

## **RESOLUTION AGREEMENT**

### **City University of New York – City College of New York OCR Case No. 02-17-2149**

In order to resolve Case No. 02-17-2149, the City University of New York – City College of New York (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, 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: Investigation of Complainant’s Complaint**

By December 1, 2017, the College will complete an investigation of the complainant’s complaint made on January 3, 2017, in which he alleged that he was discriminated against on the bases of race, color, national origin, and age. 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 his complaint 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; make a determination regarding whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports a finding that discrimination occurred; and, determine sanctions and remedies for the complainant, if any. The outcome of the investigation will be communicated to the parties.

#### **Reporting Requirement:**

By January 5, 2018, 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 sanctions imposed on the perpetrator(s).

#### **Action Item 2: Training**

By December 15, 2017, the College will provide training to all College administrators directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints brought pursuant to the CUNY Policy on Equal Opportunity and Non-Discrimination. The training will cover, at a minimum, the College’s current complaint procedures; the College’s responsibilities under Title VI and the Age Discrimination Act to address discrimination; and, the procedures these employees must follow in responding to complaints of discrimination. During the training, the College will provide copies of its complaint procedures to all attendees,

or refer them to their location within the publications they already possess. This training may be conducted online or in-person.

**Reporting Requirements:**

- a) By January 5, 2018, 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 race, color, national origin, and age discrimination. 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 by signing this Agreement, it agrees to provide the foregoing 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 Title VI and its implementing regulation at 34 C.F.R. § 100.3(a), and the Age Discrimination Act and its implementing regulation at 34 C.F.R. §§ 110.10 and 110.25. Upon completion of the obligations under this Agreement, OCR shall close 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the College’s representative below.

\_\_\_\_\_/s/\_\_\_\_\_  
Hillary Klein  
Authorized Representative  
CUNY– City College of New York

10/13/2017  
Date