POLICY STATEMENTS

NON-DISCRIMINATION

Bronx Community College (BCC) is an Equal Opportunity and Affirmative Action Institution. The College does not discriminate on the basis of race, color, national or ethnic origin, religion, age, sex, sexual orientation, transgender, disability, genetic predisposition or carrier status, alienage or citizenship, veteran or marital status in its student admissions, employment, access to programs, and administration of educational policies.

AFFIRMATIVE ACTION POLICY

Bronx Community College 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, including, among others, Title VII of the Civil Rights Act of 1964, Sections 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Veterans Readjustment Act of 1974, Title IX of the Education Amendments of 1972, Executive Order 11246 as amended, and the 1990 Americans with Disabilities Act. The “protected classes” as delineated in the Federal Executive Order [Black, Hispanic (including Puerto Rican), 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. The expansion includes Italian-Americans. The University has and will continue to exercise Affirmative Action for the “protected classes,” including Italian-Americans.

It is the policy of the Board of Trustees of The City University of New York and Bronx Community College to recruit, employ, retain and promote employees and to admit and provide services for students without regard to race, color, national or ethnic origin, religion, age, sex, sexual orientation, transgender, disability, genetic predisposition or carrier status, alienage or citizenship, veteran or marital status.

Bronx Community College is firmly committed to the spirit and letter of all federal, state and local laws regarding equal opportunity and affirmative action. The College believes that its mission as an institution of higher learning in an urban area demands that it also commit itself to increasing the representation of protected groups throughout its workforce.

Bronx Community College remains committed to Equal Employment and to Affirmative Action in its educational programs and personnel practices. Bronx Community College follows the laws and mandates of the Federal Government as articulated by Executive Order # 11246, as amended. The President is personally committed to and will continue the emphasis on an Affirmative Action Program aimed at ensuring women and members of minority groups full opportunity for employment and advancement.

As a unit of The City University, Bronx Community College supports a policy of non-discrimination and of providing educational opportunities for the disadvantaged as a means of facilitating their access to a broader range of employment opportunities. While Equal Opportunity requires non-discrimination, Affirmative Action is the dynamic component carrying with it the concept of positive, emphatic and energetic efforts to actively advance equal employment. To this end, the College recruits, employs, retains and promotes employees without regard to race, color, national or ethnic origin, religion, age, sex, sexual orientation, transgender, disability, genetic predisposition or carrier status, alienage or citizenship, veteran or marital status.

Bronx Community College is an Equal Opportunity and Affirmative Action Institution. All decisions on employment are based on the principles of equal employment opportunity. Promotion decisions are based on valid requirements for promotional opportunities. The Office of Affirmative Action,
Compliance and Diversity ensure that the College complies with equal employment opportunity laws and policies.

The entire College community should understand and be knowledgeable about the Affirmative Action Program and is encouraged to review the annual Affirmative Action Plan and participate in carrying out its goals. In addition, The City University and Bronx Community College have implemented complaint procedures to insure that any allegations of employment discrimination are fully and fairly evaluated. Each member of the Bronx Community College community should be familiar with the complaint procedures and use them when necessary.

Bronx Community College's non-discrimination policy on the basis of disability is in conformity with the requirements and provisions of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Furthermore, the College's policies and practices are in compliance with the Americans with Disabilities Act effective July 26, 1992. Accordingly, its non-discrimination policy applies to employment by the College and admission to, and treatment in, the programs of the College.

In accordance with the requirements of Title IX of the Education Amendments Act of 1972 and the implementing federal regulations, Bronx Community College enforces a policy prohibiting gender-based discrimination in the operation of the College's educational programs and activities. Federal requirements for non-discrimination on the basis of gender include employment by the College as well as admission to the programs offered at the College. It is the stated policy of the City University of New York and Bronx Community College to prohibit harassment of employees or students on the basis of gender/sex.

Bronx Community College is in compliance with the federal, state and local regulations and laws, which prohibits any form of discrimination in federally assisted programs. Campus representatives are:

- Mrs. Jesenia Minier-Delgado serves as the Chief Diversity Officer and Director for the Office of Affirmative Action, Compliance and Diversity. Mrs. Minier-Delgado has been appointed by the President to ensure that the governing laws, CUNY policies and procedures as it relates to sexual harassment and other gender-based discrimination are enforced throughout the campus. Mrs. Minier-Delgado also serves as the Title IX and Sexual Harassment Coordinator and is responsible for the Sexual Harassment Intake and Awareness Committee (SHIAC).

