

**NYC**  
**Equal Employment  
Practices Commission**

Cesar A. Perez, Esq.  
Chair

August 15, 2013

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

Dr. Antonio Perez  
President  
Borough of Manhattan Community College  
199 Chambers Street  
New York, New York 10007

Charise L. Hendricks, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Deputy Director/Agency Counsel

Re: Resolution #13/15-466C: Determination of Agency Compliance

253 Broadway  
Suite 602  
New York, NY 10007

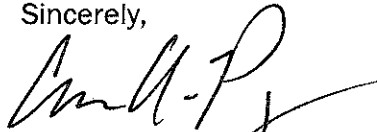
Dear Dr. Perez:

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

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to formally inform you that the Commission has issued the attached Determination of Compliance to Borough of Manhattan Community College (BMCC). This Commission has determined that the BMCC 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 Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Affirmative Action Officer Iyana Titus for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,



Cesar A. Perez, Esq.  
Chair

c: Iyana Titus, Affirmative Action Officer, BMCC  
Judith García Quiñonez, Esq., Deputy Director/Agency Counsel

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

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

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

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

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

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

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

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

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

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

**Whereas**, the BMCC implemented Corrective Action #5, which states: Since it is the Commission's position that the college is responsible for ensuring compliance with all federal, state, and local laws, as well as City and college policies, pertaining to persons, (i.e., employees) with disabilities, the college should develop a plan to demonstrate accessibility compliance for the three facilities. This plan should identify barriers and detail the efforts the college has taken to remove barriers. This plan will be reviewed during the compliance period; and

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

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

**Be It Resolved,**

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

**Be It Finally Resolved,**

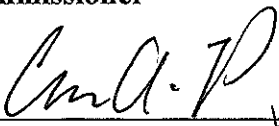
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this Determination to Dr. Antonio Perez, President of the Borough of Manhattan Community College.

Approved unanimously on August 15, 2013.

**Arva R. Rice**  
Commissioner

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

**Malini Cadambi Daniel**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair