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BY MAIL AND EMAIL

July 1, 2016

Dr. Thomas A. Isekenegbe
President
Bronx Community College
2155 University Avenue, Language Hall
Bronx, NY 10453

Re: Preliminary Determination for Audit: Review, Evaluation, and Monitoring of the Bronx Community College's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear President Isekenegbe:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering January 1, 2013 to December 31, 2015.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Bronx Community College, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other 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..."

The purpose of this audit and analysis is to evaluate the agency's Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*¹ 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 municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

Scope and Methodology

This Commission's audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System* (CEEDS).

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career

¹ Corresponding audit/analysis standards are numbered throughout the document.



Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete and return their individual questionnaires. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

Bronx Community College of The City University of New York (BCC) offers more than 30 academic programs that prepare students for careers and education at four-year colleges. The College provides approximately 11,500 students with quality academic programs, outstanding faculty, and flexible class schedules. BCC is a Hispanic Serving Institution (HSI), with students representing approximately 100 countries. (For more information see <http://www.bcc.cuny.edu/About-BCC/> .)

At the end of the audit period, the agency total workforce consisted of 924 employees: 387 were pedagogical employees; and 537 were non-pedagogical employees—which fall under the EEPC's jurisdiction. (See Appendix 1.)

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

Determination: The agency is in partial-compliance with the standards for this subject area.

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ During the period in review, the college President (the agency head) issued an annual EEO Policy memo. In the latest memo, the agency head reiterated the agency's "*commitment to Affirmative Action and Equal Employment Opportunity (EEO) in promoting educational programs and personnel practices*" and further stated that the agency, "*adopts the policy to recruit, employ, retain and promote employees without regard to race, color, national or ethnic origin, religion, age, sex (gender), sexual orientation, transgender, disability, genetic predisposition or carrier status, alienage or citizenship, prior record of arrest and/or conviction (under certain circumstances), veteran status, marital status, legally registered domestic partnership status, and/or victim of domestic violence. Sexual harassment is considered a form of gender discrimination and is strictly prohibited.*"

Additionally, the agency head advised employees of the name and contact information of the principal EEO Professional and informed employees to "*obtain an electronic copy of the Affirmative Action Plan for review and comment*" and further stated that "*the entire college*

community should understand and be knowledgeable about the Affirmative Action/EEO Programs” and the agency’s EEO policy, City University of New York (CUNY) Policy on Equal Opportunity and Non-Discrimination. The EEO Policy memo was distributed to employees via email annually.

- The agency’s EEO Policy memo did not include all protected classes. **Corrective Action Required.**

Note: The agency’s EEO Policy memo should be updated and consistent with the agency’s EEO Policy. (See § 1.2.)

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency’s EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ The agency posted an electronic copy of the agency’s EEO Policy, *CUNY Policy on Equal Opportunity and Non-Discrimination* on its website. The EEO Policy included a policy against sexual harassment with a link to the *CUNY’s Policy on Sexual Misconduct*, a policy on *Discrimination and Retaliation Complaints* and the complaint procedure; a policy on *CUNY’s Procedures on Reasonable Accommodation*; and a list of protected classes under New York City Human Rights Law which “*prohibits discrimination based on age (18 and older), race, creed, color, national origin, gender (including gender identity and expression), disability, marital status, partnership status, sexual orientation, alienage or citizenship status, arrest or conviction record, unemployment status, or status of an individual as a victim of domestic violence, sex offenses or stalking*” and New York State Human Rights Law which in addition to the above prohibits discrimination based on *military status, and predisposing genetic characteristics*. Employees were informed of the agency’s EEO policies during New Hire Orientation, as well via email from the agency head’s annual EEO Policy memo.
 - The agency’s EEO Policy did not include current contact information for the federal, state and local agencies that enforce laws against discrimination. **Corrective Action Required.**

Corrective Action #1: Include, or attach as addenda to the EEO Policy, current contact information for the federal, state and local agencies that enforce laws against discrimination.

NOTE ON POLICY UPDATES: Subsequent to the audit period, the following protected categories were added to the New York City’s Human Rights Law: “caregiver status” (effective May 4, 2016); and “pregnancy” (enforcement guidance released on May 16, 2016). All EEO policies/flyers and related documents must reflect these updates.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is in compliance with the standards for this subject area.

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ During the period in review, the agency established and implemented an EEO training plan for new and existing employees. The agency's documentation of annual training log included sign-in sheets with information on the *type of the training, date, location, name and signatures of attendees*. The agency conducted 5 training sessions in 2013 (*Creating Workplace Civility*; and *Basic EEO Training*); 7 training sessions in 2014 (*Basic EEO Training*; and *Title IX Training*); and 4 training sessions in 2015 (*Title IX Training*; and *Basic EEO Training*).

III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):

Determination: The agency is in partial-compliance with the standards for this subject area.

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- ✓ The agency's assessment of its recruitment efforts included a review of workforce data and the development of a recruitment plan and guide. Recruitment for each position required development of a Recruitment Plan, prior to posting the position. The agency's principal EEO professional was responsible for reviewing the agency's statistical information and for discussing underrepresentation with the Search Committee members (Interview Panel) and for advising the Committee on guidelines for interview questions.

