

City University of New York

- **Summary Compliance Report** **September 18, 2008**
- **Letter of Compliance Satisfaction** **September 18, 2008**



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: City University of New York

Agency Head: Matthew Goldstein, Chancellor

Date of Preliminary Determination Letter:	<i>March 1, 2007</i>
Date of Response Letters:	<i>April 23, 2007</i>
Date of Final Determinations Letter:	<i>June 1, 2007</i>
Date of Response Letter to the Commission's Final Determinations Letter:	<i>October 22, 2007</i>
Compliance Initiated:	<i>November 2007</i>
Compliance Completed:	<i>August 2008</i>
Covering Months:	<i>December 2007 - May 2008</i>

Date: September 18, 2008

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEOC) audit of the Discrimination Complaint Procedures of the Community Colleges of The City University of New York (CUNY), the EEOC initiated Audit Compliance with the CUNY in January 2008. The CUNY's final Monthly Compliance Report was submitted on August 12, 2008. Additional information and documentation were submitted on September 16 and 17, 2008.

All nine required actions were completed or accepted. The following is a summary of the compliance reports:

- 1. The proposed procedure should be revised to require that the accused receive a copy of the complaint. Sensitive information, such as the complainant's home address and telephone number, can be redacted or kept on a separate complaint sheet.**

The CUNY said that it has revised its procedure to require that the accused receive a copy of the complaint. It submitted a copy of the revised *Policies and Procedures on Non-Discrimination and Sexual Harassment*.

The required action was completed in October 2007.

2. **The proposed procedure should be revised to require that the terms of discrimination resolutions or settlements be put in writing, and that the document be signed by, and given to, both parties.**

The CUNY said that it has revised its procedure to require that the terms of discrimination resolutions or settlements be put in writing, and that the document be signed by, and given to, both parties. It submitted a copy of the revised *Policies and Procedures on Non-Discrimination and Sexual Harassment*.

The required action was completed in October 2007.

3. **The proposed procedure should be revised to require that where the investigation cannot be completed within 60 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay**

The CUNY said that it has revised its procedure to require that where the investigation cannot be completed within 60 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be sent a delay notification letter. It submitted a copy of the revised *Policies and Procedures on Non-Discrimination and Sexual Harassment*.

The required action was completed in October 2007.

4. **The proposed procedure should be revised to require that the President of the community college sign each written discrimination investigation report to indicate that it had been reviewed and whether the recommendation, if any, is approved and adopted.**

The CUNY said that it has revised its procedure and for each investigation, the president would sign a form that would go into the investigation file, stating, "I have reviewed the report of the investigation of the discrimination complaint filed by [complainant] on [date] and authorize the affirmative action officer/compliance and diversity officer/sexual harassment coordinator to take appropriate action based on the findings in the report."

It said that Section 8(b) of the complaint procedures would be amended, and the first two sentences would read: "Following such report, the president shall review the complaint investigation report and authorize such action as he or she deems necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated. The president's review of the report and authorization that action be taken shall be documented in writing, which may be issued electronically."

The CUNY submitted a copy of the revised *Policies and Procedures on Non-discrimination and Sexual Harassment*.

The required action was completed in July 2008.

5. **After the completion of the discrimination complaint investigation, the college should inform all parties in writing of the outcome of the investigation.**

The CUNY said it has amended its policy to require that complainants and respondents be notified of the outcome of the investigation. It submitted a copy of the revised *Policies and Procedures on Non-Discrimination and Sexual Harassment*. In addition, it provided copies of notices sent to a complainant and respondent regarding the outcome of the investigation.

The required action was completed in January 2008.

6. **The *Non-Discrimination Policy* and the *Charge of Discrimination Form* contained in the proposed procedure should be revised to include the updated list of protected classes under the New York City and New York State Human Rights Laws.**

The CUNY stated that the *Non-Discrimination Policy* and the *Charge of Discrimination Form* contained in the procedure has been revised to include the updated list of protected classes under the New York City and New York State Human Rights Laws. It submitted a copy of the revised *Policies and Procedures on Non-Discrimination and Sexual Harassment*.

The required action was completed in October 2007.

7. **A new section of the procedure should be added, indicating that a complaint of discrimination may be withdrawn at any time, and that all requests for withdrawal must be in writing.**

The CUNY stated that it has added a new section to its procedures indicating that a complaint of discrimination may be withdrawn at any time, and that all requests for withdrawal must be in writing. It submitted a copy of the revised *Policies and Procedures on Non-Discrimination and Sexual Harassment*.

The required action was completed in October 2007.

8. **The proposed procedure—when finalized—should be disseminated to all employees, included in supervisory orientation session, and incorporated in Central Office EEO training for employees involved in investigating discrimination complaints.**

The CUNY said that it has amended its policy to require that its *Policies and Procedures on Non-Discrimination and Sexual Harassment* be disseminated annually to all employees. The document is also available on-line via the CUNY web-page portal for review. In addition, the policy is provided to CUNY employees and students via orientation and targeted workshops.

