Understanding EEO/Affirmative Action

Presented by
Dr. Linda Merians, CDO
and
Arlene Peterson
Diversity Program Manager
What is Affirmative Action?

Affirmative Action is:

- Increase employment and educational opportunities for women, minorities, individuals with disabilities, and protected veterans.
- Italian-Americans:
  - Designated an Affirmative Action category in December 1976 by Chancellor Robert J. Kibbee
  - Outreach (recruitment plan, action oriented programs, etc)
- Applicable only to federal government contractors and subcontractors receiving $10,000 or more from the federal government.

Agencies Enforcing

- U. S. OFCCP, OCR, EEOC, City – EEPC, CCHR
WHAT IS EQUAL EMPLOYMENT OPPORTUNITY?

- Prohibits discrimination in employment based on an individual’s protected classification
  - **Federal** protected classifications include *race, sex, color, national origin, disability, and age*
  - **State laws**, in some instances, provide protection to additional classifications including, for example, marital status, sexual orientation, etc.
  - Noncompliance
  - Examples of recently closed cases
Guttman Recruitment

Strategy

- CUNY Recruitment Networks
- Diversity Program Manager and HR Staff input
- Provost & Faculty Suggestions

2015-2017 Job Boards

Protected Groups & Categories

Federal

- Women
- Military or Veteran Status
- Vietnam Era veterans (VEVRAA)
- Black/African Americans
- Hispanic/Latinos
- Asian/Hawaiian/Other Pacific Islanders
- American Indians/Alaskan Natives
- Individual with Disabilities
- Age

Additional CUNY Categories
- Italian-Americans

Extended (City and/or State) Title 8 of Administrative Code

- Color
- Sexual Orientation
- Gender Identity
- Marital or Legally registered Domestic Partnership Status
- Predisposing genetic characteristics
- Alienage or citizenship statue
- Citizenship
- Pregnancy
- Status as a victim of Domestic Violence, or Stalking
- Religion/Creed
- Arrest or conviction record
- Caregiver
- Unemployment Status
- Credit History
Federal Affirmative Action and Related Laws

- Executive Order 11246
  - “Equal Opportunity Employment” without discrimination
- Section 503 of the Rehabilitation Act of 1973
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- The Vietnam Era Veterans’ Readjustment Assistance Act (“VEVRAA”) of 1972:
  - “to employ and promote disabled veterans and veterans of the Vietnam era.”
- Title VII of the Civil Rights Act of 1964 prohibits unlawful discriminatory treatment of any employee on the basis of sex.
- Title IX of the Education Amendment of 1972 prohibits discrimination on the basis of sex under any education program or activity receiving Federal Financial assistance.
- The Civil Rights Act of 1991 provides additional rights and remedies to sexual harassment complainants.
- Equal Pay Act of 1963 – sex
- Age Discrimination in Employment Act of 1967
- New York State and City Human Rights Laws
- March 2013 – VAWA Violence Against Women Reauthorization Act
Employment discrimination
• is defined as *being treated differently* than similarly situated employees or job candidates or encountering a policy or practice that has an unfair impact on your employment compared to others.

Sexual harassment
• is a form of *sexual discrimination* that is prohibited by federal laws: Title VII, IX, etc.
• Provide training to ensure that all employees understand and adhere to federal and state laws including the discrimination, sexual harassment, and Section 504/ADA Policies

• Consistency and validity in search process, ensure confidentiality of applicants (including in-house) and their interviews

• Informal complaint resolution and investigation of all internal complaints of discrimination/harassment.

• Title IX Coordinators:
  • Title IX of the Education Amendment of 1972
  • [http://www.dol.gov/oasam/regs/statutes/titleix.htm](http://www.dol.gov/oasam/regs/statutes/titleix.htm)

• Liaise with the Central Office of Recruitment & Diversity & HR
Responsibilities of the University Community—At—Large

• Title IX Coordinators
• Responsible Employees - Who are they?
• Faculty
• Students and Student Employees
• Confidentiality
Definition of Sexual Harassment

• Unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when submission to such conduct is explicitly or implicitly a term or condition of an individual’s employment or academic standing, unreasonably interferes with a person’s work or academic performance, or creates an intimidating, hostile or offensive working or academic environment.
Forms of Sexual Harassment

PHYSICAL, VERBAL, NON-VERBAL, and Electronic

Physical
- Touching the person’s clothing, hair, or body
- Massaging a person’s neck, shoulders, etc.
- Hugging, kissing, patting, or stroking
- Touching or rubbing oneself sexually around or in the view of another person

Verbal
- Calling a person a girl, hunk, doll, babe, or honey
- Whistling at someone, cat calls
- Making sexual innuendoes
- Turning work discussions to sexual topics
- Telling sexual jokes or stories
- Asking about sexual fantasies, preferences, or history
- Asking personal questions about social and sexual life
**Verbal (cont.)**
- Making **sexual comments** about a person’s clothing, body, or looks
- Repeatedly asking out a person who is not interested
- Making **kissing sounds, howling, smacking lips**
- Telling lies or spreading **rumors** about a person’s sex life.

**Nonverbal**
- **Staring** at someone
- **Blocking** a person’s path
- **Restricting, hindering** the other person’s movements
- **Sexual and/or derogatory comments** about men/women on coffee mugs, hats, clothing, etc.
- Making **facial expressions**, such as winking, throwing kisses, or licking lips

**Electronic abuse**
- Stalking via internet
- Cyberbullying
- Revenge Porn, Remote/Virtual Sexual Assault
- Sextortion, Sexual Exploitation
• Impact is more significant than the intent: what is the impact of the conduct on the complainant?

• a lack of intent to harass may be relevant to but not determinative of whether sexual harassment has occurred