The agency demonstrated that it used a list of recruitment sources to post available positions and recruit candidates during the audit period such as: *Academic Diversity Search, Diverse Issues in Higher Education, Minority Diversity Network, Monster/Diversity Upgrade, Journal of Blacks in Higher Education, El Diario, Hispanic Association of Colleges and Universities, Hispanic Outlook in Higher Education, Latinos in Higher Education, Association for Women in Math, Women in Higher Education, and National Association for Women Lawyers*, as well as a *Diversity Resources Guide*, which contained a list of diverse recruitment sources such as *Diversity Central, Hire Diversity, Minority Executive Search, National Urban League, National Association of Asian-American Professionals, The Coalition of Italo-American Associations Inc., American Indian Graduate Center, and U.S. Department of Veterans Affairs*.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ The principal EEO professional reviewed the agency's statistical information to identify whether there are barriers to equal opportunity (i.e. *Impact Ratio Analysis* based on the information presented in the *Personnel Activity Table* and *Applicant Data Recruitment* documentation; hires, reclassifications, promotions, and terminations); consulted with the Human Resources professional regarding complaints and charges of discrimination. The General Counsel assisted the principal EEO professional in developing, maintaining, and implementing the agency's Affirmative Action Policy. The agency's documentation of meetings between the principal EEO Professional, HR Professional, and General Counsel – regarding discussions on EEO inquiries, HR issues, legal, and the Search Committee – included calendar meeting invite notices and calendar meetings.
6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
- ✓ The agency demonstrated that it reviewed *Impact Ratio Analysis* data (based on the statistical data information presented in the *Personnel Activity Table* and *Applicant Data Recruitment* documentation) to determine adverse impact. (See Appendix 2.) The analysis indicated whether an employment practice resulted in a negative consequence for members of protected groups and other employees or applicants. The agency's documentation of employment practices included a utilization analysis to indicate the difference in underutilization of racial and ethnic groups and women within the EEO categories. Additionally, the principal EEO professional reviewed the utilization analysis data, monitored each phase of the hiring and recruitment process, and advised Search Committee members (Interview Panel) on the groups experiencing underrepresentation and on guidelines for interview questions.
- The agency did not demonstrate that it assessed the manner in which candidates were selected for employment to determine whether the selection criteria being utilized were job-related. In addition, as reported in the agency's *Affirmative Action Plan Fiscal Year (FY) (2015-2016)*, underrepresentation was indicated in females and Asians in the *Executive/Administrative/Managerial* group, and Asians in *Skilled Trades* group. The agency reported in the *Affirmative Action Plan* that data was unavailable due to Civil Service examination/ promulgated list for the other EEO categories *Professional/Non-Faculty*; *Secretarial/Clerical*; *Technical/Paraprofessional*; and *Service/Maintenance*.
Corrective Action Required.

Corrective Action #2: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

7. If women, minorities, or other protected groups are underrepresented in titles where there is *discretion* in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
- ✓ The agency demonstrated that it used a *Diversity Resources Guide* and other recruitment sources, to post available positions and recruit candidates. (See § III. 4).
 - The agency did not demonstrate that it used the aforementioned job sources to address underrepresentation in titles where there is discretion in hiring. The agency's *Affirmative Action Plan FY (2015-2016)* indicated underrepresentation of females and Asians in the *Executive/Administrative/Managerial* group; and underrepresentation of Asians in the *Skilled Trades* group. The agency reported in the plan that data was unavailable due to Civil Service examination/ promulgated list for the other EEO categories *Professional/Non-Faculty; Secretarial/Clerical; Technical/Paraprofessional; and Service/Maintenance*) which may include *discretionary titles*. **Corrective Action Required.**

Corrective Action #3: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
- ✓ The agency demonstrated that it used a *Diversity Resources Guide* and other recruitment sources, to post available positions and recruit candidates. (See § III. 4).
 - The agency did not demonstrate that it reviewed the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) or that it worked with the Civil Service Unit, for the groups experiencing underrepresentation to ensure that these standards were updated, job-related and required by business necessity. The

agency's *Affirmative Action Plan FY (2015-2016)* indicated underrepresentation of females and Asians in the *Executive/Administrative/Managerial* group; and underrepresentation of Asians in the *Skilled Trades* group. The agency reported in the plan that data was unavailable due to Civil Service examination/ promulgated list for the other EEO categories *Professional/Non-Faculty; Secretarial/Clerical; Technical/Paraprofessional; and Service/Maintenance*) which may include *civil service titles*. **Corrective Action Required.**

NOTE: The agency reported that the Civil Service testing, selection processes, and the Section 55-a program were handled by the CUNY Central, Civil Service Unit.

Corrective Action #4: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Unit if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
- ✓ The agency ensured that the personnel involved in recruiting and hiring (e.g. the agency's Search Committee) were provided with a structured interview guide entitled, "*CUNY Search Committee Guide Resources for Conducting a Successful Search.*" The role of the Search Committee (Interview Panel) was to develop interview questions relative to the requirements for each position and to evaluate candidates. The agency reported that the Search Committee consisted of "*individuals who have enough knowledge and skills to effectively evaluate candidates.*" Additionally, the principal EEO professional advised Committee members on guidelines for questions to ensure that all search interviews comply with EEO policies.
10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
- ✓ The agency demonstrated that the Human Resources department promoted employees' awareness of opportunities for career advancement by advising employees of training and professional development opportunities during the new hire orientation and through notifying employees via email of upcoming civil service examinations.
11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
- ✓ During the period in review, the agency advertised several job vacancies on the CUNY website such as *EOC Academic Resources Center Coordinator; Academic College Discovery Student Support Specialist; Vice President of Administration and Finance; and Academic Student*

Support Program Specialist-CUNY Language Immersion Program. Each job vacancy included the EEO tagline, “[w]e are committed to enhancing our diverse academic community by actively encouraging people with disabilities, minorities, veterans, and women to apply. We take pride in our pluralistic community and continue to seek excellence through diversity and inclusion EEO/ AA Employer.”

