

# Education and Training at the Division on Civil Rights

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Elissa Zylbershlag, Director, Education and Training



**NJ** DIVISION ON  
**CIVIL RIGHTS**

# Division on Civil Rights (DCR)

Enforces the following laws:

- ① The New Jersey Law Against Discrimination (LAD)
- ② The New Jersey Family Leave Act (NJFLA)
- ③ The Fair Chance in Housing Act (FCHA)

**DCR Mission:** To protect the people of New Jersey from discrimination and bias-based harassment in employment, housing, and public accommodations.



# Reactive

DCR responds to and investigates claims of harassment and discrimination that are received through our online portal:

**NJ BIAS**

<https://bias.njcivilrights.gov>



Please select one the following options:

File a Complaint

Respond to a Complaint

For step-by-step instructions, please click on the appropriate user manual below.

NJBIAS Manual - Complainants

NJBIAS Manual - Respondents

NJBIAS Manual - Complainants  
(Spanish)

NJBIAS Manual - Respondents  
(Spanish)

# Proactive

DCR proactively addresses the needs of stakeholders in New Jersey.

- 1 **Community Relations Unit**
- 2 **Strategic Initiatives and Enforcement Unit**
- 3 **Education and Training Unit**

# Education and Training Unit Vision

A New Jersey free from discrimination and bias where all people are treated with equal dignity and equal respect and have access to equal opportunity.





**Elissa Zylbershlag**  
Director, Education and Training



**Scott Hirschfeld**  
Lead Curriculum Specialist



**Shanel Lewis**  
Education and Training Specialist



**Noaa Stoler**  
Curriculum Specialist



**Tabitha Rodriguez**  
Trainer and Management Assistant



**Luis Valentin**  
Education and Training Specialist

# Public Trainings

## Rights and Responsibilities:

The New Jersey Law Against  
Discrimination in the  
Workplace

The New Jersey Law Against  
Discrimination in Housing

NJ Division on Civil Rights Fair  
Chance in Housing Act

Hair Discrimination and the NJ  
Law Against Discrimination

Your Legal Rights as Educators

## Discrimination and Harassment Prevention:

Understanding Implicit Bias

Recognizing and Responding to  
Microaggressions

Strategies for Effective Bystander  
Intervention

## Youth Bias Prevention:

Having Anti-Bias Discussions in  
Class

Understanding the Needs of  
LGBTQIA+ Youth

# The New Jersey Law Against Discrimination in the Workplace

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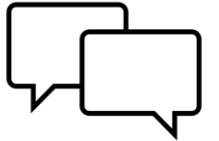
# Employment Discrimination

## *The Good Wife: Discrimination Ethics Clip*



From: <https://www.youtube.com/watch?v=ZH-JNggsoPO>

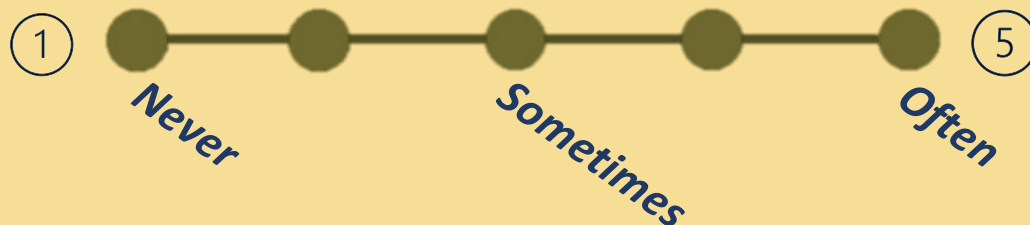
**CHAT:** What comments  
might cross the line to be  
a potential violation of  
the LAD?





# POLL

(a) I have witnessed or experienced discrimination in the workplace:



