

# APPENDIX

## Affirmative Action Program

LaGuardia Community College/CUNY is an equal opportunity and affirmative action institution. The College does not discriminate on the basis of age, sex, sexual orientation, creed or religion, race, color, national or ethnic origin, disability, marital status, genetic predisposition or carrier status, veteran or military status, gender identify, citizen status, or as a victim of domestic violence, in its student admissions, employment, access to programs and administration of education policies.

The Affirmative Action Program is designed to provide equal consideration for all applicants for employment, and for faculty and staff members seeking positions, transfers, and tenure. In addition, the program addresses equal consideration and equal opportunity for all students seeking admission, financial aid, student services, and academic and athletic programs. Components of the Affirmative Action Program include:

- a) A Director of Affirmative Action, Compliance & Diversity who has overall responsibility for the coordination of the College's affirmative action programs;
- b) An Affirmative action Plan and Policy statement that conforms with the format required by Revised Order 4 which addresses federal rules and regulations for institutions with government contracts;
- c) The Sexual Harassment Awareness & Intake Committee that addresses sexual harassment and the official policy of the Board of Trustees, and Title VII of the Civil Rights Act of 1964;
- d) The 504/ADA Committee that addresses Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990;
- e) An informal grievance procedure as well as mechanisms for formal grievance complaints.

### Affirmative Action Policy Statement

LaGuardia Community College is committed to the principles and spirit of affirmative action & equal opportunity.

It is the policy of LaGuardia Community College/CUNY to recruit, employ, train, and promote employees on the basis of equal opportunity without regard to race, color, sex, sexual orientation, religion, age, national or ethnic origin, disability, marital status, Acquired Immune Deficiency Syndrome, status as a disabled or Vietnam Era Veteran, gender identity, citizen status, or as a victim of domestic violence.

LaGuardia Community College/CUNY recognizes its obligation to provide students with equal consideration when seeking admission, financial aid, and access to student services, academic, and athletic programs.

The College believes in a policy of non-discrimination, and as an educational institution, maintains an on-going program to assure compliance with federal legislation and University guidelines. The Affirmative Action Program encourages positive practices and ensures equitable disciplinary procedures for any member of the college community who engages in harassment on the basis of race, sex, sexual orientation, or disability, or any individual who reports such an incident.

LaGuardia Community College/CUNY as a constituent unit of the City University of New York, a public university system, adheres to Federal, State, and City laws and regulations regarding non-discrimination and affirmative action in employment. It is the College's policy to operate and comply with the requirements of Executive Order 11246, as amended, by Executive Order 11375, Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1974, the New York State Human Rights Laws and the New York City Human Rights Law.

The "protected classes" as delineated in the Executive Order 11246 (Black, Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native and Women), were expanded on December 9, 1976 by the Chancellor of The City University of New York to include Italian-Americans. The City University of New York and LaGuardia Community College has and will continue to exercise affirmative action for the "protected classes" including Italian-Americans.

The President, as Chief Executive Officer, has overall responsibility for the Affirmative Action Program. The President has designated the responsibility for the Affirmative Program (e.g. Section 504/ADA, Title IX, Sexual Harassment, formal and informal grievance procedures) to April G. Tucker, the Director of Affirmative Action, Compliance and Diversity, Room E-512, (718) 482-5057.

The College's Affirmative Action Plan for Fall 2007 and the supporting data for the period July 1, 2004 to June 30, 2007

are available for your review in the Library, Room E101, the Human Resources Department, Room E-407, and the Affirmative Action/EEO Office, Room E-512.

All inquiries, concerns, complaints, and grievances may be directed to the Director of Affirmative Action, Compliance & Diversity, April G. Tucker, Room. E-512, (718) 482-5057 or Annette Holmes-Hanley, Assistant to the Director, Affirmative Action, Compliance & Diversity, Room. E-512, (718) 482-5088.

