



Division of Human Rights

KATHY HOCHUL
Governor

MARIA L. IMPERIAL
Commissioner

AGENCY TRANSPARENCY PLAN UPDATE: 2024

AGENCY NAME: NYS Division of Human Rights (DHR)

The mission of the NYS Division of Human Rights is eliminating discrimination, remedying injustice, and promoting equal opportunity, access, and dignity. The Human Rights Law prohibits discrimination in employment, housing, places of public accommodations, non-sectarian educational institutions, and credit, based on age, race, lawful source of income, national origin, gender identity, sex, sexual orientation, marital status, disability, military status, and other specified traits and characteristics.

Engagement with the public and transparency into the process of investigation, prosecution, and resolution of DHR complaints is an agency priority. To that end, DHR has achieved the following deliverables to increase public engagement and improve the user experience of those seeking to access information or intervention from our agency in addition to increasing awareness and understanding of our agency, thereby furthering the goals of transparency in government.

In addition, DHR plans in 2024 to build upon the outreach, accessibility, and transparency of DHR's work and services.

DELIVERABLES ACHIEVED SINCE 2021

Eliminate Private Settlements

ORIGINAL PROPOSAL: Settlements play a critical role at the Division of Human Rights (DHR). In Fiscal Year 2020, over three-quarters of DHR complaints that were investigated and determined to have probable cause were ultimately resolved in settlements. Nearly half of these settlements were privately negotiated between the individual who alleged discrimination and the entity against whom the complaint was filed. The terms of such settlements are not disclosed by the parties to either DHR or the public. In the past two fiscal years, DHR has achieved settlements or ordered monetary damages totaling nearly \$9 million for complainants. This figure, however, does not include private settlements as those terms are unknown. Eliminating private settlements will allow DHR, and all New Yorkers, to have visibility into the terms of all settlements and case resolutions so as to have a more complete understanding of the impact of DHR's enforcement of the Human Rights Law as well as the damages awarded to victims of discrimination through the agency's process.

UPDATE: On October 1, 2021, the agency notified the public that it was eliminating private settlements by issuing an advisement via its public webpage and sending an email blast on its third-party distribution list of advocate groups and other interested parties notifying that for

cases filed on or after October 12, 2021, the Commissioner will no longer sign “Discontinuances” dismissing cases for private settlements. Following a probable cause determination by the agency, all parties are now required to disclose the terms of the settlement to the Commissioner in any application to dismiss their case.

Many cases impacted by this policy are still active with DHR. However, in the year following the effective date of this policy, DHR achieved over \$3.2 million in settlements for complainants through private settlements. These settlements averaged nearly \$19.8K a case, an increase of 49% over the prior period.

Online Complaint Form Submission

ORIGINAL PROPOSAL: Currently, the Division does not have the ability to accept a discrimination complaint electronically via our website. Individuals wishing to file a complaint must print out the form, fill it out by hand, and email or post it back to the agency. Similarly, a person can visit a DHR office or call our helpline to receive assistance in filing a complaint. In order to streamline the complaint process and increase accessibility, the Division will use technology to allow for online complaint form submission with optional demographic data collection. This would also potentially create a way to batch import data into CMS and alleviate clerical errors and capacity concerns in entering complaints. Adding this electronic submission option will modernize the complaint process and eliminate potential barriers to filing.

UPDATE: On March 16, 2022, the Division launched its online complaint form allowing the public to file a discrimination complaint on their mobile device or computer. Over 85% of all claims are now filed using the online form.

Creating an Infographic that Details the “Life of a DHR Claim.”

ORIGINAL PROPOSAL: The Division enforces the Human Rights Law and has contracts to investigate and resolve EEOC and HUD complaints. This can make for a very confusing process for claimants and litigants as dual track cases prosecuted by both DHR and the EEOC/HUD are common.

In an effort to provide maximum transparency into all of the different paths a DHR claim can take, DHR proposes to create an interactive flow chart that will allow a user to click through the different stages and processes a DHR complaint may go through. This will enable the public to understand our process in a more user-friendly way and cut down on confusion and calls to the agency from parties just looking to understand “what’s next” in their case. We will accomplish this by amending the website to add the interactive infographic.

UPDATE: The Division created and posted an infographic that details the major components of the complaint process from beginning to end on February 28, 2022. The infographic can be viewed here: <https://dhr.ny.gov/nys-division-human-rights-process-infographic>.

