



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE



<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE 2 / 09 / 96		TERMINATION DATE / /			
CLASSIFICATION # 2220R		SUPERSEDES Directive #2220	DATED 5/2/88	DISTRIBUTION A	PAGE 1 OF 3 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER SIGNATURE		

I. INTRODUCTION

Every member of the New York City Department of Correction is entitled to a working environment free from unsolicited and unwelcome sexual advances. Members of the Department have a collective responsibility to ensure that the Department's work environment is free of intimidation and hostility. Therefore, the Department is promulgating this revised Directive, in an effort to eliminate sexual harassment from the work place.

II. POLICY

- A. The policy of the Department is that sexual harassment is unacceptable conduct and will not be tolerated. The Department of Correction is committed to creating an environment that maintains maximum productivity, fair treatment and respect for human dignity, equal employment opportunity for all uniformed and civilian employees, and is free of sexually offensive behavior that is antithetical to the ideals of affirmative action. The Department will be implementing language that is gender neutral, to be used in all forms of oral and written communication.
- B. Sexual harassment is a violation of Federal, State and City anti-discrimination statutes, and is also a violation of the Department's Equal Employment Opportunity Policy Statement, and Sexual Harassment Policy Statement (see attached). Members of the Department who commit acts of sexual harassment subject themselves and the Department to civil liability. **ANY MEMBER OF THIS DEPARTMENT WHO IS FOUND GUILTY OF SUCH HARASSMENT WILL BE DISCIPLINED UNDER DEPARTMENTAL RULES AND REGULATIONS, WHICH MAY RESULT IN THE TERMINATION OF EMPLOYMENT.**

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III. SEXUAL HARASSMENT DEFINED

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:



- A. Submission to the conduct is made either an explicit or implicit condition of employment; or
- B. Submission to or rejection of the conduct is the basis for either continued employment or for decisions affecting pay, benefits or advancement opportunities; or
- C. The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

EXAMPLES OF SEXUAL HARASSMENT

There is a broad range of conduct by supervisors, subordinates and co-workers which can, in certain circumstances, be considered sexual harassment, and this includes, but is not limited to, sexually suggestive remarks, sexually suggestive pictures, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching.

IV. GUIDELINES

- A. If any member of the Department is denied a post, tour, or a change of schedule or is affected by any other personnel action because of the member's refusal to consent to a request for sexual favors, or if any offensive, intimidating or hostile conditions are interfering with job performance, the member concerned should contact any of the following for assistance:
 1. The Deputy Commissioner or Director of Equal Employment Opportunity, 60 Hudson Street, 6th Floor, New York, NY 10013, telephone number (212) 266-1025.
 2. The EEO Counselor of the member's respective facility. EEO counselors are specially trained to assist in documenting allegations should it become necessary to file a complaint of discrimination.

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IV. GUIDELINES (con't.)

- B. Complaints of sexual harassment will be handled in accordance with the Department's Equal Employment Opportunity complaint procedure. All cases will be investigated and the facts presented will be objectively analyzed prior to any decision being rendered. All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

IV. REFERENCE

Directive #2221, EQUAL EMPLOYMENT OPPORTUNITY OFFICE, dated 2/10/92.

V. ATTACHMENT

- A. SEXUAL HARASSMENT POLICY STATEMENT, dated February 27, 1995.
 B. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT.

VII. SUPERSEDES

Directive #2220, SEXUAL HARASSMENT, dated 5/2/88.