



Sasha Neha Ahuja
Chair

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

Charise L. Terry
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY EMAIL

July 29, 2020

Richard A. Carranza
Chancellor
NYC Department of Education
52 Chambers Street
New York, New York 10007

Audit Status:

Evaluation of Sexual Harassment Prevention and Response Practices for Audit Period January 1, 2018 to December 31, 2019.

Determination: **PRELIMINARY**

Dear Chancellor Carranza:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff thus far. This letter contains the EEPC's evaluation and preliminary determinations pursuant to the Department of Education's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2018 to December 31, 2019.

Purpose

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed.

The Department of Education, hereinafter simply termed "agency" or "entity," falls within the EEPC's purview under Chapter 36, Sections 830(a) and 831(a) of the Charter, to review, evaluate, and monitor the coordination and implementation of affirmative employment programs of equal employment opportunity for 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 subject matter referenced, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope

The EEPC has adopted uniform standards for auditing municipal entities¹ and minimum standards for auditing Community Boards (collectively “Standards”) to review, evaluate, and monitor entities’ employment and EEO-related practices, procedures, approaches, measures, standards, and programs. These standards are founded upon, and consistent with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. Corrective actions prescribed are consistent with the aforementioned parameters including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the New York City Human Rights Law (New York City Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Policy and Plan Requirements

The aforementioned Standards require, at minimum, that mayoral entities distribute the Citywide EEO Policy; non-mayoral entities establish or adopt a comprehensive EEO policy; and Community Boards, which are comprised of members appointed by the respective Borough Presidents, adopt and distribute the corresponding Borough President’s EEO Policy.

Because the EEPC is authorized to review and recommend actions that each entity should consider including in its annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, entities are also required to incorporate the EEPC’s corrective actions in prospective Annual EEO Plans and programs.

Methodology

The EEPC communicates with 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 Counselors, and 55-a Program Coordinators) and other employees identified as having involvement in EEO program administration such as the Principal Human Resources Professional and relevant Counsel.

The EEPC’s audit methodology includes review of the agency’s Annual EEO Plans and Quarterly EEO Reports; analysis of workforce and utilization data; and the collection and analysis of documents, records, and data an entity and its representatives provide in response to the Sexual Harassment Prevention and Response Preliminary Interview Questionnaires (PIQs). All PIQs contain requests to attach supporting documentation for the answer options selected.

EEO Professionals designated for online interviews are assigned a three-week deadline to complete and return the PIQs. The EEPC’s PIQ(s)/requests were sent to the Department of Education on January 24, 2020; the completed PIQ(s) were returned on February 5, 2020. Supporting documentation was attached. Additional requests for information were made on March 13, 2020.

The following determination indicates where the Department of Education has or has not complied, in whole or in part, with the established Standards.

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

Description of the Agency

The New York City Department of Education (DOE) derives its powers from New York State law. The thirteen-member body designated as the Board of Education in section 2590-b of the Educational Law is known as the Panel for Educational Policy. The Panel for Educational Policy is a part of the governance structure responsible for the City School District of the City of New York, subject to the laws of the State of New York and the regulations of the State Department of Education. Other parts of the structure include the Chancellor, superintendents, community and citywide councils, principals, and school leadership teams. Together this structure is designated as the Department of Education of the City of New York. (Source: The Green Book, 3/2019)

At the end of the period in review, the Department of Education's head count was 13,463 according to the *Citywide Equal Employment Database System* report (attached as **Appendix 1**) (5,600² of which were non-pedagogical employees within EEPC jurisdiction).

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 Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
- ✓ In January 2018, the Chancellor sent all staff an email regarding the entity's *Annual Review Equal Employment Practices, Policies, and Programs*, which stated, "Earlier this month, I shared DOE's *Diversity and Inclusion Policy*, which describes our commitment to diversity and inclusion through our hiring, employee retention, and vendor procurement practices."
- The DOE reported that a policy statement or memorandum reiterating commitment to the prevention of sexual harassment was not distributed during the period in review. **Corrective Action Required.**

Corrective Action #1: Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the

² The DOE reported but did not confirm the agency headcount.

agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

- ✓ The Chancellor's Regulation A-830 *Anti-Discrimination Policy and Procedures for Filing Internal Complaints of Discrimination* (Anti-Discrimination Policy, attached as **Appendix 2**) was issued on January 31, 2018 and August 29, 2019. The Anti-Discrimination Policy sets forth the procedures for employees, parents of students, students and others who do business with, use DOE facilities or otherwise interact with the DOE to file complaints of unlawful discrimination, harassment by DOE employees or retaliation based upon such complaints. The Anti-Discrimination Policy conformed to city, state and federal laws against sexual harassment. The *Public Notification of Anti-Discrimination Policy* flyer attached to the Anti-Discrimination Policy included a list of resources including contact information (i.e. physical addresses, and phone and fax numbers) for the DOE's Office of Equal Opportunity and Diversity Management (OEO); as well as for external resources, (i.e. phone numbers and physical addresses) for the U.S. Equal Employment Opportunity Commission; U.S. Department of Education Office of Civil Rights, New York Office; New York State Division of Human Rights; and the New York City Commission on Human Rights. The *Summary of Prohibited Discrimination* section of the Anti-Discrimination Policy included the definition of sexual harassment and included the following subsections: *sexual harassment between employees*, *sexual harassment of students by employees*, and *sexual harassment of students by students*.

The Anti-Discrimination Policy also included the following directive, "*Notice of the DOE's Anti-Discrimination Policy and internal complaint procedures must be given to employees annually. In addition, each office and school must prominently post the DOE's Anti-Discrimination Policy [flyer], which provides contact information for OEO, and indicates where a copy of this regulation may be obtained.*"

- The Anti-Discrimination Policy did not contain responsive procedures for investigating discrimination/sexual harassment complaints, specifically the complaint procedures did not require (1) that the respondent be served with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice and that documentation regarding the service of notice on the respondent be maintained in the complaint file; (2) the issuance of a written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office; (3) that thorough notes be taken, of words spoken and facts provided, during each interview and included in each complaint file; (4) in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, that the complainant and respondent be notified of the delay and that the complaint file contain the reason for the delay and a projected time frame for completion of the report; and (5) that the conclusive confidential report include a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, and a determination. **Corrective Action Required.**

NOTE: The list of protected categories in the Anti-Discrimination Policy should be updated to include all current protected classes, including but not limited to, *salary history* and *sexual and reproductive health decisions*.

Corrective Action #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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

II. **Training for the Agency**

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

3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

- ✓ The DOE’s training records indicate that the agency conducted several types of training during the period in review. The training report indicates that 3,056 employees completed *Basic EEO* training for staff; 1,427 employees completed basic EEO training for *Administrators*; 40 employees completed *Title IX* training; 1,868 employees completed *Sexual Harassment Prevention* training; and 33 employees received training as a corrective action during the period in review. The DOE provided a copy of the PowerPoint presentation utilized for Equal Employment Opportunity & Sexual Harassment Prevention training during the period in review. Topics covered in the PowerPoint presentation included the following: what is EEO, EEO laws, chancellor’s regulation A-830 (Anti-Discrimination Policy), protected classes, who can file a complaint (and against whom), the definition of sexual harassment and examples thereof, definition of a bystander, retaliation, how to file a complaint, other prohibited behaviors, mandated reporting requirements, and the name and contact information for the entity’s EEO Diversity Management team members.
- The DOE did not demonstrate that it established or implemented a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures. **Corrective Action Required.**

Corrective Action #3: Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

III. Complaint and Investigation Procedures

Summary of Complaint Activity: The agency reported 97 internal and 2 external complaints were filed during the period in review³.

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

4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.

- ✓ Section II. Reporting of the Anti-Discrimination Policy stated, "...within two school days of making the oral report, the reporting DOE employee also must electronically file a written complaint as set forth in Section III.A below. If the allegation is against the principal, the reporting DOE employee is not required to make an oral report to the principal but must electronically file a written complaint with OEO as set forth in Section III.A". Furthermore, Section III. Complaint Procedures stated, "[i]ndividuals may file complaints electronically by using the complaint form available at [electronic link provided], or may file complaints by notifying OEO at the phone number or by visiting OEO at the address found at the end of this regulation". The electronic complaint form required the following information be provided: *complaint category* (from a drop-down list of potential associations: DOE employee, non-DOE employee, parent/guardian, student or applicant for employment); *complainant contact information* (name, email address, home address, phone number, and preferred method of contact); *victim information* (if other than the complainant); *nature of complaint* (that provided a list of protected categories); *name/title of person(s) that allegedly committed the act(s) of discrimination*; *name/title of person(s) that witnessed the act(s) of discrimination*; *Date(s) on which alleged act(s) of discrimination occurred*, *Explain what happened*; and *What relief or corrective action are you seeking?* Each submitted complaint file included a complaint that captured the facts, identified the respondents, and provided the essence of the circumstances that gave rise to the complaints.

5. Provide the option to file a complaint anonymously.

- ✓ The *Complaint Procedures* section of the DOE's Anti-Discrimination Policy stated, "An individual may file an anonymous complaint alleging a violation of this regulation. OEO will review anonymous complaints to determine how they should be processed in light of the information provided".

6. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

- ✓ The respondent for complaint C0960-18 was notified of the complaint and their right to "appear with or without union representation". A copy of this noticed was included in the complaint file.

³ 19 (or 19%) of the total complaints filed during the period in review were on the bases of sexual harassment.

- The notice sent to the respondent for complaint C0960-18 did not include the respondent's right to respond in writing or the right to be accompanied by any representative of his/her choice. **Corrective Action Required.**

NOTE: Complaints C0370-18, C0403-19, C1585-19, and C1360-19 were administratively closed before the respondents were notified of the complaint.

NOTE: The Anti-Discrimination Policy did not require that the respondent be served with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice and that documentation regarding the service of notice on the respondent be maintained in the complaint file. **Corrective Action Required.** (See §1.2 for associated corrective action.)

Corrective Action #4: Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

- Because none of the complaints submitted were terminated, withdrawn or resolved by agreement of the parties or EEO Office, the DOE's Anti-Discrimination Policy was reviewed to measure the entity's compliance with this standard. The DOE's Anti-Discrimination Policy did not include a requirement to issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office. **Corrective Action Required.** (See §1.2 for associated corrective action.)

8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.

- ✓ Complaint files C0370-18, C0403-19 and C0960-18 included completed *Appearance Confirmation* forms that captured the date of the interview, *OEO Case No.*, *OEO Investigator* (interviewer), interview start and end time, and location, *Interviewee Information* (name, title, current work site, and signature) and *Union Representative Information* (name, title, union organization name and signature) as well as notes of words spoken and facts provided during interviews conducted during the course of investigations.

NOTE: Complaint files C1585-19 and C1360-19 were administratively closed before the investigation commenced. The complaint files show no evidence that interviews were conducted.

NOTE: The DOE's Anti-Discrimination Policy did not require that thorough notes be taken, of words spoken and facts provided, during each interview and included in each complaint file. **Corrective Action Required.** (See §1.2 for associated corrective action.)

9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

✓ The DOE's Anti-Discrimination Policy stated, "Following the investigation, OEO will submit written findings and a recommendation as to whether there has been a violation of this regulation to the Chancellor or their designee. The Chancellor/designee will issue a written determination as to whether there has been a violation of this regulation within 90 working days of OEO's receipt of the complaint, unless circumstances warrant extension of the time period. Complainant(s) and respondent(s) will be informed in writing of the determination."

➤ The Confidential OEO Report for complaint C0960-18 was not issued within 90 days of the date the complaint was filed. **Corrective Action Required**.

NOTE: Complaint files C0370-18 and C0403-19 contained administrative closure letters in lieu of conclusive reports that were issued 595 days and 264 days after the date the respective complaints were filed. Complaints C1585-19 and C1360-19 were administratively closed upon intake.