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants’/candidates’ names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers’ names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
- ✓ Applications at the agency were received through the CUNY’s central Application Tracking System CUNYfirst. The tracking system generated an applicant log which included the following information: *position, applicant name, identification number, applicant type, disposition, resume, and last updated*. Additionally, other information such as *interview date and interviewers’ name* were captured in the applicant pool certification list form maintained by the agency for final candidates.
- The agency did not demonstrate that its applicant/candidate log included *ethnicity, gender, disability or veteran status* of each applicant, and *recruitment source*. **Corrective Action Required.**

Corrective Action #5: Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the *ethnicity, gender, disability or veteran status*, of each applicant, and *recruitment source*.

IV. CAREER COUNSELING:

Determination: The agency is in compliance with the standards for this subject area.

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ The agency’s Human Resources department was responsible for providing employees with information regarding career opportunities. The Human Resources department notified employees via email of upcoming civil service examinations, and provided information on training and professional development opportunities available to employees during the new hire orientation. (See § III.10) Information on the type of guidance available to employees by the agency’s Human Resources department was posted on its website and stated that: “[t]he Office of Human Resources furthers the mission of Bronx Community College by providing quality services to the College Community in the areas of: Employment, Recruitment, Compensation, Employee Labor Relations.”

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ The Human Resources professional ensured that employees had access to information on career opportunities; ensured that employees were informed via email of training and civil service examination; ensured new employees were provided information on EEO policies and discrimination procedures during new hire orientation; and ensured information on the agency's performance evaluations standards were posted on the website. Additionally, the Human Resources professional met with the principal EEO professional to discuss EEO-related matters as indicated by their calendar meetings.

NOTE: The agency reported that CUNY Central Civil Service Unit addressed Section 55-a matters.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:**

Determination: The agency is in compliance with the standards for this subject area.

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency's Office of Human Resources was available to provide its EEO Policies in accessible formats (large print, audio) upon request. According to the agency, no requests for documents in alternative formats were made during the audit period.
16. Document reasonable accommodation requests and their outcomes.
- ✓ The agency's Human Resources department was responsible for documenting reasonable accommodation requests and their outcomes. The agency demonstrated that a log was maintained during the period in review and included the following information: *first name, last name, type of reasonable accommodation, disability, comments, granted, denied, and date.*

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

Determination: The agency is in partial-compliance with the standards for this subject area.

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
 - ✓ The agency appointed a principal EEO Professional to implement EEO policies and standards within the agency. On September 2012, the college President notified employees via email of the appointment of the Chief Diversity Officer, as the agency's principal EEO professional. During the audit period, the principal EEO professional completed the following training offered by CUNY: *CUNY Council on Chief Diversity Officers Meeting* (2013); *CUNY Title IX Training* (2013); *CUNY Compliance to Influence & Engagement* (2013); *CUNY Title IX Policy Training* (2014); *Turning Barriers into Bridges: Trailblazing Techniques that Make Diversity Work* (2014); *CUNY HR Management Conference: The Future of HR in Higher Education: Challenges and Opportunities* (2014); *CUNY Investigations Training Seminar* (2015) *CUNY Building a Respectful Workplace: Preventing Discrimination and Encouraging Diversity and Inclusion* (2015); *CUNY Accessibility Conference* (2015); as well as the *National Judicial Education Program Webinar: The Intersection of Stalking and Sexual Assault* (2015).
18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
 - ✓ In addition to the principal EEO Professional, the Affirmative Action Specialist also served as an EEO professional to the EEO unit. The Affirmative Action Specialist's training included *CUNY Workshop: Building a Respectful Workplace: Preventing Discrimination and Encouraging Diversity and Inclusion* (Employment Practices Solution, June 2015); *Bi-Annual Investigations Course for Sexual Harassment Awareness and Intake Committee* (Employment Practices Solution, May 2014).
19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
 - ✓ The principal EEO Professional reported directly to the agency head. This reporting relationship was indicated in the agency's organizational chart.
20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
 - ✓ The agency's documentation of meetings between the principal EEO Professional and the agency head – regarding discussions on EEO matters such as diversity action plan, EEO

update meetings, EEO inquiries and complaints – included calendar meeting invite notices and calendar meetings for the period of January to December of 2013, 2014, and 2015.

- Although the agency conducted meetings between the agency head and the principal EEO Professional, it did not demonstrate that it maintained documentation of decisions that impact the administration and operation of the EEO program as a result. **Corrective Action Required.**

Corrective Action #6: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:

Determination: The agency is in compliance with the standards for this subject area.

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.
- ✓ The agency established and administered an annual managerial/non-managerial performance evaluation program. The Human Resources department notified managers via email of the timeline to complete performance evaluations. In addition, performance evaluation forms were posted on the agency's Central Office Human Resources intranet webpage. The agency administered performance evaluations for *Higher Education Assistants* employees and classified non-managerial employees during the audit period.
22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
- ✓ The agency's managerial performance evaluation form contained a rating for EEO which included the following standard, *"Inclusiveness – Diversity: Shows respect for people and their differences; promotes fairness and equity; engages the talents, experiences, and capabilities of others; fosters a sense of belonging; works to understand the perspectives of others; creates opportunities for access and success."*

VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is in non-compliance with the standards for this subject area.

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

²Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.

- The agency did not submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, or quarterly reports (up to 30 days following each quarter) on efforts to implement the plan. **Corrective Action Required.**

Corrective Action #7: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

After implementation of the EEPC's corrective actions, if any:

1. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Conclusion

The agency has 7 required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

Optional Response to preliminary determination: If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

(Optional Conference) During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

(No Response Option) If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

Mandatory Response to Final Determination: Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our



Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read "Elona Shehu", written over a horizontal line.

Elona Shehu, EEO Program Analyst

Approved by,

A handwritten signature in blue ink, appearing to read "Charise L. Terry", written over a horizontal line. To the left of the signature is a small blue mark that looks like a stylized "J" or "L".