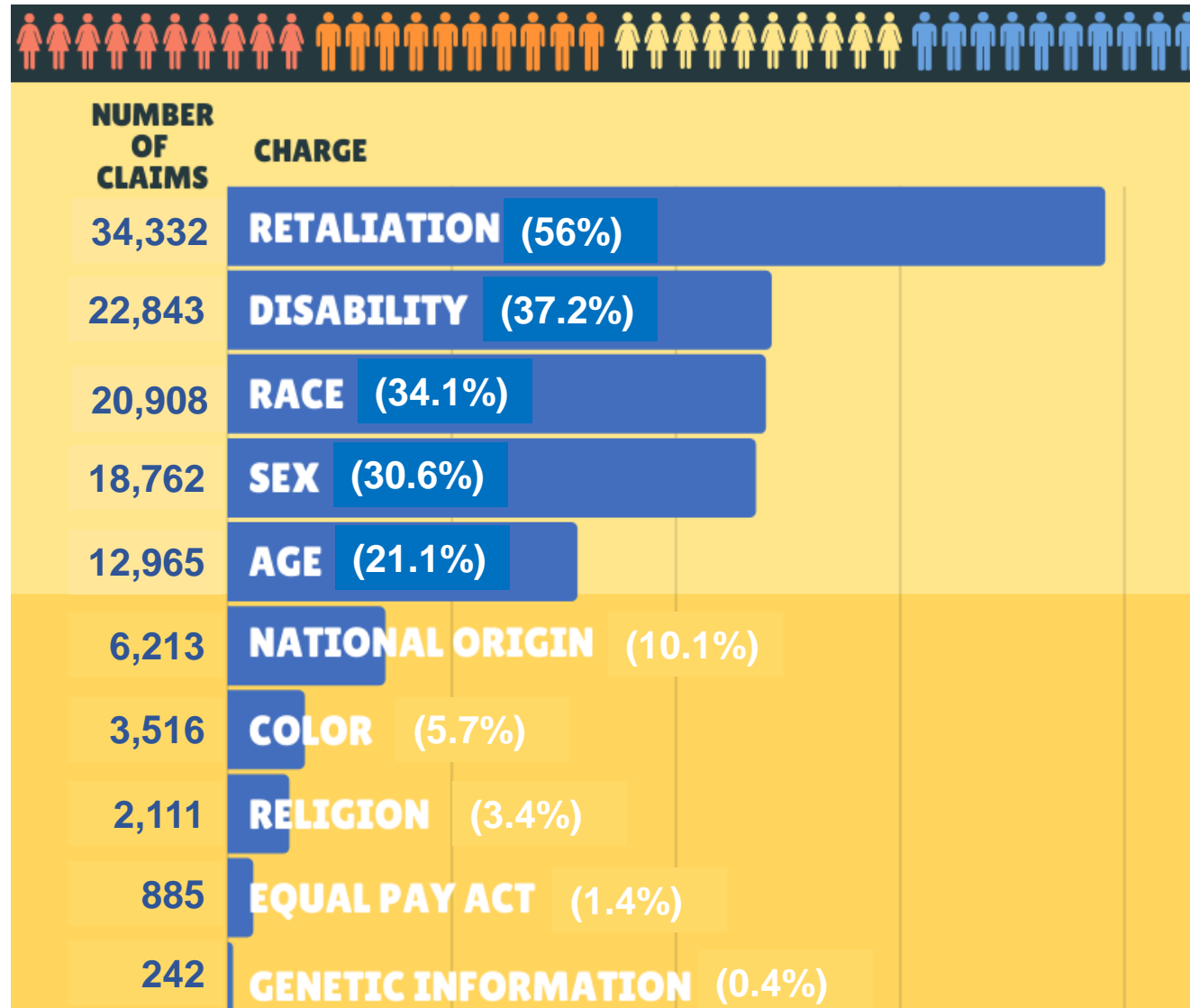
(b) What forms of discrimination in the workplace are most common in your experience?

*Discrimination based on:*

- |         |                 |                         |
|---------|-----------------|-------------------------|
| 1. race | 4. LGBTQ status | 7. national origin      |
| 2. sex  | 5. disability   | 8. Other (type in chat) |
| 3. age  | 6. religion     |                         |

# Employment Discrimination and the LAD

## Top 10 Workplace Discrimination Claims in 2021



# Hair Discrimination and the NJ Law Against Discrimination

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# Emotions High at Meeting over High School Wrestler Told to Cut his Hair



From: <https://www.youtube.com/watch?v=plzlgizy-S0>

# DCR's Investigation: Buena High School



**Mike Frankel**  
@MikeFrankelJSZ

Follow

Epitome of a team player 

A referee wouldn't allow Andrew Johnson of Buena @brhschiefs to wrestle with a cover over his dreadlocks. It was either an impromptu haircut, or a forfeit. Johnson chose the haircut, then won by sudden victory in OT to help spark Buena to a win.



