

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

RESOLUTION #01/20-042 (KCC): Preliminary Determination Pursuant to the Audit of the Kingsborough Community College (KCC) Sexual Harassment Prevention Program from July 1, 1998 to June 30, 2000.

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

Whereas, the Charter defines city agency as any "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 offices, the expenses of which are paid in whole or in part from the city treasury;" and

Whereas, the community colleges of CUNY are funded by the City University of New York and are therefore considered city agencies pursuant to Chapter 36, Section 831(a) of the New York City Charter; and

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

Be It Resolved,

that pursuant to the audit of the Kingsborough Community College (KCC) and its compliance with the City University of New York Procedures for Implementation of the Policy Against Sexual Harassment, and KCC's Affirmative Action Plan, as well as Commission policies and EEO standards expressed in city and federal guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The Affirmative Action Officer did not spend 100% of her time on Affirmative Action/EEO matters.
2. The college's Policy Against Sexual Harassment was not included in the Sexual Awareness Seminar folder.
3. There is not procedure for ensuring that the college's Policy Statement Against Sexual Harassment remains posted on bulletin boards.
4. Since May 2000 the Sexual Harassment Panel has not had individuals of both sexes authorized to

investigate sexual harassment complaints.

5. All members of the Sexual Harassment Panel have not completed training provided by the Sexual Harassment Education Committee.

6. The members of the Sexual Harassment Panel did not follow the CUNY Procedures for Implementation of the City University's Policy Against Sexual Harassment in conducting complaint investigations.

7. An internal sexual harassment complaint file did not contain a written statement, signed and dated by the complainant, setting forth the particulars of the complaint.

8. An internal sexual harassment complaint file did not contain a written statement, signed and dated by the respondent, setting forth his or her response to the allegations.

9. Although the investigator's final report in an internal sexual harassment complaint file refers to a memo from the accused (apparently responding to the complaint), that memo is not contained in the file.

10. An internal sexual harassment complaint file contains no evidence that the investigator's final report was addressed to the college president.

11. Although the Affirmative Action Officer addressed her report containing her findings and recommendations to the president in an internal sexual harassment complaint, there is no indication in the file that the report was actually reviewed, or the recommendation approved and adopted, by the president.

12. An internal sexual harassment complaint file contains no evidence that the complainant and respondent were apprised of action taken as a result of the complaint.

13. There is no evidence in an internal sexual harassment complaint file that the Affirmative Action Officer's recommended corrective action of formal reprimand and training was implemented.

14. There is no evidence in two internal sexual harassment complaint files that the college made follow-up inquiries to ensure that the harassment did not resume and the victims did not suffer retaliation.

15. Thirty-four percent of employees surveyed by the Commission do not know who the Affirmative Action Officer is.

16. Sixty-four percent of employees surveyed by the Commission have not received sexual harassment prevention training while employed at the college.

Be It Finally Resolved,

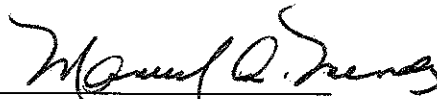
that the Commission authorizes the Vice-Chairman to forward a letter to the President of

Kingsborough Community College, Byron N. McClenney, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions Kingsborough Community College will take to bring the college into compliance with the aforementioned policies and procedures against sexual harassment.

Approved unanimously on March 15, 2001.

Angela Cabrera
Commissioner

Chereé A. Buggs, Esq.
Commissioner



Manuel A. Mendez
Commissioner

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

RESOLUTION #02/03-042C: Determination of implementation by Kingsborough Community College of the City University of New York of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of Kingsborough Community College's Sexual Harassment Prevention Program from July 1, 1998 to June 30, 2000.

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

Whereas, pursuant to its audit of Kingsborough Community College of the City University of New York, the EEPC issued a preliminary determination letter, dated March 30, 2001 setting forth its findings and recommended corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC monitored the Kingsborough Community College for six months, from July 2001 through November 2001, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City University of New York Procedures for Implementation of the Policy Against Sexual Harassment, and KCC's Affirmative Action Plan, as well as Commission policies and EEO standards expressed in city and federal guidelines. Now Therefore,

Be It Resolved,

that the Kingsborough Community College of the City University of New York has fully implemented all recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

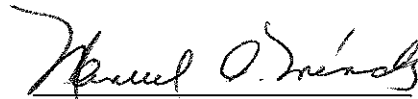
Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the President of Kingsborough Community College, Byron N. McClenney, formally informing him that the agency has implemented all seventeen recommended corrective actions to the Commission's satisfaction.

Approved unanimously on January 17, 2002

Chereé A. Buggs Esq.
Commissioner

Angela Cabrera
Commissioner

A handwritten signature in black ink, appearing to read "Manuel A. Méndez". The signature is written in a cursive style with a large initial "M".