Charise L. Terry, PHR
Executive Director

c: Jesenia Minier-Delgado, Chief Diversity Officer/Director Title IX Coordinator ADA/504
Compliance Coordinator

Appendix – 1

Statistical Profile of Agency Workforce

Bronx Community College

Attachment 13: Statistical Profile of Agency Workforce
Beginning and End of Audit Period

Agency: Community College - Bronx
Non-Pedagogical

# Employees	Beginning of Audit Period <u>01/01/2013</u>	End of Audit Period <u>12/31/2015</u>
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Male	229	240
Female	290	297

White	232	237
Black	131	139
Hispanic	120	123
Asian	27	29
Native American	2	2
Unknown	7	7

Total # of Employees	519	537
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Appendix – 1

Statistical Profile of Agency Workforce

Bronx Community College

Attachment 13: Statistical Profile of Agency Workforce
Beginning and End of Audit Period

Agency: Community College - Bronx
Non-Pedagogical

# Employees	Beginning of Audit Period <u>01/01/2013</u>	End of Audit Period <u>12/31/2015</u>
------------------------	--	--

Male	229	240
Female	290	297

White	232	237
Black	131	139
Hispanic	120	123
Asian	27	29
Native American	2	2
Unknown	7	7

Total # of Employees	519	537
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Appendix – 2

Impact Analysis Worksheet

October 2015

Bronx Community College

IMPACT ANALYSIS WORKSHEETS

COLLEGE NAME:

BRONX COMMUNITY COLLEGE

FEMALES AND MINORITIES

HIRES ANALYSIS

BRONX COMMUNITY COLLEGE

October 16, 2015

JOB AREAS/ CATEGORY	MINORITY						FEMALE						PERCENTAGE OF HIRES			
	NON MIN		MIN		TOTAL		MALE		FEMALE		TOTAL		% of non-min hires	% of min hires	% of male hires	% of female hires
	APPL	HIRES	APPL	HIRES	APPL	HIRES	APPL	HIRES	APPL	HIRES	APPL	HIRES				
TOTAL	668	7	1966	27	2634	34	1362	20	1272	14	2634	34	1.0%	1.4%	1.5%	1.1%
1 Exec./Adm./Mngt.	229	2	258	3	487	5	252	5	235	0	487	5	0.9%	1.2%	2.0%	0.0%
2 Faculty	177	4	438	15	615	19	234	8	381	11	615	19	2.3%	3.4%	3.4%	2.9%
3 Professional/Non-Fac.	0	0	0	0	0	0	0	0	0	0	0	0	0.0%	0.0%	0.0%	0.0%
4 Secretarial/Clerical	37	0	110	2	147	2	34	0	113	2	147	2	0.0%	1.8%	0.0%	1.8%
5 Techn./Paraprofessional	51	0	680	3	731	3	322	3	409	0	731	3	0.0%	0.4%	0.9%	0.0%
6 Skilled Trades	74	1	93	1	167	2	150	2	17	0	167	2	1.4%	1.1%	1.3%	0.0%
7 Service/Maintenance	100	0	387	3	487	3	370	2	117	1	487	3	0.0%	0.8%	0.5%	0.8%
TOTAL	668	7	1966	27	2634	34	1362	20	1272	14	2634	34	1%	1%	1%	1%

IRA WORKSHEET FOR NON-MIN VS MIN % OF HIRES

October 16, 2015

JOB AREAS/ CATEGORY		RATE FOR		RATE FOR		IRA	OVER ALL RATE	ONLY IF IRA UNDER 0.8				FISHER TEST					
		UNFAV. GROUP		FAV. GROUP				EXPECT	ACTL	DIF	STD DEV						
												RALES THAN 0.8 AND DIF >=1 PERSON		RALES THAN 0.8 AND STD DEV >=2		FISHER'S VALUE	NON-MIN APPLICANTS
B	A	B		C		D	E	F	G	H	I	J	K	L	M	N	O
1	Exec/Adm/Mngrl	NON-MIN	0.9%	MINORITY	1.2%												
2	Faculty	NON-MIN	2.3%	MINORITY	3.4%												
3	Professional/Non-Fac.	N/A		N/A													
4	Secretarial/Clerical	NON-MIN	0.0%	MINORITY	1.8%												
5	Techn/Paraprofessional	NON-MIN	0.0%	MINORITY	0.4%												
6	Skilled Trades	MINORITY	1.1%	NON-MIN	1.4%	0.80	1.2%	1	1	0	0.16			N/A			
7	Service/Maintenance	NON-MIN	0.0%	MINORITY	0.9%												
TOTAL								1	1	0							

IRA WORKSHEET FOR MALE VS FEMALE % OF HIRES

October 16, 2015

JOB AREAS/ CATEGORY		RATE FOR		RATE FOR		IRA	OVER ALL RATE	ONLY IF IRA UNDER 0.8				* RA LESS THAN 0.8 AND DIF = 1 PERSON * RA LESS THAN 0.8 AND STD DEV = 2		FISHER'S TEST			
		UNFAV. GROUP		FAV. GROUP				EXPECT	ACTL	DIF	STD DEV			FISHER'S VALUE	male app	male hires	female app
#	A	B		C		D	E	F	G	H	I	J	K	L	M	N	O
1	Exec./Adm./Mngrl.	FEMALE	0.0%	MALE	1.0%	0.00	1.0%	2	0	2	2.17	*	**	N/A			
2	Faculty	FEMALE	2.9%	MALE	3.4%	0.84											
3	Professional/Non-Fac.	N/A		N/A													
4	Secretarial/Clerical	MALE	0.0%	FEMALE	1.8%												
5	Techn./Paraprofessional	FEMALE	0.0%	MALE	0.9%	0.00	0.4%	1	0	1	1.98	*		N/A			
6	Skilled Trades	FEMALE	0.0%	MALE	1.3%	0.00	1.2%	0	0	0	0.45			N/A			
7	Service/Maintenance	MALE	0.9%	FEMALE	0.9%												
	TOTAL							3		3							