## Guidance on Race Discrimination Based on Hairstyle September 2019

This enforcement guidance clarifies and explains how the New Jersey Division on Civil Rights (DCR) applies the New Jersey Law Against Discrimination (LAD) to discrimination based on hairstyles,<sup>1</sup> with a particular focus on hairstyles closely associated with Black people.<sup>2</sup>

As we explain below, the LAD's prohibition on discrimination based on race encompasses discrimination that is ostensibly based on hairstyles that are inextricably intertwined with or closely associated with race. That means, for example, that the LAD generally prohibits employers, housing providers and places of public accommodation (including schools) in New Jersey from enforcing grooming or appearance policies that ban, limit, or restrict hairstyles closely associated with Black people, including, but not limited to, twists, braids, cornrows, Afros, locs, Bantu knots, and fades.<sup>3</sup> A similar analysis applies to discrimination based on hairstyles that are inextricably intertwined with or closely associated with other protected characteristics, such as hairstyles associated with a particular religion.

### Background on Anti-Black Racism and Discrimination Based on Hairstyles That Are Inextricably Intertwined with or Closely Associated with Being Black

Anti-Black racism, along with implicit and explicit bias against Black people, is an entrenched and pervasive problem both in New Jersey and across the country. In 2017 and 2018, respectively, 52 and 54 percent of reported bias incidents in New Jersey were motivated by the victim's race, ethnicity, or national origin. Of those, approximately 72 percent were anti-Black.<sup>4</sup>

<sup>1</sup> The purpose of this enforcement guidance is to clarify and explain DCR's understanding of existing legal requirements in order to facilitate compliance with the LAD. This guidance does not impose any new or additional requirements that are not included in the LAD, does not establish any rights or obligations for any person, and will not be enforced by DCR as a substitute for enforcement of the LAD.

<sup>2</sup> The phrase "Black people" is used here to include all people who identify as African, African-American, Afro-Caribbean, Afro-Latin-a/o, or otherwise have African or Black ancestry.

<sup>3</sup> The New York City Commission on Human Rights (NYCCHR) set forth similar guidance interpreting the New York City Human Rights Law (NYCHRL) in February of this year. N.Y.C. Comm'n on Human Rights, Legal Enforcement Guidance on Race Discrimination on the Basis of Hair (Feb. 2019), available at <https://www1.nyc.gov/assets/chr/downloads/pdf/Hair-Guidance.pdf> [hereinafter N.Y.C. Hair Guidance]. While DCR's guidance differs in certain respects, portions of the background section explaining the history of discrimination against Black people based on hair and many of the examples closely follow NYCCHR's analysis.

<sup>4</sup> See Office of the Attorney General, New Jersey State Police, and New Jersey Division on Civil Rights, *Bias Incident Report 2017-2018* at 6-8 (2019), available at [https://www.nj.gov/oag/newsreleases/2017-2018\\_Bias-Incident\\_Report\\_080719a.pdf](https://www.nj.gov/oag/newsreleases/2017-2018_Bias-Incident_Report_080719a.pdf).

# The NJ Law Against Discrimination in Housing

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# Disparate Treatment

**Disparate treatment** occurs when a covered entity or person treats an individual less favorably than others because of a protected characteristic.

- Sometimes disparate treatment is overt or explicit
- Sometimes disparate treatment is less obvious or reflects an implicit bias

