

June 20, 2019

Félix V. Matos Rodríguez
Chancellor
City University of New York
205 East 42nd Street
New York, New York 10017

Re: Case No. 02-18-2322
City University of New York, Graduate Center

Dear Chancellor Rodriguez:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR), regarding the above-referenced complaint filed against the City University of New York, Graduate Center (the Graduate Center). The complainant alleged that the Graduate Center discriminated against him, on the bases of his race and/or national origin, by failing to respond appropriately to a complaint he made to the Director of XXXXXXXX XXXXXXXXX (the director) of the Graduate Center's XXXXXXX XXXXXXXXXXXXXX XXX XXXXXXXX XXXXXXX program (the program) in XXXX XXXX, in which he alleged that he was subjected to race and/or national origin discrimination at his clinical internship at XXXXXXXXXXXXXXX XXXXXXX Center (the XXXXXXX Center).

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The Graduate Center is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title VI.

Race and national origin harassment that creates a hostile environment is a form of discrimination prohibited by Title VI and its implementing regulation. Harassing conduct can include verbal, written, graphic, physical or other conduct by an employee, a student, or a third party; as well as conduct that is physically threatening, harmful or humiliating. Harassment can create a hostile environment if it is sufficiently serious to interfere with or deny a student's participation in, or receipt of benefits, services or opportunities in, the recipient's program. OCR examines whether a hostile environment existed and whether the recipient took prompt and effective action that was

reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

In its investigation, OCR reviewed documentation that the complainant and the Graduate Center submitted. OCR also interviewed the complainant and Graduate Center staff. OCR made the following determinations.

OCR determined that the complainant enrolled in the program at the Graduate Center in XXXXX XXXX. As part of the program, the complainant had to complete a one-year, full-time clinical internship. The complainant began his internship at the XXXXXXXX Center on XXXXXXXX X XXXX.

The complainant alleged that the Graduate Center discriminated against him, on the bases of his race and/or national origin,¹ by failing to respond appropriately to a complaint he made to the director in XXXX XXXX, in which he alleged that he was subjected to race and/or national origin discrimination at his clinical internship at the XXXXXXXX Center. In support of his allegation, the complainant asserted that he told the director that he had witnessed several incidents in which XXXXXXXX Center staff harassed an XXXXXXXX XXXXXXXX female XXXXXXXX Center social worker (the social worker) because of her race. The complainant also asserted that he told the director that XXXXXXXX Center staff forced him to work with XXXXXXXX speaking clients even though he had informed XXXXXXXX Center staff that he did not feel comfortable speaking.² The complainant asserted that the director did not take his concerns seriously, and “pressured” him to return to the XXXXXXXX Center even after he told her that he felt “unsafe” there as a result of the allegedly hostile environment.

Pursuant to the City University of New York (CUNY) Policy on Equal Opportunity and Non-Discrimination (the policy), which governs complaints of discrimination/harassment on the basis of race and/or national origin made by students at the Graduate Center, complaints alleging discrimination on the basis of race and/or national origin should be filed with the Graduate Center’s Chief Diversity Officer (the CDO). The policy provides that all managers, including “vice presidents, directors, or other persons with managerial responsibility, including for purposes of this policy, department chairpersons and executive officers,” shall consult with the CDO if they become aware of conduct that may violate the policy. Upon receipt of a complaint, the CDO shall inform the complaining party that he or she can participate in an informal resolution process or elect to have the CDO investigate the matter. When a matter is investigated, the CDO will interview the complaining party, the respondent, and any witnesses; review any other relevant evidence; and, complete the investigation within sixty (60) days of receipt of the complaint, unless extra time is needed due to the nature of the complaint. Once the investigation is completed, the CDO reports his/her findings to the Graduate Center’s president, who will review the CDO’s findings and authorize corrective action, if necessary.

By electronic mail messages (emails) dated XXXX XXXXXXXX XXXX, the complainant informed the director that he had been “mostly witnessing, and partially experiencing” “racial tension” and

¹ The complainant informed OCR that he is XXXXXXXX XXXXXXXX and XXXXXXXX XXXXXX.

