

CITY UNIVERSITY OF NEW YORK

- Letter of Preliminary Determination      March 1, 2007
- Agency Response      April 23, 2007
- Letter of Final Determination      June 1, 2007
- Agency Response      October 22, 2007



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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March 1, 2007

Matthew Goldstein  
Chancellor  
City University of New York  
535 East 80<sup>th</sup> Street  
New York, NY 10021

Re: Resolution #07/03-042/Preliminary Determination Pursuant to the Audit of the Discrimination Complaint Procedures of the Community Colleges of the City University of New York (CUNY)

Dear Chancellor Goldstein:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women. (New York City Charter, Chapter 36, Sections 831(d)(2) and (5).)

The Charter defines city agency as “each city, county, borough, corporation, authority, or other governmental agency where the expenses are paid in whole or in part from the city treasury.” The community colleges of CUNY are funded by the City of New York and are therefore considered city agencies pursuant to Chapter 36, Section 831(a) of the New York City Charter.

The audit measures the community colleges’ compliance with the CUNY Discrimination Complaint Procedure (for non-sexual harassment complaints), as well as Commission policies and standards expressed in city guidelines. The relevant sections of these guidelines and documents are cited in parenthesis, where applicable, at the end of each recommendation.

The purpose of this audit is to evaluate the agency's compliance with the standards cited above, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

## **Scope and Methodology**

Audit methodology consisted of an analysis of responses to EEPC Document and Information Request Forms sent to each community college (Bronx Community College, Hostos Community College, Kingsborough Community College, La Guardia Community College, Borough of Manhattan Community College, Queensborough Community College), and review of other relevant documents requested by the Commission. EEPC auditors also conducted in-depth, on-site interviews with six community college Affirmative Action/Diversity Officers. In addition, EEPC auditors held several meetings with the CUNY Compliance and Diversity Officer.

## **Description of the Agency**

The City University of New York operates 10 senior colleges, a college of technology, a graduate school, a law school, a school for biomedical education, and six community colleges. The Board of Trustees is the governing board of this public higher educational complex, and is composed of 17 Trustees; ten appointed by the Governor and five by the Mayor, both with State Senate advice and consent. One *ex-officio* Trustee is the chair of the University Student Senate. One *ex-officio* non-voting Trustee is the chair of the University Faculty Senate. The Chair and Vice Chair of the Board of Trustees are appointed by and serve at the pleasure of the Governor.

## **Introduction**

This is the EEPC's second EEO audit of the CUNY community colleges. The first audit was conducted in 2002 and reviewed the community colleges' sexual harassment prevention program. As part of that audit, the Commission examined how the colleges received, investigated and resolved employee sexual harassment complaints.

For the current audit, the EEPC held an audit entrance meeting with the University Dean for Faculty and Staff Relations, the University Compliance and Diversity Officer, and the Assistant Coordinator for the Compliance and Diversity Office on March 20, 2006. In response to a question from EEPC's Deputy Director, the University Compliance and Diversity Officer stated that CUNY does not have an agency-wide discrimination complaint procedure; she said college Affirmative Action/Diversity Officers rely in part on CUNY's *Procedures for Implementation of the City University's Policy Against Sexual Harassment* and advice from her in investigating non-sexual harassment discrimination complaints. That official did note, though, that CUNY was developing an agency-wide discrimination complaint procedure that would be issued in the summer of 2006.

After holding audit meetings with the community college Affirmative Action/Diversity Officers, EEPC auditors learned that CUNY had indeed issued an agency-wide *Employment Discrimination Complaint Procedure* (Office of the Faculty and Staff Relations, January 25,

1999). Five of the six community college Affirmative Action/Diversity Officers interviewed by EEPC auditors indicated they were familiar with and relied on that document in receiving, investigating, and resolving discrimination complaints. The Affirmative Action/Diversity Officer for Hostos Community College told EEPC auditors that there was no official CUNY discrimination complaint procedure, and that she relied on CUNY's *Procedures for Implementation of the City University's Policy Against Sexual Harassment* in investigating non-sexual harassment discrimination complaints. That official also indicated she uses a complaint intake form modeled after the U.S. Equal Employment Opportunity Commission (EEOC) intake form.