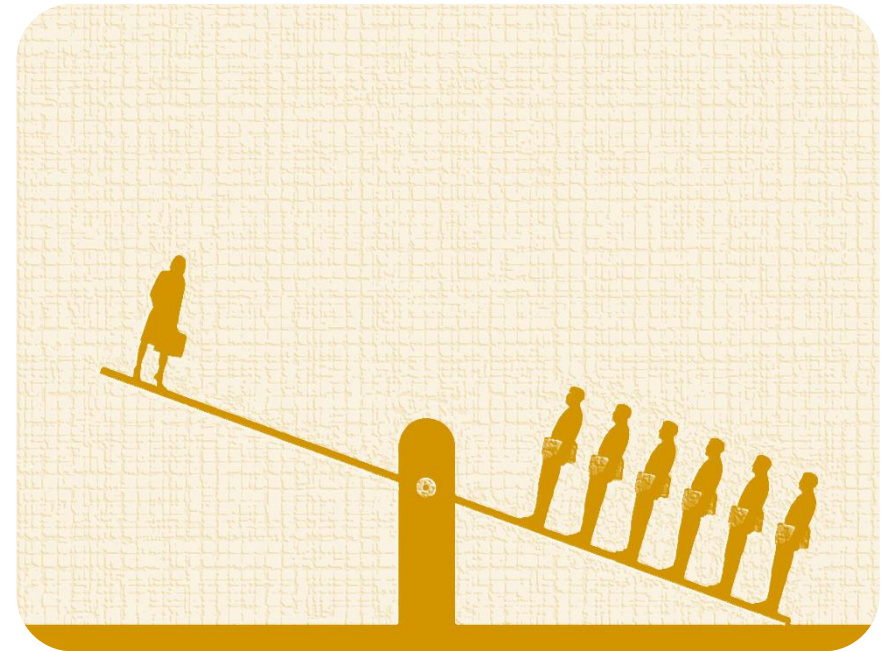




# Disparate Treatment

Real-life examples of disparate treatment in *The Law Against Discrimination in Housing* training:

- LGBTQIA+ status
- Racial steering
- Source of lawful income discrimination



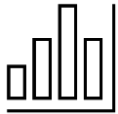
# Disparate Treatment: **Racial Steering**

**Steering** is the practice of influencing a renter's or buyer's choice of communities based upon a protected characteristic, for example by:

- Discouraging them from pursuing certain neighborhoods
- Failing to provide truthful information about the availability of housing in a certain area
- Offering housing only in a neighborhood highly concentrated with other members of the renter's or buyer's protected class



# Disparate Treatment: Racial Steering



**POLL:** Consider these real-life statements made by real estate agents to prospective home buyers. Would any of these signal to you that disparate treatment may be taking place? Select as many as apply.

1. “Do you really want your future children going to Amityville School Districts?”
2. “Every time I get a new listing in Brentwood, or a new client, I get so excited because they’re the nicest people.”
3. “Some of them are not as nice. Elmont, most of Hempstead, Roosevelt, Baldwin, Freeport. You know, maybe not as nice as in terms of statistics.”
4. “Wherever you’re going to buy diapers, you know, during the day, go at 10 o’clock at night, and see if you like the area.”



**CHAT:** For one of the statements selected, why did it raise a red flag for you?

# Disparate Treatment: **Racial Steering**

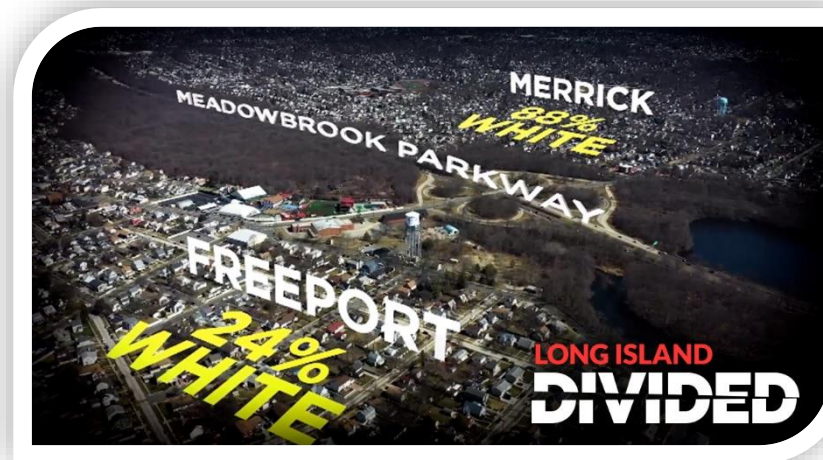
“Every time I get a new listing in Brentwood, or a new client, I get so excited because they’re the nicest people.”

Newsday investigation – 86 paired tests, 25 testers, 93 agents

Found widespread evidence of unequal treatment:

- steering clients toward different neighborhoods
- disparaging minority communities
- providing people of color with fewer listings
- imposing more stringent financial and other conditions

“Please kindly do some research on the gang related events in that area for safety.”



[www.newsday.com/divided](http://www.newsday.com/divided)



# Participant Quotes and DCR Info

“A thought provoking, informative training. The hosts kept the participants engaged and presented the information in a manner that was easy to digest and understand.”

“This training was filled with useful and practical information. I think it was important that it was not judgmental...”

“Appreciated the comprehensive, succinct training that made use of multi-media and active audience participation.”

“It was one of the best trainings, for anything, that I have attended over the years....Thank you for doing such a great job with it. I feel informed and empowered!”



**DCR Trainings:**  
<https://bit.ly/DCRtrainings>  
[education@njcivilrights.gov](mailto:education@njcivilrights.gov)