### **Procedures For Processing Complaints of Alleged Discrimination.**

#### *Informal Resolution*

The Director of Affirmative Action, Compliance & Diversity, (AA/CD Director), handles any complaint, written or spoken, of alleged discrimination. Under the informal investigation procedure:

- 1) The AA/CD Director will meet with the complainant and hear the complaint.
- 2) The AA/CD Director will also meet with the individual accused of the discriminatory act ("respondent") and give him/her the chance to respond to the accusation.
- 3) The AA/CD Director when appropriate will try to resolve the complaint informally by bringing together the complainant and the respondent for discussion in order to reach a mutually acceptable agreement for resolution of the complaint. The AA/CD Director will take all reasonable steps necessary to resolve the complaint informally.
- 4) If both the complainant and the respondent are satisfied with the results of the investigation and resolution of the complaint is agreed upon, the AA/CD Director will notify both in writing as to the outcome of the investigation.

When informal resolution is not possible, as determined jointly by the complainant and the respondent, the complaint of discrimination will undergo a complete and thorough formal investigation and a determination will be made as to whether an anti-discrimination law, regulation, or college or university policy has been violated. If a violation has occurred, appropriate sanctions will be applied.

#### *Formal Resolution*

Under formal investigation procedure:

- 1) The complainant is strongly encouraged to file a written complaint with the AA/CD Director. A Record of Complaint Form must be submitted to the AA/CD Director (\*see form included in the attachments section).
- 2) When the complainant is unwilling or unable to file a written complaint, the AA/CD Director must document and process the complaint.

- 3) When the investigation requires it, the AA/CD Director shall have the authority to request and examine all records and files and to make inquiries necessary to investigate the complaint.
- 4) The AA/CD Director will interview witnesses and other persons in an attempt to arrive at an informed conclusion. All employees of the college are expected to cooperate with the investigation.

In the event that the investigation uncovers no reasonable basis to support the allegations that discrimination has occurred, the complainant, the President, and all other appropriate parties will be notified of such outcome in writing.

- 1) The AA/CD Director also may recommend training, sensitivity/awareness/anti-harassment workshops or other appropriate action if the investigation determines that corrective action is needed in spite of no finding of discrimination or violation of policy.
- 2) When allegations of discrimination are substantiated by the facts, the AA/CD Director shall make a written summary of the findings to the President.
- 3) Following receipt of the report, the President informs the complainant and the respondent of the determination made by the AA/CD Director including commencing action (if any) to discipline the accused under applicable University Bylaws or collective bargaining agreements

#### **Title IX Policy Statement**

LaGuardia Community College/CUNY affirms its commitment to maintain a fair and equal environment for both its employees and student body, consistent with the requirements of Title IX of the Educational Amendments Act of 1972 and the implementing federal regulations, which state that:

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...."*

It is the policy of LaGuardia Community College/CUNY to recruit, employ, train and promote employees on the basis of equal opportunity without regard to sex. The College believes in a policy of non-discrimination on the basis of gender in the operation of educational programs, activities, services and employment.

The President, as Chief Executive Officer, has overall responsibility for the Affirmative Action Program. The President has designated responsibility for the Title IX Program to the Director of Affirmative Action, Compliance & Diversity, April G. Tucker, who also serves as the Title IX Coordinator.

Persons who feel that they have been discriminated on the basis of sex may direct all inquiries, concerns, and complaints to Ms. Tucker, Room E-512, (718) 482-5057.

## Section 504/ADA Policy Statement

LaGuardia Community College/CUNY affirms its commitment to maintain a fair and equal environment for both its employees and student body, consistent with the requirements of Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

Section 504 states that, "No qualified handicapped person... shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance..."

The Americans with Disabilities Act of 1990 prohibits discrimination against "qualified individuals with disabilities," in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training and other terms, conditions and privileges of employment.

