

**MOSS DEPARTMENT OF CONSTRUCTION MANAGEMENT  
THROUGH THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES  
AFFIRMATIVE ACTION PLAN  
2021-2022**

**I. PREFACE**

Equal Employment Opportunity is the goal of the Moss Department of Construction Management (MCM) through The Florida International University (FIU) Board of Trustees (BOT). This means that individuals will not be discriminated against in any form and will be employed without regard to race, color, religion, sex, national origin, age, disability, sexual preference, marital or veteran status, or any other legally protected status.

Equal Employment Opportunity is the purpose and goal of Affirmative Action. In the MCM's Affirmative Action Plan, the MCM resolves to be fully committed to assuring equal employment opportunity in its workforce.

The MCM recognizes that the effective application of this policy requires that certain positive steps be taken to assert its leadership within the community to achieve full employment and effective utilization of the capabilities and productivity of all persons pursuant to the goal of equal employment opportunity.

**II. INTRODUCTION**

The MCM is an Equal Opportunity Employer. As such, it is incumbent upon the MCM to make good faith efforts to achieve a workforce that is representative of the area labor market. As new positions are created, or vacancies occur in the MCM's labor force, the FIU Affirmative Action Officer, in his/her dual role as an Affirmative Action Officer, will review the MCM's workforce to identify employment imbalances identified therein where possible. Additionally, the MCM will employ its purchasing power to have businesses adhere to the principals of affirmative action. Nothing in this Plan should be construed to encourage or to permit discrimination based on any legally protected class or characteristic.

**III. POLICY STATEMENT**

**COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY**

The MCM is committed to complying with all laws that prohibit discrimination in employment on the basis of any legally protected status. In addition, the MCM will ensure that its employment practices will provide an equality of opportunity to applicants and employees without regard to their race, color, religion, sex, national origin, ancestry, age, disability, veteran status under federal laws, marital status, sexual orientation or any other legally protected status. This policy applies to employment practices, including, but not limited to, hiring, placements, promotions, terminations, layoffs, recalls, transfers, leaves of absence, compensation and training.

In furtherance of the MCM's commitment regarding Affirmative Action and Equal Employment Opportunity, the MCM will maintain a written Affirmative Action Plan that sets forth the policies, practices, and procedures which the MCM will apply in order to ensure that non-discrimination and affirmative action for qualified females and minorities is accomplished. The objective of these policies and programs is to attract and promote individuals who are qualified and/or trainable for available positions by virtue of job-related standards or education, training, and personal qualifications.

This commitment has the full backing and support of the FIU and support of all employees is expected. The FIU Affirmative Action Officer is the appointed Affirmative Action Officer. As Affirmative Action Officer,

the FIU Affirmative Action Officer shall, among other things, annually review and examine the effectiveness of the MCM's affirmative action program and its compliance with Executive Order 11246.

#### **IV. DESIGNATION OF RESPONSIBILITY FOR IMPLEMENTATION**

The FIU Affirmative Action Officer, as the FIU's appointed Affirmative Action Officer, has the overall responsibility for ensuring the effective implementation of Equal Employment Opportunity ("EEO") and the MCM's Affirmative Action Plan ("AAP"). Responsibilities of the FIU Affirmative Action Officer, or his/her designee, include the following:

1. Developing and modifying Equal Employment Opportunity policy statements, affirmative action programs and internal and external communication procedures;
2. Evaluating EEO progress at the MCM and assisting in the identification of problem areas;
3. Assisting the FIU reach solutions to AAP/EEO problems;
4. Serving as the MCM's representative in its dealings with federal, state or local enforcement agencies;
5. Serving as liaison between the MCM and minority and women's organizations, and other relevant interest groups concerned with affirmative action;
6. Keeping the MCM informed of the latest equal opportunity developments and providing training as appropriate;
7. Auditing to ensure that the MCM is in compliance in areas such as:
  - a. Properly displaying posters on the MCM bulletin boards and in public areas; and
  - b. Affording minority and female employee's full opportunity and encouraging full participation in all MCM sponsored educational, development, recreational and social activities.
8. Reviewing personnel policies on an ongoing basis to make certain that they are nondiscriminatory and that they contain an EEO policy statement;
9. Advising managers and supervisors that an important part of their responsibilities is to apply affirmative action to all employment practices; and
10. Including a statement of equal employment opportunity policy in all contracts and agreements with vendors and suppliers of the MCM.