BASED ON THE BOOK BY



Office of Affirmative Action,
Compliance and Diversity
Language Hall, Room 27
P: 718.289.5151
F: 719.289.6011

Bronx Community College
of The City University of New York
2155 University Avenue
Bronx, New York 10453

July 15, 2016

Charise L. Terry, PHR
Executive Director
Equal Employment Practices Commission
253 Broadway, Suite 602
New York, New York 10007

**RE: Second Preliminary Response to Audit Findings
Equal Employment Practices Commission (EEPC)**

Dear Ms. Terry,

In response to the preliminary audit response sent on July 1, 2016 regarding Bronx Community College, as the responding agency, please accept the below noted as the College's secondary, optional response to the following listed EEPC findings:

I. Issuance, distribution and posting of EEO Policies:

The EEPC finding reports that the College is in partial compliance based on the agency's EEO Policy memo should be updated and consistent with the agency's EEO Policy. (See I.2.)

College (agency) response to corrective action #1: In review of the mentioned EEPC preliminary determination dated July 1, 2016, the College will effectively include the requested addendum notes and confer with the University Office of Recruitment and Diversity on the requested addendum notes in the College's electronic and paper policies. The College will issue the 2016-17 annual EEO policy memorandum and all policy posters (effective October 30, 2016) with the referenced addition to the New York City's Human Rights Law on "caregiver status".

Note on policy update(s): CUNY already has "pregnancy" as a protected class category, under the enclosed CUNY Policy on Equal Opportunity and Non-Discrimination and noted policy posters, under sexual harassment.

Attachment(s) are:

- CUNY Policy on Equal Opportunity and Discrimination

Please [click here](#) onto an electronic link, to review pages 1 and 2 of the CUNY Policy on Equal Opportunity and Discrimination, that reference "under pregnancy (sex/sexual harassment)" as a protected class category.

III. Employment Practices (Recruitment, Hiring and Promotion):

The EEPC finding reports that the College is in partial compliance with the standards of this subject area based on assessment of females and Asian ethnic category in the Executive/Administrative Managerial group and Asians in Skilled Trade group. (See III.4.)

College (agency) response to corrective action #2: In review of the mentioned EEPC preliminary determination dated July 1, 2016, the College provided a reasonable purview on the advertisement practices as well as the hiring and selection process. The Chief Diversity Officer as well as the Office of Human Resources generally perform these actions within a consistent review in conjunction with the designated search committee(s) appointed by the College. In the June 9, 2016 response, the College provided documents/forms for two respective campus searches that were concluded with applicant candidates and finalists during a campus search.

Attachment(s) provided with the first response dated June 9, 2016 were:

- Search documents for JOB ID 13267 re: EOC Academic Resource Center Coordinator
- Search documents for JOB ID 13454 re: Academic College Discovery Student Support Specialist

The College welcomes a subsequent review with the EEPC regarding the documents provided as well as a review of the college's hiring and selection process of the mentioned job categories to ensure that there is a reasonable level of compliance within the EEPC standards.

The EEPC finding reports that the College is in partial compliance with the standards of this subject area based on the use of aforementioned job sources to address underrepresentation in titles where there is discretion in hiring. (See III.4.)

College (agency) response to corrective action #3: In review of the mentioned EEPC preliminary determination dated July 1, 2016, the College maintains participation in a reasonable job announcement/advertisement review process with all campus searches by both the Chief Diversity Officer, the hiring manager and the Office of Human Resources during the recruitment planning process. During this process, all parties have an opportunity to review and discuss the use of the job sources (i.e., College's Diversity Resource Guide) and any other identified CUNY (and non-CUNY) advertising sources to address applicant outreach efforts and any known gender/ethnic group underrepresentation.

Blank search form(s) provided with the first response dated June 9, 2016 were:

- Recruitment Plan

Please [click here](#) to an electronic link of the College's Office of Affirmative Action, Compliance and Diversity webpage, where the above-mentioned form(s) and information can be located.

The EEPC finding reports that the College is in partial compliance with the standards of

this subject area based on recruitment efforts (career fairs/open houses or other recruitment activities) to attract women, minority and other protected groups in civil service job groups. (See III.4.)

College (agency) response to corrective action #4: In review of the mentioned EEPC preliminary determination dated July 1, 2016, the College maintains participation in a reasonable credential review process with all campus searches with the appointment of a designated search committee and forms, such as the resume evaluation form, that allow participants to review the competencies, skills and abilities required by all applicants applying for civil service (and non-civil service) positions.

Blank search form(s) provided with the first response dated June 9, 2016 were:

- Resume Evaluation Form

Please [click here](#) to an electronic link of the College's Office of Affirmative Action, Compliance and Diversity webpage, where the above-mentioned form(s) and information can be located.

The EEPC finding reports that the College is in partial compliance with the standards of this subject area based on its applicant/candidate log included ethnicity, gender, disability or veteran status of each applicant and recruitment source. (See III.4.)

College (agency) response to corrective action #5: In review of the mentioned EEPC preliminary determination dated July 1, 2016, the College maintains participation with a generalized tracking system named CUNYFirst, which allows the College to review applicant's voluntary submission/collection of applicant data with a personal record for ethnicity, gender, disability and veteran status. The College is willing to submit sample view of applicant data on the referenced CUNYFirst system to demonstrate the applicant's voluntary submission of the above-stated data during the application process.