After speaking to the community college Affirmative Action/Diversity Officers, EEPC auditors met once again with the University Compliance and Diversity Officer on September 7, 2006. At that meeting, she confirmed that a CUNY discrimination complaint procedure for non-sexual harassment complaints does exist but it is under revision. She further stated that, pending issuance of the new procedure, Affirmative Action/Diversity Officers were to rely solely on the 1999 procedure (cited above) in investigating non-sexual harassment discrimination complaints.

EEPC auditors were given a copy of the proposed new procedure: *Policies and Procedures on Non-Discrimination and Sexual Harassment* (Office of the Faculty and Staff Relations, Draft #14, September 12, 2006). This proposed document, which will incorporate and revise the two existing CUNY complaint procedures discussed above, has not been finalized and issued as of January 2007. The Commission, though, was informed by CUNY officials that the draft would likely be adopted with few modifications.

Due to the confusion regarding the existence and applicability of the CUNY *Employment Discrimination Complaint Procedure* during the audit period, the EEPC is not issuing individual audit reports for the community colleges. The Commission, instead, is making the following findings and recommendations regarding the proposed *Policies and Procedures on Non-Discrimination and Sexual Harassment* (hereafter the "proposed procedure").

## **PRELIMINARY DETERMINATION**

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit. These determinations and recommendations are limited to the non-sexual harassment portions (Section II) of the proposed procedure.

The CUNY is in compliance with the following requirements:

1. Section II(2)(a) of the proposed procedure requires that individuals appointed to handle allegations of discrimination/harassment are "fully trained and equipped to carry out their responsibilities."
2. Section II(4) of the proposed procedure requests that the Affirmative Action/Compliance and Diversity Officer (AA/CDO) provide the complainant with a two-page complaint form (Attachment A) and a list of the Federal, State, and City human rights agencies.

3. Section III(c) of the proposed procedure requires that information obtained in connection with the filing, investigation or resolution of complaints be handled “as confidentially as possible.”
4. Section II(6) of the proposed procedure provides for an informal resolution of discrimination complaints, with the consent of both parties.
5. Section II(7) of the proposed procedure requires that the accused be informed that retaliation against any person who files a discrimination complaint is prohibited under the human rights laws and University policy.
6. Section II(7) of the proposed procedure requires a “full investigation” when the AA/CDO determines that an investigation is warranted or when an informal resolution has failed.
7. Section II(8) of the proposed procedure requires that following the issuance of a complaint investigation report to the President, both parties “should be apprised in writing of action taken as a result of the complaint.” Such corrective action may include termination, demotion, reassignment, suspension, reprimand, etc.

The CUNY is in partial compliance with the following requirements:

1. Although Section II(7) of the proposed procedure requires that the accused “be advised of the nature of the allegations against him or her,” it does not require that the accused be given a copy of the complaint. Corrective action is required.

Recommendation: The proposed procedure should be revised to require that the accused receive a copy of the complaint. Sensitive information, such as the complainant’s home address and telephone number, can be redacted or kept on a separate complaint sheet. (Department of Citywide Administrative Services, *Discrimination Complaint Procedures Implementation Guidelines*, 1993, Section 12(b). Available at: [www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_discriminationcomplaint\\_procedures.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_discriminationcomplaint_procedures.pdf).)

2. Section II(6) of the proposed procedure states that “the parties [to discrimination complaints] may agree upon a variety of resolutions, including but not limited to modification of work assignment, training for a department, or an apology. Resolutions, once agreed upon, should be documented.” The last sentence, though, is ambiguous and does not necessarily require that the terms of the resolution or settlement be reduced to writing and signed by, and given to, both parties. Corrective action is required.