² The complainant also asserted that he complained to the director that the XXXXXXXX Center violated certain terms of an internship agreement between the XXXXXXXX Center and the Graduate Center regarding supervision and didactics.

“blatant racism” during his clinical internship at the XXXXXXXX Center; and that as a result, he was having a “hard time” seeing how he could continue working there.³ The director met with the complainant on XXXX XX XXXX, to discuss his concerns. The director informed OCR that during the meeting, the complainant reported that XXXXXXXX Center staff discriminated against the social worker on the basis of her race and/or national origin, by not taking her “seriously” and having “heated disagreements” with her; and, that Center staff discriminated against the complainant on the basis of his race and/or national origin, by giving him a “hard time” regarding certain transportation reimbursement policy requirements and by forcing him to work with XXXXXXXX speaking clients even though he had stated that he was not comfortable speaking XXXXXXXX because of his history of trauma with the XXXXXXXX language.⁴ The director told OCR that the complainant told her he stopped attending his clinical internship because of these issues.

The director advised OCR that she spoke to XXXXXXXX Center staff on XXXX XX XXXX, regarding the complainant’s concerns. The director informed OCR that XXXXXXXX Center staff proposed a meeting with the complainant to discuss his concerns; the director therefore suggested such a meeting to the complainant, but he refused and told her that he did not feel “safe” returning to the XXXXXXXX Center. By email that same day, the director informed the complainant that she had spoken to Center staff regarding his concerns pertaining to alleged violations of the internship agreement, and told XXXXXXXX Center staff that the complainant did not feel safe returning to the XXXXXXXX Center because of “interpersonal dynamics.” In the email, the director again suggested a meeting with XXXXXXXX Center staff; stated that she did not think that it was “best practice” to leave the internship without trying to remediate the issues raised; and, stated that the complainant should make a “good faith effort” to work through the issues. The director denied that she intended to pressure the complainant to return to the XXXXXXXX Center; rather, she stated that she was trying to let him know that she was an ally to help him complete his clinical internship. The complainant did not respond to the director’s email of XXXX XX XXXX. The director did not report the complainant’s concerns to the CDO.

On XXXX XX XXXX, the complainant sent an email to the director stating that he and the complainant’s academic advisor thought it would be a good idea for them all to meet to discuss the complainant’s XXX completion plans. On XXXXXXXX XX XXXX, the complainant met with the director, the Director XX XXXXXXXXXXXX XXX XXXXXXXXXXXX, and the complainant’s academic advisor, to further discuss the complainant’s concerns regarding his clinical internship at the XXXXXXXX Center. During the meeting, the complainant stated that he did not feel “safe” returning to his clinical internship and that working at the XXXXXXXX Center was affecting his health. The complainant further stated that he was taking a leave of absence from the Graduate Center.⁵

³ The complainant also informed the director that he filed a grievance with the union at the XXXXXXXX Center, and a complaint with the New York City Administration for Children’s Services, regarding the things that he witnessed at the XXXXXXXX Center.

⁴ The director informed OCR that the complainant also reported that the XXXXXXXX Center was violating the internship agreement between the XXXXXXXX Center and the Graduate Center, by not providing him with sufficient supervision and didactics. The director also informed OCR that the complainant reported that a XXXXXXXX Center director gave the complainant a certain “look,” but the complainant did not provide specific information regarding this alleged incident.

⁵ The Graduate Center informed OCR that the complainant is still on leave and did not return to the XXXXXXXX Center after XXXX XX XXXX.

On May 30, 2019, the Graduate Center signed the enclosed resolution agreement to resolve the complaint allegation. OCR will monitor the implementation of the resolution agreement.

This letter should not be interpreted to address the Graduate Center's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Graduate Center may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Bernard Dufresne, Compliance Team Attorney, at (646) 428-3802 or bernard.dufresne@ed.gov; or Tiffany Lyttle, Compliance Team Attorney, at (646) 428-3754 or tiffany.lyttle@ed.gov.

Sincerely,

/s/

Timothy C.J. Blanchard

Encl.

cc: Todd Drantch, Esq.