

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #11/27-042(BMCC):** Preliminary Determination Pursuant to the Audit of Compliance by the Borough of Manhattan Community College with its 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 Borough of Manhattan 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 Borough of Manhattan 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. Fifty-four percent of respondents to the *EEPC's Supervisor/Managers Survey* indicated they did not receive AA/EEO and Diversity training during the past 3 years. (CUNY, *Policies and Procedures on Non-Discrimination and Sexual Harassment*, p. 7, Sect III.2 and EEPC/Sect. 831, City Charter)
2. One of the three internal complaint files did not contain written notification informing the complainant and accused that an investigation had begun, which may include interviews with third parties, and that the President shall determine what action, if any, to take after the investigation is complete. (CUNY, *Policies and Procedures on Non-Discrimination and Sexual Harassment*, Section III.7b2, July 2010)
3. Although the AA/CDO met with the President daily or as needed to discuss AA/EEO issues, notes of those meetings were not kept. (Commission's Position and EEPC/Sect. 831, City Charter)

4. The facilities at 70 Murray, 2nd, 10th, 11th, 12th, & 14th Floors, 25 Broadway, 8<sup>th</sup> Floor, and 199 Chambers Street, 1 to 7 Floors do not have low sink or bathroom fixtures. (Commission's Position and EEPC/Sect. 831, City Charter, (ADAAG) and Local Law 58)

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to President 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's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

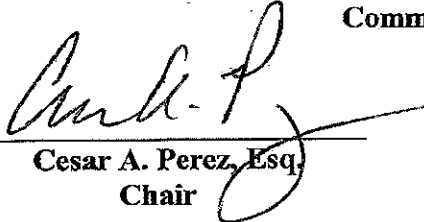
Approved by four votes with one abstention on December 15, 2011.

**Angela Cabrera**  
Commissioner

**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 #13/15-466C:** Determination of **Compliance** by the Borough of Manhattan Community College with the Equal Employment Practices Commission's recommended corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program.

**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 insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Borough of Manhattan Community College's (BMCC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 15, 2011, setting forth its findings and recommended corrective actions; and

**Whereas**, the BMCC submitted its response to the EEPC's preliminary determination letter, on January 23, 2012 with documentation of its action to rectify the areas of non-compliance identified in the preliminary determination; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the BMCC for a period not to exceed six months, from November 2012 through May 2013, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the BMCC implemented Corrective Action #1, which states: The College should develop an AA/EEO and Diversity training plan to ensure that all individuals who work within the campus, including managers and supervisors, are trained concerning AA/EEO and Diversity-related policies, rights, and responsibilities; and

**Whereas**, the BMCC implemented Corrective Action #2, which states: The complainant should be informed in writing that an investigation is being commenced, that interviews of the accused and possibly other people shall be conducted, and that the President shall determine what action, if any, to take after the investigation is complete; and

**Whereas**, the BMCC implemented Corrective Action #3, which states: The accused should be advised that a complaint of discrimination has been received, that an investigation has begun, which may include interviews with third parties, and that the President shall determine what action, if any, to take after the investigation is completed. The accused should be given a copy of the complaint and an opportunity to respond; and

**Whereas**, the BMCC implemented Corrective Action #4, which states: Because the AA/CDO should report directly to the President (or to a direct report to the President), it is the Commission's position that appropriate documentation of meetings and other communications between the AA/CDO and the President regarding decisions that impact the administration of the college's EEO program be maintained; and

**Whereas**, the BMCC implemented Corrective Action #5, which states: 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 college policies, pertaining to persons, (i.e., employees) with disabilities, the college should develop a plan to demonstrate accessibility compliance for the three facilities. This plan should identify barriers and detail the efforts the college has taken to remove barriers. This plan will be reviewed during the compliance period; and

**Whereas**, since Section 815.a.(15) of the New York City the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, on July 18, 2013, the College President distributed a memorandum to all staff informing them of the changes that have been implemented in the College's EEO program pursuant to the EEPC's audit. This memorandum re-emphasized the College President's commitment to the College's Equal Equal Employment Opportunity Program; and

**Whereas**, all of the EEPC's recommended corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

**Be It Resolved,**

that the Borough of Manhattan 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,**

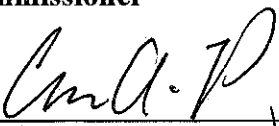
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this Determination to Dr. Antonio Perez, President of the Borough of Manhattan Community College.

Approved unanimously on August 15, 2013.

**Arva R. Rice**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner


**Malini Cadambi Daniel**  
Commissioner

  
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**Cesar A. Perez, Esq.**  
Chair



Office of the President

Borough of Manhattan Community College  
The City University of New York  
www.bmcc.cuny.edu199 Chambers Street  
New York, NY 10007-1097  
tel. 212-220-1230  
fax 212-220-1244

To: All BMCC Employees  
From: President Antonio Perez   
Subj: Equal Employment Practices Commission Audit  
Date: July 17, 2013

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I would like to reaffirm my commitment to maintaining a non-discriminatory, respectful and open work environment at the Borough of Manhattan Community College (BMCC).

BMCC is an equal employment opportunity employer committed to compliance with federal, state, and local laws that prohibit employment discrimination. Terms and conditions of employment at BMCC will be made in compliance with the policies of The City University of New York irrespective of race, color, creed, national origin, ethnicity, ancestry, religion, age, gender, sexual orientation, gender identity, marital status, legally registered domestic partnership status, disability, predisposing genetic characteristics, alien status, citizenship, military or veteran status, or status as a victim of domestic violence.

In response to the preliminary determinations and corrective actions/recommendations identified in our recent audit by the Equal Employment Practices Commission (EEPC) for the period of July 1, 2007 through June 30, 2010, BMCC will take the following actions to be in full compliance with CUNY's Affirmative Action/Non-Discrimination/Equal Employment Opportunity (EEO) Policies, as well as the EEPC's policies and EEO standards expressed in the Federal, State and City Human Rights Laws:

#### **Compliance with EEO Training Standards**

In an effort to ensure that all employees are trained on affirmative action/EEO and diversity related policies, rights and responsibilities, BMCC has created and implemented a training plan which will include online training. This training is expected to conclude during the summer of 2014 and it will be repeated every four years.

#### **EEO Internal Discrimination Complaint Files**

The Affirmative Action/Compliance and Diversity Office will continue to ensure that all discrimination complaints files contain:

- The Charge of Discrimination Form completed by the complainant or AA/CDO;

- Written Notification informing the complainant(s) and respondent(s) that an investigation has begun, which may include interviews with third parties, and that the President shall determine what action, if any, will be taken after the investigation is complete;
- The Action taken in Response to Discrimination/Retaliation Complaint Form signed by the President; and
- Written communication apprising the complainant(s) and respondent(s) of the outcome and action taken as a result of the complaint.

**Accessibility Compliance**

BMCC will continue to ensure that all its facilities are accessible. To accomplish this, BMCC has devised a plan to demonstrate accessibility compliance. This plan includes beginning the design of construction for new bathrooms, surveying entrances and doorways and making its mid campus entrance better identifiable to drivers of Access-a-Ride and other vehicles. Furthermore, BMCC will continue to provide appropriate assistive devices to its employees when needed.

Thank you again for sharing my commitment to maintaining a discriminatory free work environment.