Corrective Action #5: Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

➤ The Confidential OEO Report for complaint C0960-18 was not issued within 90 days of the date the complaint was filed and did not contain a reason for the delay or projected timeframe for the completion of the report. The file for complaint C0960-18 did not contain documentation that the complainant and respondent were notified of the delay. Complaint files C0370-18 and C0403-19 contained administrative closure letters in lieu of conclusive reports that were issued 595 days and 264 days after the date the respective complaints were filed, but contained no documentation that the parties were notified of the delay. **Corrective Action Required**.

NOTE: Complaints C1585-19 and C1360-19 were administratively closed upon intake.

NOTE: The DOE's Anti-Discrimination Policy did not require that in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, that the complainant and respondent be notified of the delay and that the complaint file contain the reason for the delay and a projected time frame for completion of the report. **Corrective Action Required**. (See §1.2 for associated corrective action.)

Corrective Action #6: In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint

file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

- ✓ The *Confidential OEO Report* for complaint C0960-18 included the following sections: *Complaint Intake* (which included a summary of the allegations and responses), *Investigation* (which included the procedural history of the investigation), *Findings* (which contained a statement of the relevant facts gathered), and *Determination & Recommendation* (which contained the determination and the signatures of the OEO Investigator, the OEO Supervisor, and the Chancellor's Office).

NOTE: Complaint files C0370-18 and C0403-19 contained administrative closure letters in lieu of conclusive reports. Complaints C1585-19 and C1360-19 were administratively closed upon intake.

NOTE: The DOE's Anti-Discrimination Policy did not require that that the conclusive confidential report include a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, and a determination. **Corrective Action Required.** (See §1.2 for associated corrective action.)

12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

- ✓ The DOE reported that paper complaint files are stored within the OEO office, within locked file cabinets. Electronic materials related to the individual case files are maintained on OEO's electronic *K-drive*, that was only accessible to authorized OEO staff.

13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

- ✓ The DOE's Anti-Discrimination Policy stated, "*Following the investigation, OEO will submit written findings and a recommendation as to whether there has been a violation of this regulation to the Chancellor or their designee. The Chancellor/designee will issue a written determination as to whether there has been a violation of this regulation within 90 working days of OEO's receipt of the complaint, unless circumstances warrant extension of the time period.*" The *Confidential OEO Report* for complaint C0960-18 included the Chief Administrative Officer's signature on behalf of the Chief Operating Officer (an approved direct report to the Chancellor).

NOTE: Complaint files C0370-18 and C0403-19 contained administrative closure letters in lieu of conclusive reports. Complaints C1585-19 and C1360-19 were administratively closed upon intake.

14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

- ✓ The complainants for complaints C0370-18, C0403-19, C1585-19, and C1360-19 were informed of the outcome of their respective complaint investigations. The complainant and respondent for complaint C0960-18 were informed of the outcome of the complaint investigations.

NOTE: Complaints C0370-18, C0403-19, C1585-19, and C1360-19 were administratively closed before the respective respondents were notified of the complaints making notice to respondents of the outcome unnecessary.

15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

- ✓ Complaint files C0370-18 and C1360-19 each contained written determinations of the outcomes and corrective action(s) taken as a result where applicable via the administrative closure letters. Complaint file C0403-19 contained the determination of its outcome via a printout from the DOE's complaint tracking system, *Employment Opportunity Information System*. Complaint file C1585-19 contained a written determination of its outcome via the notice to the complainant. Complaint file C0960-18 contained a written determination of its outcome via the *Confidential OEO Report*.

16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

- ✓ Because none of the complaints submitted were transferred because of the filing of an external complaint, the DOE's Anti-Discrimination Policy was reviewed to determine compliance with this standard. Section V, titled *Alternative Complaint Procedures*, stated, "[w]here a complaint is filed with an external agency or a court of competent jurisdiction, OEO will transfer the matter to the DOE's Legal Office".

17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends, due date,

- ✓ During the period in review, the DOE utilized an electronic complaint tracking system *Employment Opportunity Information System (EOIS)* that permitted the entity to track varied data, including *Case Number, Complainant, Respondent, Case Date, Due Date, Date Closed, Status* (e.g. open, closed, administratively closed), *Expedited Case (Yes/No), Intake Investigator, Received Via* (e.g. email –

OEO Internal, Walk-in), Case Year, Manager, Investigator, Reference #, Attorney Reviewer, Allegation (drop-down menu of protected classes), Case Submission Date, Due Date, Incident Location, Complaint Summary, Outcome Notes, Intake Notes, Intake Determination.

18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

- ✓ According to the DOE's website (that was updated on April 20, 2018), the General Counsel served as the "chief legal advisor for the DOE, [and] will focus on the development and implementation of new initiatives and the revision of existing education policy". The General Counsel advised "the Chancellor on the legal aspects of policy and administrative matters". An email from the General Counsel to the principal EEO Professional in July 2018 demonstrated the General Counsel's participation in implementation of the Anti-Discrimination Policy via interpretation of its applicability to a particular set of circumstances. The DOE reported that the established protocol for notification to OEO when an external complaint or litigation is filed against the DOE required the General Counsel's Office to send an email notification to OEO, along with a copy of the complaint and a *Preservation Notice*. An example of this email was provided to the EEPCC to demonstrate the entity's adherence to this protocol. In addition, Section V., titled *Alternative Complaint Procedures*, stated, "[w]here a complaint is filed with an external agency or a court of competent jurisdiction, OEO will transfer the matter to the DOE's Legal Office."

NOTE: The DOE reported that during the period in review, there were no external, non-pedagogical complaints filed or investigated.

IV. Annual Review of Practices, Policies and Programs

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

19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

- ✓ A January 31, 2018 email from the Chancellor stated, "...as part of this commitment, the DOE is completing its annual review of our equal employment practices, policies, and programs." The email outlined the following updates: revisions to the Anti-Discrimination Policy (to include an updated list of protected classes), new recruitment tools for hiring and human resource

professionals, and recommitment to strengthening human resources practices by supporting employees' professional development.

- The DOE did not demonstrate that the principal EEO Professional, HR Professional, and General Counsel, reviewed the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions were required to correct deficiencies. Specifically, the DOE reported that such a review was not conducted in 2019. **Corrective Action Required**.

NOTE: Subsequent to the period in review, a January 16, 2020 memorandum from the DOE with the subject "*Documentation of Review for Trends Related to Sexual Harassment*" stated "*the OEO reviews the number of pending sexual harassment cases filed with the DOE on a bi-monthly basis with the Chief Operating Officer. During the meetings, discussions are held regarding any trends or information that may raise the level of risk for the agency.*" The memorandum further states, "[t]here is not any additional documentation that has been prepared since there has not been a trend identified related to the number of sexual harassment cases filed with the agency."

Corrective Action #7: Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

V. Responsibility for Implementation - EEO Professionals

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

20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

- ✓ On October 24, 2016 the General Counsel emailed DOE division heads the following announcement with a request to "*please also forward this announcement to your offices*": "*the Director of the Administrative Trials Unit, has been appointed Executive Director of the Office of Equal Opportunity and Diversity Management [DOE's principal EEO Professional]. The OEO office includes the EEO Complaint Unit, the EEO Training Unit, the Disability Compliance Unit, the Contract Complaint Unit, the Diversity Management Unit, and the Title IX Coordinator... [The principal EEO Professional's] appointment is effective immediately.*"

In 2018, the principal EEO Professional attended the following: *Equity, Diversity & Inclusion Learning Series* held by DOE Employee Resource Groups, *DOE Advancing Equity Workshop*; *DOE Division of Early Childhood Racial Equity Initiative Launch*; *EEPC's Commitment to Achieving Equality: Exploring Occupational Segregation*; and *NYC DOE LGBT+ Advisory Council* workshop.

In 2019, the principal EEO Professional attended *NYC 2019 HR/EEO Conference* held by Department of Citywide Administrative Services; *Diversity & Inclusion Leadership* meeting at the Office of the Bronx District Attorney; *Internal DOE Diversity Meeting*; *Understanding the Value of Diversity* seminar at New York University; and *School Diversity & Integration Panel* for DOE employees (as a panelist).

- The DOE did not demonstrate that the training attended by the principal EEO Professional covered the content necessary to meet this standard - city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints. **Corrective Action Required**.

Corrective Action #8: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

- ✓ During the period in review, the DOE consisted of 13,463 employees (5,600⁴ of which were non-pedagogical employees within EEPC jurisdiction). The principal EEO Professional was responsible for directing and administering the activities of all equal opportunity professionals and support staff in the Office of Equal Opportunity during the period in review. The OEO organization chart indicated that the division consisted of seven (7) Units: Operations, Diversity Management Compliance, Contract Compliance, EEO Complaint Investigations, EEO Training, Disability and Title IX. The EEO Complaint Investigations unit was comprised of nineteen (19) people: twelve (12) *EO Investigators* (two (2) positions were vacant during the period in review), three (3) *EO Intake Investigators*, an *Intake Unit Chief*, two (2) *Investigation Unit Attorneys* and an *Investigations Unit Chief*. The job description for the EO Investigators stated the "*OEO Investigator was responsible for supporting the unit heads, investigators, attorneys and other support staff in the preparation of investigative and legal matters related to employee misconduct. The investigator was responsible for the organization, maintenance, recording and filing of documents and written reports that are prepared in conjunction with administrative investigations.*"

22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

⁴ The DOE reported but did not confirm the agency headcount.

- ✓ The OEO organization chart indicated that EEO professionals were selected from different levels within the organizational structure.
- The DOE did not demonstrate that its EEO professionals were trained in EEO laws and procedures, and their responsibilities under the EEO Policy. **Corrective Action Required**.

Corrective Action #9: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

- ✓ An email from the General Counsel to the principal EEO Professional in July 2018 demonstrated the General Counsel's participation in the implementation of the Anti-Discrimination Policy via interpretation of its applicability to a particular set of circumstances. The DOE reported that the established protocol for notification to OEO when an external complaint or litigation is filed against the DOE required the General Counsel's Office to send an email notification to OEO, along with a copy of the complaint and a *Preservation Notice*. An example of this email was provided to the EEOC to demonstrate the entity's adherence to this protocol. In addition, Section V. of the Anti-Discrimination Policy titled *Alternative Complaint Procedures*, stated, *[w]here a complaint is filed with an external agency or a court of competent jurisdiction, OEO will transfer the matter to the DOE's Legal Office.*

24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

- ✓ The DOE's job description for *Director of Equal Opportunity* (currently the DOE's *Executive Director of Equal Opportunity*, the principal EEO Professional) listed the following responsibilities: *ensures that all internal employment and related personnel practices of the school system are in compliance with all applicable equal opportunity laws and with the equal opportunity policy of the Department of Education. This entails: developing and implementing policies, programs, procedures, and plans to ensure compliance with equal employment opportunity and non-discrimination provisions of government legislation; developing and implementing policies, programs, procedures, and plans to support and implement the organization's equal employment opportunity initiatives; consults with and counsels management and human resources staff to ensure that other policies, programs, and procedures comply with equal employment opportunity legal provisions and support the DOE's affirmative action initiatives; oversees investigations into*

complaints of discrimination and harassment brought by employees of the Department of Education; confers with supervisory personnel, human resources staff, legal counsel, and employees to investigate, document, and resolve alleged violations of law and charges of discrimination or harassment; prepares report [sic] of findings and makes recommendations for corrective action; formalizes the collaborative efforts between DHR [Division of Human Resources] and OEO: Identifies avenues for outreach and opportunities for increased participation to ensure the diversity of the DOE employee population (managers and non-managers); coordinates training of Department of Education staff in areas relevant to the mission of the Office of Equal Opportunity and Administers EEO Dispute Resolution in instances in which the alleged conduct does not rise to the level of an outright EEO violation; however, it is apparent that if some type of intervention is required, OEO will intervene in an effort to remediate the situation. This will be done on a case-by-case basis and will be limited to those issues which are EEO-related or may evolve into EEO violations (ex. workplace bullying).

