SEXUAL HARASSMENT:
NO PLACE IN THE WORK PLACE

EQUAL EMPLOYMENT OPPORTUNITY (EEO) OFFICE

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THE LAW

Sexual harassment is a form of sex discrimination. It is a violation of Section 703 of Title VII of the Federal Civil Rights Act of 1964, as well as State and City laws. Sexual harassment is also a violation of the Board of Education Retirement System Non-Discrimination Policy.

WHAT IS IT?

Sexual harassment in the workplace involves any unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of the sexual nature that is offensive and objectionable to the recipient.

EXAMPLES INCLUDE:

- Request for sexual favors
- Telling sexually suggestive jokes
- Unwanted touching, patting or pinching
- Display of sexual/suggestive pictures
- Using crude and/or sexually language

FORMS OF SEXUAL HARASSAMENT

There are two types of sexual harassment:

QUID PRO QUO

- Submission to the offensive conduct is made (either explicit or implicitly) a term or condition of an individual's employment.
- Submission to or rejection of the offensive conduct is used as basis for employment decisions.

HOSTILE WORK ENVIRONMENT

A hostile work environment occurs when an employee is subjected to unwelcome sexual conduct, or gender-based hostility, that is sufficiently "pervasive or severe" so as to alter the terms or conditions of the employee's employment and create an abusive working environment.

The offensive conduct interferes with an individual's performance or creates an intimidating or hostile work environment.

WHAT CAN I DO?

If you are harassing someone **STOP!** Remember it is a violation of **BERS** non-discrimination policy. If you violate this policy you could face disciplinary action.

If you are unsure if your behavior is offensive to someone else, **ASK THEM**.

IF YOU ARE A VICTIM OF SEXUAL HARASSMENT:

- **KEEP** a written record of each instance of harassment. Also save any offensive letters, notes or memos received from the harasser.
- **DISCUSS** the problem with the harasser, explaining your discomfort with his or her conduct and requesting that the harasser discontinue the offensive behavior.
- **NOTIFY** your supervisor or someone in authority and contact the Equal Employment Opportunity (**EEO**) Office.
- **FILE** a complaint; it's your right. It is also illegal to retaliate against you for filing a complaint or against anyone who has testified or assisted in the investigation. Chancellor's Regulation A-830 details the procedure for filing an internal complaint with **BERS**.

WHO MAY FILE

Any BERS employee or applicant for employment who believes she or he may have been a victim of sexual harassment with regard to the terms and conditions of employment may file a complaint.

Protected Classes based on New York City Human Rights Law:

> Actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" -- which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, and unemployment status, and consumer credit history.

The Law requires that the complaint be filed within one year of the last alleged act of discrimination.

BOARD OF EDUCATION RETIREMENT SYSTEM

It is the policy of Board of Education Retirement System to provide educational and employment opportunities without regard to **ACTUAL OR PERCEIVED RACE, COLOR, NATIONAL ORIGIN, ALIENAGE OR CITIZENSHIP STATUS, RELIGION OR CREED, GENDER (INCLUDING "GENDER IDENTITY" -- WHICH REFERS TO A PERSON'S ACTUAL OR PERCEIVED SEX, AND INCLUDES SELF-IMAGE, APPEARANCE, BEHAVIOR OR EXPRESSION, WHETHER OR NOT DIFFERENT FROM THAT TRADITIONALLY ASSOCIATED WITH THE LEGAL SEX ASSIGNED TO THE PERSON AT BIRTH), DISABILITY, AGE (18 AND OVER), MILITARY STATUS, PRIOR RECORD OF ARREST OR CONVICTION, MARITAL STATUS, PARTNERSHIP STATUS, CAREGIVER STATUS, GENETIC INFORMATION OR PREDISPOSING GENETIC CHARACTERISTIC, SEXUAL ORIENTATION, STATUS AS A VICTIM OR WITNESS OF DOMESTIC VIOLENCE, SEX OFFENSES OR STALKING, AND UNEMPLOYMENT STATUS, AND CONSUMER CREDIT HISTORY, AND TO MAINTAIN AN ENVIRONMENT FREE OF HARASSMENT OF ANY OF THE ABOVE-NOTED GROUNDS INCLUDING SEXUAL HARASSMENT, OR RETALIATION.** This policy is in accordance with federal, state and city laws. Any employee or applicant for employment who believes he or she has been discriminated against should contact the BERS Equal Employment Opportunity Office.

GOVERNMENTAL AGENCIES

N.Y.C. COMMISSION ON HUMAN RIGHTS

40 Rector Street, 10th Floor
New York, NY 10006
(212) 306-7450

NEW YORK STATE DIVISION OF HUMAN RIGHTS

1 Fordham Plaza, 4th Floor
Bronx, NY 10458
(718) 741-8400

U.S. DEPARTMENT OF EDUCATION

Office for Civil Rights
32 Old Slip, 26th Floor
New York, NY 10005
(646) 428-3800

U.S. DEPARTMENT OF LABOR

New York District Office
ESA- Office of Federal Contract Compliance Programs (OFCCP)
26 Federal Plaza, Room 36-116
New York, NY 10278
(212) 264-7743

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISION

New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004
(212) 336-3620