Manuel A. Méndez
Commissioner



KINGSBOROUGH
COMMUNITY
COLLEGE

The City University
of New York

Office of the President

MEMORANDUM

DATE: December 11, 2001

TO: All Staff

FROM: Byron N. McClenney *BMC*

SUBJECT: Equal Employment Practices Commission Audit

On September 27, 2000, the Equal Employment Practices Commission (EEPC) began auditing Kingsborough Community College's equal employment programs and practices focusing on the college's sexual harassment policy, procedures and prevention programs covering the period of July 1, 1998 to June 30, 2000. At the conclusion of the audit on June 15, 2001, the College was given a six-month monitoring period to comply with the EEPC's recommended actions. These recommendations have been incorporated in the College's sexual harassment prevention programs and practices. We are hoping to move forward with an improved implementation of the college's policy against sexual harassment, programs, practices and procedures. I am pleased to announce that I have made new appointments to the College's Sexual Harassment Panel and Sexual Harassment Education Committee in order to give fresh mandate to the members of these committees and to provide renewed vigor to our efforts in promoting and maintaining a sexual harassment free environment. Attached is a list of the College's newly appointed Sexual Harassment Panel and Sexual Harassment Education Committee members with their locations and telephone numbers. The following are EEPC's recommended actions and the actions taken by the College:

1. The KCC Policy Against Sexual Harassment should be included in the Sexual Harassment Awareness Seminar folder. **Action Taken:** The College adopted the City University of New York's Policy Against Sexual Harassment that was made effective on October 1, 1995. Copies of this policy and its implementation procedures have always been included in the college's Sexual Harassment Awareness Seminar folders and information materials distributed to participants of the college's sexual harassment education and awareness campaigns. This

policy is also included in the orientation packets for newly hired employees and faculty members of the college. Annually, the President issues his Statement of Affirmative Action and a Letter of Commitment affirming adherence to the college's policy against sexual harassment. Copies of these letters are distributed to all members of the college community with copies of the Policy Against Sexual Harassment and Its Implementation Procedures. Copies of the President's letter will henceforth be included in the Sexual Harassment Seminar folders along with the CUNY Policy Against Sexual Harassment and Its Implementing Procedures.

2. The Affirmative Action Officer should develop a procedure to ensure that the Policy Against Sexual Harassment remains posted on college bulletin boards.
Action Taken: On September 17, 2001, copies of the policy and posters on sexual harassment were redistributed to the department supervisors and heads for posting on their respective bulletin boards with a memorandum from the President urging the responsible officers to see to it that the posters and the policy remain posted in their respective areas and that these will be monitored on a regular basis by the Sexual Harassment Education Committee. Pursuant to CUNY Implementing Procedure No. 5, Item d, "Each supervisor arranges for the posting, in his or her area, of the University policy against sexual harassment, the names, titles, telephone numbers and office locations of college Panel members; and any other materials provided to him or her by the SH Education Committee for posting." In October 2001, Ms. Elizabeth Cueva, Esq., then acting Affirmative Action Officer and Dr. Patricia Hazlewood, then Chair of the Sexual Harassment Education Committee proceeded to make the rounds for monitoring of the posters around the campus. It was noted that posters were placed in conspicuous areas in each building and department. In the joint meeting of the newly appointed Sexual Harassment Education Committee and the Sexual Harassment Panel, it was discussed that monitoring of the posters on a regular basis is one of the responsibilities to be undertaken by the Sexual Harassment Education Committee as part of the college's awareness and information campaign. Dr. Estelle Miller, the newly appointed chairperson of the Sexual Harassment Education Committee will spearhead the sexual harassment education activities in the campus. Among the plans for the Spring 2002 semester are redesigning the posters and brochures for distribution to the college community, assignment of monitoring activities among SH Education Committee members as well as conducting sexual harassment awareness and prevention campaign for the college's general population and new employees.

3. To ensure that individuals of both sexes are available to investigate sexual harassment complaints, a male Sexual Harassment Deputy Panel Coordinator should be appointed as soon as possible. **Action Taken:** On November 8, 2001, Professor Leonard Green of the Department of English was appointed as Sexual Harassment Deputy Panel Coordinator. Professor Green has been a member of the Sexual Harassment Panel for over four years. Ms. Elizabeth Cueva, Esq. serves as the Sexual Harassment Panel Coordinator. Both Ms. Cueva and

Professor Green have undergone the required training to enable them to conduct the investigation and resolution of sexual harassment cases.