The College welcomes a subsequent review with the EEPC regarding the referenced documents as well as a review of the college's application process to ensure that there is a reasonable level of compliance within the EEPC standards.

VI. Responsibility for EEO Plan Implementation – EEO Professionals:

The EEPC finding reports that the College is in partial compliance with the standards of this subject area based on the maintenance of appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program as a result.

College (agency) response to corrective action #6: In review of the mentioned EEPC preliminary determination dated July 1, 2016, the College affirms that pertinent meeting agendas/noted records are kept for scheduled meetings and communications between the agency head (College

President) and the principal EEO Professional about the actions and operation of the College's EEO program. These meetings and communications occur on a monthly basis and records are available that coincide during the audit period.

The College welcomes a subsequent review with the EEPC regarding the referenced documents as well as a review of the mentioned process to ensure that there is a reasonable level of compliance within the EEPC standards.

VIII. Reporting standard for agency head:

The EEPC finding reports that the College is in non-compliance with the standards of this subject area based on the request for submission to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, or quarterly reports (up to 30 days following each quarter) on efforts.

College (agency) response to corrective action #7: In review of the mentioned EEPC preliminary determination dated July 1, 2016, the College affirms no record or request for these documents in prior EEPC audits. In an electronic mail message sent on June 8, 2016, college officials from the Office of Affirmative Action, Compliance and Diversity provided copies of the College's Annual Affirmative Action Plans that are covered within the audit periods. Moving forward, the College acknowledges the submission of the annual affirmative action plan to ensure that there is a reasonable level of compliance within the EEPC standards.

On October 30, 2016, the College will be filing the 2016-17 Federal Affirmative Action Plan, and will provide a copy of the final document to the Equal Employment Practices Commission on this date and annually thereafter, to demonstrate a level of compliance with the EEPC standards.

If there are any questions and/or concerns with the above-mentioned explanation and information provided, please feel free to contact us at (718) 289-5100, x3494. Thank you.

Sincerely,

Jesenia Minier-Delgado (Electronic Signature)

Jesenia Minier-Delgado
Chief Diversity Officer/Director

c: Thomas A. Isekenegbe, President, Office of the President
Karla R. Williams, Esq., Executive Counsel and Deputy to the President, Office of the President
Susan Fiore, Esq., Acting Chief Diversity Officer and Legal Counsel and Labor Designee, Office of the Legal Counsel



Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry, PHR
Executive Director

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253 Broadway
Suite 602
New York, NY 10007

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BY MAIL AND EMAIL

July 22, 2016

Dr. Thomas A. Isekenegbe
President
Bronx Community College
2155 University Avenue, Language Hall
Bronx, NY 10453

RE: Audit Resolution **#2016/463**: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Bronx Community College's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear President Isekenegbe:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your July 15, 2016 response to our July 1, 2016 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards¹ to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.

¹ Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



The assigned compliance-monitoring period is: AUGUST 2016 TO JANUARY 2017.


If corrective actions remain: Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Upon receipt of the final memorandum, the EEPC will issue a *Determination of Compliance*.

If no corrective actions remain: Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie E. Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry, PHR
Executive Director

c: Jesenia Minier-Delgado, Chief Diversity Officer/Director Title IX Coordinator ADA/504
Compliance Coordinator

FINAL DETERMINATION

Agency response indicating corrective action taken with documentation is due within 30 days.

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans and Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response (if applicable) to the EEPC's preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses² to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

Corrective Action #7

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Agency Response: *"...In an electronic mail message sent on June 8, 2016, college officials from the Office of Affirmative Action, Compliance and Diversity provided copies of the College's Annual Affirmative Action Plans that are covered within the audit periods. Moving forward, the College acknowledges the submission of the annual affirmative action plan to ensure that there is a reasonable level of compliance within the EEPC standards. On October 30, 2016, the College will be filing the 2016-17 Federal Affirmative Action Plan, and will provide a copy of the final document to the Equal Employment Practices Commission on this date and annually thereafter, to demonstrate a level of compliance with the EEPC standards."* (Response, Pg. 4.)

EEPC Response: The EEPC accepts the agency's efforts and attached documentation that corrective action **#7** has been implemented. Prospective plans should be submitted to the EEPC on an annual basis.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

² Excerpts are italicized.

Corrective Action #1

Include, or attach as addenda to the EEO Policy, current contact information for the federal, state and local agencies that enforce laws against discrimination.

Agency Response: "...[T]he College will effectively include the requested addendum notes and confer with the University Office of Recruitment and Diversity on the requested addendum notes in the College's electronic and paper policies. The College will issue the 2016-17 annual EEO policy memorandum and all policy posters (effective October 30, 2016) with the referenced addition to the New York City's Human Rights Law on "caregiver status". Note on policy update(s): CUNY already has "pregnancy" as a protected class category, under the enclosed CUNY Policy on Equal Opportunity and Non-Discrimination and noted policy posters, under sexual harassment..." (Response, Pg. 1.)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action **#1**. Documentation which confirms that employees were notified of the updated EEO Policy which includes care-giver status as a protected class as well as current contact information for the federal, state and local agencies that enforce laws against discrimination will be required during the compliance-monitoring period.

Corrective Action #2

Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.