25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

- ✓ The DOE's *Central Organization Chart* indicated that the OEO reports to the Chief Operating Officer, who is a direct report to the Chancellor (agency head).
- The DOE did not provide documentation that identified the principal EEO Professional by name and/or title (such as an organization chart, policy or policy statement), or indicated a direct reporting relationship to the agency head to demonstrate the principal EEO Professional's authority and independent judgment to fulfill EEO responsibilities. **Corrective Action Required.**

Corrective Action #10: Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

- The DOE did not demonstrate that directives and decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment were maintained during the period in review. **Corrective Action Required.**

Corrective Action #11: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

VI. Responsibility for Implementation – Supervisors/Managers

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

27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

- ✓ The DOE held supervisors accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures by including the following responsibilities in its Anti-Discrimination Policy; the *Policy Section* stated, "Supervisors (which refers to DOE employees acting in a supervisory capacity with authority over the terms and conditions of employment...) are required to maintain an environment free of unlawful discrimination and harassment on the basis of any of the protected classifications". The *Reporting Section* of the Anti-Discrimination Policy stated, "[a]ny supervisor who becomes aware of actions by a DOE employee that may violate any provision of this regulation must immediately report such violation to OEO. Supervisors must make the report by electronically filing a written a complaint ... A supervisor's failure to file a complaint in accordance with this paragraph may constitute a violation of this regulation".
- The DOE did not demonstrate that it documented implementation of the managers' and supervisors' responsibilities. **Corrective Action Required**.

Corrective Action #12: Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

28. Ensure 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 DOE reported that its managerial performance evaluation form did not contain 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). **Corrective Action Required**.

Corrective Action #13: Ensure 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).

VII. Reporting Standard for Agency Head

Determination: The agency is required to comply with the standards for this subject area.

29. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

- The DOE did not submit its Annual Plans of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the plan within 30 days following each quarter, during the period in review. **Corrective Action Required.**

Corrective Action #14: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

30. Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

FINAL ACTION: Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Summary of Corrective Actions:

The Department of Education has **15** required corrective action(s) at this time. This includes the aforementioned final action.

Conclusion

Pursuant to Charter Chapter 36, the Department of Education has the *option* to respond to this Preliminary Determination, but must respond to our Final Determination if corrective action is required. **Any response must be signed by the agency head and submitted to the EEPC's Executive Director.**

Optional Response to Preliminary Determination: If submitted, the Department of Education's optional response to the EEPC's Executive Director should indicate, with attached documentation, what steps have been or will be taken to correct outstanding areas of non-compliance, 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) If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the Department of Education's implementation of the prescribed corrective action(s).

(No Response Option) If the Department of Education 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 action(s) based on verified information

submitted as part of the response to the Preliminary Determination; identify remaining corrective action(s) that require further monitoring to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Charter Chapter 36, upon receipt, the Department of Education must submit a response, signed by the agency head, 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,



Ilacia Zuell
Manager, EEO Analysis and Audit Unit

Approved by,



Charise L. Terry
Executive Director

c: Laura Hemans Brantley, Principal EEO Professional, DOE
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC

APPENDIX 1

New York City Department of Education

Citywide Equal Employment Database System Report:

Work Force Composition Summary

2nd Quarter 2020

(end of period in review)

RUN DATE: 01/03/20
 RUN TIME: 13:44:06.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 AGENCY 740 DEPARTMENT OF EDUCATION

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QUARTER 2 YEAR 2020

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
06550	SPECIAL COMMISSIONER OF IN	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
10176	EXECUTIVE DIRECTOR (PERSON	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
10179	EXECUTIVE DIRECTOR (BOARD	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
30138	COUNSEL TO THE CHANCELLOR	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		2	0	1	0	0	0	1	0	0	0	0	0	0	0	4
		50.00	0.00	25.00	0.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
05103	DIRECTOR (PLANT OPERATION	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
10001	ADMINISTRATIVE ACCOUNTANT	2	1	1	1	0	0	1	3	1	2	0	0	0	0	12
10006	*ADMINISTRATIVE ATTORNEY	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
10010	ADMINISTRATIVE MANAGEMENT	2	1	1	0	0	0	0	1	1	1	0	0	0	7	
10015	ADMINISTRATIVE ENGINEER	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
1002F	ADMINISTRATIVE COMMUNITY R	0	2	0	0	0	0	0	0	0	0	0	0	0	2	
10022	ADMINISTRATIVE COMMUNITY R	2	1	0	0	0	0	2	4	6	0	0	0	0	15	
10025	ADMINISTRATIVE MANAGER	1	1	0	0	0	0	6	3	1	0	1	0	0	13	
10026	ADMINISTRATIVE STAFF ANALY	43	10	13	13	1	0	59	34	12	17	0	0	0	202	
10031	ADMINISTRATIVE EDUCATION A	37	20	12	8	0	0	45	48	19	14	1	0	0	204	
10032	ADMINISTRATIVE PUBLIC HEAL	0	0	0	0	0	0	0	1	0	0	0	1	0	2	
10033	ADMINISTRATIVE PUBLIC INFO	0	1	1	0	0	0	8	2	2	0	0	0	0	14	
10037	ADMINISTRATIVE SPACE ANALY	5	2	2	0	0	0	3	1	0	0	0	0	0	13	
10038	ADMINISTRATIVE STOREKEEPER	3	0	0	0	0	0	0	0	0	0	0	0	0	3	
10050	COMPUTER SYSTEMS MANAGER	33	15	8	34	1	2	3	3	5	10	0	0	0	114	
10056	ADMINISTRATIVE DIRECTOR OF	0	0	0	0	0	0	1	0	1	0	0	0	0	2	
10062	ADMINISTRATIVE EDUCATION O	42	15	11	5	1	1	71	21	24	13	0	1	0	205	
10065	ADMINISTRATIVE SCHOOL FOOD	6	1	0	0	0	0	5	4	0	1	0	0	0	17	
10069	HEALTH SERVICES MANAGER	0	1	0	0	0	0	4	6	2	1	0	0	0	14	
10080	ADMINISTRATIVE QUALITY ASS	12	6	0	1	0	0	7	6	3	0	0	0	0	35	
10095	ADMINISTRATIVE CONTRACT SP	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
10200	DISTRICT MANAGER OF ADMINI	0	1	2	0	0	0	4	5	2	0	0	0	0	14	
10245	EDUCATIONAL MANAGEMENT ASS	6	0	4	1	0	0	2	5	2	0	0	0	0	20	
13243	SPECIAL ASSISTANT (RESEARC	1	0	0	0	0	0	3	1	0	0	0	0	0	5	
13288	SPECIAL ASSISTANT OF THE B	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
13289	SPECIAL ASSISTANT TO MEMBE	4	0	0	0	0	0	3	0	0	0	0	0	0	7	
13293	EXECUTIVE ASSISTANT TO THE	0	0	0	0	0	0	1	1	0	0	0	0	0	2	
13304	SPECIAL ASSISTANT TO THE C	2	0	0	0	0	0	3	1	1	0	0	0	0	7	
13405	EXECUTIVE PROGRAM SPECIALI	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
13606	CHIEF INFORMATION TECHNOLO	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
31144	DEPUTY INSPECTOR GENERAL	2	0	0	0	0	0	0	0	0	0	0	0	0	2	
31618	DIRECTOR OF SCHOOL SAFETY	0	0	0	0	0	0	0	1	0	0	0	0	0	1	

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 RUN TIME: 13:44:06.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
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34202	CONSTRUCTION PROJECT MANAG	6	1	2	7	0	0	1	1	0	0	0	0	0	18
40542	DIRECTOR OF AUDIT AND INVE	0	0	0	0	0	0	1	0	0	0	0	0	0	1
40543	CHIEF SCHOOL BUSINESS EXEC	0	0	0	0	0	0	1	0	0	0	0	0	0	1
40548	DEPUTY EXECUTIVE DIRECTOR	0	0	1	0	0	0	0	0	0	0	0	0	0	1
40871	DEPUTY AUDITOR GENERAL (DO	0	0	0	0	1	0	1	0	0	0	0	0	0	2
55081	DIRECTOR OF EQUAL OPPORTUN	0	0	0	0	0	0	1	0	0	0	0	0	0	1
82901	SCHOOL PLANT MANAGER (BOAR	24	6	3	1	0	0	2	0	1	1	0	2	0	40
82950	AGENCY CHIEF CONTRACTING O	0	0	0	0	0	0	1	0	0	0	0	0	0	1
82976	ADMINISTRATIVE PROCUREMENT	4	2	3	1	0	0	4	8	2	1	0	1	0	26
82984	TELECOMMUNICATIONS MANAGER	2	0	0	0	0	0	0	0	0	0	0	0	0	2
82986	ADMINISTRATIVE RETIREMENT	2	0	1	0	0	0	1	1	1	2	0	0	0	8
83008	ADMINISTRATIVE PROJECT MAN	0	0	0	0	0	1	2	0	0	0	0	0	0	3
91401	EXECUTIVE DIRECTOR (SCHOOL	1	0	0	0	0	0	0	0	0	0	0	0	0	1
91697	AREA MANAGER OF SCHOOL MAI	16	1	1	2	0	0	3	0	0	0	0	0	0	23
95005	EXECUTIVE AGENCY COUNSEL	10	3	0	0	0	0	26	6	2	5	0	1	0	53
95055	ASSISTANT EXECUTIVE DIRECT	1	0	0	0	0	0	0	0	0	0	0	0	0	1
95056	DEPUTY EXECUTIVE DIRECTOR	0	1	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		273	92	66	75	4	4	275	169	88	68	2	6	0	1122
		24.34	8.20	5.88	6.68	0.36	0.36	24.51	15.06	7.84	6.06	0.18	0.53	0.00	100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
06688	INVESTIGATOR (EMPLOYEE DIS	0	3	1	1	0	0	6	10	8	4	0	0	0	33
06745	SCHOOL BUSINESS MANAGER	4	17	13	6	0	0	29	39	20	9	0	0	0	137
1002A	ADMINISTRATIVE STAFF ANALY	0	2	0	1	0	0	1	1	0	0	0	0	0	5
1002C	ADMINISTRATIVE MANAGER NON	1	0	0	0	0	0	2	1	1	1	0	0	0	6
1002D	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	0	0	0	0	0	1
10246	NEW YORK CITY PUBLIC SERVI	1	0	0	0	0	0	0	0	0	0	0	0	0	1
12158	PROCUREMENT ANALYST	5	9	4	2	0	0	6	19	10	2	0	0	0	57
12626	STAFF ANALYST	2	2	1	1	0	0	0	1	1	0	0	0	0	8
12627	ASSOCIATE STAFF ANALYST	2	1	0	2	0	0	4	9	2	2	0	0	0	22
13404	STRATEGIC INITIATIVE SPECI	0	0	1	0	0	0	1	0	0	0	0	0	0	2
20127	SENIOR ESTIMATOR (GENERAL	1	0	0	0	0	0	0	0	0	0	0	0	0	1
22427	ASSOCIATE PROJECT MANAGER	0	0	1	1	0	0	0	1	0	0	0	0	0	3
31312	ASBESTOS HAZARD INVESTIGAT	0	1	0	0	0	0	0	0	0	0	0	0	0	1
33761	SERVICE INSPECTOR (BOARD O	1	2	1	0	0	0	0	0	0	0	0	0	0	4
34170	QUALITY ASSURANCE SPECIALI	3	6	2	2	0	2	1	5	5	3	0	0	0	29
34171	QUALITY ASSURANCE SPECIALI	0	2	0	0	0	0	1	1	1	0	0	0	0	5
34173	QUALITY ASSURANCE SPECIALI	1	0	0	1	0	0	0	0	0	0	0	0	0	2
34176	QUALITY ASSURANCE SPECIALI	4	3	0	0	0	0	3	1	4	2	0	0	0	17
34183	QUALITY ASSURANCE SPECIALI	1	0	2	0	0	1	0	1	2	0	0	0	0	7
34190	ASSOCIATE QUALITY ASSURANC	1	0	3	0	0	0	0	3	3	0	0	0	0	10
34196	ASSOCIATE QUALITY ASSURANC	7	12	9	3	0	0	2	3	3	0	0	0	0	39
40502	MANAGEMENT AUDITOR	2	2	0	2	0	1	1	7	0	3	0	0	0	18
40505	*ASSISTANT ACCOUNTANT	0	1	0	0	0	0	0	0	0	0	0	0	0	1
40510	ACCOUNTANT	6	3	3	6	0	0	5	5	0	10	0	0	0	38
40561	CONTRACT SPECIALIST	0	2	2	0	0	0	0	6	2	0	0	0	0	12
40925	INVESTMENT ANALYST	0	1	0	0	0	0	0	0	1	0	0	0	0	2

