

RESOLUTION AGREEMENT

State University of New York (SUNY) College at Brockport Case No. 02-16-2004

In order to resolve Case No. 02-16-2004, SUNY College at Brockport (the 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), 42 U.S.C. § 2000d et seq., and its implementing regulation, 34 C.F.R. Part 100; Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106; and the Age Discrimination Act of 1975 (the Age Discrimination Act), 42 U.S.C. § 6101 et seq., and its implementing regulation at 34 C.F.R. Part 110.

Action Item 1: Supplemental Investigation

By June 30, 2016, the College will complete a supplemental investigation of the complainant's complaints of discrimination and harassment based on her sex, race and age. The investigation of the complainant's complaints will involve, at a minimum, the following: conducting a detailed review of all information previously provided by the complainant, and/or on her behalf, to the College; providing the complainant and/or her representative with an opportunity to provide additional information or identify any other relevant witnesses; interviewing the respondents and other witnesses to the alleged conduct, as appropriate; and, making a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports by a preponderance of the evidence a finding that discrimination or harassment occurred. The outcome of the investigation will be communicated to the complainant and the respondents in writing.

Reporting Requirement: By July 15, 2016, the College will submit to OCR a report documenting the supplemental investigation, including who was interviewed; what information witnesses provided; the outcome of the investigation; any corrective actions deemed necessary; and, a timeline for implementation of the corrective actions, if necessary. The College will also provide to OCR a copy of all documentation obtained during the course of the investigation, and documentation demonstrating that written notice of the outcome was provided to the complainant and the respondents.

Action Item 2: Training

By July 31, 2016, the College will provide training to its Title IX Coordinator, Deputy Title IX Coordinator(s), Affirmative Action Officer, HR Director(s), and any College officials and administrators who will be directly involved in processing, investigating and/or resolving complaints of unlawful discrimination (including harassment), or who will otherwise coordinate the College's compliance with the regulations OCR enforces. The College's training will cover the College's grievance procedures for complaints of discrimination and harassment, and will provide attendees with instruction on recognizing and appropriately addressing allegations and

complaints pursuant to Title VI, Title IX, and the Age Discrimination Act. The training will address the College's obligations regarding the investigation of complaints; guidance from OCR regarding responding to complaints or reports of unlawful discrimination or harassment; prohibitions against retaliation; how to conduct and document adequate, reliable and impartial investigations; the need for remedial actions for the perpetrator, complainant, and College community; how to determine credibility and evaluate evidence in an impartial manner; confidentiality; and, corrective actions following the outcome of a complaint.

Reporting Requirement: By August 15, 2016, the College will provide documentation to OCR demonstrating that it provided training in accordance with Action Item 2 above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s), the date(s) and time(s) of the training(s), the names and titles of staff in attendance, and copies of any training materials distributed.

Action Item 3: Complaint Reviews

By January 15, 2017, the College will review all complaints of sex, race and age discrimination or harassment filed during and since academic year 2014-2015, to determine whether: each complaint was investigated promptly; all parties were provided with an equal opportunity to present witnesses and relevant evidence; interim measures were taken as necessary to protect the parties during the course of the investigation; the preponderance of the evidence standard was used in the course of the investigation; all parties were treated equally regarding any hearings that were conducted; the College took steps to prevent the recurrence of discrimination or harassment and to address any hostile environment created by the harassment; and, all parties received written notice of the outcome of the investigation. The College will take appropriate action to address any problems identified in the manner in which these complaints were handled; including providing appropriate remedies that may still be available for the complainants in these cases, such as counseling or academic adjustments.

Reporting Requirement: By October 1, 2016, the College will provide to OCR a report of its review of complaints filed during academic year 2014-2015. By January 15, 2017, the College will provide to OCR a report of its review of complaints filed during academic year 2015-2016. This report will identify any complaints that were not handled appropriately; and, will indicate the action that will be taken to address any problems identified.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the College has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title IX, Title VI, and the Age Discrimination Act at 34 C.F.R. §§ 106.31(a), 100.3(a), and 110.10(a), respectively, which were 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 regulations implementing Title IX, Title VI, and the Age

Discrimination Act at 34 C.F.R. §§ 106.31(a), 100.3(a), and 110.10(a), respectively, which were 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 proceeding to enforce this agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date

Heidi R. Macpherson, PhD
President
SUNY College at Brockport