

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #11/27-042(BMCC): Preliminary Determination Pursuant to the Audit of Compliance by the Borough of Manhattan Community College with its Affirmative Action/Equal Employment Opportunity and Diversity Policy from July 1, 2007 to June 30, 2010.

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

Whereas, the Equal Employment Practices Commission audited the Borough of Manhattan Community College's Affirmative Action/Equal Employment Opportunity and Diversity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Borough of Manhattan Community College's compliance with its Affirmative Action/Equal Employment Opportunity and Diversity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

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

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

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to President Antonio Perez, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, him response to these findings within thirty days of receipt of the letter indicating what corrective actions the Borough of Manhattan Community College's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

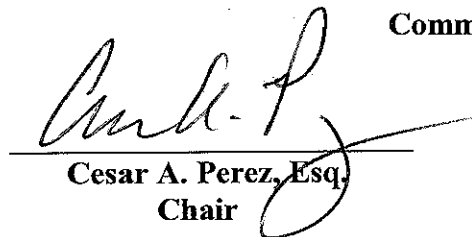
Approved by four votes with one abstention on December 15, 2011.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner


Cesar A. Perez, Esq.
Chair