Recommendation: The proposed procedure should be revised to require that the terms of discrimination resolutions or settlements be put in writing, and that document be signed by, and given to, both parties. (*Discrimination Complaint Procedures Implementation Guidelines*, Section 11(c).) In addition, in an October 23, 2006 memo to the Borough of Manhattan Community College Affirmative Action Officer, the CUNY Associate General Counsel advised that “it is still the recommendation of this office [Office of the

General Counsel & Sr. Vice Chancellor for Legal Affairs] that resolution agreements in cases involving discrimination complaints be reduced to writing, so that there will be no dispute later as to exactly what the resolution entailed and whether it has been complied with.”

3. Section II(7) of the proposed procedure states that, “whenever possible, the investigation of most complaints should be completed within 60 days of the receipt of the complaint.” The proposed procedure, though, does not require that the parties to the complaint be notified (orally or in writing) if the complaint investigation is not completed within that time period. Corrective action is required.

Recommendation: The proposed procedure should be revised to require that where the investigation cannot be completed within 60 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified in writing of the delay. The CUNY community colleges can adopt the “Delay Notification Letter” developed by the Department of Citywide Administrative Services. (*Discrimination Complaint Procedures Implementation Guidelines, April 2, 1996 Amendment*. Available at the DCAS website, cited above)

4. Although Section II(8)(a) of the proposed procedure requires that, after the discrimination complaint investigation is completed, the AA/CDO “report his or her finding to the President,” there is no requirement that the President sign-off on the report. Corrective action is required.

Recommendation: The proposed procedure should be revised to require that the President of the community college sign each written discrimination investigation report to indicate that it had been reviewed and whether the recommendation, if any, is approved and adopted. (*Discrimination Complaint Procedures Implementation Guidelines, Section 12(b)*)

5. Although the proposed procedure requires that the complainant and the accused be apprised in writing of action taken as a result of the complaint (such as termination or demotion), it does not appear to require that both parties to the complaint be advised in writing of the outcome of the investigation. For example, if there is a “no probable cause” determination and no corrective action is required, there will be no written notice to the parties of this decision. Corrective action is required.

Recommendation: After the completion of the discrimination complaint investigation, the college should inform all parties in writing of the outcome of the investigation (e.g., “probable cause” or “no probable cause” to credit the allegations of the complaint.) (*Discrimination Complaint Procedures Implementation Guidelines, Section 12(b)*)

The CUNY is not in compliance with the following requirement:

The *Non-Discrimination Policy* and the *Charge of Discrimination Form*, contained in the proposed procedure, fails to list two protected categories under the New York City and New York State Human Rights Laws: 1) prior record of arrest or conviction, and 2) status as a victim of sex offenses or stalking. [The *Form*, though, does list status as a victim of domestic violence.] In addition, that document uses the outdated term “genetic predisposition or carrier status.” The protected class under the recently amended New York State Human Rights Law is “predisposing genetic characteristics.” Corrective action is required.

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

### **Special Problems/Contingencies**

1. The proposed procedure does not address the issue of withdrawal of discrimination complaints. Corrective action is required.

Recommendation: A new section to the procedure should be added, indicating that a complaint of discrimination may be withdrawn at any time, and that all requests for withdrawals must be in writing. (*Discrimination Complaint Procedures Implementation Guidelines*, Section 12(f))

2. Section II(2)(a) of the proposed *Policies and Procedures on Non-Discrimination and Sexual Harassment* requires that each college president: (1) Assure that supervisors receive orientation on the University’s Non-Discrimination Policy and Policy Against Sexual Harassment, and 2) Annually disseminate to all employees the Non-Discrimination Policy and Policy Against Sexual Harassment. It is not clear, though, that the proposed *procedure* must be similarly disseminated and included in supervisory orientation sessions, and incorporated in Central Office EEO training for employees involved in investigating discrimination complaints. Corrective action is required.

Recommendation: The proposed procedure--when finalized--should be disseminated to all employees, included in supervisory orientation sessions, and incorporated in Central Office EEO training for employees involved in investigating discrimination complaints.

