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
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 ensures 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 sex.

Bronx Community College is in compliance with the Age Discrimination Act, which prohibits age discrimination in federally assisted programs.

**Office of Affirmative Action, Compliance and Diversity**

**Vision Statement**

Bronx Community College will lead the way in providing students with an education that enables them to move with equal facility into productive and rewarding careers or increasingly advanced higher education programs. BCC will graduate students who are prepared to live within, profit from, and contribute to a 21st century global environment marked by diversity, change and expanded opportunities for learning and growth.

The Office of Affirmative Action, Compliance and Diversity envisions Bronx Community College as an inclusive community where equal opportunity is afforded to all, and individual contributions are valued and supported in the college’s pursuit to become a top public institution within the City University of New York.

**Mission Statement**

Bronx Community College serves students of diverse backgrounds, preparations, and aspirations by providing them with an education that is both broad in scope and rigorous in standards. Our mission is to give our students the foundation and tools for success, whether they choose to continue their education and/or enter a profession immediately upon graduation and to instill in them the value of informed and engaged citizenship and service to their communities. The Office of Affirmative Action, Compliance and Diversity must begin to promote an environment free of discrimination and inequity in accordance with the CUNY Policies and Procedures on Equal Opportunity, Non-Discrimination and Against Sexual Harassment, and with federal and state equal opportunity statutes and regulations.
The BCC Office of Affirmative Action, Compliance and Diversity is responsible for:

Developing and disseminating the college’s Affirmative Action Plan;
- Recommend and monitor the attainment of faculty and staff employment goals;
- Handles both informal resolutions and internal charge of discrimination complaints;
- Train the college community on equal opportunity, diversity and affirmative action issues; and lastly,
- Fosters a diverse and inclusive learning and working environment.

The BCC Office of Affirmative Action, Compliance and Diversity is responsible for upholding the college's commitment to equal opportunity for all members of the campus.

For additional information or questions about the Office of Affirmative Action, Compliance and Diversity, please contact 718.289.5100 Ext. 3494.

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. The University also complies with New York State and New York City human rights laws.

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 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.

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\(^1\) 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.
This 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

“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.”

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.

Sexual Harassment

Every member of The City University of New York community, including students, employees and visitors, deserves the opportunity to live, learn and work free from sexual harassment, gender-based harassment and sexual violence. Accordingly, CUNY is committed to:

1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual violence;

2) Providing clear guidelines for students, employees and visitors on how to report incidents of sexual harassment, gender-based harassment and sexual violence and a commitment that any complaints will be handled respectfully;

3) Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual violence, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;

4) Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual violence;
5) Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual violence, including widely disseminating this policy, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual violence to college constituencies; and

6) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

This is the sole policy at CUNY addressing sexual harassment, gender-based harassment and sexual violence and is applicable at all college and units at the University. The CUNY community should also be aware of the following policies that apply to other forms of sex discrimination, as well as to other types of workplace violence and domestic violence that affect the workplace:

- **The CUNY Policy on Equal Opportunity and Nondiscrimination**
  prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local law. That policy addresses sex discrimination other than sexual harassment, gender-based harassment or sexual violence covered by this policy.

- **The CUNY Workplace Violence Policy** addresses workplace violence and the **CUNY Domestic Violence in the Workplace Policy** addresses domestic violence in or affecting employees in the workplace.

In addition, campus crime statistics, including statistics relating to sexual violence, which CUNY is required to report under the Jeanne Clery Act, are available from the Office of Public Safety at each college and/or on its Public Safety website.

**Prohibited Conduct**

A. **Sexual Harassment, Gender-Based Harassment and Sexual Violence.** This policy prohibits sexual harassment, gender-based harassment and sexual violence against any CUNY student, employee or visitor.

   Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual's participation in employment, education or other CUNY activities.

   Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual's participation in employment, education or other CUNY activities.

   Sexual violence is an umbrella term that includes sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching, and sexual abuse. If of a sexual nature, stalking/cyberstalking (hereinafter “stalking”) and dating,
domestic and intimate partner violence may also constitute sexual harassment, gender-based harassment or sexual violence.

The complete definitions of these terms, as well as other key terms used in this policy, are set forth in Section XI below.

B. Retaliation. This policy prohibits retaliation against any person who reports sexual harassment, gender-based harassment or sexual violence, assists someone making such a report, or participates in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint.

C. Certain Intimate Relationships. This policy also prohibits certain intimate relationships when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility as set forth in Section X below.

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Deputy Title IX Coordinator
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Domestic Violence Liaison
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2155 University Avenue, Bronx, NY 10453
Workplace Violence Policy

The City University of New York prohibits workplace violence. Violence, threats of violence, 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.

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 committee 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.

**ADA Policy Statement**

Bronx Community College (“BCC”) is committed to providing and promoting equal opportunities in all of its activities and services. This commitment includes following the mandates of the Americans with Disabilities Act of 1990 (“ADA”), a federal law that makes it unlawful to discriminate against a qualified person with a disability in all aspects of the academic and/or employment process and in the provision of services and benefits.Â BCC is also committed to its obligations, as an employer, under the Rehabilitation Act of 1973, as amended and applicable to state and local disability and discrimination constitutional provisions and statutes.

Bronx Community College (“BCC”) strictly prohibits discrimination on the basis of disability in:

- admission to, access to, and/or operation of its public programs, services, or activities; and/or
- its hiring or employment practices.

An individual and/or student with a disability is any person who:

- has an actual physical or mental impairment which substantially limits one or more of that person's major life activities; and/or
- has a record of such an impairment; and/or
- is regarded as having such an impairment; and/or
- falls within one or more of the disabling conditions protected by the federal, state and local constitution and statutes.
Further, it is the policy of BCC (and CUNY) not to exclude persons with a disability from participation in any academic and/or employment program or activity. Accordingly, it is the policy of the BCC to provide access to all of its programs, services and facilities to persons with disabilities in accordance with Title II of the Americans with Disabilities Act.

**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 the College’s Labor Designee and Legal Counsel, Office of the President Language Hall, Room 27, Ext. 5157.