The required action was completed in August 2008.

9. **The CUNY's Chancellor should disseminate a community college-wide memorandum to discuss audit findings.**

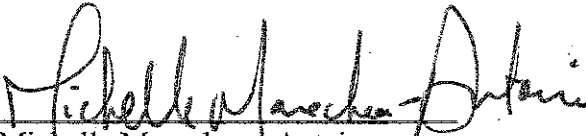
The attached letter from Chancellor Matthew Goldstein will be distributed by September 19, 2008.

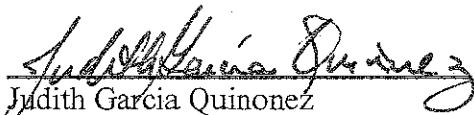
The response to the required action was accepted in August 2008.

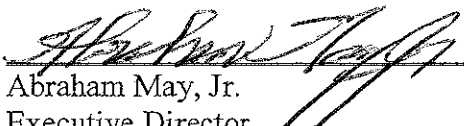
Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Chancellor Matthew Goldstein, informing him that the CUNY has implemented the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,


Michelle Marecheau-Antoine
Senior Auditor/ Compliance Officer


Judith Garcia Quinonez
Counsel


Abraham May, Jr.
Executive Director

Attachment



Wednesday, September 10, 2008

TO: President Antonio Perez, BMCC
President Carolyn G. Williams, Bronx CC
President Dolores M. Fernandez, Hostos CC
President Regina S. Peruggi, KBCC
President Gail O. Mellow, LaGuardia CC
Eduardo J. Marti, QBCC

SUBJECT: Equal Employment Practices Commission Audit

Last year the City of New York, via its Equal Employment Practices Commission (EEOC), engaged in an audit of the CUNY policies and procedures on non-discrimination, including sexual harassment, as these apply to our community colleges. While the University has long promulgated, and widely disseminated such policies, a very public demonstration of our commitment to equal opportunity and non-discrimination, we embrace the opportunity provided by the EEOC audit to review and update our practices.

We appreciate the occasion provided by the dialogue with the EEOC to produce a revised *CUNY Policies and Procedures on Non-discrimination and Sexual Harassment* document that will act to reassure faculty, staff, and students, as well as the larger public we serve, of the University's continuing commitment to an environment for work and study free of prohibited discrimination.

The revised document can be accessed on-line on the CUNY portal. I encourage you to use the "Faculty & Staff" link to read this important policy. Please note that the policy is a working document. The City University of New York expects every official, every employee, and every student to be aware of and comply with its mandates.

I wish to acknowledge and thank the EEOC for its valuable contribution to this effort.

Sincerely,

Matthew Goldstein
Chancellor

C: Judith Garcia-Quinonez, Legal Counsel, EEOC
Katherine Raymond, Senior Associate General Counsel
Gloriana Waters, Vice Chancellor – OHRM

Office of the Chancellor
The City University of New York
535 East 80th Street
New York, NY 10075



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Executive Director

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Deputy Director

September 18, 2008

Matthew Goldstein
Chancellor
City University of New York
535 East 80th Street
New York, New York 10021

Re: Resolution #08/03-042C: Implementation of Corrective Actions Pursuant to the Audit of the Discrimination Complaint Procedures of the Community Colleges of the City University of New York (CUNY).

Dear Chancellor Goldstein:

Matt,

Pursuant to Section 832 of Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) was required to monitor audit compliance by the City University of New York (CUNY) for a period not to exceed six months. The compliance period was December 2007 through May 2008. The CUNY's Final Compliance Report was submitted on August 12, 2008. Additional information and documentation were submitted on September 16 and 17, 2008.

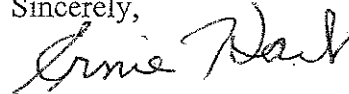
The goal of monitoring was to determine if the CUNY implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the CUNY's Discrimination Complaint Procedures, as well as Commission policies and standards expressed in City guidelines.

After completing its review of the Compliance Reports submitted by your agency, EEPC staff submitted a Summary Compliance Report for Commission review. After reviewing the Report, this Commission has determined that the CUNY has implemented the recommended corrective actions as required by Chapters 35 and 36 of the New York City Charter to the Commission's satisfaction. The City University of New York is now in compliance with the requirements of the CUNY's Discrimination Complaint Procedures, as well as Commission policies and standards expressed in City guidelines.

We understand that you will distribute a letter to all the community colleges regarding the EEPC's audit findings and the non-discrimination policies and procedures by the end of this week. We request a copy of the letter once it has been distributed (required action #9).

On behalf of this Commission, I want to thank you and EEO Officer Raphael Rosa for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period.

Sincerely,



Ernest F. Hart
Chair

C: Raphael Rosa, EEO Officer, CUNY