. Are you humiliated  
19 that I couldn't pronounce your name? Okay. I'll  
20 work on it. Okay, thank you all very much. Thank  
21 you for the preparation for this hearing. You guys  
22 did a great job. I really appreciate everyone's  
23 efforts, too. Today was a long day. Thank you.  
24 [background comments] [gavel] This hearing is  
25 closed.

COMMITTEE ON WOMEN JOINTLY WITH COMMITTEE ON  
CIVIL AND HUMAN RIGHTS

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 23, 2018