

NEW YORK CITY COUNCIL RULE 2.75b COMPLAINT REPORT

Council Rule 2.75b

“The Speaker shall publish an annual report within the Council for the first Stated meeting in February disclosing complaints of workplace sexual harassment, as defined by the Council’s policy or policies prohibiting discrimination and harassment established pursuant to rule 2.70a. Such report shall track for each preceding calendar year the number of complaints alleging workplace sexual harassment and the dispositions of such complaints. The annual report shall not contain any personally identifiable information.”

Council Anti-Discrimination and Harassment Policy (Excerpts)

“Sexual harassment, a form of gender-based discrimination, is unwelcome behavior based on a person’s gender, and is prohibited by this Policy and applicable law.¹

Sexual harassment includes any statement or gesture by a supervisor linking sexual favors to employment decisions. For example, this includes when a supervisor engages in unwanted sexual advances or propositions in the form of requests for sexual favors accompanied by implied or overt threats concerning an employee’s job performance evaluation, a promotion, or other job benefits or detriments.

Sexual harassment also includes any unwelcome conduct of a sexual nature by anyone an employee interacts with in the course of their employment. This includes, but is not limited to: (1) physical acts of a sexual nature (e.g. touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body, or poking another employee’s body); (2) sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience; and (3) displaying sexually demeaning or pornographic materials anywhere in the workplace, including on workplace computers or cell phones.

Furthermore, sexual harassment includes derogatory comments or hostile actions directed towards an employee based on their gender even where such comments or actions may not be of a sexual nature (e.g. yelling, name-calling, and interfering with an employee’s ability to perform their job). This can include comments and actions based on gender stereotyping.”

The Policy also states, “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 anti-discrimination laws.”

Complaints filed or reported in 2019 (total)²	16
Internal Council complaints	14
Substantiated as Policy violation	2
Not substantiated as Policy violation	3
Closed for administrative cause	7
Resolution pending	2
Complaints against external entity (non-Council)	2
Action taken against external entity	1
Closed for administrative cause	1

¹ In accordance with guidance from New York State, the Policy’s prohibition against sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

² This report identifies “complaints” as including circumstances where the Council learns that a Council Member or staffer may have been subject to conduct implicating the Council’s Anti-Discrimination and Harassment Policy (“Policy”), even if such an individual does not file or report such a matter to the Council pursuant to the Policy. The disposition of “closed for administrative cause” includes circumstances where such an individual ultimately conveys to the Council that they do not believe they were subject to conduct that implicates the Policy and/or where such an individual conveys that they do not want to proceed with an investigation or move forward with further action in relation to such conduct.