Agency Response: "...[T]he College provided a reasonable purview on the advertisement practices as well as the hiring and selection process. The Chief Diversity Officer as well as the Office of Human Resources generally perform these actions within a consistent review in conjunction with the designated search committee(s) appointed by the College. In the June 9, 2016 response, the College provided documents/forms for two respective campus searches that were concluded with applicant candidates and finalists during a campus search. Attachment(s) provided with the first response dated June 9, 2016 were: Search documents for JOB ID 13267 re: EOC Academic Resource Center Coordinator, Search documents for JOB ID 13454 re: Academic College Discovery Student Support Specialist. The College welcomes a subsequent review with the EEPC regarding the documents provided as well as a review of the college's hiring and selection process of the mentioned job categories to ensure that there is a reasonable level of compliance within the EEPC standards." (Response, Pg. 2.)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action **#2**. An agency assessment of the manner in which candidates are selected for employment, to determine whether there is any adverse impact for the reported underrepresented groups, will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #3

If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *"...[T]he College maintains participation in a reasonable job announcement/advertisement review process with all campus searches by both the Chief Diversity Officer, the hiring manager and the Office of Human Resources during the recruitment planning process. During this process, all parties have an opportunity to review and discuss the use of the job sources (i.e., College's Diversity Resource Guide) and any other identified CUNY (and non-CUNY) advertising sources to address applicant outreach efforts and any known gender/ethnic group underrepresentation."* (Response, Pg. 2.)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action **#3**. The agency's efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #4

If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Unit if applicable.) Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *"...[T]he College maintains participation in a reasonable credential review process with all campus searches with the appointment of a designated search committee and forms, such as the resume evaluation form, that allow participants to review the competencies, skills and abilities required by all applicants applying for civil service (and non-civil service) positions."* (Response, Pg. 3.)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action **#4**. Documentation which confirms the agency's efforts to address the underrepresentation of protected groups in *civil service* (list) titles will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #5

Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the ethnicity, gender, disability or veteran status, of each applicant, and recruitment source.

Agency Response: "...[T]he College maintains participation with a generalized tracking system named CUNYFirst, which allows the College to review applicant's voluntary submission/collection of applicant data with a personal record for ethnicity, gender, disability and veteran status. The College is willing to submit sample view of applicant data on the referenced CUNYFirst system to demonstrate the applicant's voluntary submission of the above stated data during the application process. The College welcomes a subsequent review with the EEPD regarding the referenced documents as well as a review of the college's application process to ensure that there is a reasonable level of compliance within the EEPD standards." (Response, Pg. 3.)

EEPD Response: The EEPD recognizes the agency's commitment to address corrective action **#5**. Documentation which verifies implementation will be required during the compliance-monitoring period. The EEPD will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #6

Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Agency Response: "...[T]he College affirms that pertinent meeting agendas/noted records are kept for scheduled meetings and communications between the agency head (College President) and the principal EEO Professional about the actions and operation of the College's EEO program. These meetings and communications occur on a monthly basis and records are available that coincide during the audit period. The College welcomes a subsequent review with the EEPD regarding the referenced documents as well as a review of the mentioned process to ensure that there is a reasonable level of compliance within the EEPD standards." (Response, Pg. 4.)

EEPD Response: Documentation which confirms implementation of corrective action **#6** will be required during the compliance-monitoring period. The EEPD will provide further guidance at the initiation of the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2016/463: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Bronx Community College's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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 of the Bronx Community College's (BCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 1, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the EEO Policy, current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Unit if applicable.) Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the ethnicity, gender, disability or veteran status, of each applicant, and recruitment source.

6. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on July 15, 2016, with documentation of its actions to rectify required corrective action no. 7; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 22, 2016 which indicated that corrective actions nos. 1, 2, 3, 4, 5 and 6 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from August 2016 through January 2017, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's 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 Commission approves issuance of this Final Determination to Dr. Thomas A. Isekenegbe, President of the Bronx Community College.

Approved unanimously on September 9, 2016.


Angela Cabrera
Commissioner


Malini Cadambi Daniel
Commissioner


Arva Rice
Commissioner

Absent
Elaine S. Reiss, Esq.
Commissioner

August 12, 2016

Charise L. Terry, PHR
Executive Director
Equal Employment Practices Commission
253 Broadway, Suite 602
New York, New York 10007

RE: Written Response: Corrective Actions

Dear Ms. Terry:

Please accept this correspondence as the written response with the description of corrective actions to the Equal Employment Practices Commission's Final Determination pursuant to the review, evaluation, and monitoring of Bronx Community College's ("BCC") employment practices.

Corrective Action #7: Provide to the EEPD, an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the plan.

On October 30, 2016, the College will be filing the 2016-17 Federal Affirmative Action Plan, and will provide a copy of the final document to the Equal Employment Practices Commission on this date.

Corrective Action #1: Update to the CUNY Policy on Equal Opportunity and Discrimination.

The EEPD recognizes the College's (agency) efforts to implement corrective action #1. Documentation which confirms that employees were notified of the updated EEO Policy which included care-giver status as a protected class.

The College is awaiting a university-wide policy update to Policy on Equal Opportunity and Discrimination from its CUNY System Office, which is subject to a management and trustee review process. The update will include "care-giver" status as a protected class, as well as contact information for the federal, state and local agencies that enforce laws against discrimination. The updated policy will be announced via the College's Broadcast system and shall be available on the College's website.

Corrective Action #2: Employment Practices

The EEPD recognizes the College's (agency) efforts to address corrective action #2.

The College holds that it does evaluate underutilization in conducting its search practices. However, the College will work with the System Office to formalize a procedure to assure that adequate reviews take place on a search by search basis.

Corrective Action #3 Underrepresented Protected Groups

The EEPC recognizes the College's (agency) efforts to address corrective action #3.

The College holds that it does develop outreach plans on a search-by-search basis, but will submit documentation for such during the compliance period.

Corrective Action #4

The EEPC recognizes the College's (agency) efforts to address corrective action #4.

The College will work with the CUNY System Office to address this recommendation, particularly related to advertising Notices of Examination, as examinations are announced by the CUNY Civil Service Commission. At present, no examinations are scheduled.

Corrective Action #5

The EEPC recognizes the College's (agency) efforts to address corrective action #5.