### **SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS**

1. The proposed procedure should be revised to require that the accused receive a copy of the complaint. Sensitive information, such as the complainant’s home address and telephone number, can be redacted or kept on a separate complaint sheet. (DCAS, *Discrimination Complaint Procedures Implementation Guidelines*, 1993, Section 12(b))
2. The proposed procedure should be revised to require that the terms of discrimination resolutions or settlements be put in writing, and that document be signed by, and give to,

both parties. (*Discrimination Complaint Procedures Implementation Guidelines*, Section 11(c), and October 23, 2006 memo from CUNY Associate General Counsel to the Borough of Manhattan Community College Affirmative Action Officer)

3. The proposed procedure should be revised to require that where the investigation cannot be completed within 60 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay. (*Discrimination Complaint Procedures Implementation Guidelines*, April 2, 1996 Amendment)
4. The proposed procedure should be revised to require that the President of the community college sign each written discrimination investigation report to indicate that it had been reviewed and whether the recommendation, if any, is approved and adopted. (*Discrimination Complaint Procedures Implementation Guidelines*, Section 12(b))
5. After the completion of the discrimination complaint investigation, the college should inform all parties in writing of the outcome of the investigation (e.g., "probable cause" or "no probable cause" to credit the allegations of the complaint). (*Discrimination Complaint Procedures Implementation Guidelines*, Section 12(b))
6. The *Non-Discrimination Policy* and the *Charge of Discrimination Form* contained in the proposed procedure should be revised to include the updated list of protected classes under the New York City and New York State Human Rights Laws.
7. A new section of the procedure should be added, indicating that a complaint of discrimination may be withdrawn at any time, and that all requests for withdrawals must be in writing. (*Discrimination Complaint Procedures Implementation Guidelines*, Section 12(f))
8. The proposed procedure—when finalized—should be disseminated to all employees, included in supervisory orientation sessions, and incorporated in Central Office EEO training for employees involved in investigating discrimination complaints.

## Conclusion

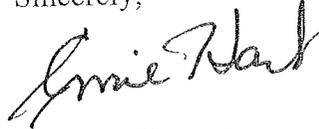
Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEPC's audit of the Discrimination Complaint Procedures of the Community Colleges of CUNY, as well as Commission policies and standards expressed in city guidelines, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your agency will take to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, as amended in 1999, if you do not implement all of the recommendations for corrective actions during a compliance period not to exceed six months, this Commission may publish a report and recommend to the Mayor the appropriate corrective actions that you should implement in your agency's Equal Employment Opportunity Plan.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Ernest F. Hart".

Ernest F. Hart, Esq.  
Chair

April 23, 2007

Ernest Hart, Esq.  
Chair  
Equal Employment Practices Commission  
40 Rector Street, 14<sup>th</sup> Floor  
New York, NY 10006

Dear Mr. Hart:

The University Office of Compliance and Diversity is in receipt of your Letter of Preliminary Determination pursuant to the Audit of the Discrimination Complaint Procedures of the Community Colleges of The City University of New York.

During your audit, the EEPC received an October 2004 copy of CUNY's *Policies and Procedures on Non-Discrimination and Sexual Harassment*. In July 2006, this document was revised. The revisions have already addressed recommendation nos. 5, 6, and 8. We ask for reconsideration of recommendation no. 4 based on the provided rationale.

While all of your recommendations are welcomed, present litigation with one of CUNY's collective bargaining agents precludes us from implementing your remaining recommendations to the policy pending settlement. Once the litigation is settled, we plan to implement the recommendations that are not already in the policy.

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

CUNY's Response: Once the litigation is settled, we plan to implement this recommendation.

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

CUNY's Response: Once the litigation is settled, we plan to implement this recommendation.

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

*CUNY's Response:* Once the litigation is settled, we plan to implement this recommendation.