It is the policy of LaGuardia Community College/CUNY to recruit, employ, retain promote and provide benefits to employees and to admit and provide services for students without regard to race, color, national or ethnic origin, religion, age, sex, sexual orientation, gender identity, marital status, disability, genetic predisposition or carrier status, alienage, citizenship status, military or veteran status or status as a victim of domestic violence. Persons who feel they have been discriminated based on disability may direct all inquiries, concerns, and complaints to the Section 504/ADA Coordinator, Matthew S. Joffe, Room.M-102, (718) 482-5278.

## Policy Against Sexual Harassment

LaGuardia Community College/CUNY is committed to the principles and spirit of compliance with the Equal Employment Opportunities Commission laws, which governs sexual harassment. Sexual Harassment is illegal under Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments Act of 1972. Sexual harassment occurs when "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" are made a condition of employment or student status, are used in decisions affecting an employee or student, affect an employee's work performance or student's academic performance or create an overall intimidating, hostile or offensive working environment or student environment.

LaGuardia Community College/CUNY is committed to maintaining and fostering a fair, humane and supportive

environment for all its students, faculty, and staff. The College does not condone and will not tolerate sexual harassment.

The College adheres to the official policy of the Board of Trustees of the City University of New York, which explicitly prohibits sexual harassment throughout the University community. The policy is as follows:

*It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University's*

*non-discrimination policy. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the University.*

*The University, through its colleges, will disseminate this policy and take other steps to educate the University Community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the University community who believe that they have been aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.*

The President, as the Chief Executive Officer of the College, is committed and supportive of the Affirmative Action Program. The Director of Affirmative Action, Compliance & Diversity, April G. Tucker, who is also the Coordinator of Sexual Harassment Awareness & Intake Committee, has the overall responsibility for ensuring compliance with Sexual Harassment rules and regulations. Information, complaints, and concerns of sexual harassment should be directed to the Coordinator of the Sexual Harassment Awareness & Intake Committee, the Deputy Coordinators, Vanessa Bing, Room E-235Q, (718) 482-5787, Harriet Mesulam, Room C-317, (718) 482-5414 or Jhony Nelson, Room M-102, (718) 482-5260. Complaints may also be directed to any other member of the Sexual Harassment Awareness & Intake Committee, the names of whom are listed below:

### LaGuardia Community College/CUNY Sexual Harassment Awareness & Intake Committee

**April Tucker**  
Coordinator & Liaison  
to the Central Office  
Affirmative Action,  
Compliance & Diversity  
President's Office  
Room E-512, ext. 5057

**Harriet Mesulam**  
Deputy Coordinator  
Ombuds Office  
Enroll. Mgmt. & Stud. Dev.  
Room C-317, ext. 5414

**Francine Tompkins**  
Employment Services &  
Placement Program  
Adult & Cont. Education  
Room C-224B, ext. 5971

**Teguh Arkono**  
English Language Center  
Adult & Cont. Education  
Room C-354, ext. 5376

**Anthony Lugo**  
Vice President of Administration Office  
Division of Administration  
Room E-409, ext. 5503

**Lynne Teplin**  
Counseling Department  
Division of Academic Affairs  
Room C-249, ext. 5272

LAGUARDIA COMMUNITY COLLEGE/CUNY  
AFFIRMATIVE ACTION PROGRAM  
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**Vanessa Bing**  
Deputy Coordinator  
Social Science Department  
Division of Academic Affairs  
Room E-235Q, ext. 5787

**Jhony Nelson**  
Deputy Coordinator  
Office of Students w/ Disabilities  
Enroll. Mgmt. & Stud. Dev.  
M-102, ext. 5260

**Annette Holmes-Hanley**  
Affirmative Action,  
Compliance & Diversity  
President's Office  
Room E-512, ext. 5088

**Adjoa Gzifa**  
Family Institute  
Adult & Cont. Education  
Room C-314, ext. 5347

**Stacey Perry**  
Cooperative Education  
Division of Academic Affairs  
Room E-213, ext. 5247

**Caridad Zegarra**  
Research Foundation/Grants Office  
Division of the President's Office  
Room E-509, ext. 5070