

STATE OF NEW YORK
DIVISION OF HUMAN RIGHTS
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**NEW YORK STATE DIVISION OF HUMAN RIGHTS RULES IN
FAVOR OF FEMALE CORRECTIONS OFFICER IN SEX AND
SEXUAL ORIENTATION HARASSMENT CASE**

*Human Rights Commissioner Awards \$850,000 In Damages And Orders
Department of Corrections To Train Employees and Enforce
Policies To Prevent Discrimination*

Commissioner Kumiki Gibson signed an order finding that the New York State Department of Corrections (DOC) engaged in egregious sexual harassment of and retaliation against a lesbian corrections officer. The Commissioner found that the pattern of harassment and retaliation perpetrated by the officer's supervisors and co-workers caused serious emotional distress and jeopardized her life and safety, and awarded \$850,000 in compensatory damages. The Commissioner also ordered DOC to train employees and enforce policies and procedures to prevent unlawful sex and sexual orientation discrimination and retaliation in the workplace.

"This case shocks the conscience. This woman's life was placed in danger because of her sex and sexual orientation. It is vital that the Department of Corrections take immediate steps to end such horrific discriminatory conduct. In New York, an employer cannot permit, condone, or facilitate discriminatory abuse and against an employee," stated Commissioner Gibson.

The New York State Human Rights Law prohibits discrimination and retaliation in employment based on sex and sexual orientation, among other protected classes. The officer, Alicia S. Humig, was hired as a corrections officer in 1983 at the Wende Correctional Facility in Erie County, New York. Ms. Humig's co-workers were at all times aware of her sexual orientation.

Over the course of several years, Ms. Humig's co-workers and supervisor verbally harassed her with unrelenting hostile and offensive language, and regularly taunted her by posting sexist and anti-gay language on wall calendars. Ms. Humig

reported the illegal conduct to her supervisors, including a Captain, who told her he "didn't want to hear it" and that the conduct should be expected because Ms. Humig is "female and gay." After Ms. Humig filed written complaints, the discrimination worsened and her personal safety was threatened while on duty. The record at the hearing amply supported a finding of extreme emotional and physical harm suffered by Ms. Humig. As the opinion states, this case reflects "the most disturbing nightmare" that any employee could experience.

"This case is a sober reminder that, in the 21st Century, women and gay men and lesbians continue to face unlawful discrimination in the workplace," stated Commissioner Gibson. "While this conduct occurred prior to the current Administration, the State must set the highest standard for all other employers in New York. I look forward to working with the Department of Corrections to ensure that no other employee is subjected to similarly egregious conduct."

The full decision is available on the Division of Human Rights' website at www.dhr.state.ny.us.

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New York has the proud distinction of being the first state in the nation to enact a Human Rights Law, which affords every citizen "an equal opportunity to enjoy a full and productive life." The New York State Division of Human Rights was created to enforce this important law and does so through, among other things, the vigorous prosecution of unlawful discriminatory practices and the receipt, investigation, and resolution of complaints of discrimination. Please visit the Division's website at www.dhr.state.ny.us for additional information about the agency and its work.