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

*CUNY's Response:* Section II (8) of the *Policies and Procedures on Non-Discrimination and Sexual Harassment* outlines Presidents' responsibilities in the complaint process. A President, or his/her designee, decides the appropriate action to be taken as a result of a complaint investigation. It is implied, then, that he/she has reviewed the complaint investigation. After the determination has been made, the President signs a letter that notifies the complainant and respondent of the resulting action. For these reasons, we ask that you consider eliminating this recommendation.

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

*CUNY's Response:* Once the litigation is settled, we plan to implement this recommendation.

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

*CUNY's Response:* The EEPC received an October 2004 copy of CUNY's *Policies and Procedures on Non-Discrimination and Sexual Harassment*. In July 2006, this document was revised to state, "should any federal, state, or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this policy, this policy shall be read to prohibit discrimination based on those grounds or characteristics, as well." Thus we believe that our policy already includes the New York City and New York State protected categories. We will, however, update the list once the litigation is settled.

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

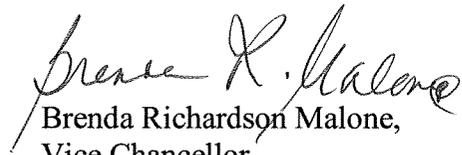
*CUNY's Response:* Once the litigation is settled, we plan to implement this recommendation.

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

CUNY's Response: Once the litigation is settled, we plan to implement this recommendation.

The University would like to thank you and your staff for your recommendations on enhancing our policies and procedures.

Sincerely,



Brenda Richardson Malone,  
Vice Chancellor  
Office of Faculty & Staff Relations

cc: Candita Gual, University Compliance and Diversity Officer



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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*Deputy Director*

June 1, 2007

Matthew Goldstein  
Chancellor  
City University of New York  
535 East 80<sup>th</sup> Street  
New York, NY 10021

Re: Final Determination Pursuant to the Audit of the Discrimination Complaint Procedures of the Community Colleges of the City University of New York (CUNY)

Dear Chancellor Goldstein:

We have reviewed the City University of New York's responses (April 23, 2007 letter signed by Vice Chancellor Brenda Malone and May 14, 2007 follow-up letter signed by Associate General Counsel Katherine Raymond) to our March 1, 2007 Preliminary Determination Letter pursuant to the audit of the Discrimination Complaint Procedures of the Community Colleges of the City University of New York (CUNY).

The second paragraph of Vice Chancellor Malone's letter states that "[d]uring the audit, the EEPCC received an October 2004 copy of CUNY's *Policies and Procedures on Non-Discrimination and Sexual Harassment*. In July 2006, this document was revised. The revisions have already addressed recommendation nos. 5, 6 and 8."

The only version of the proposed *Policies and Procedures on Non-Discrimination and Sexual Harassment* given to the Commission was the September 12, 2006 version (Draft #14). The Commission's Preliminary Determination was based largely on that version. We did not find that Draft #14 addressed the issues raised in recommendation nos. 5, 6 and 8.

Our Final Determination is as follows:

### **Agree**

The Commission agrees with your responses to the EEPC recommendations nos. 1-3, and recommendations nos. 5-8.

### **Disagree**

The Commission disagrees, in part, with the CUNY's response to recommendation number 4, which states:

"The proposed procedure should be revised to require that the President of the community college sign each written discrimination investigation report to indicate that it had been reviewed and whether the recommendation, if any, is approved and adopted." Vice Chancellor Malone's response states: "Section II(8) of the *Policies and Procedures on Non-Discrimination and Sexual Harassment* outlines Presidents' responsibilities in the complaint process. A President, or his/her designee, decides the appropriate action to be taken as a result of a complaint investigation. It is implied, then, that he/she has reviewed the complaint investigation. After the determination has been made, the President signs a letter that notifies the complainant and respondent of the resulting action. For these reasons, we ask that you consider eliminating this recommendation."

