

## **RESOLUTION AGREEMENT**

### **City University of New York, Queens College Case No. 02-18-2231**

In order to resolve Case No. 02-18-2231, the City University of New York (CUNY), Queens 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; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and, Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

#### **Action Item 1: Title IX Coordinator**

By November 15, 2018, the College will take steps to ensure that that all students and employees are notified of the name and/or title, office address, telephone number and electronic mail (email) address of the person(s) designated to coordinate the College's efforts to comply with the requirements of Title IX; and, that the notice is current and consistent wherever provided. Notification may occur by any methods usually employed by the College for distributing College policies and procedures.

**Reporting Requirement:** By November 30, 2018, the College will provide documentation to OCR demonstrating its compliance with Action Item 1, including copies of the relevant pages of the printed versions of all publications disseminated to students and employees containing the required information, and printouts or a link to all online publications containing the required notification. Inserts may be used pending reprinting of publications.

#### **Action Item 2: Notice of Nondiscrimination**

By December 31, 2018, the College will revise its notice of nondiscrimination to add a statement that inquiries concerning the application of Title IX and its implementing regulation may be referred to the College's Title IX coordinator or OCR. The College will broadly publish its revised notice of nondiscrimination, consistent with the requirements of the regulation implementing Title IX, at 34 C.F.R. § 106.9, including in each announcement, bulletin, catalog (including the student and employee handbooks), or application form that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the College (whether these are found on its website or in printed form).

**Reporting Requirement:** By January 15, 2019, the College will provide documentation to OCR demonstrating its compliance with Action Item 2, including copies of the printed versions (or a link to the on-line versions) of all publications disseminated to individuals identified in Action Item 2.

**Action Item 3: Title IX Training**

By January 31, 2019, the College will provide training to all active full-time faculty members in the Education and Community Programs Department, Title IX Coordinator(s), any other coordinators, and any College officials and administrators who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination or harassment, or who will otherwise coordinate the College's compliance with Title IX regarding CUNY's Policy on Equal Opportunity and Non-Discrimination, Policy on Sexual Misconduct, and Academic Integrity Processes. The training will cover, at a minimum, the College's current complaint procedures; the College's responsibilities under Title IX to address sexual misconduct and discrimination; how to identify incidents of sexual misconduct; and, the procedures these employees must follow in responding to complaints of sexual misconduct and 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.

**Reporting Requirement:** By February 15, 2019, the College will submit to OCR documentation demonstrating that the training referenced in Action Item 3 was provided. The report will identify the person(s) who provided the training and include a description of the person's qualifications; indicate the date(s) of the training(s); include a copy of any training materials used or disseminated during the training; and, include the names of staff in attendance.

**Action Item 4: Title IX Investigation**

By October 31, 2018, the College will refer to the College's Title IX Coordinator the allegation(s) of sexual misconduct that the College stated served as a contributing factor for discipline of and/or the withdrawal of the complainant from the College, for an investigation to be conducted in compliance with the regulation implementing Title IX.

**Reporting Requirements:**

- (a) By December 31, 2018, the College will submit to OCR, for review and approval, a report documenting the procedures used to conduct its investigation demonstrating that the investigation was conducted in compliance with the regulation implementing Title IX, as well as the outcome of the investigation and the reason(s) for the determination; proof that written notice of the outcome was provided to the complainant and any other relevant parties; whether the complainant or any other relevant parties filed an appeal of the determination, and the outcome of the appeal; any corrective actions deemed necessary; and, a timeline for implementation of the corrective actions, if necessary.
- (b) If any corrective action will be taken, then by January 31, 2019, the College will provide documentation to OCR demonstrating implementation of the corrective action.

**Action Item 5: Section 504/ADA Investigation**

By December 31, 2018, the College will conduct an internal review of the complainant’s grade in his XXXXXXXX course (the course) for the fall 2017 semester, to determine whether the assignment of his grade was issued in a discriminatory manner based on an actual or perceived disability. Following the review, the College president (or his designee) will receive recommendations of whether any action, including a grade change, should be taken to correct any discriminatory effects on the complainant; and/or, whether any disciplinary action should be taken against the course professor or any other College staff responsible for issuing or reviewing the complainant’s grade in the course.

**Reporting Requirements:**

- (a) By January 15, 2019, the College will provide documentation to OCR demonstrating that the College reviewed the actions of College staff in accordance with Action Item 5 above. The documentation will include, at a minimum, a description of the process; the name(s) and title(s) of the College personnel appointed to conduct the review; whether the College determined that disability discrimination occurred, and the reason(s) for the determination; the recommendation to the College president (or his designee) regarding whether a grade change, disciplinary or other action was warranted, and why; and, the action(s) taken by the College in response to the administrator(s)’s recommendation.
  
- (b) If a grade change, disciplinary or other action will be taken, then by January 31, 2019, the College will provide documentation to OCR demonstrating implementation of the action.

The College 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. Upon the College’s satisfaction of the commitments made under this Agreement, OCR will 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 will 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.

10 /24/2018  
Date

/s/  
Félix V. Matos Rodríguez  
President  
City University of New York, Queens College