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50941	STRATEGIC INITIATIVE SPECI	0	0	0	0	0	0	0	0	1	0	0	0	0	1
54747	CONFIDENTIAL STRATEGY PLAN	1	1	0	0	0	0	1	1	1	0	0	0	0	5
55050	EQUAL RIGHTS COMPLIANCE SP	5	1	0	0	0	0	5	5	2	1	0	2	0	21
EEO JOB GROUP TOTAL.....:		48	71	43	28	0	4	69	119	67	37	0	2	0	488
		9.83	14.55	8.81	5.74	0.00	0.82	14.14	24.39	13.73	7.58	0.00	0.41	0.00	100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
13611	COMPUTER ASSOCIATE (TECHNI	5	5	4	3	0	0	1	6	1	3	0	0	0	28
13621	COMPUTER ASSOCIATE (OPERAT	6	12	11	8	1	0	0	4	4	0	0	0	0	46
13622	COMPUTER SPECIALIST (OPERA	4	9	4	5	1	1	0	2	2	3	0	0	0	31
13631	COMPUTER ASSOCIATE (SOFTWA	2	5	3	4	0	0	2	3	1	5	0	0	0	25
13632	COMPUTER SPECIALIST (SOFTW	38	12	10	58	2	1	29	6	3	17	0	1	0	177
13643	CERTIFIED IT DEVELOPER (AP	11	0	3	28	0	0	1	0	0	14	0	1	0	58
13644	CERTIFIED IT ADMINISTRATOR	4	2	0	6	0	1	0	0	0	0	0	0	0	13
13651	COMPUTER PROGRAMMER ANALYS	0	1	2	0	0	0	2	0	0	0	0	0	0	5
13652	CERTIFIED IT ADMINISTRATOR	22	9	11	25	0	1	3	1	0	3	0	0	0	75
13692	*CERTIFIED WIDE AREA NETWO	1	0	0	0	0	0	0	0	0	0	0	0	0	1
20215	CIVIL ENGINEER	2	0	0	2	0	0	0	0	0	0	0	0	0	4
20246	TELECOMMUNICATIONS ASSOCIA	2	2	2	0	0	0	1	0	0	0	0	0	0	7
20247	TELECOMMUNICATIONS ASSOCIA	3	1	3	1	0	1	1	2	0	1	0	0	0	13
20403	MECHANICAL ENGINEERING INT	0	0	0	0	0	0	0	0	0	1	0	0	0	1
21210	ASSISTANT ARCHITECT	0	0	0	1	0	0	0	0	0	0	0	0	0	1
21215	ARCHITECT	2	1	0	0	0	0	0	0	0	0	0	0	0	3
21744	CITY RESEARCH SCIENTIST (A	0	1	1	0	0	0	0	1	0	0	0	0	0	3
60910	RESEARCH ASSISTANT	0	0	0	0	0	0	2	3	2	0	0	0	0	7
95622	IT SECURITY SPECIALIST	1	0	1	4	0	0	0	0	0	1	0	0	0	7
95710	IT PROJECT SPECIALIST	0	0	0	0	0	0	1	0	0	0	0	0	0	1
95714	IT INFRASTRUCTURE ENGINEER	0	0	0	2	0	0	0	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		103	60	55	147	4	5	43	28	13	48	0	2	0	508
		20.28	11.81	10.83	28.94	0.79	0.98	8.46	5.51	2.56	9.45	0.00	0.39	0.00	100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 005 HEALTH PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
06165	SUPERVISOR OF NURSES (BOAR	1	2	0	0	0	0	10	2	4	0	0	0	0	19
06216	OCCUPATIONAL THERAPIST (BO	0	0	1	0	0	0	0	0	0	0	0	0	0	1
06217	SENIOR OCCUPATIONAL THERAP	0	0	0	0	0	0	1	0	1	0	0	0	0	2
50212	CITY DENTIST (PART TIME)	0	0	0	0	0	0	1	0	0	0	0	0	0	1
50910	STAFF NURSE	7	22	2	4	1	0	236	281	53	56	3	6	0	671
51221	OCCUPATIONAL THERAPIST (DO	104	27	24	55	2	4	1084	233	154	271	10	19	0	1987
51222	PHYSICAL THERAPIST (DOE)	84	18	14	75	0	1	253	54	40	196	6	2	0	743
51239	STAFF AUDIOLOGIST	0	0	0	0	0	0	3	0	1	0	0	0	0	4

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5124A SUPERVISING THERAPIST (COM	3	0	0	1	0	0	18	6	2	3	1	0	0	34
53040 CITY MEDICAL SPECIALIST (P	2	0	0	1	0	0	5	1	0	2	0	0	0	11
EEO JOB GROUP TOTAL.....:	201	69	41	136	3	5	1611	577	255	528	20	27	0	3473
	5.78	1.99	1.18	3.92	0.09	0.14	46.39	16.61	7.34	15.20	0.58	0.78	0.00	100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 006 SOCIAL SCIENTISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
22122	CITY PLANNER	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	1	0	0	0	0	0	0	1
		0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 007 SOCIAL WORKERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
1005C	ADMINISTRATIVE DIRECTOR OF	1	1	1	0	0	0	0	9	3	0	0	0	0	15
52631	SUPERVISOR I (SOCIAL WORK)	0	0	0	0	0	0	0	2	0	0	0	1	3	
52632	SUPERVISOR II (SOCIAL WORK)	0	0	0	0	0	0	0	1	0	0	0	0	1	
55038	ASSOCIATE HUMAN RIGHTS SPE	0	0	1	0	0	0	0	0	0	0	0	0	1	
56073	SUBSTANCE ABUSE PREVENTION	15	39	19	0	0	1	38	72	68	4	0	4	260	
EEO JOB GROUP TOTAL.....:		16	40	21	0	0	1	38	84	71	4	0	5	280	
		5.70	14.29	7.50	0.00	0.00	0.36	13.57	30.00	25.36	1.43	0.00	1.79	100.00	

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 009 PUBLIC RELATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
31045	INTERPRETER (HOURLY)	0	0	0	0	0	0	1	0	0	0	0	0	1	
31046	SIGN LANGUAGE INTERPRETER	8	0	1	0	0	0	11	3	1	0	0	1	25	
31047	INTERPRETER/TRANSLATOR (DO	2	4	1	3	0	0	5	1	3	6	0	1	26	
60621	PROGRAM PRODUCER	0	0	1	0	0	0	0	0	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		10	4	3	3	0	0	17	4	4	6	0	2	53	
		18.86	7.55	5.66	5.66	0.00	0.00	32.08	7.55	7.55	11.32	0.00	3.77	100.00	

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

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AGENCY	740	DEPARTMENT OF EDUCATION
06786	SCHOOL COMPUTER TECHNOLOGY	0 1 0 0 0 0 0 0 0 0 0 0 0 0 1
13613	SCHOOL COMPUTER TECHNOLOGY	25 59 87 39 1 0 3 8 3 4 0 0 0 229
13615	COMPUTER SERVICE TECHNICIA	6 16 15 9 0 0 1 4 1 1 0 0 0 53
13616	SUPERVISING COMPUTER SERVI	11 7 4 8 0 0 0 0 0 0 0 0 0 30
13620	COMPUTER AIDE	0 3 0 1 0 0 0 1 0 0 0 0 0 5
31121	ASSOCIATE INVESTIGATOR	0 0 2 0 0 0 1 0 3 2 0 0 0 8
3114A	CONFIDENTIAL INVESTIGATOR	21 3 4 0 0 1 1 3 4 2 0 0 0 39
31143	CONFIDENTIAL INVESTIGATOR	10 3 5 1 0 3 6 14 5 1 0 0 0 48
31305	INDUSTRIAL HYGIENIST	1 0 0 0 0 0 0 0 0 0 0 0 0 1
40493	ASSOCIATE RETIREMENT BENEF	4 7 3 7 0 0 5 13 6 15 0 0 0 60
71141	ASSOCIATE FINGERPRINT TECH	2 1 1 0 0 0 1 1 0 0 0 0 0 6
90622	MEDIA SERVICES TECHNICIAN	0 1 0 0 0 0 0 1 0 0 0 0 0 2
EEO JOB GROUP TOTAL.....:		80 101 121 65 1 4 18 45 22 25 0 0 0 482
		16.60 20.95 25.10 13.49 0.21 0.83 3.73 9.34 4.56 5.19 0.00 0.00 0.00 100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	3	11	8	4	0	0	38	96	37	5	2	0	0	204
EEO JOB GROUP TOTAL.....:		3	11	8	4	0	0	38	96	37	5	2	0	0	204
		1.47	5.39	3.92	1.96	0.00	0.00	18.63	47.06	18.14	2.45	0.98	0.00	0.00	100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
06612	SECRETARY TO THE SPECIAL C	0	0	0	0	0	0	1	0	0	0	0	0	0	1
1022A	LEGAL SECRETARIAL ASSISTAN	0	0	0	0	0	0	0	1	1	0	0	0	0	2
10250	CLERICAL AIDE	2	3	0	0	0	0	1	3	1	0	0	0	0	10
10251	CLERICAL ASSOCIATE	18	27	12	5	0	0	33	102	54	15	4	0	0	270
10252	SECRETARY	0	1	0	0	0	0	10	35	10	0	0	0	0	56
11702	OFFICE MACHINE AIDE	0	1	0	0	0	0	1	2	0	0	0	0	0	4
11704	SUPERVISOR OF OFFICE MACHI	0	2	2	0	0	0	0	1	0	0	0	0	0	5
12200	STOCK WORKER	5	1	2	1	0	0	0	0	0	0	0	0	0	9
12202	SUPERVISOR OF STOCK WORKER	0	1	1	0	0	0	0	0	0	0	0	0	0	2
12832	SECRETARY TO COMMUNITY SCH	0	0	0	0	0	0	1	8	3	0	0	0	0	12
40526	BOOKKEEPER	3	1	1	5	0	0	13	8	3	12	0	1	0	47
60215	PUBLIC RECORDS AIDE	0	3	3	1	0	0	1	6	1	1	0	0	0	16
60888	CUSTOMER INFORMATION REPRES	19	23	12	12	2	3	21	118	42	13	2	5	0	272
95051	SECRETARY TO THE CHANCELLO	0	0	0	0	0	0	0	1	0	0	0	0	0	1
95052	SECRETARY TO THE DEPUTY CH	0	0	0	0	0	0	3	3	1	0	0	0	0	7
95053	SECRETARY TO THE COUNSEL T	0	0	0	0	0	0	0	0	1	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		47	63	33	24	2	3	85	288	117	41	6	6	0	715
		6.57	8.81	4.62	3.36	0.28	0.42	11.89	40.28	16.36	5.73	0.84	0.84	0.00	100.00

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EEO JOB GROUP TOTAL.....: 8 5 4 2 1 0 1 0 1 0 0 0 0 0 22
 36.35 22.73 18.18 9.09 4.55 0.00 4.55 0.00 4.55 0.00 0.00 0.00 0.00 100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 025 CRAFT

