



THE COUNCIL OF THE CITY OF NEW YORK  
250 BROADWAY NEW YORK, N.Y. 10007

**New York City Council  
Anti-Discrimination and Harassment Policy**

The Council of the City of New York (“Council”) is an equal opportunity employer, has a diverse workforce and is committed to ensuring fair employment practices. The Council is committed to a workplace free of discrimination and harassment. This New York City Council Anti-Discrimination and Harassment Policy (“Policy”) sets forth the scope of conduct, practices and decisions that are prohibited; the process for making complaints under this Policy; and how such allegations will be resolved.

**Who Does This Policy Apply To?**

This Policy applies to the conduct of all Members and employees of the Council. For the purpose of this Policy, the term “employees” shall include all full-time and part-time employees, paid or unpaid employees, temporary employees, and interns to the Council who work either on the central staff of the Council or who work directly for a Member of the Council.

**What Is Prohibited By This Policy?**

This Policy prohibits discrimination against any employee or job applicant on the basis of one or more of the following characteristics (“protected categories”): his or her race, color, creed, religion, national origin, alienage or citizenship, sex, gender identity and expression, age, disability, sexual orientation, partnership status, medical condition (including having or being perceived as having HIV/AIDS-related conditions), marital status, family status, genetic information or predisposing genetic characteristic, status as a victim of domestic violence, sex offenses, or stalking, military status, prior arrest or conviction, unemployment status, for having made a complaint or participating in an investigation under this Policy or any other characteristic to the extent protected by federal, state or local law.

It is the Council’s policy to establish and administer all of its practices and decisions without regard to any of these protected categories. Such practices and decisions include, but are not limited to, recruitment, selection, hiring, compensation, promotions, career development and advancement, transfers, discipline, discharge, or any other term or condition of employment, or application or selection process relating to employment.

**What Is Harassment?**

This Policy prohibits harassment, a form of discrimination, based on any protected category listed above. Harassment may include, but is not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

Sexual harassment is a form of discrimination based on sex. The U.S. Equal Employment Opportunity Commission defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical harassment of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment.

Harassment does not include good faith employment actions taken by a supervisor or manager, such as offering constructive feedback and criticism, evaluating employee performance and providing discipline where appropriate. These actions are within the responsibilities and obligations of Council Members, supervisors and managers.

However, harassment prohibited by this Policy may include some offensive acts or remarks even if they are not so severe that they violate federal, state, or local discrimination laws. The Council may discipline conduct that violates this Policy even if the conduct does not violate a law prohibiting discrimination.

### **What Is A Reasonable Accommodation?**

Disability discrimination may occur when an employee or job applicant is treated unfavorably because of employee or job applicant's current or past disability. In furtherance of Council's commitment to prevent discrimination, Council requires the making of reasonable accommodations for disabilities; pregnancy, childbirth, and related medical conditions; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking, so long as the accommodation does not create an undue hardship. Requests for reasonable accommodations should be made to the employee's supervisor, who must inform the Equal Employment Officer in Human Resources and must work with Human Resources to determine what, if any, accommodation(s) are appropriate.

### **What Should I Do If I Witness Or Am Subjected To Discrimination?**

The Council strongly encourages you to report discrimination or harassment before it becomes severe or pervasive. Therefore, if you believe that you have been subjected to or you have witnessed another employee subjected to discrimination or harassment of any kind based on any protected characteristic, sexual harassment or retaliation for having made a complaint pursuant to this Policy, you must immediately report the matter to your supervisor, the Equal Employment Opportunity Officer ("EEO Officer") or a member of the Equal Employment Committee ("EEC"). Complaints may be made orally or in writing.

Any Member filing a complaint about another Member may file it directly with the Council's Committee on Standards and Ethics.

### **Will My Complaint Remain Confidential?**

If you report discrimination or harassment, the Council will protect the confidentiality of your complaint to the extent possible. Generally, information about the complaint will be shared only on a need-to-know basis.

