

If the Commissioner's Order is in favor of the Complainant, the Order will specify a remedy. Remedies may include a change in policies and/or practices; reinstatement to a job; back pay with interest or benefits lost due to the discriminatory practice; the provision of services; equal treatment in an accommodation, institution, or program, and/or compensation for emotional distress. Civil fines may also be assessed.

Appeals

If the investigator finds that there is no probable cause that unlawful discrimination took place, the Complainant has sixty (60) days to appeal that decision to the New York State Supreme Court.

Both the Complainant and the Respondent can appeal a Commissioner's Order within sixty (60) days of the issuance of that order to the New York State Supreme Court.

Division Offices

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Brooklyn

55 Hanson Place, Room 304
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Long Island (Nassau)

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Office of Sexual Harassment Issues

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Peekskill

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Tel: (585) 238-8250

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**Division of
Human Rights**

Basic Guide to the **HUMAN RIGHTS LAW** and the Division of Human Rights

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

The Human Rights Law

In 1945, the New York State Legislature passed what was the first civil rights law in the country. This law—which is now known as the Human Rights Law — prohibits discrimination in employment, housing, credit, places of public accommodation, internships, domestic services, volunteer firefighting, and private, non-sectarian educational institutions.

The Human Rights Law protects individuals from unlawful discrimination based on their:

- age,
- creed,
- race,
- color,
- sex,
- sexual orientation,
- national origin,
- marital status,
- domestic violence victim status (in employment only),
- disability,
- pregnancy-related condition,
- military status,
- favorably resolved arrest record,
- conviction record,
- predisposing genetic characteristics,
- familial status

If a person feels been discriminated against based on one of these traits or characteristics, he or she may have a valid complaint of unlawful discrimination.

People are also protected from retaliation for filing complaints or opposing discrimination.

The New York State Division of Human Rights enforces this important law for the people of the State of New York through, among other things, the investigation, hearing, and resolution of complaints filed by individuals against alleged discriminators.

Filing a Complaint with the Division

Once a complaint is filed, an investigator will be assigned to investigate the complaint. This may be done through written correspondence, telephone conversations, visits to the site of the alleged discrimination, fact-finding conferences, or a combination of these methods. An investigator's role is to investigate the facts of the case. The investigator cannot give legal advice or act as a lawyer or representative.

Complaints with the Division must be filed within one year of the most recent incident of discrimination.

A complaint may be filed by:

- Visiting the Division's website, at WWW.DHR.NY.GOV, and downloading a complaint form. Completed complaints must be signed before a notary public, and returned to the Division (by mail or in person). A complete list of the Division's office locations are on the reverse.
- In person, by visiting one of the Division's offices.
- Contacting one of the Division's offices, by telephone or by mail, to obtain a complaint form and/or other assistance in filing a complaint.

An individual who files a complaint of discrimination is referred to as the Complainant, and the alleged discriminator is referred to as the Respondent.

The Administrative Hearing

If the investigator determines that probable cause exists that the complainant was or is the victim of unlawful discrimination, the matter will proceed to an administrative hearing.

An administrative hearing is similar to a court trial. An Administrative Law Judge will conduct the hearing based on the allegations in the complaint. In this hearing, both sides will be able to present evidence to support their positions. Although the hearing is a formal process, complainants do not need their own lawyers to represent them during this process.

The Division will provide an attorney or other agent to present the case in support of the complaint. This service is free of charge. However, complainants may have their own attorneys to represent them, if they wish.

The Commissioner's Order

After the hearing and based on the evidence presented at the hearing, the Administrative Law Judge assigned to the case will issue a recommended order, advising the parties and the Commissioner how s/he thinks the case should be resolved—that is, in favor of the Complainant or in favor of the Respondent.

The Commissioner will review the allegations, evidence, and the Administrative Law Judge's Recommended Order and will issue a final Commissioner's Order.