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
31313	ASBESTOS HANDLER	0	5	3	0	0	0	0	0	0	0	0	0	0	8
34205	SUPERVISOR OF ELECTRICAL I	7	5	3	2	0	1	0	0	1	0	0	0	0	19
34221	SUPERVISOR OF MECHANICAL I	5	1	6	4	0	1	0	0	0	0	0	0	0	17
90698	MAINTENANCE WORKER	2	2	3	0	0	0	0	0	0	0	0	0	0	7
90710	ELEVATOR MECHANIC	1	1	2	0	1	0	0	0	0	0	0	0	0	5
90716	GLAZIER	4	0	2	0	0	0	0	0	0	0	0	0	0	6
90723	LOCKSMITH	1	0	2	0	0	0	0	0	0	0	0	0	0	3
90733	RADIO REPAIR MECHANIC	8	0	2	4	0	0	0	0	0	0	0	0	0	14
90735	ROOFER	9	0	0	1	1	0	0	0	0	0	0	0	0	11
90774	SUPERVISOR OF MECHANICS	13	0	0	2	0	0	0	0	0	0	0	0	0	15
90775	SUPERVISOR ROOFER	2	0	0	0	0	0	0	0	0	0	0	0	0	2
91310	SUPERVISOR	1	0	1	0	0	0	0	0	0	0	0	0	0	2
91717	ELECTRICIAN	44	10	5	9	0	1	0	0	0	0	0	0	0	69
91769	SUPERVISOR ELECTRICIAN	4	1	2	1	0	0	0	0	0	0	0	0	0	8
91830	PAINTER	4	0	0	0	0	0	0	0	0	0	0	0	0	4
91915	PLUMBER	37	3	4	1	0	0	0	0	0	0	0	0	0	45
91925	STEAM FITTER	29	1	1	6	1	0	1	0	0	0	0	0	0	39
91940	THERMOSTAT REPAIRER	6	1	0	0	0	0	0	0	0	0	0	0	0	7
91971	SUPERVISOR STEAM FITTER	2	0	1	0	0	0	0	0	0	0	0	0	0	3
91972	SUPERVISOR PLUMBER	4	1	0	0	0	0	0	0	0	0	0	0	0	5
92005	CARPENTER	42	0	3	2	0	2	0	0	0	0	0	0	0	49
92071	SUPERVISOR CARPENTER	4	0	0	0	0	0	0	0	0	0	0	0	0	4
92205	BRICKLAYER	2	0	0	0	0	0	0	0	0	0	0	0	0	2
92235	PLASTERER	10	1	0	0	0	0	0	0	0	0	0	0	0	11
92271	SUPERVISOR BRICKLAYER	1	0	0	0	0	0	0	0	0	0	0	0	0	1
92272	SUPERVISOR PLASTERER	2	0	0	0	0	0	0	0	0	0	0	0	0	2
92575	SUPERVISOR OF MECHANICS (M	1	1	0	0	0	0	0	0	0	0	0	0	0	2
92610	MACHINIST	6	7	4	11	3	0	1	0	0	0	0	0	0	32
EEO JOB GROUP TOTAL.....:		251	40	44	43	6	5	2	0	1	0	0	0	0	392
		64.03	10.20	11.22	10.97	1.53	1.28	0.51	0.00	0.26	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 027 TRANSPORTATION

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
06580	CHAUFFEUR-ATTENDANT (BOARD	0	1	0	0	0	0	0	0	0	0	0	0	0	1
91212	MOTOR VEHICLE OPERATOR	1	5	3	1	0	0	0	0	1	0	0	0	0	11
EEO JOB GROUP TOTAL.....:		1	6	3	1	0	0	0	0	1	0	0	0	0	12
		8.34	50.00	25.00	8.33	0.00	0.00	0.00	0.00	8.33	0.00	0.00	0.00	0.00	100.00

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AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 028 LABORERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
90702	CITY LABORER	8	5	3	0	0	1	0	0	0	0	0	0	0	0	17
90756	CONSTRUCTION LABORER	14	4	0	1	0	0	0	0	0	0	0	0	0	19	
91722	ELECTRICIAN'S HELPER	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
91926	STEAM FITTER'S HELPER	1	0	0	0	1	0	0	0	0	0	0	0	0	2	
92611	MACHINIST'S HELPER	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
EEO JOB GROUP TOTAL.....:		24	10	4	1	1	1	0	0	0	0	0	0	0	41	
		58.53	24.39	9.76	2.44	2.44	2.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 030 TEACHERS AND COUNSELORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
1003B	ADMINISTRATIVE EDUCATION A	27	14	10	8	0	2	33	59	31	15	0	3	0	202
1006B	ADMINISTRATIVE EDUCATION O	35	31	16	13	0	3	94	56	40	25	1	2	0	316
1262C	EDUCATION ANALYST (COLLECT	4	2	4	2	0	0	6	9	5	4	1	0	0	37
1262D	ASSOCIATE EDUCATION ANALYS	8	3	1	7	0	0	4	3	4	2	0	0	0	32
12628	EDUCATION ANALYST	0	0	1	0	0	0	1	1	2	0	0	0	0	5
12629	ASSOCIATE EDUCATION ANALYS	0	0	0	0	0	0	1	1	0	0	0	0	0	2
1263A	EDUCATION OFFICER (COLLECT	12	11	13	5	0	0	36	37	29	13	0	3	0	159
1263B	ASSOCIATE EDUCATION OFFICE	4	4	3	2	0	0	10	7	5	4	0	0	0	39
12633	EDUCATION OFFICER	2	0	0	0	0	0	1	0	0	0	0	0	0	3
12634	*ASSOCIATE EDUCATION OFFIC	0	0	1	0	0	0	1	0	0	0	0	0	0	2
51611	CONSULTANT (EARLY CHILDHO	0	0	0	0	0	0	2	3	0	0	0	1	0	6
EEO JOB GROUP TOTAL.....:		92	65	49	37	0	5	189	176	116	63	2	9	0	803
		11.45	8.09	6.10	4.61	0.00	0.62	23.54	21.92	14.45	7.85	0.25	1.12	0.00	100.00

AGENCY CODE : 740 DEPARTMENT OF EDUCATION
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
12750	EDUCATION ANALYST TRAINEE	3	1	2	8	0	1	3	4	2	4	0	1	0	29
56056	COMMUNITY ASSISTANT	6	36	32	5	0	1	8	27	34	3	1	3	0	156
56057	COMMUNITY ASSOCIATE	31	154	157	13	1	15	357	474	699	88	5	32	0	2026
56058	COMMUNITY COORDINATOR	48	115	85	21	1	11	126	248	254	55	3	15	1	983
56061	SCHOOL-NEIGHBORHOOD WORKER	0	0	0	0	0	0	0	0	3	0	0	0	0	3
56062	SENIOR SCHOOL-NEIGHBORHOOD	1	0	0	0	0	0	1	0	1	0	0	0	0	3
56063	PRINCIPAL SCHOOL-NEIGHBORH	0	0	0	0	0	0	0	0	1	0	0	0	0	1
95050	ADMINISTRATIVE ASSISTANT T	0	1	0	0	0	0	2	6	9	1	0	0	0	19

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EEO JOB GROUP TOTAL.....:	89	307	276	47	2	28	497	759	1003	151	9	51	1	3220
	2.78	9.53	8.57	1.46	0.06	0.87	15.43	23.57	31.15	4.69	0.28	1.58	0.03	100.00

AGENCY TOTAL.....:	1328	1101	864	647	25	74	3199	2885	2113	1037	50	139	1	13463
	9.86	8.18	6.42	4.81	0.19	0.55	23.76	21.43	15.69	7.70	0.37	1.03	0.01	100.00

APPENDIX 2

New York City Department of Education

*A-830 Anti-Discrimination Policy and Procedures for Filing
Internal Complaints of Discrimination, 2019*



Regulation of the Chancellor

Number: A-830

**Subject: ANTI-DISCRIMINATION POLICY AND PROCEDURES FOR FILING INTERNAL
COMPLAINTS OF DISCRIMINATION**

Category: STUDENTS

Issued: August 29, 2019

SUMMARY OF CHANGES

This regulation replaces and supersedes Chancellor's Regulation A-830 dated March 28, 2019.

Changes:

- Revises equal educational opportunity policy language to reflect that all students are to be provided with access to DOE programs, services, activities, and facilities. Section I.B.
- Revises equal educational opportunity policy language has been revised to explain what types of conduct and/or verbal or written acts may be considered discriminatory conduct or conduct that creates a hostile school environment. Section I.B.
- Clarifies that DOE programs, services, and activities are to be accessible to parents and others who do business with the DOE, use DOE facilities, or otherwise interact with the DOE. Section I.C.
- Streamlines description of procedures for filing complaints with the Office of Equal Opportunity and Diversity Management (OEO). Section III.A.
- Clarifies that the principal/designee should consider whether interim interventions/supports for a student are appropriate during an investigation pursuant to this regulation and provides examples of such interventions/supports, and clarifies that an employee's supervisor may also discuss the provision of such measures with OEO. Section III.A.
- Replaces "gender (sex)" with "gender" throughout.
- Updates definitions of protected classifications within Attachment No. 1. Attachment No. 1.
- Aligns language in the public notice of DOE's Anti-Discrimination Policy to align with language in the regulation. Attachment No. 2.

ABSTRACT

This regulation sets forth the New York City Department of Education’s Anti-Discrimination Policy and establishes an internal review process for employees, applicants for employment, parents¹ of students, students, and others who do business with the DOE, use DOE facilities or otherwise interact with the DOE who wish to file complaints of unlawful discrimination or harassment by DOE employees based on a protected classification, or retaliation based on such complaints. Complaints of peer sexual harassment and harassment based on a protected classification, intimidation and/or bullying by one student against another may be filed in accordance with Chancellor’s Regulation A-831, Student-to-Student Sexual Harassment, or Chancellor’s Regulation A-832, Student-to-Student Discrimination, Harassment, Intimidation, and/or Bullying. Allegations of discrimination/harassment by students directed toward staff must be addressed in accordance with Chancellor’s Regulation A-443 and the Citywide Behavioral Expectations to Support Student Learning (Discipline Code).

¹The term “parent,” whenever used in this regulation, means the student’s parent(s) or guardian(s), or any person(s) in a parental or custodial relationship to the student, or the student, if they are an emancipated minor or has reached 18 years of age.

I. POLICY

A. It is the policy of the New York City Department of Education (DOE) to provide equal employment opportunities in accordance with applicable laws and regulations and without regard to actual or perceived race, color, religion, creed, ethnicity, national origin, alienage, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender, military status, unemployment status, prior record of arrest or conviction, caregiver status, consumer credit history, predisposing genetic characteristics, or status as a victim of domestic violence, sexual offenses, or stalking.² It is also the policy of the DOE to maintain a workplace environment free of harassment on the basis of the above protected classifications, including sexual harassment, and to comply with all laws and provisions in the DOE's collective bargaining agreements prohibiting discrimination.

Accordingly, it is a violation of this policy for DOE employees to engage in behavior that subjects any employee or applicant for employment to discrimination and/or harassment on the basis of any of the above protected classifications where such conduct: (1) adversely affects any aspect of an employee's/applicant's employment or the compensation, terms, conditions or privileges of employment; or (2) creates a hostile, offensive, or intimidating work environment.

It is also a violation of this policy for DOE employees to engage in discriminatory behavior and/or harassment on the basis of any of the above protected classifications with respect to applicants for employment and other individuals who do business with the DOE, use DOE facilities or otherwise interact with the DOE.

B. It is the policy of the DOE to provide equal educational opportunities, including ensuring that all students are provided access to DOE programs, services, activities, and facilities, in accordance with applicable laws and regulations and without regard to actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship status, disability, sexual orientation, gender or weight.

It is also the policy of the DOE to maintain an educational environment free of harassment on the basis of any of the above protected classifications, including sexual harassment.²

²The definitions of the categories of unlawful discrimination are found in Attachment No. 1.

Accordingly, it is a violation of this policy for any DOE employee to discriminate against or create a hostile school environment for a student by conduct and/or verbal or written acts, whether on school property or at a school function, on the basis of any of the above-noted grounds where such behavior: (1) has or would have the effect of unreasonably and substantially interfering with a student's ability to participate in or benefit from an educational program, school-sponsored activity or any other aspect of a student's education; or (2) has or would have the effect of unreasonably and substantially interfering with a student's mental, emotional or physical well-being; or (3) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or (4) reasonably causes or would be expected to cause physical injury or emotional harm to a student. It is also a violation of this policy for any DOE employee to engage in the behavior noted above off school property when such behavior creates or would foreseeably create a risk of disruption within the school environment.