### **Will There Be Retaliation If I Make A Complaint?**

No Member or employee of the Council shall be subject to any form of retaliation because they complain of, report about or provide information or assistance related to any complaint of discrimination or harassment as described in this Policy. Any Member or employee who believes that he or she was retaliated against in violation of this Policy should immediately file a complaint as set forth below.

The ban on retaliation does not prohibit the imposition of discipline against an employee where such discipline is otherwise warranted, even if that employee has engaged in the protected behavior described in the preceding paragraph. Nor does the ban prohibit the imposition of discipline against an employee who files a knowingly false or bad faith claim, or who fails to cooperate in an investigation under this Policy.

### **Who Will Decide What To Do About My Complaint?**

Once a supervisor or a member of EEC receives a complaint of discrimination, harassment, retaliation or conduct contrary to this Policy, he or she must report that complaint to the EEO Officer.

The EEO Officer will inform the EEC promptly, within no more than five business days, that a complaint has been filed and whether an investigation is warranted. The EEO Officer and a confidential investigator will expeditiously, thoroughly and impartially conduct an investigation into all reports of discrimination and harassment. The EEO Officer and the confidential investigator shall endeavor to protect the privacy of any victims of discrimination or harassment. Members and employees of the Council shall cooperate with all investigations under this Policy.

The EEO Officer will convene a meeting with the investigator and the EEC to present a written report of the investigation findings. The EEC will review the report, discuss with the EEO Officer and investigator as needed and prepare written recommendations to be submitted to the Speaker and, when appropriate, to the supervising Member. Upon reviewing the findings of the EEC, the Speaker and, when appropriate, the supervising Member, will take immediate corrective action.

### **What Will Happen To Those Who Violate This Policy?**

Any employee who violates the Policy against discrimination and harassment or engages in retaliation or conduct contrary to this Policy will be subject to disciplinary action, up to and including termination.

### **What If A Council Member Violates This Policy?**

If the EEO Officer or a member of the EEC receives a complaint of discrimination, harassment, retaliation or conduct contrary to this Policy against a Council Member, he or she shall notify the EEC and refer the matter to the Committee on Standards and Ethics immediately. The Committee on Standards and Ethics shall investigate such claims, and may direct the EEO Officer and a confidential investigator to conduct such investigation.

### **What Else Do I Need To Know?**

The Speaker may make temporary appointments or amend these procedures as necessary (for example, if a member of the EEC or a senior division member is the accused, the accuser or a witness).

If you wish to file a charge with the federal Equal Employment Opportunity Commission because you believe you have been subjected to discrimination or harassment of any kind based on any protected characteristic or to sexual harassment, you must do so within 300 days of the last date of discrimination or harassment. If you wish to file a charge with the New York State Division of Human Rights, you must do so within one (1) year of the last date of discrimination or harassment. If you wish to file a charge with the New York City Commission on Human Rights, you must do so within one (1) year of the last date of discrimination or harassment. Please note that these time periods run from the last date of discrimination or harassment, not from the date any internal complaint to the Council is resolved.

### **What Is The Equal Employment Committee (EEC)?**

The EEC serves the following functions:

- Intake Contacts – Members of EEC serve as intake contacts to receive complaints of discrimination, harassment or retaliation prohibited by this Policy. Because EEC members are from various Divisions within the Council and represent our diverse workforce, they can serve as a less intimidating confidant for victims. The EEC members are responsible for maintaining confidentiality of complainants and redirecting the information to the EEO Officer for further investigation.
- Make Recommendations – Members of EEC deliberate on the results of the EEO investigation and make written recommendations to the Speaker and, when appropriate, to the supervising Member.

The EEC shall have at least five members and up to two alternates appointed by the Speaker. Members and alternates of EEC shall serve for two year terms and be Council employees.

### **Training and Education**

The Council will provide all Members and employees of the Council with regular training and education on complying with this Policy. Members and employees are required to attend training on an annual basis and when otherwise directed by their supervisors.