

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

RESOLUTION #02/05-042 (HCC): Preliminary Determination Pursuant to the Audit of the Hostos Community College (HCC) 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 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 Hostos Community College (HCC) and its compliance with the City University of New York Procedures for Implementation of the Policy Against Sexual Harassment, and HCC'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 16% of faculty members received sexual harassment prevention training during the audit period.
2. Sexual harassment prevention training is not mandatory for college employees.
3. The current and previous Sexual Harassment Panel Coordinators, interviewed by EEPC auditors, were not familiar with the CUNY Procedures for Implementation of the City University's Policy Against Sexual Harassment.
4. The Sexual Harassment Panel did not have a standard complaint intake form.

5. Although the investigator's report in one internal sexual harassment complaint file indicates that the Dean of Students was asked to notify the respondent of the corrective action to be taken, there is no evidence in the file that the respondent was so notified.
6. That same file contains no documentation that recommended corrective actions were taken.
7. The investigator's report in one internal sexual harassment complaint file was not completed within 60 days of receipt of the complaint.
8. The respondent and complaint in that same file were not notified of the college's determination and recommended corrective actions until more than five months after the issuance of the investigator's report.
9. The Affirmative Action Officer is not the Sexual Harassment Prevention Program Coordinator.
10. The Affirmative Action Officer did not spend 100% of her time on Affirmative Action matters.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the President of the Hostos Community College, Dr. Delores M. Fernandez, 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 Hostos Community College will take to bring the college into compliance with the aforementioned policies and procedures against sexual harassment.

Approved unanimously on June 20, 2002.

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner



Frank R. Nicolazzi
Vice-Chairman

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

RESOLUTION #03/02-042C (HCC): Determination of implementation by Hostos 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 Hostos 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 Hostos Community College, City University of New York, the EEPC issued a preliminary determination letter, dated June 20, 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 Hostos Community College (HCC) for six months, from September 2002 through January 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 HCC's Affirmative Action Plan, as well as Commission policies and EEO standards expressed in city and federal guidelines. Now Therefore,

Be It Resolved,
that Hostos Community College of the City University of New York has fully implemented all ten 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 Final Determination to the President of Hostos Community College, Delores M. Fernandez, Ph.D., formally informing her that the agency has fully implemented all ten recommended corrective actions to the Commission's satisfaction.

Approved unanimously on April 3, 2003.

Angela Cabrera
Commissioner

Manuel A. Méndez
Commissioner

C. Catherine Rimokh, Esq.
Commissioner


Frank R. Nicolazzi
Vice-Chairman



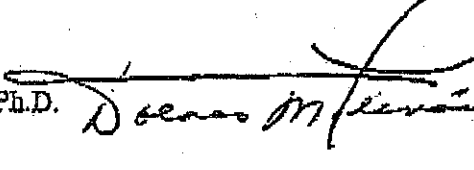
Eugenio María de Hostos Community College
of The City University of New York
500 Grand Concourse, Bronx, New York 10451
Phone (718) 518-4300 Fax (718) 518-4294



OFFICE OF THE PRESIDENT

MEMORANDUM

To: The Hostos Community

From: Dolores M. Fernández, Ph.D.
President 

Date: March 17, 2003

Re: New York City Equal Employment Practices Commission Audit/
Sexual Harassment Prevention Training

Over the past year, Hostos Community College has been engaged in a routine audit by the New York City Equal Employment Practices Commission (EEPC), focusing on the policies and practices regarding sexual harassment prevention training in place at this institution. Such audits are routinely conducted at CUNY colleges as part of EEPC's legally mandated oversight of civil rights compliance.

Specifically, the audit measures Hostos Community College's compliance with the CUNY Policy Against Sexual Harassment, the CUNY Procedures for Implementation of the University's Policy Against Sexual Harassment, Hostos' Affirmative Action Plan (2000-2001), as well as Commission Policies and EEO standards expressed in city and federal guidelines.

Our audit began in February 2002. In response to EEPC recommendations, we have developed a sexual harassment complaint intake form, which documents that the parties to a complaint will be apprised of the proposed corrective action, and that in the event of any delay of the college's determination and recommended corrective action, the parties involved in the investigation will be notified.

Furthermore, a plan was also developed to provide sexual harassment prevention training to all college employees who have not received it. Currently, new adjuncts receive an orientation from the Division of Academic Affairs that covers sexual harassment prevention. All new non-instructional personnel receive sexual harassment prevention training during the orientation provided by the Office of Human Resources. Employees may also obtain a copy of the sexual harassment prevention manual from Human Resources.

Sexual harassment is not tolerated at Hostos. We are committed to ensuring that the college as a workplace and an educational environment remains free of such unacceptable behavior. Informing every member of the community about his or her rights with regard to sexual harassment is a high priority. Thank you for your cooperation and support in this very important endeavor.