

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #01/25-042 (BMCC): Preliminary Determination Pursuant to the Audit of the Borough of Manhattan Community College (BMCC) Sexual Harassment Prevention Program from July 1, 1998 to June 30, 2000.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, the Charter defines city agency as any “agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers, the expenses of which are paid in whole or in part from the city treasury;” and

Whereas, the community college of CUNY are funded by the City University of New York and are therefore considered city agencies pursuant to Chapter 36, Section 831(a) of the New York City Charter; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Borough of Manhattan Community College (BMCC) and its compliance with the City University of New York Procedures for Implementation of the Policy Against Sexual Harassment, and BMCC’s Affirmative Action Plan, as well as Commission policies and EEO standards expressed in city and federal guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The college did not maintain a list of college employees who attended sexual harassment prevention training.
2. The complaint intake form in an internal sexual harassment file did not contain the complainant’s signature or date.
3. An internal sexual harassment file did not contain a written statement by the complainant, setting forth his response to the allegations of the complaint.

report was addressed to the college president.

5. An investigator's final report in one internal sexual harassment complaint file contains no evidence that the college president reviewed or approved the report findings.
6. An internal sexual harassment complaint file contains no evidence that the complainant and accused were apprised of action taken as a result of the complaint.
7. An internal sexual harassment complaint file contains no evidence that the complainants were notified of the resignation of the defendant.
8. An internal sexual harassment complaint file contains no evidence that the investigator's recommended corrective was implemented.
9. An internal sexual harassment complaint file contains no evidence that follow-up inquiries were made to ensure that the harassment did not resume and the victim did not suffer retaliation.
10. The current Affirmative Action Officer did not spend 100% of her time on Affirmative Action/EEO matters.

Be It Finally Resolved,

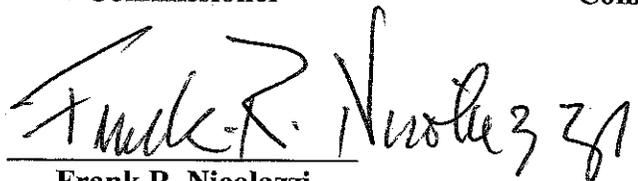
that the Commission authorizes the Vice-Chairman to forward a letter to the President of the Borough of Manhattan Community College, Antonio Perez, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Borough of Manhattan Community College will take to bring the college into compliance with the aforementioned policies and procedures against sexual harassment.

Approved unanimously on June 28, 2001.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner



Frank R. Nicolazzi
Vice-Chairman

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #02/07-042C (BMCC): Determination of implementation by the Borough of Manhattan Community College of the City University of New York of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Borough of Manhattan Community College's Sexual Harassment Prevention Program from July 1, 1998 to June 30, 2000.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, (EEPC) the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to its audit of the Borough of Manhattan Community College, City University of New York, the EEPC issued a preliminary determination letter, dated June 28, 2001 setting forth its findings and recommended corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor (BMCC) the Borough of Manhattan Community College for six months, from January 2002 through June 2002, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, BMCC's compliance period had to be extended two months in order to address recommendation #2; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City University of New York Procedures for Implementation of the Policy Against Sexual Harassment, and BMCC's Affirmative Action Plan, as well as Commission policies and EEO standards expressed in city and federal guidelines. Now Therefore,

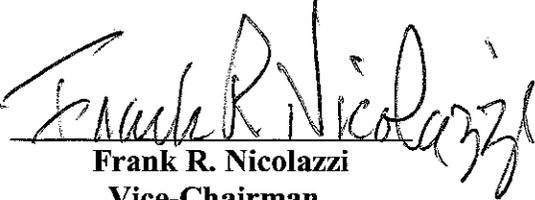
Be It Resolved,
that the Borough of Manhattan Community College of the City University of New York has fully implemented all twelve recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the New York City Charter.

Be It Finally Resolved,
that the Commission authorizes the Vice-Chairman to forward a letter to the President of the Borough of Manhattan Community College, Antonio Perez, formally informing him that the agency has implemented all twelve recommended corrective actions to the Commission's satisfaction.

Approved unanimously on September 19, 2002

Angela Cabrera
Commissioner

Manuel A. Méndez
Commissioner



Frank R. Nicolazzi
Vice-Chairman

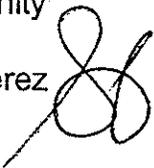


Office of the President

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MEMORANDUM

To: The College Community
From: President Antonio Pérez 
Date: June 11, 2002
Sub: Equal Employment Practices Commission Audit

Over the past year our college has been engaged in a routine audit of the New York City Equal Employment Practices Commission (EEPC) on the sexual harassment policies and practices in place at BMCC. The EEPC initiated audits at three CUNY community colleges, Kingsborough, BMCC, and Queensborough Community College. The audits are part of the EEPC's legally mandated oversight of civil rights compliance in institutions of higher education.

BMCC's audit commenced in February 2002. Since that time we have streamlined our complaints intake process by appointing Ms. Mary Li Hsu to be the college compliance officer. Ms. Hsu will assist the affirmative action officer on a part-time basis. To insure gender balance for intake purposes, Mr. Witfield Felix has been appointed to the sexual harassment panel. We have also made changes to our record keeping and monitoring process at the suggestion of the EEPC.

Sexual harassment will not be tolerated at BMCC, and we consider insuring a workplace and educational environment free of sexual harassment to be a very serious matter. The college will continue to make educating each member of the college community about his/her rights and responsibilities regarding sexual harassment one of our priorities. To achieve this end, BMCC will continue to advise all employees and students in writing of the University's sexual harassment policy. In addition, as a way of improving our outreach to the college community, this fall semester, we will begin a three-year plan for training all employees about sexual harassment compliance.