Responsibilities of MCM Department Heads include the following:

1. Assisting in the identification of problem areas, formulating solutions, and establishing goals and objectives in their departments as needed;
2. Reviewing the qualifications of applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer, and termination actions occur;

3. Communicating with employees to be certain the MCM's policies are being followed; and
4. Taking actions to prevent harassment and to ensure that the progress of minority and female employees is not impeded through discriminatory assignments or steering into certain jobs or departments.

## **V. POLICY DISSEMINATION**

A copy of this plan shall be made available for review by all departmental head and employees.

A copy of the MCM's Affirmative Action Policy Statement shall be posted in an area accessible to the public area in the MCM Hall.

The MCM's employment application form shall contain a statement that "The MCM is an Affirmative Action/Equal Opportunity Employer" and encourages minority and women owned firms to apply.

Bid documents shall contain a clause that the MCM will not award a contract to any contractor or supplier covered by Executive Order 11246 who refuses to comply with the EEO clause.

The MCM's Standard Instructions to Bidders for Construction, Materials, and Supplies, shall state that the successful bidder shall certify to compliance with all applicable equal employment opportunity laws and regulations, that acceptance of the contract shall constitute compliance.

The policy statement shall be included in the MCM Personnel Rules.

Minority and Women Owned contractors are invited to bid on various construction projects and contracted services that the MCM offers.

Contracts and bid advertisements shall contain words or letters denoting equal employment opportunity.

A listing of various agencies, institutions, and newspapers, as available, will be contacted in the event of a position vacancy occurrence in the MCM. This listing, that will be used to assist in disseminating employment opportunities, will be modified to enhance the affirmative outreach efforts of the MCM.

## **VI. INTERNAL AUDIT AND REPORTING SYSTEM**

The FIU's Affirmative Action Officer has responsibility for developing and implementing an auditing system that periodically measures the effectiveness of its affirmative action program. The Affirmative Action Officer or his/her designee will:

1. Monitor all records of referrals, hires, terminations, transfers and promotions at all levels to ensure that the MCM's nondiscrimination policy is carried out.
2. Design and implement reporting systems that will permit continuous monitoring of Equal Employment Opportunity progress and will serve to provide management with requisite data in that regard. Further, such systems will be used to:
  - a. Measure the effectiveness of the MCM's progress;
  - b. Indicate any need for additional remedial action; and
  - c. Determine the degree to which the MCM's objectives and goals have been achieved.

3. Review the results obtained with Department Heads at ongoing meetings, report on progress to the FIU and develop recommendations for improvements as necessary.
4. Maintain the following documents as a component of the internal audit process:
  - a. Applicant File;
  - b. Personnel Activity File;
  - c. Employment Applications.

## **VII. ACTION-ORIENTED PROGRAMS**

The following action-oriented programs and procedures are designed to carry out the MCM's continuing commitment to Equal Employment Opportunity.

1. Analyze job descriptions to ensure accuracy and consistency and review qualification for positions to ensure that they are both job-related and nondiscriminatory.
2. Analyze the hiring process to make every good faith effort to select employees based on their qualifications for positions available, while at the same time recognizing the MCM's commitment to take affirmative action to eliminate any underutilization of women or minority employees by:
  - a. Reviewing the job application and other pre-employment forms to ensure that the information requested is job-related.
  - b. Evaluating selection methods to determine whether they have a disparate impact on minorities or women and to ensure that they are job-related and consistent with business necessity; and
  - c. Training management on proper interview techniques and equal employment opportunity developments.
3. Adopt techniques to improve recruitment and increase the flow of minority and female applicants by:
  - a. Including the phrase "The MCM is an Affirmative Action / Equal Opportunity Employer and encourages minority and women owned businesses to apply" in all employment advertisements;
  - b. Disseminating information on job opportunities to organizations representing minorities and women;
  - c. Informing recruitment sources and employment agencies that the MCM is an equal employment opportunity/affirmative action employer and that the Moss Construction Management requires them to actively recruit and refer qualified women and minorities for the positions to be filled; and
  - d. Encouraging employees to refer qualified applicants.
4. Audit compensation practices to ensure that compensation is justified on the basis of qualifications and job performance.
5. Ensure all employees are given equal opportunity for promotion by:
  - a. Posting promotional opportunities;

