

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #12/01-042(BCC): Preliminary Determination Pursuant to the Audit of Compliance by the Bronx Community College with the City University of New York's Affirmative Action/Equal Employment Opportunity and Diversity Policy from July 1, 2007 to June 30, 2010.

Whereas, pursuant to Chapter 36, Section 831(d)(2) 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 Equal Employment Practices Commission audited the Bronx Community College's Affirmative Action/Equal Employment Opportunity and Diversity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the 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 Bronx Community College's compliance with its Affirmative Action/Equal Employment Opportunity and Diversity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Two of the three internal complaint files did not contain documentation notifying the appropriate parties that a complaint had been filed and that an investigation has begun. The other internal complaint file did not contain documentation notifying the respondent.
2. One of the three complaint files did not contain written correspondence notifying the complainant and respondent of the outcome of the investigation. Another complaint file did not contain written correspondence notifying the respondent of the outcome of the investigation.
3. The college's list of recruitment resources did not include any female- and minority-oriented publications, professional organizations, or diversity websites.
4. Although the AA/CDO met with the President as needed to discuss AA/EEO issues, notes of those meetings were not maintained.

5. Although the college submitted a plan that indicated progress toward accessibility for employees with disabilities, barriers still remained. In addition, the plan did not specify how the college would address accessibility for historic and landmark buildings.

Be It Finally Resolved,

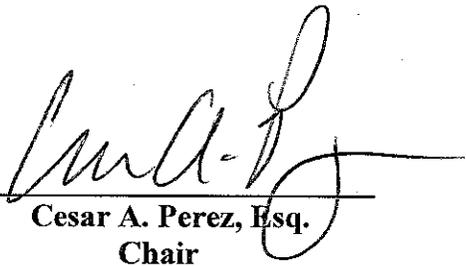
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to President Carole M. Berotte Joseph, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipt of the letter indicating what corrective actions the Bronx Community College's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on February 24, 2012.

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner



Cesar A. Perez, Esq.
Chair

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

RESOLUTION #12/24-463C: Determination of implementation by the Bronx Community College's implementation of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Bronx Community College's compliance with its Equal Employment Opportunity Program from July 7, 2007 to June 30, 2010.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, 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 ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to ensure equal employment opportunity for minority group members and women; and

Whereas, pursuant to the Administrative Code of the City of New York, Title 8, as amended, the City established the New York City Human Rights Law, which identified other groups for protection from discrimination in employment; and

Whereas, pursuant to its audit of the Bronx Community College's (BCC) Equal Employment Opportunity Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated February 24, 2012, setting forth its findings and recommended corrective actions; and

Whereas, the BCC submitted its response to the EEPC's preliminary determination letter, on May 1, 2011; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on May 14, 2012, identifying those recommendations accepted and rejected by CCHR; and

Whereas, the BCC responded to the EEPC's final determination letter on June 6, 2012; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the BCC for a period not to exceed six months, from July 2012 through December 2012 to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Bronx Community College submitted its Final Compliance Report on December 6, 2012; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City University of New York's Equal Employment Opportunity Policy; and

Whereas, the members of this Commission have reviewed a Compliance Summary Report prepared by EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Bronx Community College has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, to forward a letter to the Bronx Community College President, Dr. Carole M. Berotte Joseph, formally informing her that the BCC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on December 13, 2012

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner



Angela Cabrera
Commissioner

MEMORANDUM

DATE: November 7, 2012

TO: All BCC Employees and Faculty

FROM: President Carole M. Berotte Joseph 

RE: Audit from the Equal Employment Practices Commission

On May 14, 2012, the Equal Employment Practices Commission (EEPC) completed an Audit of Compliance for Bronx Community College with The City University of New York (CUNY) Affirmative Action/Equal Employment Opportunity and Diversity Policy Statement from July 1, 2001 to June 30, 2010.

Following this audit, the College was required to implement six (6) EEPC recommendations within a six (6) month period to commence on July 1, 2012. I am pleased to report that we are now in full compliance with the six (6) audit recommendations.

Listed below are the six (6) implemented audit recommendations:

- (1) BCC must contact all parties, as per the CUNY Employment and Discrimination Complaint Procedures, that an EEO complaint has been filed and that an investigation has begun. All EEO case folders now contain documentation that such action is consistently done.
- (2) In the event that an investigation uncovers no reasonable basis for the allegations of discrimination, the College contacts the complainant, the President and other appropriate parties of the outcome, in writing.
- (3) Since the College's workforce shows underutilization in Professorial, Non-Professorial, and Administration groups in at least four (4) "protected classes" (Asians, Blacks, Hispanics and Females), the College expands its recruitment efforts and maintains a list of additional recruitment resources geared toward these protected groups. The College refers to this list for subsequent recruitment efforts in the relevant job groups until underutilization is eliminated.
- (4) Because the Affirmative Action/Chief Diversity Officer should report directly to the President (or to a direct report to the President), a log of appropriate documentation on the meetings and other communications between the Affirmative Action/Chief Diversity Officer and the President regarding decisions that impact the administration of the College's EEO program is maintained.

- (5) Since it is the Commission's position that the College is responsible for ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, the College has submitted documentation to demonstrate implementation of its plan to address accessibility issues.
- (6) Since the Charter and the Equal Employment Opportunity Policy (EEOP) require the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, this memorandum serves as notification to all employees on the changes that have been implemented in the College's AA/EEO program pursuant to the EEPC's audit.

As President of Bronx Community College, I reaffirm the College's strong commitment to the principles of affirmative action, equal opportunity and diversity. Bronx Community College is committed to maintaining fair employment practices on the basis of merit for all our employees. As an Equal Opportunity Employer, Bronx Community College is also committed to compliance with the federal, state and local laws prohibiting employment discrimination. It is the policy of The City University of New York and Bronx Community College to recruit, employ, retain, promote and provide benefits to employees; and to admit and provide valuable services for students without regard of race, color, creed, national origin, ethnicity, ancestry, religion, age, sex (gender), sexual orientation, gender identity, marital status, prior arrest/conviction, legally registered domestic partnership status, disability, predisposing genetic characteristics, alienage, citizenship, military or veteran status, or status as a victim of domestic violence.

Please be advised that detailed information regarding Bronx Community College's EEO/AA program, its policies and procedures can be found on the College website at http://www.bcc.cuny.edu/affirmative_action/default.htm.

If there are any employees and/or faculty with equal employment opportunity concerns, or wish to find out specific information about how the College addressed the EEPC's recommendation, are advised to speak with Jesenia Minier-Delgado, Chief Diversity Officer/Director of the Office of Affirmative Action, Compliance and Diversity at (718) 289-5151 or jesenia.minier-delgado@bcc.cuny.edu.

I thank you for sharing my commitment in creating a work environment that encourages and appreciates diversity.