

RESOLUTION AGREEMENT

City University of New York, City College Case Nos. 02-16-2238 and 02-16-2306

In order to resolve Case Nos. 02-16-2238 and 02-16-2306 (filed by Complainants 1 and 2, respectively), the City University of New York, City College (the College) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of 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.

Action Item 1: Completion of Investigation of Complainant 1's Complaint

By April 30, 2017, the College will complete its investigation of the allegation of sexual harassment made by Complainant 1 on XXXXXXXX xx, xxxx. The investigation of this allegation will involve a detailed review by the College of all information previously provided to College staff; completing interviews with all students Complainant 1 identified as witnesses, to the extent they can be reached and agree to participate; interviewing additional witnesses or re-interviewing witnesses, as appropriate; and a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports the allegations in Complaint 1's complaint. The outcome of the supplemental investigation will be communicated to Complainant 1 and the responding students in writing.

Reporting Requirement: By May 14, 2017, the College will submit to OCR a report documenting the procedures used to conduct its supplemental investigation as outlined in Action Item 1 above, as well as the outcome of the supplemental investigation; any actions deemed necessary; and a timeline for implementation of the actions, if necessary. The College will also provide documentation supporting the supplemental investigation to OCR.

Action Item 2: Completion of Investigation of Complainant 2's Complaint

By April 30, 2017, the College will complete its investigation of the written complaint of sexual harassment filed by the Complainant 2 with the College on XXXXX x, xxxx. The investigation will involve a detailed review by the College of all information previously provided to College staff; a reasonably calculated effort to interview the accused professor ("the professor"), which interview will include questions concerning the basis for the professor's determination to issue Complainant 2 a Xx in XXXXXXXX XXXXX in the xxxx xxxx semester ("the course"); a reasonably calculated effort to contact ten of the students enrolled in the course in order to identify and interview a random sample of five (5) students, to the extent they can be reached and agree to participate; and a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports the allegation in the complaint. The outcome of the supplemental investigation will be communicated to Complainant 2 and the professor (via the methods used to contact the professor for an interview), in writing.

Reporting Requirement: By May 14, 2017, the College will submit to OCR a report documenting the procedures used to conduct its supplemental investigation as outlined in Action Item 2 above, as well as the outcome of the supplemental investigation; any actions deemed necessary; and a timeline for implementation of the actions, if necessary. The College will also provide documentation supporting the supplemental investigation to OCR.

Action Item 3: Training

By October 1, 2017, the College will provide general training to all College officials, administrators, faculty, or staff directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment, on the College's Title IX grievance procedures; the College's obligations regarding the investigation of complaints; and Title IX's prohibitions on retaliation. The College will continue to provide training to incoming students pursuant to its usual practice. The College will also provide investigative training for the Title IX Coordinator, Title IX Investigator, and any College staff directly involved in investigating complaints of sexual harassment that will include instruction on how to conduct adequate, reliable and impartial Title IX investigations. Specifically, the investigative training will address how to evaluate evidence and weigh it in an impartial manner and use it to help assess credibility; the provision of interim measures; the need for remedial actions for the perpetrator, complainant, and school community; and the requirement of fully documenting all steps of an investigation and resolution, such as testimony collected from witnesses, the start and stop dates of any investigation suspension, the offer and acceptance/decline of interim measures, and the issuance of notice of the outcome to any party.

Reporting Requirement: By October 15, 2017, the College will provide documentation to OCR demonstrating that training was provided in accordance with Action Item 3 above. The general training may be given in an online format and the College shall submit to OCR the electronic communication providing the training materials to the recipients. The investigative training shall be given in person, and documentation regarding it shall include the name and credentials of the trainer, the date(s) of the training(s), copies of any training materials distributed, and a list of attendees.

Action Item 4: Complaint Reviews

By July 30, 2017, the College will review all sexual harassment complaints filed during and since academic year 2015-2016, in addition to the complaints filed by Complainants 1 and 2, to determine whether the College responded promptly and effectively to any alleged incidents of sexual harassment, of which it had notice, with action that was reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

Reporting Requirement: By July 30, 2017, the College will provide a report to OCR regarding any oral and/or written complaints of sexual harassment made during and since academic year 2015-2016. The report to OCR will include, at a minimum (a) a copy of the complaint or a description of any orally reported alleged incident(s) of sexual harassment; (b) the date(s) of receipt of the written complaint or oral report; (c) a

description of the College's findings and response to the incident(s); (d) the date(s) that the College provided notice of the outcome of its investigation in writing to the parties; and (e) the action that will be taken to address any problem(s) 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, at 34 C.F.R. §§ 106.8 and 106.31, 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 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, at 34 C.F.R. §§ 106.8 and 106.31. In addition, the College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9 and 100.10), or judicial proceedings, including 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.

2/14/2017
Date

/s/
City University of New York
City College