

# HOW TO FILE A COMPLAINT

If you believe that you have been sexually harassed, you can file a complaint with the New York State Division of Human Rights.

A complaint must be filed with the Division within one year of the alleged discriminatory act.

To file a complaint:

- Visit the Division's website, at [WWW.DHR.NY.GOV](http://WWW.DHR.NY.GOV), and download a complaint form. Completed complaints must be signed before a notary public, and returned to the Division (by mail or in person).
- Stop by a Division office in person.
- Contact one of the Division's offices, by telephone or by mail, to obtain a complaint form and/or other assistance in filing a complaint.

For more information or to find the regional office nearest to your home or place of employment, visit our website at: [WWW.DHR.NY.GOV](http://WWW.DHR.NY.GOV).

## SOME EXAMPLES:

Do I need to file an internal complaint about a hostile work environment before I file with the Division?

**You are not required to file an internal complaint prior to filing with the Division, but it is recommended. Courts have held that under some circumstances, if an employee does not notify the employer, so that the employer has an opportunity to cure the sexually hostile environment, the employer may not be liable.**

---

Will I suffer retaliation if I file a complaint?

**New York's Human Rights Law prohibits retaliation, either for filing an internal complaint with your employer and/or for filing a complaint with the Division. If you feel you are a victim of retaliation, you should contact the Division and file a complaint.**

---

I am female. If another female sexually harasses me, can I file a complaint?

**Yes, sexual harassment can occur between male and female, male and male, or female and female.**

---

Is a single incident of inappropriate sexual behavior enough to be sexual harassment and can I file a complaint?

**A single incident may be enough to rise to the level of sexual harassment, depending on the severity of such incident. The law requires the behavior to be severe and/or pervasive, so that one joke or comment may not be enough to be sexual harassment. However, the courts have also held that a single severe incident could be considered sexual harassment. Whether it is a single incident or multiple incidents, you still have the right to file a complaint. The Division may still be able to assist you.**



Division of  
Human Rights

## SEXUAL HARASSMENT

ONE FORDHAM PLAZA  
BRONX, NEW YORK 10458  
718-741-8400  
TTY: 718-741-8300  
[WWW.DHR.NY.GOV](http://WWW.DHR.NY.GOV)

## Sexual Harassment is Illegal

Sexual harassment is prohibited as a form of sex discrimination under the New York State Human Rights Law, Title VII of the federal Civil Rights Act of 1964, and various local laws. This unlawful conduct may occur in employment, housing, educational institutions, or public accommodations. Most often, however, sexual harassment occurs in the workplace.

Although the Human Rights Law applies generally to employers with four or more employees, the sexual harassment provisions apply to ALL employers in New York State, regardless of the number of employees.

## Sexual Harassment in the Workplace

Sexually harassing conduct can consist of unwanted verbal or physical sexual advances, sexually explicit statements, or discriminatory remarks that are offensive or objectionable to the recipient.

Examples include:

- Requests for sexual favors, which may be accompanied by implied or overt threats concerning one's job performance evaluation or promotion.
- Subtle or obvious pressure for unwelcome sexual activities.
- Verbal harassment or abuse in the form of a pattern of sexual comments or questions.

- Unnecessary or inappropriate physical contact.
- Displays of lewd photographs or drawings.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment when:

- submission to such conduct is made (either explicitly or implicitly) a term or condition of employment;
- submission to, or rejection, of such conduct is used as a basis for decisions affecting one's employment; or
- such conduct has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

## Some Steps to Take If You Are Being Sexually Harassed

- **Speak to Your Supervisor.**  
If the harasser is your supervisor, speak to his or her supervisor. Keep notes concerning this contact, including dates, nature of the conversation, and follow-up, if any.

- **Report the Offensive Behavior.**  
Report the conduct to your employer through the Affirmative Action Administrator, Personnel Director, EEO Officer, Union Representative, or any other person designated to handle sexual harassment complaints. Keep notes concerning this Contact, including dates, nature of conversation, and follow-up, if any.
- **Keep a Diary.**  
Write down what is happening to you. Include direct quotes, patterns of the harassment, and names of witnesses. Save any letters, cards or e-mails sent to you. Keep both the diary and notes in a secure place, preferably at home.
- **Ask Other People.**  
Find out from others who work with or near the harasser if they have ever been harassed, or if they know of anyone who has been or may have been harassed.

Although it is advisable to take the above recommended actions, you may file a complaint with the Division of Human Rights even if you have not taken these steps.