Such conduct and/or verbal or written acts may include but are not limited to: denial of access to restrooms, changing rooms, locker rooms, and/or field trips on the basis of the above-noted protected classifications; enforcement of a dress code, specific grooming or appearance standards in a manner that discriminates against a student on any of the above noted protected classifications; or the use of name(s) or pronoun(s) or pronunciation of name(s) in a manner that discriminates against a student on any of the above-noted protected classifications (e.g., deliberately using a pronoun that is not consistent with the student's gender identity asserted in school).

- C.** It is the policy of the DOE to ensure DOE programs, services, and activities are accessible to parents and others who do business with the DOE, use DOE facilities, or otherwise interact with the DOE without regard to actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship status, disability, sexual orientation, gender, marital status, veteran or active military status.
- D.** It is the policy of the DOE to prohibit retaliation against any individual who objects to discriminatory practices in the workplace, who complains of discrimination or harassment on the basis of any of the protected classifications as described in Section I.A, I.B, or I.C above, or who files or participates in the investigation of an internal or external complaint of discrimination. Any adverse act against individuals due to their participation in a protected activity is considered retaliatory.
- E.** In order to develop and maintain a positive and supportive learning and working environment that is free of discrimination and harassment on the basis of any of the protected classifications as described in Sections I.A, I.B, or I.C above, retaliation and intimidation, the full cooperation of every staff member is necessary. Employees are expected to be exemplary role models in the schools and offices in which they serve.

- F.** Supervisors³ are required to maintain an environment free of unlawful discrimination and harassment on the basis of any of the protected classifications as described in Section I.A and I.B above.
- G.** Behavior which violates this policy may serve as a basis for discipline, even if it does not rise to the level of a violation of federal, state or local discrimination laws.
- H.** An employee who violates this policy or the requirements of this regulation may be subject to discipline, which may include termination, or other appropriate follow-up action. Nothing in this regulation prevents a supervisor from counseling or disciplining an employee for inappropriate conduct that is not otherwise in violation of this policy.
- I.** This policy applies to conduct and comments that constitute a violation of this policy, whether or not intentionally offensive or directed at a particular person or group.
- J.** All DOE employees are expected to cooperate with any Office of Equal Opportunity and Diversity Management (OEO) investigations and are required to report if summoned to appear by OEO. Tampering with or impeding an OEO investigation constitutes a violation of this regulation and may result in disciplinary action.

II. REPORTING

- A.** Any DOE employee who witnesses another DOE employee discriminate or harass a student on the basis of any of the protected classifications as described in Section I.B above, or who has knowledge or information or receives notice that a student may have been the victim of such behavior by a DOE employee, is required to orally report the alleged incident to the principal/designee within one school day. Within two school days of making the oral report, the reporting DOE employee also must electronically file a written complaint as set forth in Section III.A below. If the allegation is against the principal, the reporting DOE employee is not required to make an oral report to the principal but must electronically file a written complaint with OEO as set forth in Section III.A below.
- B.** Any supervisor who becomes aware of actions by a DOE employee that may violate any provision of this regulation must immediately report such violation to OEO. Supervisors must make the report by electronically filing a written a complaint as set forth in Section III.A below. A supervisor's failure to file a complaint in accordance with this paragraph may constitute a violation of this regulation.

³ The term supervisor refers to DOE employees acting in a supervisory capacity with authority over the terms and conditions of employment. The term supervisor includes, but is not limited to, principals, assistant principals and site supervisors.

- C.** Employees, applicants for employment, parents, students and others who do business with the DOE, use DOE facilities or otherwise interact with the DOE may file complaints alleging a violation of this policy.
- D.** Except as set forth in Sections II.A and II.B above, all complaints must be filed with OEO as soon as possible in order facilitate the prompt, thorough, and fair resolution of such complaints.
- E.** OEO will not accept complaints filed more than one year after the event that is the subject of the complaint. However, complaints alleging discrimination, harassment, or retaliation committed against students are not subject to this one year limit.

III. COMPLAINT PROCEDURES

A. Procedures for Filing Complaints

1. Individuals may file complaints electronically by using the complaint form available at <https://www.nycenet.edu/oeo>, or may file complaints by notifying OEO at the phone number or by visiting OEO at the address found at the end of this regulation.
2. An individual may file an anonymous complaint alleging a violation of this regulation. OEO will review anonymous complaints to determine how they should be processed in light of the information provided.
3. When a complaint is filed alleging discrimination or harassment of a student, the principal/designee should determine whether interim interventions/supports for the student are appropriate while the case is being investigated. Interim interventions and supports could include, but are not limited to, guidance interventions, counseling, assignment of an adult to check in with the student, change in schedule, or referral to the appropriate school support team or outside organization.
4. When a complaint is filed alleging discrimination or harassment of an employee, the employee's supervisor may discuss with OEO whether interim interventions for the employee are appropriate while the case is being investigated.

B. Procedures for Investigating Complaints

1. Upon receipt of a complaint, OEO will determine whether the complaint articulates a violation of this regulation and, if so, will assign the complaint to an OEO investigator who shall conduct an investigation. If OEO believes that irreparable harm will occur before the complaint can be fully investigated and resolved, OEO may recommend interim relief pending completion of the investigation of the complaint.
2. Following the investigation, OEO will submit written findings and a recommendation as to whether there has been a violation of this regulation to the Chancellor or their designee. The Chancellor/designee will issue a written determination as to whether there has been a violation of this regulation within

90 working days of OEO's receipt of the complaint, unless circumstances warrant extension of the time period. Complainant(s) and respondent(s) will be informed in writing of the determination.

3. If the determination concludes that a violation of this regulation has occurred, OEO will confer with the respondent's supervisor to determine if any disciplinary or corrective action is required.

4. OEO will ensure that any corrective action required by the written determination is implemented.

C. Confidentiality

It is the DOE's policy to respect the privacy of all parties and witnesses regarding complaints brought under this regulation. However, the need for confidentiality must be balanced against the obligation to cooperate with lawful investigations, to provide due process to the accused, and/or to take necessary action to conciliate, investigate, or resolve the complaint. Therefore, information regarding the complaint may need to be disclosed in certain appropriate circumstances.

D. False Accusations of Discrimination

An individual who knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, may be subject to discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

IV. DISSEMINATION OF THESE PROCEDURES

Notice of the DOE's Anti-Discrimination Policy and internal complaint procedures must be given to employees annually. In addition, each office and school must prominently post the DOE's Anti-Discrimination Policy (see Attachment No. 2), which provides contact information for OEO, and indicates where a copy of this regulation may be obtained.

In accordance with Chancellor's Regulation A-832, each school must distribute a copy of the Respect for All brochure annually to parents and students. This brochure informs students and parents of the DOE's Anti-Discrimination Policy and the procedures for students to file complaints of discrimination/harassment against DOE employees on the basis of any of the protected classifications as described in Section I.B above. Parents/students entering the school during the school year must receive a copy of the brochure upon registration.

V. ALTERNATIVE COMPLAINT PROCEDURES

These internal procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with any of the external agencies noted below.

- U.S. Department of Education, Office for Civil Rights
- U.S. Equal Employment Opportunity Commission
- New York State Division of Human Rights
- New York City Commission on Human Rights

The time frames for filing with these agencies may vary. Where a complaint is filed with an external agency or a court of competent jurisdiction, OEO will transfer the matter to the DOE's Legal Office.

VI. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Office of Equal Opportunity and Diversity Management

NYC Department of Education

65 Court Street

Brooklyn, NY 11201

Telephone: 718-935-3320

Fax: 718-935-2531

SUMMARY OF PROHIBITED DISCRIMINATION

Chancellor's Regulation A-830 sets forth the procedures by which employees, applicants for employment, students, parents and others who do business with the New York City Department of Education (DOE), use DOE facilities or otherwise interact with the DOE can raise and resolve claims of discrimination within the New York City public school system. The following information is intended to provide guidance to assist people in avoiding discriminatory practices but is not, however, exhaustive.

Alienage/Citizenship: actual or perceived immigration status or status as a citizen of a country other than the United States of America. It shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status or to make inquiry as to a person's alienage or citizenship status or to give preference to a person who is a citizen or native of the United States when such preference is expressly permitted or required by a federal, city or state law or regulation.

Caregiver Status: actual or perceived status as a caregiver. The term caregiver means person who provides direct and ongoing care for a minor child or a care recipient. A care recipient is defined as a person with a disability who: (i) is a covered relative, or a person who resides in the caregiver's household; and (ii) relies on the caregiver for medical care or to meet the needs of daily living. A covered relative includes a caregiver's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver's spouse or domestic partner, or any other individual in a familial relationship with the caregiver.

Consumer Credit History: an individual's credit worthiness, credit standing, credit capacity, or payment history. Employers may not request or use the consumer credit history of an applicant or employee for the purpose of making any employment decisions, including hiring, compensation, and other terms and conditions of employment unless expressly permitted or required by law or regulation.

Disability: actual or perceived disability, or history of disability. The term "disability" means any physical, medical, mental, or psychological impairment or history or record of such impairment, or a condition regarded by others as a disability. It is not discriminatory for an employer to require that any employee or applicant be able to perform the essential functions of a job with or without reasonable accommodation. If a person believes that they have a qualifying disability and is in need of a reasonable accommodation in order to fulfill the essential functions of their position, that person should contact the DOE's HR Connect Office of Medical, Leaves and Records or DOE's Disability Coordinator within the Office of Equal Opportunity and Diversity Management (OEO) for additional information.

Ethnicity/National Origin: actual or perceived national origin or ethnic identity. National origin is distinct from race/color or religion/creed because people of several races and religions or their forbearers may come from one nation. The term "national origin" includes members of all national groups and groups of persons of common ancestry, heritage, or background; it also includes individuals who are married to or associated with a person or persons of a particular national origin.

Gender: actual or perceived gender, pregnancy, or conditions related to pregnancy or childbirth. The prohibition against gender discrimination includes sexual harassment. The term "gender" also includes a person's actual or perceived gender identity and gender expression, meaning their self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth. Gender discrimination may include, but is not limited to, denial of access to restrooms, changing rooms, locker rooms, and/or DOE programs or activities on the basis of gender or the use of name(s) or pronoun(s) in a manner that discriminates (e.g., deliberately using a pronoun that is not consistent with the individual's gender identity asserted in school, work, or other DOE program or activity).

Partnership Status: actual or perceived status of being in a registered domestic partnership.

Military Status: a person's participation in the military service of the United States or the military service of the state, including but not limited to, the Armed Forces of the United States, the Army National Guard, the Air National Guard, the New York Naval Militia, the New York Guard and such additional forces as may be created by the federal or state government as authorized by law.

Predisposing Genetic Characteristic: any inherited gene or chromosome, or alteration thereof, determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or is associated with a statistically significant increased risk of development of a physical or mental disease or disability.

Prior Arrest/Conviction: record of prior arrests and convictions for criminal offenses. After the extension of a conditional offer, the DOE requires a background investigation, including fingerprint information, which is reviewed under Chancellor's Regulation C-105 as well as any applicable laws and regulations.

Religion/Creed: actual or perceived religion or creed (set of fundamental beliefs, whether or not they constitute a religion). An employee requesting a reasonable accommodation for religious reasons should follow the procedures in Chancellor's Regulation C-606. A student requesting a reasonable accommodation for religious reasons should follow the procedures in Chancellor's Regulation A-630.

Sexual Harassment:

A. Sexual Harassment between Employees:

Sexual harassment of one employee by another consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may take different forms, including explicit sexual propositions or threats, sexual innuendos, sexually suggestive comments, sexually oriented jokes, obscene gestures, displays of pornographic or obscene visual or printed material, and physical contact, such as touching, patting, pinching or brushing against another's body. These behaviors can constitute sexual harassment whether they are directed at persons of the same or opposite sex and may also constitute criminal behavior.

B. Sexual Harassment of Students by Employees:

OEO will forward complaints of this nature to the Special Commissioner of Investigations who will determine how to proceed.

Sexual conduct between an adult employee and a student can never be considered welcome or appropriate. Sexual harassment of a student by an employee consists of sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature. It includes situations where:

1. submission to such conduct is a condition of the student's advancement or obtaining an education;
2. submission to or rejection of such conduct by a student is used as a basis for evaluating or grading a student or as a factor in decisions affecting the student's education; or
3. such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive educational environment.