  Additional appointments for the campus SHIAC are:

- Ms. Nancy Gear is the Deputy Coordinator of the Sexual Harassment Intake and Awareness Committee responsible for Education and Training
- Ms. Karla R. Williams, Esq. is the Deputy Coordinator of the Sexual Harassment Intake and Awareness Committee responsible for investigations.

Please contact the Office of Affirmative Action, Compliance and Diversity at (718) 289-5100, x3494 for any additional questions, request for clarification with the CUNY policies and procedures, to make an appointment with the Chief Diversity Officer, or visit the link [http://www.bcc.cuny.edu/Affirmative-Action/](http://www.bcc.cuny.edu/Affirmative-Action/) for additional information and updates.
EMPLOYMENT DISCRIMINATION

The Affirmative Action policies and procedures of The City University of New York are part of CUNY’s goals to provide equal employment opportunity and prevent discrimination. BCC adheres to federal, state and city laws and regulations regarding equal employment opportunity and affirmative action. Federal laws that incorporate equal employment opportunity components include, among others, Title VII of the Civil Rights Act of 1964, as amended in 1991, Title IX of the Educational Amendments of 1972, the Age Discrimination in Employment Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1974, and the Immigration Reform and Control Act of 1986. The University also complies with New York State and New York City human rights laws.

Collectively, these laws prohibit discrimination in employment on the basis of race, color, religion, gender, national origin or citizenship status, disability, age, marital status, sexual orientation, prior arrest or conviction record under certain conditions,¹ and genetic predisposition or carrier status. These laws also prohibit retaliation against an individual for raising an allegation of discrimination, filing a complaint alleging discrimination, or participating in a proceeding to determine if discrimination has occurred. The affirmative action laws governing The City University of New York include Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veterans Readjustment Act of 1974.

Such policies and practices of the City University of New York apply to persons in federally protected groups including women, persons with disabilities, Vietnam Era veterans, Blacks, Hispanics, Asian/Pacific Islanders and American Indians/Alaskan Natives. In addition, the University has designated Italian/Italian Americans as a protected group for whom these policies apply. The laws prohibiting discrimination in employment apply to all terms and conditions of employment, including, but not limited to, recruitment, testing, selection, hiring, work assignments, salary benefits, performance evaluations, promotions and tenure, training opportunities, transfers, discipline, discharge and working conditions.

The equal employment opportunity procedure applies to all job applicants and employees and in some instances, former employees of The City University of New York. Students employed by The City University of New York have the right to equal employment in their capacity as employees.

PLURALISM AND DIVERSITY

The Board of Trustees of The City University of New York approved the Pluralism and Diversity Policy Statement at their March 21, 1994, meeting. It states that, “The City University of New York, as an institution in an historically diverse society, is committed to engendering values and implementing policies that will enhance respect for individuals and their cultures. Our cultural, racial and ethnic diversity--our pluralism--is one of our most valued, significant, and important characteristics. The City University commits itself to finding ways for all of us to work together in a productive, harmonious, and mutually supportive manner; this must be accomplished without requiring complete agreement on what is good, just, and worthy and without any requirement that we all be the same.”

¹ The assessment of conviction record of an applicant or employee must be reviewed in accordance with CUNY policies and the New York State Correction Law, Section 752, which among other things, states that unless there is a direct relationship between one or more of the applicant’s previous conviction/s and the specific employment sought, or where employing the applicant poses an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, then the applicant should not be denied employment.
On May 5, 2003, the Policy on Revitalization of the University’s Affirmative Action, Equal Opportunity and Compliance and Diversity Programs was approved.

CUNY’s goals in its master plan include:

“....the University’s continuing commitment to workforce diversity and development. The statutory charge defined by the New York State Education Law, to create a diverse workforce that reflects the unique population that the University serves, is as necessary and important today as it was decades ago. To this end, the University will continue to act aggressively to adopt policies and procedures designed to ensure that all qualified individuals are given full and fair opportunity to be represented in the workforce.

Bronx Community College actively supports and promotes cultural pluralism and diversity.

Language Hall 31

(718) 289-5100, x3494

Mrs. Minier-Delgado is the Chief Diversity Officer and Director for the Office of Affirmative Action, Compliance and Diversity; and also serves as the Coordinator/Chairperson with the following:

- Chairperson for the Campus Affirmative Action Committee;
- Co-Chairperson for the Campus Diversity Committee; and
- 504/ American with Disabilities Act (ADA) Coordinator and Chairperson for the 504/ADA Committee.