- b. Assisting employees in identifying promotional opportunities and providing reimbursement for training and educational programs as authorized by the MCM Affirmative Action Officer to enhance promotional opportunities;
- c. Properly evaluating job requirements for positions; and
- d. Reviewing employee promotions and requiring decisions to be justified on the basis of qualifications and job performance.

### **VIII. Compliant/Grievance Process**

The MCM has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any XX program, service or activity may file a complaint with the FIU's Title VI / Non-discrimination Coordinator:

Emmanuele Bowles, Director of Diversity Equity & Inclusion, Affirmative Action Officer  
Moss Department of Construction Management  
11200 SW 8<sup>th</sup> Street, PC 220D  
Miami, FL 33199

**Email:** emmanuele.archange@fiu.edu **Telephone:** 305 348-6088 [State] Relay [Number] (Voice) or [Number] (TTY) [Number] (English); [Number] (Spanish)

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability or family status); and a description of the alleged discrimination with the date of occurrence.

The Affirmative Action Officer will respond to the complaint within fifteen (15) calendar days and will take reasonable steps to resolve the matter. Should the MCM be unable to satisfactorily resolve a complaint, the MCM will forward the complaint, along with a record of its disposition to the appropriate the FIU Office of Civil Rights Compliance and Access. The FIU's Affirmative Action Officer has 'easy access' to the MCM Manager (Chief Executive Officer, or CEO) and is not required to obtain management or other approval to discuss discrimination issues with the CEO. However, if the complainant is not satisfied by the MCM's determination, then the complainant may file a written appeal directly to DEO. DEO serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:

Office of Disaster Recovery, Special Deputy of Appeals  
Division of Community Development  
Department of Economic Opportunity  
107 East Madison Street  
Caldwell Building, MSC-160  
Tallahassee, FL 32399

Complaints or grievances relating to actions or decisions made by DEO may be filed with DEO. Individuals may file a written complaint through the Office of Disaster Recovery email at [CDBG-](mailto:CDBG-)

[DR@deo.myflorida.com](mailto:DR@deo.myflorida.com), via the online complaint form available at <http://www.rebuildflorida.gov>, or by postal mail to the following address:

Attention: Rebuild Florida Constituent Services  
Division of Community Development  
Florida Department of Economic Opportunity  
107 East Madison Street  
The Caldwell Building, MSC 160  
Tallahassee, Florida 32399

The Florida Office of Disaster Recovery operates in Accordance with the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988). Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination: 1-800-669-9777 (Toll Free), 1-800-927-9275 (TTY) or [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing). Complaints alleging non-housing discrimination and equal opportunity complaints may be filed at: 404-331-5140, [complaintsoffice04@hud.gov](mailto:complaintsoffice04@hud.gov), or

Atlanta Regional Office of FHEO  
U.S. Department of Housing and Urban Development  
Five Points Plaza  
40 Marietta Street, 16<sup>th</sup> Floor  
Atlanta, GA 30303-2806

## **RESOLUTION**

BE IT RESOLVED by the Florida International University Board of Trustees that it hereby appoints the Emmanuele Bowles, Director of Diversity Equity and Inclusion, as the Moss Department of Construction Management's Affirmative Action Officer.

Adopted by the Moss Department of Construction Management at a meeting of its Moss Department of Construction Management on June 26, 2021.

---

Chair, Moss Department of Construction Management,  
Jose Faria