

HOW TO FILE A COMPLAINT

If you believe that you have been sexually harassed, you can file a complaint with the New York State Division of Human Rights.

A complaint must be filed with the Division within one year of the alleged discriminatory act.

To file a complaint:

- Visit the Division’s website, at WWW.DHR.NY.GOV, and download a complaint form. Completed complaints must be signed before a notary public, and returned to the Division (by mail or in person).
- Stop by a Division office in person.
- Contact one of the Division’s offices, by telephone or by mail, to obtain a complaint form and/or other assistance in filing a complaint.

For more information or to find the regional office nearest to your home or place of employment, visit our website at: WWW.DHR.NY.GOV.

SOME EXAMPLES:

At the law firm where I intern, employees make sexual comments and tell dirty jokes, which make me uncomfortable. Some of the comments are about me and the other interns, and I find it hard to do my work. What can I do?

Conduct that creates an intimidating or offensive work environment for an intern is unlawful. You can report the harassment through the employer’s human resources department and consider filing a complaint with the Division of Human Rights or in court.

I’m changing careers and applied for an internship in the tech industry. However, when I went for an interview, the recruiter told me that I might be too mature to fit in with the other interns. Is this unlawful?

The Human Rights Law provides that interns may not be discriminated against on the basis of age.

I saw an ad for an internship which states that they are seeking a candidate with an “all-American look.” Is this permissible?

It is unlawful for a business to print or circulate any statement, advertisement or publication, or that expresses directly or indirectly, any limitation, specification or discrimination based on race, national origin, disability, sexual orientation or any other protected basis.



Division of
Human Rights

SEXUAL HARASSMENT

ONE FORDHAM PLAZA
BRONX, NEW YORK 10458
1-888-392-3644
TTY: 718-741-8300
WWW.DHR.NY.GOV

Sexual Harassment is Illegal

Sexual harassment is prohibited as a form of sex discrimination under the New York State Human Rights Law, Title VII of the federal Civil Rights Act of 1964, and various local laws. This unlawful conduct may occur in employment, housing, educational institutions, or public accommodations. Most often, however, sexual harassment occurs in the workplace.

Sexual Harassment in the Workplace

Sexually harassing conduct can consist of unwanted verbal or physical sexual advances, sexually explicit statements, or discriminatory remarks that are offensive or objectionable to the recipient.

Examples include:

- Requests for sexual favors, which may be accompanied by implied or overt threats concerning one's job performance evaluation or promotion.
- Subtle or obvious pressure for unwelcome sexual activities.
- Verbal harassment or abuse in the form of a pattern of sexual comments or questions.
- Unnecessary or inappropriate physical contact.
- Displays of lewd photographs or drawings.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment when:

- submission to such conduct is made (either explicitly or implicitly) a term or condition of employment;
- submission to, or rejection, of such conduct is used as a basis for decisions affecting one's employment; or
- such conduct has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

Some Steps to Take If You Are Being Sexually Harassed

- **Speak to Your Supervisor.**
If the harasser is your supervisor, speak to his or her supervisor. Keep notes concerning this contact, including dates, nature of the conversation, and follow-up, if any.
- **Report the Offensive Behavior.**
Report the conduct to your employer through the Affirmative Action Administrator, Personnel Director, EEO Officer, Union Representative, or any other person designated to handle sexual harassment complaints. Keep notes concerning this Contact, including dates, nature of conversation, and follow-up, if any.

- **Keep a Diary.**
Write down what is happening to you. Include direct quotes, patterns of the harassment, and names of witnesses. Save any letters, cards or e-mails sent to you. Keep both the diary and notes in a secure place, preferably at home.
- **Ask Other People.**
Find out from others who work with or near the harasser if they have ever been harassed, or if they know of anyone who has been or may have been harassed.

Although it is advisable to take the above recommended actions, you may file a complaint with the Division of Human Rights even if you have not taken these steps.