

RESOLUTION AGREEMENT

City University of New York, Hunter College Case No. 02-13-2032

In order to resolve Case No. 02-13-2032, the City University of New York, Hunter College assures the U.S. Department of Education, New York Office for Civil Rights (OCR) that it will take the actions detailed below pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100.

Action Item 1:

The College agrees to take all steps reasonably designed to ensure that students are not subject to a hostile environment because of their race; and will respond to all allegations of harassment on the basis of race. To this end, the College will conduct prompt, adequate, reliable and impartial investigations of all alleged incidents of harassment on the basis of race that are known or reasonably should be known to the College, and will continue to take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff. The College agrees to take prompt and effective action reasonably designed to end the hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected student(s).

REPORTING REQUIREMENT: By July 31, 2013, and July 31, 2014, the District will provide documentation to OCR of all informal (including oral) and formal complaints of racial harassment of students made during the previous twelve months. This documentation will include copies of each complaint, a description of the complaint, the District's response, and the resolution, including a report of the investigation conducted. If there have been no complaints, the District shall so certify that no complaints of racial harassment of students have been made.

Action Item 2:

By July 31, 2013, the College will extend a written offer of counseling to the complainant to remedy any effects of the incidents of harassment directed towards him because of his race. This counseling may be provided by qualified College staff. Appropriate College staff will also determine whether the complainant requires any other services, e.g., tutoring, to remedy the effects of the harassment; and if so, the College's plan for providing such services.

REPORTING REQUIREMENTS:

- a) By July 31, 2013, the College will provide to OCR a copy of the written offer of counseling, as well as documentation indicating the complainant's response to the offer.
- b) By July 31, 2013, the College will provide to OCR its determination and any supporting documentation regarding its decision as to whether the complainant

requires any other services, e.g., tutoring, to remedy the effects of the harassment; and, if so, the College's plan for providing such services.

Action Item 3:

By September 30, 2013, and annually thereafter, the College will provide training to all relevant staff at the College regarding the following: (a) the requirements of Title VI, including that discrimination and/or harassment based on race is prohibited and will not be tolerated; (b) the range of behaviors that constitute discrimination and/or harassment based on race; (c) the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment based on race; (d) the responsibility of staff to report incidents of possible discrimination and/or harassment and the procedures for doing so; and (e) where, how and to whom instances of discrimination and/or harassment are to be reported.

REPORTING REQUIREMENT: By September 30, 2013, the College will provide documentation demonstrating that the training referenced in Action Item 3 was provided to all staff at the College. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and proof of attendance by staff at the College.

Action Item 4:

Although the College's harassment policies and procedures may already contain some of the provisions listed below, by July 31, 2013, the College will review and revise, as necessary, the College's harassment policy and related grievance procedures to ensure that these adequately address complaints of harassment based on race. These procedures will provide for the prompt and equitable resolution of all complaints of harassment based on race, color and national origin. The District will ensure that the procedures include, at a minimum:

- a statement setting forth the College's commitment to having a school environment free from all harassment on the basis of race, color and national origin. The statement will explain that the College prohibits harassment in the school environment, including all academic, extra-curricular and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment and will emphasize that staff must promptly report all incidents of harassment of which they become aware. The statement will specify that the College will investigate formal and informal complaints of harassment;
- notice that the procedures apply to complaints alleging harassment based on race, color and national origin by employees, students, or third parties;
- a recommendation that College staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment;
- an explanation of how to file a complaint pursuant to the procedures;
- the name, title, office address, and telephone number of the individual(s) with whom to file a complaint;

- definitions and examples of what types of actions may constitute harassment based on race, color or national origin; and of the disciplinary sanctions that may be imposed on the harasser;
- the various steps the College will take to conduct an adequate, reliable, and impartial investigation of all complaints, including the interim preventive measures that the College will take to ensure the safety of the alleged victim and the larger school community during the investigation;
- an opportunity for the parties to present witnesses and evidence;
- designated and reasonably prompt timeframes for major stages of the grievance process, with the initial investigation not to exceed ten (10) school days;
- a requirement that an investigatory report be filled out during the course of the investigation;
- an assurance that the College will ensure that the victims are aware of their rights and available resources;
- an assurance that the College will offer counseling and academic support services to any person found to have been subjected to harassment and, where appropriate, counseling to the person(s) who committed the harassment;
- written notice to parties of the outcome;
- notice of the opportunity for the parties to appeal the findings;
- an assurance that any appeal will be conducted in an impartial manner by an impartial decision-maker, the College will have discretion to appoint the decision-maker with the understanding that the appointed individual will be impartial;
- an assurance and the action steps that the College will take to prevent recurrence of harassment and to correct its discriminatory effects, if appropriate; and
- a statement that Title VI prohibits retaliation against any individual who files a complaint under Title VI or participates in a complaint investigation.

REPORTING REQUIREMENTS:

- a) By July 31, 2013, the College will provide the revised harassment policy and related grievance procedures to OCR for review and approval.
- b) As soon as possible after the College's receipt of OCR's approval of the revised policy and grievance procedures, but no later than 60 days, the College will provide OCR with documentation to substantiate that it has formally adopted the revised policy and procedures; updated its printed publications and on-line publications with the revised policy and procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the revised policy and grievance procedures to students and College staff. This documentation will include at a minimum: (i) printouts or a link to all on-line publications containing the revised policy and grievance procedures; (ii) evidence of the electronic dissemination of the revised policy and grievance procedures to students and College staff; and (iii) if not yet finalized, copies of inserts for printed publications.

- c) By October 31, 2013, the College will provide to OCR copies of the printed versions of all publications disseminated to students and College staff containing the revised policy and grievance procedures.

Action Item 5:

By September 30, 2013, and annually thereafter for new staff, the College will provide training to all staff who are directly involved in processing, investigating, and/or resolving complaints or other reports of race, color or national origin discrimination, including harassment complaints, and any counselors or other College staff who are likely to receive reports of such harassment. The training will review the College's policies and procedures referenced in Action Item 4 of this Agreement and include instruction on how to conduct and document discrimination and/or harassment investigations in an adequate, reliable and impartial manner, including the appropriate legal standards to apply in such investigation, as well as outline the appropriate disciplinary measures for violations of the anti-harassment policy.

REPORTING REQUIREMENT: By September 30, 2013, the College will provide documentation demonstrating that the training referenced in Action Item 5 was provided to all staff referred to in Action Item 5. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and proof of attendance by staff directly involved in the processing, investigating and resolving of discrimination complaints.

Action Item 6:

By June 30, 2013, the College will offer the complainant the opportunity to complete any outstanding lab work required for his master's degree during the fall 2013 semester, and to finish writing his thesis during the spring 2014 semester. If the complainant accepts this offer, the College will ensure that all equipment necessary to complete the outstanding lab work is made available to the complainant.

REPORTING REQUIREMENTS:

- a) By July 15, 2013, the College will provide OCR with documentation demonstrating that it offered the complainant the opportunity to complete any outstanding lab work required for his master's degree during the fall 2013 semester, and to finish writing his thesis during the spring 2014 semester.
- b) By August 31, 2013, the College will notify OCR whether the complainant accepted the College's offer.

If the complainant accepts the College's offer, then, by January 1, 2014, the College will provide OCR with documentation demonstrating that it ensured that all equipment necessary for the complainant to complete his outstanding lab work was made available to the complainant during the fall 2013 semester.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3, which was at issue in this case. The College also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.3, which was at issue in this case. The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Date

City University of New York, Hunter College
Name:
Title: