

## **RESOLUTION AGREEMENT**

### **The City University of New York – New York City College of Technology OCR Case No. 02-17-2032**

In order to resolve Case No. 02-17-2032, The City University of New York – New York City College of Technology (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 VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100.

#### **Action Item 1: Remedies for the Complainant**

By July 15, 2017, the College will complete an investigation of the complainant's complaint that she was subjected to a racially hostile environment during a class on XXXXXXXX XX, XXXX. In its investigation of the complainant's complaint, the College will, at a minimum, allow the complainant an opportunity to provide information to the College in support of her complaint and identify any relevant witnesses; provide alleged respondent(s)(if identified) an opportunity to provide information to the College and identify any relevant witnesses; conduct a detailed review of all information the parties provide to the College; interview College staff and other witnesses to the alleged conduct, as appropriate; and, make a determination regarding 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 harassment occurred that created a hostile environment for the complainant; and if so, the College will take prompt and effective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects. The outcome of the investigation will be communicated to the parties.

**Reporting Requirement:** By August 15, 2017, the College will submit to OCR a report documenting the investigation that includes, at a minimum, the names and titles of the witnesses interviewed; a summary of the information witnesses provided; and the outcome of the investigation. The College will also provide to OCR a copy of all documentation obtained during the course of the investigation, and documentation demonstrating that notice of the outcome was provided to the complainant and respondent(s). Finally, the College will provide to OCR a description of any remedies that the College deems necessary for the complainant and any disciplinary action pursued against the respondent(s) (and the result of such action, if completed); and, other actions taken to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects. In the event the College determines that no remedial action is required, the College will provide an explanation for its determination.

## **Action Item 2: Training**

By September 30, 2017, and periodically thereafter, the College will provide training to all applicable administrators and staff at the College who are responsible for taking prompt and effective action that is reasonably calculated to stop racial harassment, prevent its recurrence, and as appropriate, remedy its effects, including, but not limited to: the president, , any managers such as vice presidents, deans, directors, or any other persons with managerial responsibility pursuant to the CUNY Policy on Equal Opportunity and Non-Discrimination. The training will cover, at a minimum: the College's current grievance procedures; how to recognize and identify racial harassment and/or a racially hostile environment; the College's responsibilities under Title VI to address such harassment; and the relevant resources available. During the training, the College will provide copies of its grievance procedures to all attendees, or refer them to their location within the publications they already possess.

### **Reporting Requirements:**

- a) By October 15, 2017, the College will provide documentation to OCR demonstrating that the training referenced in Action Item 2 was provided. 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 those listed in Action Item 2.
- b) By July 31, 2018, the College will submit to OCR complete copies of its files for academic year 2017-2018 documenting the College's responses to complaints of racial harassment. Along with such files, the College will submit a tracking report that will include, at a minimum: the names of complainants and respondents; the conduct alleged; the name and position of the individual(s) who received and processed the initial complaints; the status of the case (e.g., investigation is ongoing, the College is assessing discipline to be imposed, etc.); the outcome of all completed investigations; and the outcome of any disciplinary matters related to the investigation. If the College submits any files before the case is complete, the College will flag those files as incomplete and, upon request, re-submit those files once the case is completed.

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 regulation implementing Title VI, at 34 C.F.R. § 100.3(a), 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(a), which was at issue in this case. 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, 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.

5/8/17

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Date

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The City University of New York  
Office of the General Counsel