



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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January 5, 2012

Dr. Gail Mellow, President  
LaGuardia Community College  
31-10 Thomson Avenue  
Long Island City, New York 11101

Re: Final Determination Pursuant to the Audit of Compliance by the LaGuardia Community College with its Affirmative Action/Equal Employment Opportunity and Diversity Policy from July 1, 2007 to June 30, 2010

Dear President Mellow:

Thank you for your November 15, 2011 response to our October 6, 2011 Letter of Preliminary Determination pursuant to the audit of LaGuardia Community College's Affirmative Action/Equal Employment Opportunity and Diversity Policy from July 1, 2007 to June 30, 2010.

As we indicated in our Preliminary Determination Letter, the EEPC's findings and recommendations are based on the collection of relevant documents in response to the *EEPC Document and Information Request Form*, *EEPC Employee Survey*, *EEPC Supervisor/Manager Survey* and electronic interview questionnaires of the college's former and current Affirmative Action/Compliance and Diversity Officers, Human Resources Director, Agency Counsel/Legal and Labor Designee, 504/ADA Disability Rights Coordinator, two EEO Counselors/Deputy Coordinators, and the Sexual Harassment Awareness and Intake Committee. In addition, the EEPC conducted a follow-up discussion of audit findings with the current AA/CDO.

Section 831(d)(2) authorizes this Commission to recommend all necessary and appropriate measures, standards and programs to be utilized by city agencies to ensure

a fair and effective affirmative employment program of equal employment opportunity for minority group members and women employed by or seeking employment with city agencies.

After reviewing your response, our Final Determination is as follows:

**Agree**

We agree with your responses to the following EEPC recommendations pending documentation that can be attached to your reply or provided during the compliance period:

Recommendation #1

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. (*LAGCC/CUNY Affirmative Action Program*, p. 7 and EEPC/Sect. 831, City Charter)

Recommendation #2

If both the complainant and the respondent are satisfied with the results of the investigation and resolution of the complaint is agreed upon, the AA/CDO should notify both in writing as to the outcome of the investigation. (*LAGCC/CUNY Affirmative Action Program*, p. 4)

Recommendation #3

The AA/CDO should inform the President in writing of the investigation and resolution of the complaint. (EEPC/Sect. 831, City Charter)

Recommendation #2 and Recommendation #3 were made based on review of complaints which were handled under the LaGuardia Community College/CUNY Affirmative Action Program informal investigation procedure.

The EEPC notes that the LaGuardia Community College/CUNY Affirmative Action Program formal complaint investigation procedure is not in compliance with procedures set by the CUNY *Policies and Procedures on Non-Discrimination and Sexual Harassment* (CUNY Policies). The CUNY Policies, Section 8.c provides that the complainant and respondent to an investigation will be apprised in writing of the outcome of the investigation and action taken as a result of the complaint. Section 8.d. provides that the President will sign a form stating that he or she has reviewed the report of the complaint investigation and that he or she authorizes the AA/CDO to take appropriate action based on the findings of the report. This issue will be addressed during the compliance monitoring.

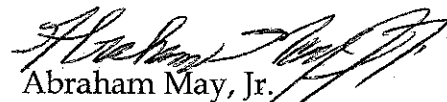
## Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. The EEPC Counsel Judith Garcia Quiñonez or her designee will contact your Affirmative Action/Compliance Diversity Officer in seven days to ascertain your intentions.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,



Abraham May, Jr.  
Executive Director

C: Arlene Peterson, Compliance and Diversity Director  
Judith Garcia Quiñonez, Counsel