

## **RESOLUTION AGREEMENT**

### **City University of New York, Graduate Center OCR Case No. 02-18-2322**

In order to resolve Case No. 02-18-2322, the City University of New York, (CUNY), Graduate Center (the Graduate Center) 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), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100.

#### **Action Item 1: Investigation of Complainant's Complaint**

By July 1, 2019, CUNY will request that the XXXXXXXXXXX XXXXXXXX Center (the XXXXXXXX Center) complete an investigation of the complainant's complaint made in XXXX XXXX to the Director XXXXXXXXXXX XXXXXXXX of the Graduate Center's XXXXXXX XXXXXXXXXXXXXX XXX XXXXXXXXXXX XXXXXXXX XXXXXXXXXXX program, in which he alleged that he was discriminated against on the bases of his race and/or national origin during his clinical internship at the XXXXXXXX Center. CUNY will request that the XXXXXXXX Center investigate the complainant's complaint, including giving the complainant an opportunity to provide information in support of his complaint and identify any relevant witnesses; conducting a detailed review of all information regarding the complainant's complaint; interviewing XXXXXXXX Center staff and other witnesses, as appropriate; and, making a determination whether the evidence supports a finding that discrimination occurred. In the event that the XXXXXXXX Center does not agree to conduct an investigation, CUNY will conduct the investigation to the maximum extent it is able to do so with cooperation from the XXXXXXXX Center, including asking the XXXXXXXX Center to make employee witnesses available. The outcome of the investigation will be communicated to the complainant. If the XXXXXXXX Center refuses to cooperate with CUNY or impedes CUNY's investigation, The Graduate Center's XXXXXXX XXXXXXXXXXXXXX XXX XXXXXXXXXXX XXXXXXXX XXXXXXXX program will sever its contractual relationship with the XXXXXXXX Center regarding the clinical internship program.

#### **Reporting Requirements:**

- a) By September 1, 2019, CUNY will submit to OCR a report documenting the investigation that includes, at a minimum, the names and titles of witnesses interviewed; a summary of the information witnesses provided; and, the outcome of the investigation. CUNY 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. Finally, CUNY will provide to OCR a description of any remedies deemed necessary.
- b) By September 15, 2019, if CUNY deems that any remedies are necessary, CUNY will provide documentation to OCR demonstrating that it implemented the remedies.

**Action Item 2: Clinical Internship**

By June 1, 2019, the Graduate Center will extend to the complainant written notice that he may apply for a clinical internship at a site different from the XXXXXXXX Center through the match system or otherwise, that meets all of the applicable requirements, at no additional cost to the complainant, to begin when he is accepted into said program. The written offer to the complainant will provide the complainant with 30 calendar days to respond. If the complainant accepts the offer, obtains and completes the XXXXXXXX internship, the Graduate Center will ensure that the completion is appropriately noted on the complainant’s transcript; and, replaces any notations on the complainant’s transcript regarding his clinical internship at the XXXXXXXX Center.

**Reporting Requirements:**

- a) By July 1, 2019, the Graduate Center will provide documentation to OCR demonstrating that it made the offer to the complainant, via certified mail, consistent with Action Item 2; along with the complainant’s response.
- b) By June 30, 2021, or sooner if appropriate, if the complainant accepts the offer and completes the clinical internship, the Graduate Center will provide documentation to OCR demonstrating that the complainant’s completion of the clinical internship is appropriately noted on the complainant’s transcript and replaces any notations on the complainant’s transcript regarding his clinical internship at the XXXXXXXX Center.

**Action Item 3: Training**

By September 30, 2019, CUNY will provide training to all employees within the XXXXX XXXXXXXXXXXX XXX XXXXXXXX XXXXXXXX XXXXXXXX program who are required to consult with the Graduate Center’s Chief Diversity Officer when receiving a complaint of discrimination on the bases of race or national origin, including managers as defined in the CUNY Policy on Equal Opportunity and Non-Discrimination. The training will cover, at a minimum, the Graduate Center’s current complaint procedures; the Graduate Center’s responsibilities under Title VI to address discrimination; and, the procedures these employees must follow in responding to complaints of discrimination. During the training, CUNY 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 October 15, 2019, CUNY will provide documentation to OCR demonstrating that the training referenced in Action Item 3 was provided. This documentation will include, but will not be limited to, the name(s) and credentials of the individual(s) who conducted the training outlined in Action Item 3; the date(s) that the training was conducted; the names and titles of those who attended the training; and, copies of any training materials disseminated.

- b) By July 31, 2020, the Graduate Center will submit documentation to OCR of the Graduate Center’s responses to all complaints of race and/or national origin discrimination made during the spring 2019 semester and during academic year 2019-2020. The documentation will include, at a minimum: (a) a copy of each complaint or a description of each orally reported alleged incident of racial and/or national origin discrimination; (b) the name(s) and position(s) of the individual(s) who received and processed the complaints; (c) the names and races/national origins of the student(s) involved, or unique identifiers for the student(s) involved; (d) the status of the case (e.g., investigation is ongoing, the Graduate Center is assessing discipline to be imposed, etc.); the outcome of all completed investigations; and, (e) any disciplinary sanctions imposed or remedial measures taken. If the Graduate Center submits any files before the case is complete, the Graduate Center will flag those files as incomplete, and upon request, re-submit those files once the case is completed.

The Graduate Center understands that by signing this resolution agreement (the Agreement), it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Graduate Center understands that during the monitoring of this Agreement, if necessary, OCR may visit the Graduate Center, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Graduate Center has fulfilled the terms and obligations of this Agreement. Upon the Graduate Center’s satisfaction of the commitments made under this Agreement, OCR will close this case.

The Graduate Center understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the Graduate Center 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 Graduate Center’s representative below.

5/30/19

\_\_\_\_\_  
Date

\_\_\_\_\_  
/s/  
Authorized Representative  
CUNY Graduate Center