

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

**RESOLUTION #02/06-042 (LCC):** Preliminary Determination Pursuant to the Audit of the LaGuardia Community College (LCC) Sexual Harassment Prevention Program from July 1, 1999 to June 30, 2001.

**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, and 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, or the expenses of which are paid in whole or in part from the city treasury;" and

**Whereas**, the community colleges of CUNY are funded by the City 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 LaGuardia Community College (LCC) and its compliance with the City University of New York Procedures for Implementation of the Policy Against Sexual Harassment, and LCC'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. Only 20% of full-time LCC employees received sexual harassment prevention training during the audit period.
2. Sexual harassment prevention training is not mandatory for all college employees.
3. Individuals of both sexes were not authorized to investigate sexual harassment complaints.
4. The current and previous Sexual Harassment Panel Coordinators, interviewed by EEPC auditors, were not familiar with the CUNY Procedures for Implementation of the Policy Against Sexual Harassment.

5. Four internal sexual harassment complaint files contain handwritten (and difficult to read) notes.
6. One internal sexual harassment complaint files does not contain an investigative report prepared for the college president.
7. An internal sexual harassment complaint file does not contain a copy of a document required by the settlement of the complaint.
8. One internal sexual harassment complaint file does not contain a copy of a written settlement agreement referred to in the investigator's notes.
9. Although the Sexual Harassment Panel Coordinator addressed her report containing findings and recommendation to the president in an internal sexual harassment complaint, there is no indication in the file that the report was actually reviewed, or the recommendation approved and adopted, by the president.
10. That same file contains no documentation that recommended disciplinary action was taken.
11. The Acting Affirmative Action Officer did not have adequate staff to effectively discharge her numerous duties under the college's Affirmative Action Plan.

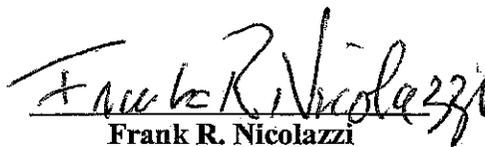
**Be It Finally Resolved,**

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

Approved unanimously on September 19, 2002.

**Angela Cabrera**  
Commissioner

**Manuel A. Mendez**  
Commissioner

  
**Frank R. Nicolazzi**  
Vice-Chairman

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

**RESOLUTION #03/05-042C (LCC):** Determination of implementation by LaGuardia 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 LaGuardia Community College's Sexual Harassment Prevention Program from July 1, 1999 to June 30, 2001.

**Whereas**, pursuant to Chapter 36, Sections 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, 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 LaGuardia Community College of the City University of New York, the EEPC issued a preliminary determination letter, dated September 19, 2002 setting forth its findings and recommended corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC monitored LaGuardia Community College (LCC) for six months, from January 2003 through June 2003, to determine whether it implemented the aforementioned recommended corrective actions; 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 LCC's Affirmative Action Plan, as well as Commission policies and EEO standards expressed in city and federal guidelines. Now Therefore,

**Be It Resolved,**

that LaGuardia Community College of the City University of New York has implemented eleven of the 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 of Compliance Completion to the President of LaGuardia Community College, Gail O. Mellow, Ph.D., formally informing her that the agency has implemented eleven of the twelve recommended corrective actions to the Commission's satisfaction, and request written confirmation when corrective action #3 has been implemented.

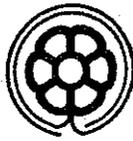
Approved unanimously on September 18, 2003.

**Angela Cabrera**  
Commissioner

**C. Catherine Rimokh, Esq.**  
Commissioner

**Veronica Villanueva, Esq.**  
Commissioner

  
**Manuel A. Méndez**  
Vice-Chairman



■ **FIORIELLO H. LA GUARDIA COMMUNITY COLLEGE** THE CITY UNIVERSITY OF NEW YORK ■

Office of the President

**MEMORANDUM**

To: The College Community

From: Dr. Gail O. Mellow  
President

Date: June 16, 2003

Re: ***Equal Employment Practices Commission Audit***

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Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the Equal Employment Opportunity Programs of all New York City agencies.

In July 2002, the EEPC conducted an audit of LaGuardia Community College's Sexual Harassment Prevention Program. The audit covered the period July 1, 1999 to June 30, 2001. The audit measured various areas of the Program's operations including its compliance with the *City University's Policy Against Sexual Harassment*, the *City University's Procedures for Implementation of the CUNY Policy Against Sexual Harassment*, and the EEPC's own policies and equal employment opportunity standards, as expressed in city and federal guidelines.

At the conclusion of its audit, the EEPC made recommendations to enhance our Program, and I am pleased to report we have accepted and have begun implementing the following recommendations:

We have committed to a three-year plan to expand the training and re-training of all of the College's supervisors and managers, utilizing our Sexual Harassment Education Committee and the City University's training programs.

To streamline our record keeping, we have adopted the EEPC's suggestions regarding complaint file documentation.

To ensure gender equity during the complaint intake process, I have appointed Instructor Gary Richmond of the Humanities Department to serve on the Sexual Harassment Prevention Panel as a Deputy Panel Coordinator. Mr. Richmond is currently attending sexual harassment prevention training so that he can properly perform this task.

The Affirmative Action Office will continue to be staffed with a full-time assistant to the Affirmative Action Officer.

As President, I reaffirm the College's full commitment to the principles and spirit of compliance with the EEPD's regulations and guidelines that govern sexual harassment in the workplace. In order that the College community is fully informed of these laws and the College's policy and procedures, we will continue to disseminate annually the *City University Policy Against Sexual Harassment* and the *City University Procedures for Implementation of the City University's Policy Against Sexual Harassment*.

c: Jemma Robain LaCaille, Affirmative Action/EEO Officer  
Gloria Medonne, Coordinator, Compliance & Diversity Programs

