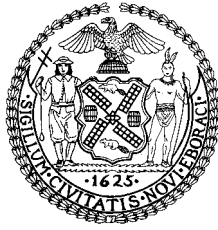


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**The City of New York  
Community Board 8 Manhattan  
Women and Families Committee  
June 13, 2019 – 6:30 PM  
The Metropolitan Museum of Art**

**Minutes**

**Members Present:** Elizabeth Ashby, Vanessa Aronson, P. Gayle Baron, Lori Ann Bores, Loraine Brown, Alida Camp, Rebecca Dangoor, Billy Freeland, Cecelia King, Valerie Mason, Dorothea Newman, Margaret Price, Barbara Rudder, M. Barry Schneider, Cos Spagnoletti

**Public Members Present:** Monica McKane-Sanchez, Judy Schneider

*The Women and Families Committee held a paneled discussion on the rules in New York City to combat sex abuse and sexual harassment. It is noteworthy that multiple speakers mentioned that the 1970s were a turning point for combatting this issue in New York City and used that as a vehicle to discuss our City's pivotal role in the national dialogue, how far we've come, and how much further we have still to go. Both survivors of sexual assault and sexual harassment attended the forum as well as residents from multiple boroughs.*

The forum was called to order at approximately 6:35 PM by Alida Camp, Board Chair.

The first panelist, **Manhattan District Attorney Cyrus Vance Jr.**, gave a historical overview of the Manhattan DA's Office's prosecution of sex crimes, discussed how the Me Too movement impacted its practices, and concluded by describing his efforts to end the national rape kit backlog epidemic. When the Manhattan District Attorney's Office opened the first Sex Crimes Unit back in the 1970s, the law believed that a woman's word alone was insufficient to support a conviction for sexual assault or rape. Today, the office now has forty sexual assault prosecutors and the Manhattan Family Justice Center has opened as a safe and welcoming facility where special victims can simultaneously report an offense and get help from city services under one roof. DA Vance acknowledged that before the Me Too movement, he was not fully aware of the scope of sexual harassment and violence in the workplace. He launched his office's Work-Related Sexual Violence team, the first of its kind, in January of 2018.

DA Vance noted that having victims go through the traumatic process of undergoing a rape kit only to leave those kits untouched for years does more than just leave many cases unsolved. A backlog in the analysis of rape kits tells victims that we do not care about what happened to them

and tells their attackers that their crimes do not matter. Those unconscionable messages led DA Vance to allocate over \$35 million to address the backlog on a national scale.

The second panelist was **Manhattan ADA Vanessa Puzio, the Supervising Attorney for the Sex Crimes Unit and Attorney-in-Charge of Work-Related Sexual Violence Initiatives**. She discussed the origins of the new Work-Related Sexual Violence team and gave an overview of what her team does, explained the differences between sexual harassment (a civil matter) and sexual violence (a criminal matter), and addressed the new laws that criminalize specific, sexually motivated acts in the workplace. ADA Puzio mentioned that the Sex Crimes Unit received 161 reports on its hotline in all of 2017. After #MeToo in October of 2018, it received 471 calls between October and December of that year. That is a 192% increase in calls that the DA's Office directly received and a sevenfold increase in reports that dealt specifically with the workplace. She highlighted that the National Sexual Violence Resource Center estimates that 63% of sexual assaults go unreported, which remains a staggering statistic even in light of the recent surge in reporting.

ADA Puzio defined sexual harassment in broad strokes as “unwelcomed or inappropriate sexual remarks in a workplace” which as criminal prosecutors, ADAs have no basis under the penal law to prosecute. Harassment can cross the line and become a crime when it is accompanied by a physical touch of an intimate body part as well as in three additional ways that do not require physical touching. The first is unlawful surveillance, a felony, which she defined as “the production or dissemination of intimate photos taken in secret without the victim’s consent.” In November of 2018, the legislature enacted the latter two statutes: “revenge porn” and “sextortion,” the criminalization of sexual blackmail. These new laws are a game changer in the work-related context because in the past, prosecutors had to prove physical force or threats of harm, death, or serious injury in order to try someone in criminal court. Defendants convicted of “revenge porn” or of “sextortion” must register as a sex offender whereas for unlawful surveillance, registry is up to the discretion of the judge.