INITIATIVES TO BE IMPLEMENTED IN 2024

Online Hate and Bias Incident Form

Under Governor Kathy Hochul's leadership, the New York State Division of Human Rights (DHR) launched the Hate and Bias Prevention Unit (HBPU) in December 2022 to help communities combat prejudice and discrimination. The HBPU is chaired by Lieutenant Governor Antonio Delgado, and the Unit's mission is focused around two key initiatives: a statewide network of [Regional Councils](#) and a [Rapid Response Team](#).

As part of its community outreach effort and public accessibility, HBPU launched a hotline and an online form in October 2023 for New Yorkers, who have witnessed or experienced a hate or bias incident, to report it to the HBPU team. Both the hotline, 1-844-NO2-HATE and the online form are posted on DHR's website.

In 2024, DHR printed posters highlighting the hotline and online form in New York's 12 languages and shared with partners and elected officials in January. Moving forward, DHR plans to continue promoting the hotline and online form with partners throughout the state. We also plan to include annual figures of online reports and calls made through the HBPU hotline in our annual report.

Public Outreach Presentations and Events Calendar on DHR Website

Throughout the year, staff participate in public outreach events, including awareness month celebrations, street fairs, and community events. Public outreach events also include presentations on the rights and protections all New Yorkers have under the Human Rights Law.

In addition, the Hate and Bias Prevention Unit has begun holding public events that help combat hate and bias, and foster community building and dialogue. Many of these events are hybrid and have virtual attendance capability to ensure maximum reach across all communities.

To further publicize this public outreach, DHR will have a special section on its website that has a calendar of events and presentations, along with registration and login information. This online calendar will help make these events and presentations more accessible to New Yorkers.

Anti-Hate and Anti-Bias Toolkits

In 2024, DHR's Hate and Bias Prevention Unit plans to launch a media campaign to increase awareness and promote the acceptance, inclusion, tolerance, and understanding of New York

State's diverse population, including but not limited to diversity based on religion, race, color, creed, sex, ethnicity, national origin, age, disability, sexual orientation, and gender identity or expression.

As part of this media campaign, DHR will post toolkits on its website that will provide information on hate and bias incidents and resources available to individuals and communities impacted by these incidents. In addition, these toolkits may include messaging and information to help schools address hate and bias motivated bullying and resources on how to create a welcoming, inclusive, and safe school environment, and resources for small businesses impacted by hate and bias, including information about how these businesses can partner with HBPU Regional Councils to promote customer safety and inclusivity. The toolkits will be available in the 12 languages of New York State.

DHR Electronic Newsletter

Since May 2023, DHR has issued a monthly electronic newsletter that highlights announcements, upcoming events, job postings and new initiatives that the agency has launched. The newsletter currently has more than 4,000 subscribers. To provide transparency and full accessibility to New Yorkers, DHR will post past and upcoming newsletters in a special section on its website, and will also encourage New Yorkers to subscribe to the newsletter in order to receive monthly updates from the agency.

Trainings for NYS Agency ADA Coordinators

The ADA requires state and local government agencies to assign ADA Coordinators to be responsible for ensuring that government services are accessible for persons with disabilities. This provision necessitates transparency by requiring state agencies to publish the contact information for their ADA Coordinator to members of the public.

In 2023, DHR's Director of Disability Rights trained NYS agency Americans with Disabilities Act (ADA) Coordinators on requirements to ensure that government services are accessible and transparent to persons with disabilities. The trainings focused on the ways state agencies could meet their public notice obligation through publication of information on agency websites and through other means. The training also covered ways to ensure that state agency websites are accessible to persons with disabilities, improving transparency for this population.

These trainings were conducted in coordination with the Governor's Office of the Chief Disability Officer. The trainings focused on the ADA requirements to ensure access to government services for persons with disabilities including effective communication, reasonable accommodation, and removal of barriers. Notice requirements were also emphasized to ensure that persons with disabilities in New York State know who to contact at each state agency

should they need to access government services, and if any reasonable accommodations are necessary to do so.

These trainings enhance the transparency of state government to a major and oftentimes underserved population in New York State. In 2020, the NYS Department of Health reported there are approximately 3.3 million adults living with a disability in New York State. Ensuring that state agency services are available to this population meets the goals of NYS transparency initiatives and the requirements of state and federal law that require accessibility of government services to persons with disabilities.

For 2024, DHR plans to continue these trainings for state agency ADA Coordinators and include any necessary updates.

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