4. The Affirmative Action Officer should follow-up on her pledge and ensure that all members of the Sexual Harassment Panel complete the training by the Sexual Harassment Education Committee as soon as possible. **Action Taken:** It was clarified that training and workshops for Sexual Harassment Panel members are provided by the University Office of Faculty and Staff Relations through the Office of Compliance and Diversity Programs of the City University of New York (Central Office). The Affirmative Action Officer/Sexual Harassment Liaison Officer informs that members of the SH Panel and the SH Education Committee of availability of these training programs and encourages them to attend the appropriate training components (i.e. Education, Legal, Intake, Investigation, Informal Resolution/Mediation, Communications and Follow-Up). For the audit period of July 1, 1998 to June 30, 2002, records revealed that the SH Panel members have undertaken the required training components such as Legal and Intake. New training opportunities will be lined up by Central Office for the Spring 2002 semester for the newly appointed Sexual Harassment Panel members.
5. All members of the Sexual Harassment Panel should have a copy of, be familiar with, and follow the CUNY Procedures for Implementation of the City University's Policy Against Sexual Harassment. **Action Taken:** All members have been provided copies of the CUNY Policy Against Sexual Harassment and Its Procedures for Implementation.
6. In keeping with CUNY procedures, a written statement, signed and dated by the complainant, which sets forth the particulars of the complaint, should be obtained by the sexual harassment complaint investigator(s). **Action Taken:** All available documents were submitted to the EEPC. The responsible officer of the college will ensure that this is complied with to the extent feasible.
7. In keeping with CUNY procedures, a written statement, signed and dated by the accused, which sets forth his or her response to the allegations, should be obtained by the sexual harassment complaint investigator(s). **Action Taken:** The responsible officer of the college will ensure that this is complied with to the extent feasible.
8. All documents referred to and relied upon by the sexual harassment complaint investigator should be included in the complaint file. **Action Taken:** All available documents were submitted to the EEPC. Complete documentation shall be included in the sexual harassment file.
9. The investigator(s) should make a report of the sexual harassment findings to the President of the college. **Action Taken:** In every case, the investigator(s) has

made a report on the sexual harassment cases and findings to the President of the college. This practice will be continued in the college.

10. Where appropriate, the sexual harassment complaint files should contain written evidence that the President reviewed the investigator's report and approved and adopted the recommendation(s). **Action Taken:** All sexual harassment files shall include a record that a report to the President was made, the status of the case, the findings, the outcome or action done and the resolution of the case with the date of the action/s or resolution of the case.
11. As required by 9c of the CUNY Procedures, the sexual harassment complaint files should contain written evidence that the complainant and accused were apprised of action taken as a result of the complaint. **Action Taken:** The responsible officer will ensure that the files contain complete documentation or record/s indicating that both the complainant and the accused were apprised of the action taken as a result of the complaint.
12. Sexual harassment complaint files should contain evidence that the recommended corrective action was implemented. **Action Taken:** Evidence that the recommended corrective action was implemented shall be obtained and kept on file to the extent feasible.
13. KCC's sexual harassment complaint files, where appropriate, should include evidence that follow-up inquiries were made to ensure the harassment has not resumed and the complainant has not suffered retaliation. **Action Taken:** Evidence that follow-up inquiries were made to ensure that harassment has not resumed and that the complainant has not suffered retaliation will be kept on file.
14. All employees should receive written notification of the identity, location and telephone number of the Affirmative Action Officer. **Action Taken:** On September 17, 2001, the President's Statement of Affirmative Action and EEO was distributed to the college community. The memorandum includes information on the identity and location of the College's acting Affirmative Action Officer.
15. The Sexual Harassment Education Committee should ensure that all employees receive sexual harassment prevention training while employed at the college. **Action Taken:** Copies of reports on the College's educational activities conducted during the years 1997 until 2001 were submitted to the EEPC. For the academic year 2002-2003, the newly constituted Sexual Harassment Education Committee spearheaded by Dr. Estelle Miller shall embark on renewed efforts to provide sexual harassment awareness and prevention training to the college community.
16. The Affirmative Action Officer should spend 100% of her time on Affirmative Action/EEO matters. **Action Taken:** Effective November 1, 2001, I have

appointed Ms. Elizabeth Cueva, Esq. as the College's Affirmative Action Officer. Under my direction, she shall be responsible for the monitoring and implementation of the Affirmative Action/Equal Employment Opportunity programs of the College, including performing the role of Sexual Harassment Panel Coordinator. As such, she was directed to give priority to these concerns. Ms. Cueva holds office in Room A-216 and may be reached at Ext. 5563.

17. KCC's President should disseminate a memorandum to the college to discuss audit findings. **Action Taken:** This memorandum is being circulated for this purpose.

As President, I reaffirm the College's strong commitment to maintaining fair employment practices for all its employees and job applicants. Kingsborough Community College is committed to preventing discrimination by ensuring that the campus remains a healthy learning and work environment based on mutual respect and appreciation for the diversity that is reflected in the college community.