The third panelist was **Dana Sussman, the Deputy Commissioner for Intergovernmental Affairs and Policy at the New York City Commission on Human Rights**. She gave an overview of sexual harassment in the workplace, explained its history in local, state, and federal law, detailed the Commission’s role in the evolution of that law, and described the Commission’s resources and enforcement role in today’s climate. She noted that the first publicly reported use of the term “sexual harassment” appeared in a *New York Times* article when a Cornell professor said it at a public hearing held by the New York City Commission on Human Rights on sex discrimination in the workplace. Ms. Sussman highlighted that sexual harassment in the civil context simply does not exist. It is not defined in our law because courts have interpreted existing protections for sex or gender discrimination to include sexual harassment.

In 1986, the Supreme Court adopted the now commonplace standard for sexual harassment as a type of sex discrimination that is “severe or pervasive.” Since 2009, New York City has maintained a more generous definition of sexual harassment. The City stipulates that sexual harassment is in fact another form of sex discrimination in which one’s gender alters the terms and conditions of one’s employment and that it should be treated no differently than the discrimination standard of any other protected category being harassed. As a result of the Me

Too movement, the notion of “severe or pervasive” is being questioned again in Albany right now. When describing the new local laws passed in a bill package in the spring of 2018, Ms. Sussman mentioned that those laws did not change the standard of sexual harassment under New York City law, but did affect some related issues, including: individuals now have three years instead of one year to file a complaint, and the Commission’s jurisdiction has been expanded from an employer with four or more employees to one with only one employee, which as a result, now includes domestic workers. As an administrative agency, the Commission cannot put people in jail or prison. Instead, it can seek damages, affirmative relief, and civil penalties.

The final panelist was **Professor Rick Rossein, a faculty member of the City University of New York School of Law**, who filed one of the first cases that alleged sexual harassment in 1976. He gave a brief legislative history, highlighted the intersectionality of race and gender in the context of sexual harassment, detailed how current laws fall short, advocated for what we need to do to improve sexual harassment protections in those laws, and concluded by describing the best steps to take if you are being sexually harassed. He mentioned that until the Civil Rights Act of 1991, there were no jury trials in Title VII lawsuits involving intentional discrimination. Jury trials are essential in order to enable women’s voices to be heard on the issue of sexual harassment. Policies, which all employers must now have as mandated by NY State, have not been enough to combat sexual harassment as 70% of all employers already had policies and yet sexual harassment was still commonplace. Similarly, he highlighted how the mandated training as it currently exists is insufficient. Professor Rossein said that between 35% and 80% of women are being sexually harassed in the workplace, but 75% of those women do not disclose for fear of retaliation. Since there are more retaliation cases filed with the EEOC than any other category, the retaliation preventions in the law clearly fall short.

He advocated for written non-retaliation plans, that companies need independent, outside investigators without any financial ties, that managers and supervisors should be held accountable, that trainings should be facilitated conversations about gender equity which he called an education that includes bystander silence and intervention, and that educating people about sexual harassment should start early on in schools. He warned that we need to ensure that all judgements are fair because he believes a big push back of the Me Too movement is imminent.

Professor Rossein concluded by explaining important steps that people who experience sexual harassment should take to help them get justice. He advised taking notes about what happened because they will provide powerful evidence for a jury. Specifically, he recommended writing an email to yourself, which will get timestamped, about what happened to you and on what day. You can also share that email with a close friend or religious leader. He also said to file a complaint, keep a copy, and bring a fellow employee to go with you. Lastly, he reminded us about the New York State law regarding the recording of conversations: if one person in said conversation consents to being recorded, it is legal. Hence, you can record conversations when you are being sexually harassed without informing the harasser and it is legal. Those recordings, which can be taken on your phone, will also become extremely powerful evidence.

Following Professor Rossein’s remarks, the forum had a lively **Q&A** full of intelligent questions and stories from survivors.

The forum adjourned at approximately 8:34 PM.

**Resources:**

Manhattan DA's Sex Crimes Hotline: (212) 335-9373

Manhattan DA's Domestic Violence Hotline: (212) 335-4308

Manhattan Family Justice Center: 80 Centre Street, New York, NY 10013; (212) 602-2800

NYC Commission on Human Rights' Infoline: (718) 722-3131

Safe Horizon Sexual Assault Hotline: (212) 732-0054

*P. Gayle Baron and Margaret Price, Co-Chairs*