Sexual harassment may take different forms, including explicit sexual propositions or threats, sexual innuendos, sexually suggestive comments, sexually oriented jokes, obscene gestures, displays of pornographic or obscene visual or printed material, and physical

contact, such as touching, patting, pinching or brushing against another's body. These behaviors can constitute sexual harassment whether they are directed at persons of the same or opposite sex and may also constitute criminal behavior.

C. Sexual Harassment of Students by Students:

Please refer to Chancellor's Regulation A-831: Student-to-Student Sexual Harassment.

Sexual Orientation: an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality, and pansexuality.

Unemployment Status: The term unemployment means not having a job, being available for work and seeking employment. However, there are allowances in the law that permit an employer to consider an applicant's unemployment when there is a substantially-job related reason for doing so or to inquire into the circumstances surrounding an applicant's separation from prior employment.

Victim of Domestic Violence, Sexual Offenses, or Stalking: An actual or perceived victim of domestic violence is a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person who is cohabitating with or who has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature or a person who is or has continuously or at regular intervals lived in the same household as the victim.

An actual or perceived victim of sex offenses or stalking is a person who has been subjected to such behavior as defined by the penal code.

An employee may request a reasonable accommodation due to their status as an actual or perceived victim of domestic violence, sex offenses or stalking in order to fulfill the essential requests of a job. The employee may be asked to provide certification that they are a victim of domestic violence, sex offenses or stalking. An employee requesting the reasonable accommodation shall provide a copy of such certification within a reasonable period after the request is made. The certification requirement may be satisfied by providing a police or court record, documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider that the employee or that employee's family or household member sought assistance as an actual or perceived victim of domestic violence, sex offenses, or stalking and/or the effects of the violence or stalking; or other information consistent with the employee's disclosure and the request for accommodation.



PUBLIC NOTIFICATION OF ANTI-DISCRIMINATION POLICY

It is the policy of the New York City Department of Education (DOE) to provide equal employment opportunities in accordance with applicable laws and regulations and without regard to actual or perceived race, color, religion, creed, ethnicity, national origin, alienage, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender, military status, unemployment status, prior record of arrest or conviction, caregiver status, consumer credit history, predisposing genetic characteristics, or status as a victim of domestic violence, sexual offenses, or stalking, and to maintain an environment free of harassment on any of the above protected classifications, including sexual harassment and retaliation.

It is the policy of the DOE to provide equal educational opportunities in accordance with applicable laws and regulations and without regard to actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship status, disability, sexual orientation, gender, or weight and to maintain an environment free of harassment on the basis of any of the above protected classifications, including sexual harassment and retaliation.

This policy is in accordance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Age Discrimination in Employment Act of 1967, Section 503 and Section 504 of the Rehabilitation Act of 1973, Fair Labor Standards Amendments of 1974, Immigration Reform and Control Act of 1986, The Americans with Disabilities Act of 1990, Civil Rights Act of 1991, New York State and City Human Rights Laws and Provisions of Anti-Discrimination in Collective Bargaining Agreements of the Department of Education of the City of New York.

Chancellor's Regulation A-830 sets forth the procedures for employees, parents of students, students and others who do business with, use DOE facilities or otherwise interact with the DOE to file complaints of unlawful discrimination, harassment by DOE employees or retaliation based upon such complaints. Complaints may be filed by contacting the Office of Equal Opportunity and Diversity Management (OEO) or by filing with one of the agencies identified below. A copy of Chancellor's Regulation A-830 may be obtained from OEO or at www.nyc.gov/schools/o eo/.

DOE Resources:		External Resources:	
Office of Equal Opportunity and Diversity Management New York City Department of Education 65 Court Street Brooklyn, New York 11201 Tel: 718-935-3320 Fax: 718-935-2531		U.S. Equal Employment Opportunity Commission New York District Office 33 Whitehall Street, 5 th Floor New York, New York 10004 212-336-3620	Office for Civil Rights New York Office U.S. Department of Education 32 Old Slip, 26 th Floor New York, NY 10005-2500 646-428-3900
Questions regarding Title IX compliance should be referred to: Title IX Coordinator 65 Court Street Brooklyn, NY 11201 Tel: 718-935-3320 Title_IX_Inquiries@schools.nyc.gov	Questions regarding Section 504 accommodations should be referred to: Section 504 Coordinator 504Accommodations@schools.nyc.gov	New York State Division of Human Rights 1 Fordham Plaza - 4 th Floor Bronx, New York 10458 718-741-8400	New York City Commission on Human Rights 22 Reade Street – 1 st Floor New York, NY 10007 212-306-7450



Sasha Neha Ahuja
Chair

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

Charise L. Terry
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY EMAIL

August 13, 2020

Richard A. Carranza
Chancellor
New York City Department of Education
52 Chambers Street
New York, New York 10007

Audit Status:

Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2018 to December 31, 2019.

Determination: FINAL

Resolution #: 2020AP/241-740-(2020)

Dear Chancellor Carranza:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: July 29, 2020

No Response Received.

Purpose

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide

equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the Department of Education's Sexual Harassment Prevention and Response Practices.

As the Department of Education falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards¹ to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the Department of Education's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

Next Steps

The assigned compliance-monitoring period is: **September 1, 2020 to February 28, 2021.** Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

If corrective actions remain: Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the Department of Education has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Department of Education will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Department of Education is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

Final Memorandum: Upon the Department of Education's implementation of the final corrective action, if any, the EEPC requires that the Department of Education submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

If no corrective actions remain: In lieu of a response to this Final Determination, the Department of Education must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the will be exempt from the abovementioned compliance-monitoring period.

¹ The EEPC's uniform standards for auditing municipal entities and minimum standards for auditing community boards (collectively "Standards") are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Conclusion

This is the EEPC's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at jshaw@eepc.nyc.gov or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry
Executive Director

c: Laura Brantley, Principal EEO Professional, DOE

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

A response indicating progress of Department of Education's efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data provided; the EEPC's *Preliminary Interview Questionnaires (PIQs)* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*, the *EEPC Supervisor/Manager Survey*, the *Annual EEO Plans* and *Quarterly EEO Reports* of the audited entity; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the optional response² (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Monitoring Required

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

Corrective Action #1: Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

² Excerpts are italicized.

Corrective Action #3: Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #4: Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #5: Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #6: In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #7: Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #8: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #9: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #10: Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #11: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

Agency Response: *No optional response received.*

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #12: Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #13: Ensure 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).

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #14: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

FINAL ACTION: Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of the agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

The EEPC thanks you and your staff for your continued cooperation.

RESOLUTION NO.
2019AP/241-740-(2020)
New York City Department of Education
Chancellor Richard Carranza
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 14
Period Audit Covered:	January 1, 2018 to December 31, 2019
Preliminary Determination Issued:	July 29, 2020 No Response Received
Final Determination Issued:	August 13, 2020 Response Due September 14, 2020
Compliance-Monitoring:	Required September 1, 2020 to February 28, 2021

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Education's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Education's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 29, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual

harassment annually.

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
5. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
6. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
7. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
8. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
9. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
10. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact

the administration and operation of programs, policies or procedures concerning sexual harassment.

12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation
13. Ensure 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).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 13, 2020, which indicated that the following areas required corrective action: no(s). 1 - 14; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 13, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Chancellor Richard Carranza to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja

**Sasha Neha Ahuja
Chair**

/s/Angela Cabrera

**Angela Cabrera
Commissioner**

/s/Arva R. Rice

**Arva R. Rice
Commissioner**

/s/Elaine S. Reiss

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

On behalf all Commissioners in attendance,



**Charise L. Terry
Executive Director**

September 22, 2020

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

Re: Response to the Equal Employment Practices Commission's
Final Audit Determination

Dear Executive Director Terry:

This correspondence is prepared in response to the Final Determination letter, dated August 13, 2020, pursuant to the Equal Employment Practices Commission's ("EEPC") audit of the New York City Department of Education's ("DOE") Sexual Harassment Prevention and Response Practices for the period covering January 1, 2018 to December 31, 2019.

The EEPC's recommended corrective actions, as listed in the August 13, 2020 letter, are in bold, followed by the DOE's responses.

Corrective Action #1: Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

DOE Response: The DOE has been issuing a policy statement reiterating commitment to the prevention of sexual harassment annually. On August 6, 2018, the Chancellor sent all staff an email regarding the Stop Sexual Harassment in NYC Act, which is a package of bills aimed at addressing and preventing sexual harassment in the workplace. The Chancellor noted that the DOE takes all sexual harassment complaints seriously and ensures they are investigated and addressed. Further, the Chancellor informed staff that "Each of us plays an essential role in maintaining a respectful work environment that is free of sexual harassment for all employees. The NYC Sexual Harassment Prevention Training was designed to help identify and define sexual harassment and understand how best to prevent it. To that end, all NYC employees are required to take this training on an annual basis." Notably, on December 17, 2018, the DOE's harassment training team sent all staff a follow up email containing a citation to the Stop Sexual Harassment in NYC Act. On November 1, 2019, the Chancellor sent a similar email to all staff regarding the Stop Sexual Harassment in NYC Act, and noting how the DOE takes all sexual harassment complaints seriously and ensures they are investigated and addressed. While outside of the audit period, on August 4, 2020, the DOE's harassment training team sent a similar communication to staff who had yet to complete the mandatory Sexual Harassment Prevention Training during Cycle 2, a follow up email reminding them

to complete the training and that every employee plays an essential role in maintaining a respectful work environment that is free of sexual harassment for all employees. In addition, in fall 2020, the DOE will issue a policy statement from the Chancellor reiterating the agency's commitment to the prevention of sexual harassment and will also include a Stop Sexual Harassment Act Factsheet in the email correspondence. Responsive documents have been uploaded to TeamCentral.

Corrective Action #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 Policy that conforms to city, state and federal laws against sexual harassment—for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

DOE Response: In fall 2020, the DOE will distribute and post an amended version of Chancellor's Regulation A-830, which will include the updated protected classes, salary history and sexual and reproductive health decisions, and additional responsive procedures for investigating discrimination and sexual harassment complaints that conform to the procedures within the Citywide Equal Employment Opportunity Policy.

Corrective Action #3: Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

DOE Response: The DOE, in conjunction with DCAS, deploys the annual mandated Citywide Sexual Harassment training every year, beginning in the fall, to all current employees. As part of the onboarding process, newly hired employees receive the citywide sexual harassment training as well as an EEO training that covers sexual harassment, discrimination, and other related EEO topics. Notably, during the DOE's New Teacher Week, held in partnership with the United Federation of Teachers (UFT), and attended throughout the boroughs by newly hired teachers from August 24, 2018 to August 27, 2018, teachers and Central Staff that work with schools were provided with, among other things, sessions centered on culturally responsive teaching, family engagement, and supporting special student populations. In addition, OEO implements an extensive on-site training program for public school-based and Central office employees throughout the five boroughs. During the course of the year, the OEO conducts in-person training sessions on issues including basic EEO training, disability accommodation training, and corrective action training for school-based and Central-based staff. Additionally, in collaboration with the Office of Safety and Youth Development (OSYD), OEO offers training regarding the DOE's policies related to the New York State Dignity for All Students Act, where participants are educated about their reporting responsibilities and the circumstances under which off-school and on premises behavior may be covered by the Chancellor's Regulations. The OEO training program, also known as "Respect for All" training and based upon DOE's Respect for All policy, highlights the following Chancellor's Regulations: A-831 Student-to-Student Sexual Harassment; A-832 Student Discrimination, Harassment, Intimidation and/or Bullying; and the portions of A-830 that address Staff-to-Student Discrimination and Sexual

Harassment, as well as the DOE's "Guidelines to Support Transgender and Gender Expansive Students."

Corrective Action #4: Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

DOE Response: The DOE will distribute and post an amended version of Chancellor's Regulation A-830, which will include additional responsive procedures for investigating discrimination and sexual harassment complaints that conform to the procedures within the Citywide Equal Employment Opportunity Policy. Specifically, the amended Regulation will include notice of the respondent's right to respond to the allegations and right to be accompanied by a union representative or a non-attorney representative of their choice, so long as that representative does not present a conflict of interest. A conflict of interest includes, but is not limited to, being a party and/or possible party (complainant, witness, or respondent) in the instant case. The DOE currently maintains all correspondence regarding the subject investigation in the complaint file.

