



## **New York City Housing Authority Sexual Harassment Policy Statement**

It is the policy of the New York City Housing Authority to ensure that all employees and residents are able to enjoy an atmosphere free from sexual harassment as well as an atmosphere free from any inappropriate, unprofessional or unwelcome behavior of a sexual nature by NYCHA employees or others working at a NYCHA owned or operated location, including consultants and contractors. All NYCHA employees as well as others who work at NYCHA owned or operate locations should familiarize themselves with the guidelines in this policy so they will understand what type of conduct is prohibited, and know the remedies available to employees who experience sexual harassment. This policy statement supersedes all prior policy statements on this subject.

Sexual harassment is a form of employment discrimination based on gender and is prohibited by law. NYCHA will not tolerate sexual harassment in the workplace.

The United States Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions; or
- Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include a broad range of subtle and not so subtle behaviors. Examples of employee behavior in violation of this policy, which are by no means exhaustive, include the following:

- unwanted sexual advances;
- subtle or overt pressure for sexual favors;
- sexual jokes;
- unwanted flirtations, innuendoes, advances or propositions;
- verbal abuse of a sexual nature;
- graphic commentary about an individual's body, sexual prowess or sexual deficiencies;
- leering, whistling, touching, pinching, assault, coerced sexual acts, or suggestive, insulting or obscene comments or gestures; and
- the display in the workplace of sexually suggestive objects or pictures including through the use of e-mail communications.

These types of behaviors are prohibited both in the actual workplace and in any location that can reasonably be regarded as an extension of the workplace, such as at an off-site NYCHA sanctioned function.

This policy is not meant to interfere with voluntary social relationships between individuals in the workplace, but this policy does prohibit those actions and behaviors that are unwanted and unwelcome and/or which create an intimidating, offensive, or hostile work environment.

Any manager or supervisor who receives a complaint of sexual harassment or becomes aware of sexually harassing conduct **must** immediately report this information to the Department of Equal Opportunity (DEO). Supervisors are not to engage in any independent investigation of the complaint of discrimination. Failure to comply with these requirements may result in disciplinary action against the manager or supervisor.

Where To File a Complaint or To Seek Assistance with an EEO Matter

If you believe that you, a co-worker or a job applicant is a victim of sexual harassment, you should immediately report the conduct to the NYCHA Department of Equal Opportunity, Office of Employment & Fair Housing Investigations (OEFHI) located at 250 Broadway, 27<sup>th</sup> Floor, New York, New York, Monday through Friday from 8:30 AM to 5:00 PM. The OEFHI personnel listed below are available to provide employee assistance.

Nicole van Gendt, Assistant Director	(212) 306-4467
Aquilla Anderson, Investigator	(212) 306-4628
Irving Anglada, Investigator	(212) 306-4641
Alfred Carletta, Investigator	(212) 306-4614
Shelly-Ann O. Wilkinson, Investigator	(212) 306-4647
DEO Facsimile	(212) 306-4439
TTY (Hearing Impaired)	(212) 306-4845

An employee or job applicant may file an internal complaint of discrimination with DEO anytime within one year of the date the incident occurred. A NYCHA employee or job applicant may electronically file a NYCHA Complaint of Alleged Discrimination (**NYCHA Form 036.025 (Rev. 12/08)**) at <http://www.nyc.gov/html/nycha/downloads/pdf/036025.pdf> OEFHI personnel will meet with any employee who seeks to file a complaint to ascertain whether the complaint involves an allegation of employment discrimination prior to commencing a formal investigation.

An employee may report sexual harassment to DEO without revealing her/his identity by telephoning or writing to any of the OEFHI personnel listed above. In cases where DEO receives an anonymous complaint, DEO will review and investigate the anonymous complaint, to the extent possible, and recommend corrective action where appropriate to remedy any unlawful sexual harassment in the workplace or conduct in violation of this policy.

DEO understands that these matters can be extremely sensitive, and DEO will keep employee and applicant complaints and communications in strict confidence, except when disclosure is required by law, or is needed to complete an investigation. This means that information obtained from a person who seeks assistance from DEO will not be discussed with other personnel except as necessary to investigate or resolve the complaint.

All complaints filed by employees and applicants for employment will be impartially and fairly investigated. The complainant and named respondent(s) to the complaint of sexual harassment will receive written notification that a complaint has been filed with DEO, and all parties will be provided with an opportunity to respond.

All persons interviewed in the course of an investigation shall have the right to be accompanied by an appropriate representative of their choosing, who shall not participate in the interview process. Advance notice shall be given to DEO.

This policy prohibits retaliation against an employee who uses the DEO internal complaint procedures, or files a complaint with any governmental human rights agency, or commences litigation under applicable anti-discrimination laws. This policy also prohibits retaliation against employees for providing information related to, or assisting in, the investigation of internal complaints of discrimination and/or harassment, or for voicing opposition to unlawful discrimination. Retaliation or discriminatory harassment is unlawful and will be cause for disciplinary action and subject the perpetrator to liability under law.

At the conclusion of the investigation, DEO will provide written notification of its findings to the complainant and respondent. DEO will also provide the Directors of their respective departments with written notification of DEO's findings along with any recommendation for corrective action where appropriate. DEO may recommend corrective action, including disciplinary action, with respect to persons whom it finds to have engaged in unlawful discrimination, violated Housing Authority policies, or engaged in unprofessional or inappropriate conduct.

Employees found to be in violation of this policy and/or laws prohibiting sexual harassment and/or retaliation may be subject to appropriate disciplinary action and/or liability under law.

Any employee who wants further information, or requires assistance in identifying sexually harassing behavior and ways to prevent and respond to sexual harassment, should contact the Department of Equal Opportunity at the address or any of the telephone numbers listed above.

This policy statement supersedes all prior policy statements on this subject.