Section II(8) of Draft #14 (September 12, 2006) does not require that the college President sign notification letters to the complainants and respondents. Section II(8)(c) merely states that "[t]he complaint and the accused should be apprised in writing of action taken as a result of the complaint." If the CUNY revises its *Policies and Procedures* to explicitly state that the college President shall sign those letters, that new language would satisfy the accountability issue (that the President has implicit knowledge of the complaint investigation and finding) for the Commission.

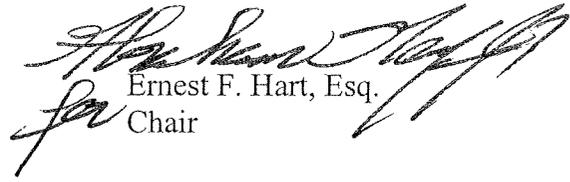
### **Conclusion**

You may respond in writing to this Final Determination prior to the initiation of audit compliance. If you decide to issue a written response, please do so within thirty days.

In her May 14, 2007 follow-up letter, Associate General Counsel Raymond indicated that the CUNY cannot revise its procedures in accordance with the Commission's recommendations until the University's litigation in New York State Supreme Court to vacate an arbitrator's decision is settled. Consequently, we will delay initiation of the Charter-mandated compliance process until then. Please notify us when that happens.

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

Sincerely,



Ernest F. Hart, Esq.  
Chair

c: Brenda Malone, Vice Chancellor for Faculty and Staff Relations, CUNY  
Katherine Raymond, Esq., Associate General Counsel, CUNY  
Candita Gaul, University Compliance and Diversity Officer, CUNY

9383



October 22, 2007

Judith Garcia Quiñonez, Esq.  
Agency Counsel  
Equal Employment Practices Commission  
40 Rector Street, 14<sup>th</sup> Floor  
New York, NY 10006

Re: Audit of the Discrimination Complaint Procedures of the Community Colleges of  
The City University of New York (CUNY)

Dear Ms. Garcia Quiñonez:

I understand that, as the new counsel for the Equal Employment Practices Commission, you will be working with CUNY to bring the above referenced audit to closure. In response to your letter of September 13, 2007 to Associate General Counsel Katherine Raymond, and Executive Director May's earlier letter to her, I am writing to update you on the status of CUNY's implementation of the EEPC's audit recommendations.

First, I am pleased to advise you that CUNY's litigation to vacate an arbitrator's decision that had precluded it from fully enforcing its Non-Discrimination Policy was successful. In July 2007, a New York State Supreme Court Justice vacated the arbitration decision on the ground that it violated public policy. The Professional Staff Congress/CUNY (the union that brought the arbitration) has not appealed the decision. Accordingly, CUNY is now able to promulgate its updated *Policies and Procedures on Non-Discrimination and Sexual Harassment ("Policies and Procedures")*. A copy of the updated policies and procedures document is enclosed. CUNY intends to promulgate the new *Policies and Procedures* by October 31, 2007.

As you will see, the enclosed *Policies and Procedures* incorporate all of the EEPC's recommendations, with the exception of recommendation #4, which would require college Presidents to sign each written discrimination investigation report to indicate that they have reviewed it and approved and adopted any recommendations. Please be advised that CUNY continues to hold the position set forth in its April 18, 2007 letter to

OFFICE Of The VICE CHANCELLOR For FACULTY And STAFF RELATIONS  
The City University of New York  
535 East 80<sup>th</sup> Street, New York City, NY 10021  
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the Commission that such a requirement is not necessary. The *Policies and Procedures* (Section II (8)) already require the President or his/her designee to review the complaint investigation report and take prompt action, and further require that the complainant and respondent be informed of the action taken. The *Policies and Procedures* therefore already make clear that college Presidents have the ultimate responsibility for the prompt and proper resolution of discrimination complaints.

If you would like to discuss this issue, or any matter concerning CUNY's implementation of the EEPC's audit recommendations, please feel free to call Raphael Rosa, Director for Workforce Compliance and Equity Management (212-794-5383). We look forward to working with you.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Gloriana Waters".

Gloriana Waters,  
Interim Vice Chancellor

C: Katherine Raymond  
Raphael Rosa  
file