Corrective Action #5: Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

DOE Response: To streamline and increase efficiency within OEO's complaint assessment and investigative process, the DOE hired additional complaint investigators during the latter part of this audit period and created an intake unit. The DOE is on track to issue conclusive reports within 90 days of the date the complaint was filed and to commence an investigation immediately after an intake review confirms the allegations warrant an investigation. DOE also notes that there are various factors that currently impact meeting the 90-day compliance mark, such as the recent COVID-19 pandemic, specifically resulting in the unions not allowing OEO to interview their members virtually for OEO's investigations. In fall 2020, the DOE will update Chancellor's Regulation A-830 to include notice of these requirements.

Corrective Action #6: In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

DOE Response: The DOE currently notes in the complaint file all investigative steps undertaken during the investigation, including any delays, along with the reason for the delay. Moving forward, the DOE will notify the complainant and respondent of any delays during the investigation where a conclusive report cannot be issued within 90 days, excluding holidays and school closures, and provide a time frame for completion of the report. The DOE will also update Chancellor's Regulation A-830 to include notice of these requirements.

Corrective Action #7: Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and

programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

DOE Response: The EEO Professional, during bi-monthly meetings with the agency's Chief Operating Officer, has reviewed the number of sexual harassment complaints and any barriers to employment opportunities that may be related to sexual harassment and to determine what, if any, actions are required to correct deficiencies. The DOE has also convened an annual meeting with HR and EEO leaders to review any barriers to employment opportunities. In addition, the EEO professional regularly meets with Legal on various related issues. The DOE will ensure that an annual meeting occurs with the agency's HR Professional and General Counsel, or their designee, to review the number of sexual harassment complaints, and the agency's employment practices, policies and programs to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies. Notably, since January 2018, OEO also works closely with other offices within the Division of Human Capital, such as the Office of Development and Effectiveness (ODE), the Classified Compensation Unit, and Employee Relations to review the agency's employment practices, policies, and programs and to work on recruitment and retention efforts to increase equity, diversity, and inclusion throughout the employee lifecycle, from onboarding through the employee's employment with the DOE. These efforts include conducting underutilization assessments on a quarterly basis, participating in diversity career fairs, composing a diversity recruitment toolkit of best practices, and incorporating Employee Resource Groups (ERGs) within the agency.

Corrective Action #8: Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

DOE Response: The principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints. Please see attachment, which lists additional trainings attended by the principal EEO Professional during the audit period. Responsive documents have been uploaded to TeamCentral.

Corrective Action #9: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

DOE Response: The OEO is currently staffed with investigative professionals who are trained in EEO laws and procedures, and their responsibilities under the agency's EEO Policy. All investigative staff have met the specific job-related criteria required for their position and have a demonstrated background in EEO laws and procedures. Further, all of the investigative professionals are provided with ongoing internal and external EEO professional development and training opportunities. Responsive documents have been uploaded to TeamCentral.

Corrective Action #10: The DOE did not provide documentation that identified the principal EEO Professional by name and/or title (such as an organization chart, policy or policy statement), or indicated a direct reporting relationship to the agency head to demonstrate the principal EEO Professional's authority and independent judgment to fulfill EEO responsibilities.

DOE Response: The principal EEO Professional reports to the Chief Operating Officer, who is a direct report to the Chancellor for matters relating to EEO responsibilities. An amended organization chart which identifies the principal EEO Professional by name and title has been uploaded to TeamCentral.

Corrective Action #11: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

DOE Response: The DOE, during bi-monthly meetings with the agency's Chief Operating Officer, reviews the number of sexual harassment complaints and any barriers to employment opportunities that may be related to sexual harassment and to determine what, if any, actions are required to correct deficiencies. The DOE will ensure that documentation regarding directives or decisions between the EEO Professional and agency head (or a direct report to the Chancellor) regarding decisions that impact the administration and operation of programs, policies or procedures concerning sexual harassment is maintained.

Corrective Action #12: Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. The DOE did not demonstrate that it documented implementation of the managers' and supervisors' responsibilities.

DOE Response: The DOE will circulate Chancellor's Regulation A-830 to all managers and supervisors on an annual basis. In that communication, the DOE will reinforce the agency's expectation of absolute compliance with the policy provisions in the Regulation that mandate managers and supervisors to maintain an environment free of unlawful discrimination and harassment on the basis of any of the protected classifications and their duty to immediately report any actions that may violate the Regulation as it relates to those persons who are protected by Chancellor's Regulation A-830. In addition, managers and supervisors will be placed on notice that their failure to report an allegation may constitute a violation of the Regulation. Further, the OEO will continue to investigate failure to report allegations and recommend corrective and/or disciplinary action in cases where a failure to report allegation has been substantiated.

Corrective Action #13: Ensure that 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).

DOE Response: The DOE utilizes the Employee Feedback Cycle ("EFC") to provide employees with feedback concerning their competencies, job responsibilities, progress and goals. The EFC for managers currently includes a competency on managing others (e.g., team support and performance as well as talent management) and organizational leadership (e.g., lead with cultural sensitivity). The

DOE will continue to develop language in its EFC to provide managerial employees with feedback on their EEO responsibilities.

Corrective Action #14: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

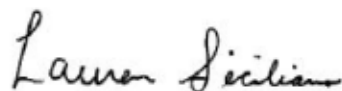
DOE Response: In accordance with the requirements set forth in New York City Charter Section 815(a) (19) and 20(i), the DOE currently provides DCAS with quarterly sexual harassment complaint activity reports. The DOE will submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter, which will include the quarterly sexual harassment complaint activity currently sent to DCAS. We appreciate the EEPC's recommendations and remain committed to our robust equal employment opportunity program. At this juncture, we also would like to thank the EEPC staff for their assistance in managing this audit.

FINAL ACTION: Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Upon completion of the audit, the DOE will distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring.

If any questions arise, please contact Laura Hemans Brantley, Executive Director of the Office of Equal Opportunity and Diversity Management, at lbrantley@schools.nyc.gov.

Sincerely,



Lauren Siciliano
Chief Administrative Operations Officer

On behalf of Richard A. Carranza
Chancellor

Cc: Howard Friedman, General Counsel
Laura Hemans Brantley, EEO Officer

From: [Chancellor Meisha Porter](#)
To: [Chancellor Meisha Porter](#)
Subject: Annual Review of Equal Employment Practices, Policies, and Programs
Date: Thursday, April 15, 2021 1:08:55 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Colleagues,

Last month, the Division of Human Capital (DHC) shared the DOE's [Non-Discrimination Policy](#). This policy is our commitment to equal employment opportunity, including diversity and inclusion, through our hiring, employee retention, employee engagement, professional development, and vendor procurement practices.

As part of this commitment, the Office of Equal Opportunity & Diversity Management (OEO) and the Office of Organizational Development and Effectiveness (ODE) have collaborated on this important work of ensuring that our employment practices encourage and maintain workplaces free from discrimination and sexual harassment, and that all employees remain aware of their rights and obligations under Chancellor's Regulation A-830 (Regulation).

I want to highlight some continuing practices and important enhancements to our equal employment practices:

- Each year, we will issue a policy statement reiterating our commitment to the prevention of sexual harassment.
- Annually, we will distribute and post our Regulation, which conforms to city, state and federal laws against sexual harassment and discrimination and includes uniform and responsive procedures for investigating complaints of discrimination/sexual harassment. The Regulation will include the most current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
- We will establish and implement a training plan for new and existing employees to ensure that all individuals, including managers and supervisors, receive training on the prevention of sexual harassment as well as a clear outline of the discrimination complaint and investigation procedures.
- Going forward, we will ensure that both parties to a complaint of discrimination or sexual harassment will be provided notice of the complaint that includes the respondent's right to respond to the allegations as well as the right to be accompanied by a union or representative of their choice to any investigative interview.
- If OEO determines that a complaint articulates behavior that constitutes a violation of Chancellor's Regulation A-830, OEO will conduct an investigation. Where, for good cause, a determination cannot be issued within ninety (90) school days, OEO will notify the complainant and respondent of the delay and projected timeframe for completion

of the determination.

- **Managers and supervisors will be held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures as outlined in the Regulation, including their duty to report allegations of sexual harassment and/or discrimination.**
- **Annually, the EEO Officer, Executive Director of Human Capital and, and the General Counsel, will review the number of sexual harassment complaints, and the agency's employment practices, policies and programs. This review will identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.**
- **DOE's EEO Officer will continue to receive training regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.**
- All EEO professionals will continue to receive training in city, state, and federal EEO laws and procedures, and their responsibilities under Chancellor's Regulation A-830.
- **DOE's EEO Officer will continue to report directly to the agency head or designee in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.**
- **The DOE will maintain documentation regarding directives or decisions between the Chancellor and the EEO Officer that impact the administration and operation of programs, policies or procedures concerning sexual harassment.**
- **The Employee Feedback Cycle (EFC) form [for managers/supervisors](#) will contain a section 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).**
- In compliance with the New York City Charter, an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter, will be submitted to the Equal Employment Practices Commission (EEPC), and include a breakout of sexual harassment complaint activity for each quarter.

Through these continuing practices and enhancements, the DOE reaffirms our commitment to ensuring and maintaining a respectful work environment free from discrimination and sexual harassment for all employees

Please email OEODiversity@schools.nyc.gov for further information on these updates.

In partnership,

Meisha

Meisha Porter
Chancellor, New York City Public Schools

she/her/hers

New York City Department of Education
52 Chambers Street | New York, NY 10007





Vacant
Chair

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

Jeanne M. Victor
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY EMAIL

April 22, 2021

Meisha Porter
Chancellor
New York City Department of Education
52 Chambers Street
New York, New York 10007

Re: Resolution #2020AP/248-740-(2021)C18
DETERMINATION: Compliance

Dear Chancellor Porter:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

Thank you and principal EEO Professional, Laura Brantley for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is fluid and cursive.

Elaine S. Reiss, Esq.
Commissioner

c: Laura Brantley, Principal EEO Professional, New York
City Department of Education

Monitoring of Sexual Harassment Prevention and Response Practices

**RESOLUTION NO.
 2020AP/248-740-(2021)C18
 Department of Education
 Chancellor Meisha Porter
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s):	Total: 14		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 29, 2020	No Response Received	
Final Determination Issued:	August 13, 2020	Response Received	September 22, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Education’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Education’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 29, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
5. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
6. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
7. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
8. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
9. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
10. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
13. Ensure 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).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 13, 2020, which indicated that the following areas required corrective action: no(s). 1 - 14; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 22, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Department of Education was monitored until March 23, 2021; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Chancellor submitted a copy of a memorandum to staff dated April 15, 2021, which recognized the EEPC's audit and reiterated commitment to the Department of Education's equal employment practices; Now Therefore,

Be It Resolved, that the Department of Education has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Chancellor Meisha Porter of the Department of Education.

Approved unanimously on April 22, 2021.

/s/Angela Cabrera
Angela Cabrera
Commissioner/Mayoral Appointee

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

/s/Arva R. Rice
Arva R. Rice
Commissioner/City Council Appointee

Vacant
Commissioner/City Council Appointee

Vacant
Chair/Commissioner/Joint Appointee

On behalf of all Commissioners in attendance,

Jeanne M. Victor
Jeanne M. Victor
Executive Director

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION



This

Determination of Compliance

is hereby issued to

New York City Department of Education

*for successful implementation of 14 of 14 required corrective action(s),
thereby achieving compliance with the Equal Employment Practices Commission's
Sexual Harassment Prevention and Response Practices
from January 1, 2018 to this date.*

On this 22nd day of April in the year 2021,

A handwritten signature in cursive script that reads 'Jeanne M. Victor'. The signature is written in dark ink and is positioned above a horizontal line.

Jeanne M. Victor, Executive Director

*In care of Chancellor Meisha Porter
and Principal EEO Professional Laura Brantley*