The College will provide a sample summary report of self-identification information during the compliance-monitoring period.

Corrective Action #6

Documentation of communications between the College President and principal EEO official is required during the compliance monitoring period.

Meetings and communications between the College President and principal EEO official occur on a monthly basis and documents/records of same shall be provided during the compliance-monitoring period.

If there are any questions and/or concerns with the above mentioned corrective actions, please feel free to contact us at (718) 289-5100, x3494.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas A. Isekepegbe".

Thomas A. Isekepegbe, Ph.D.
President

c: Karla R. Williams, Esq., Executive Counsel and Deputy to the President, Office of the President
Susan G. Fiore, Esq., Acting Legal Counsel and Labor Designee and Acting Chief Diversity Officer, Office of the Legal Counsel
Shelley Levy, Director, Human Resources

MEMORANDUM

To: All Students, Faculty and Staff

From: Dr. Thomas A. Isekenegbe
President

Date: February 15, 2017

Re: Equal Employment Opportunity at Bronx Community College

Bronx Community College is committed to preventing employment discrimination by ensuring that all employees are aware of their rights and obligations under the University Policy on Equal Opportunity and Non-Discrimination, by maintaining fair employment practices for all of our employees, and by encouraging a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.

Although I am pleased with our accomplishments, I would like to remind you the college community about the following EEO requirements:

1. Managers and supervisors must conduct documented meetings with staff, at least once a year, to reaffirm their commitment to the University Policy on Equal Opportunity and Non-Discrimination and to reaffirm the right for employees to file complaints with the Chief Diversity Officer.
2. All managers and supervisors involved in conducting employment interviews must review the University Search Committee Guide. A copy of the University Search Committee Guide can be found at:
http://www.cuny.edu/about/administration/offices/ohrm/diversity/Recruitment/CUNYSearchCommitteeGuide1.2_04072014.pdf.

All structured interviewing materials are prepared and made available by the Office of Affirmative Action, Compliance and Diversity.

3. Ms. Shelley Levy, Director of Human Resources, is familiar with the University's employment opportunities, and is the College's Career Counselor, and will provide career counseling to employees who request it. The Office of Human Resources is located in South Hall, Room 104. You are welcomed to contact Ms. Levy or a designated representative of the Office of Human Resources at (718) 289-5119. Employees who are interested in receiving career counseling should make an appointment.

I encourage everyone to access the employment resources available within Bronx Community College and to address any concerns you have with any known or perceived unfair employment practices and/or treatment with Mrs. Jesenia Minier-Delgado, Chief Diversity Officer at (718) 289-5100, x3494.

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

RESOLUTION #2016AP/466C-33: Determination of **Compliance** (Monitoring Period Required) by the Bronx Community College with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

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 Bronx Community College (BCC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 1, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the EEO Policy, current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Unit if applicable.) Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons

and to develop and hire interested and qualified candidates.

5. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the ethnicity, gender, disability or veteran status, of each applicant, and recruitment source.
6. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
7. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the BCC submitted its response to the EEPCC's Preliminary Determination letter, on July 15, 2016, with documentation of its actions to rectify required corrective action #7, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC considered the agency's response and issued a Final Determination on July 22, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #1 - 6, remaining;

Whereas, the BCC submitted its response to the EEPCC's final determination letter, on August 12, 2016, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC monitored the agency's implementation of the remaining corrective actions from August 2016 through January 2017 with no extension of the monitoring period;

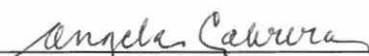
Whereas, at the EEPCC's request pursuant to Section 815.a.(15) of the New York City Charter, the BCC submitted a copy of the agency head's memorandum to staff dated February 15, 2017 which outlined the corrective actions implemented in response to the EEPCC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPCC's 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,

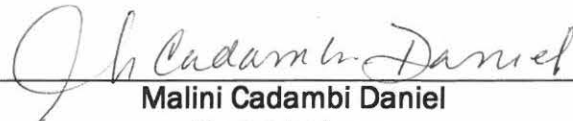
Be It Resolved, that the BCC has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission will forward a Determination of Compliance to the Dr. Thomas A. Isekenegbe, President of the Bronx Community College.

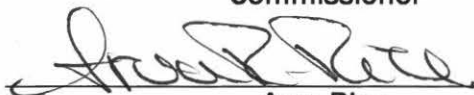
Approved unanimously on February 16, 2017.



Angela Cabrera
Commissioner



Malini Cadambi Daniel
Commissioner



Arva Rice
Commissioner

Abstained

Elaine S. Reiss, Esq.
Commissioner



Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND EMAIL

February 16, 2017

Dr. Thomas A. Isekenegbe
President
Bronx Community College
2155 University Avenue, Language Hall
Bronx, NY 10453

Re: Resolution #2016AP/463C-33: Determination of Compliance

Dear President Isekenegbe:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Bronx Community College. This Commission has determined that the Bronx Community College has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and EEO Officer Jesenia Minier-Delgado, for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink, appearing to read "Malini Cadambi Daniel".

Malini Cadambi Daniel
Commissioner

c: Jesenia Minier-Delgado, Principal EEO Professional

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

Determination of Compliance

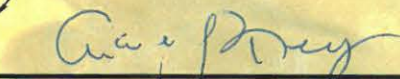
is issued to the

Bronx Community College

*for successfully implementing 7 of 7 required corrective actions pursuant to the Equal Employment Practices Commission's
Employment Practice and Procedures Audit From January 1, 2013 to this date.*

On this 16th day of February in the year 2017,


Malini Cadambi Daniel, Commissioner



Charise L. Terry, PHR, Executive Director

In care of President Dr. Thomas A. Isekenegbe and
Chief Diversity Officer Jesenia Minier-Delgado