SEXUAL HARASSMENT

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 to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible to the Office of Affirmative Action, Compliance and Diversity, or to a member of the Sexual Harassment Intake and Awareness Committee (SHIAC). Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

Procedures

The University has developed procedures to implement this policy. The President of each constituent college of the University, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his or her respective unit of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to the individual or individuals designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint. Please contact the Office of Affirmative Action, Compliance and Diversity at
(718) 289-5100, x3494 for any additional questions, to make an appointment with the Chief Diversity Officer/Director, or visit the attached links at http://www.bcc.cuny.edu/Affirmative-Action/ or http://www1.cuny.edu/sites/title-ix/campus/bronx-community-college/ for additional information and updates.

Enforcement

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this Policy are subject to various penalties, including termination of employment and/or student expulsion from the University.

Effective October 1, 1995 / (Revised January 1, 2005)

The Sexual Harassment Intake and Awareness Committee (SHIAC)

Coordinator
Jesenia Minier-Delgado
(Investigations/Education & Training)
Location   EXT.
LH 31         5100, x3494

Deputy Coordinators
Karla R. Williams, Esq.
(Investigations)
LH 37         5809
Nancy Gear
(Education & Training)
CO 611         5740

Bronx Community College is committed and legally required to maintain a learning and working environment that is safe and free from sexual harassment. See CUNY Policy Against Sexual Harassment in Appendix A-3. Please contact the Office of Affirmative Action, Compliance and Diversity at (718) 289-5100, x3494 for any additional questions, to make an appointment with the Chief Diversity Officer/Director, or visit the attached links at http://www.bcc.cuny.edu/Affirmative-Action/ or http://www1.cuny.edu/sites/title-ix/campus/bronx-community-college/ for additional information and updates.

WORKPLACE VIOLENCE POLICY

The City University of New York prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve.

The Workplace Violence Policy applies to all faculty, staff, students, vendors, contractors, consultants, and other who do business with the University, whether in a University facility or off-campus location where University business is conducted. The policy also applies to other persons not affiliated with the University, such as former employees, former students, and visitors. When students have a complaint about other students, they should contact the Office of Student Development.

Faculty and staff must report workplace violence, as defined above, to their supervisor. Faculty and staff who are advised by a student that a workplace violence incident has occurred or has been observed must report this to the Campus Public Safety Director immediately.
Employees who have obtained Orders of Protection are expected to notify their supervisors and the Campus Public Safety Office of any orders that list CUNY locations as protected areas. For more information, please review the following link at http://www.bcc.cuny.edu/HumanResources/?page=Workplace_Violence_Prevention_Policy_and_Program.

DOMESTIC VIOLENCE AND THE WORKPLACE
POLICY AND PROCEDURES

The City University of New York disapproves of violence against women, men, or children in any form, whether as an act of workplace violence or in any employee’s personal life. Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. CUNY is committed to full compliance of all applicable laws governing domestic violence in the workplace, to promoting the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence.

CUNY will not tolerate nor excuse conduct that constitutes workplace domestic violence. CUNY will hold accountable any and all employees who engage in the following behavior: (1) using CUNY resources to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace or from any other location while on official business; or (3) using their job-related authority and/or CUNY resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

CUNY will not discriminate against victims of domestic violence or persons perceived as domestic violence victims in employment determinations and will be responsive to the needs of victims of domestic violence. Information related to an employee being a victim of domestic violence will be kept confidential, to the extent permitted by law and policy. Employees who have obtained Orders of Protection are expected to notify their supervisors and the Campus Public Safety Office of any orders that list CUNY locations as protected areas.

CUNY INTELLECTUAL PROPERTY POLICY

On November 18, 2002, the Board of Trustees approved an Intellectual Property Policy:

Purpose

- To serve the public good by promoting and facilitating the dissemination of the products of research, authorship and invention by the University community.

- To recognize and encourage research, authorship and invention by the University community by providing for the sharing of tangible rewards resulting from the commercialization of such research, authorship and invention.

- To define the ownership, distribution and commercialization rights associated with the products of research, authorship and invention by the University community, and to define the policies and procedures for managing such products.

Applicability

This policy shall apply to all forms of Intellectual Property created or developed, in whole or in part, by a Member of the University (1) making Substantial Use of University Resources, (2) as a
direct result of University duties, (3) pursuant to the terms of an agreement to which the University is a party, or (4) in the course of or related to activities on grants or contracts administered by the Research Foundation.

**Smoking Policy - New York State Law**

New York State Law prohibits indoor smoking in “all public and private colleges, universities, and other educational and vocational institutions.” Effective July 24, 2003. See also the NYC Smoke Free Air Act which prohibits smoking in all enclosed places, including community colleges. Questions or complaints about compliance with the Clear Indoor Air Act should be directed to Ms. Karla R. Williams, Esq., Executive Counsel to the President and Labor Designee, Office of Legal Counsel, Language Hall, Room 37, Ext. 5809.