

Resolution Agreement
City Colleges of Chicago - Richard J. Daley College
OCR Complaint # 05-14-2084

City Colleges of Chicago - Richard J. Daley College (College) enters into this Resolution Agreement (Agreement) to ensure compliance with 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 Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 and its implementing regulation at 34 C.F.R. Part 106, with respect to the allegations of discrimination raised in the above-referenced complaint.

Review of College Policies, Practices, and Procedures

1. *Anti-Discrimination Statement.* By September 15, 2014, the College will issue a statement to all College students and staff that will be posted in prominent locations at the College, and published on the College's website, stating that the College does not tolerate acts of discrimination or harassment, including discrimination or harassment based on race and sex. The statement will encourage any student who believes he or she has been subjected to discrimination or harassment based on race or sex to report to the College the discrimination or harassment and note the College's commitment to conducting a prompt investigation. The statement will include the appropriate contact information for the designated staff members to whom students may report allegations of harassment and/or discrimination, as well as the name of an alternate staff member if the complaint is to be filed against the contact person. The statement will warn that students or staff found to have engaged in acts of discrimination or harassment based on race or sex will be promptly disciplined and make clear that if circumstances warrant, such discipline may include suspension or expulsion for students and termination for employees. The statement will encourage students and staff to work together to prevent acts of harassment of any kind.

REPORTING REQUIREMENT: By September 15, 2014, the College will provide OCR with documentation demonstrating implementation of item #1, including a copy of the statement required by item #1, the URL for the statement's inclusion on the College's website, and a description of all places in which the statement is posted.

2. *Revised Nondiscrimination and Harassment Policies.* By September 15, 2014, the College will review and revise, as necessary, its nondiscrimination and harassment policies, practices, and procedures (hereafter nondiscrimination policies and procedures) to ensure they adequately address and provide the College sufficient options for responding promptly and appropriately to incidents of discrimination and harassment. At a minimum, the revised nondiscrimination policies and procedures, which are subject to CCC Board approval, will provide the following:
 - a) a statement setting forth the College's commitment to maintaining an environment free from all harassment on the basis of race and sex, which will explain that the College prohibits race and sex harassment in the College

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- environment, including all academic, extracurricular and school-sponsored activities, encourage students to immediately report incidents of harassment, emphasize that staff are required to promptly report incidents of harassment, and specify that the College will investigate all complaints of harassment;
- b) examples of the type of conduct and behavior that is covered by the nondiscrimination policies and procedures, including examples of staff-to-student and student-to-student prohibited conduct;
 - c) identification of the kinds of activities and sites where prohibited conduct may occur;
 - d) an explanation of how to report harassment and/or file a complaint;
 - e) a description of the College's formal complaint procedures, including a Complaint Form, timeframes for the College's investigation of a complaint, and a requirement that written notice of the outcome be provided to both parties for all complaints;
 - f) the name or title and contact information (including office address, e-mail address, and telephone number) for the College employee(s) responsible for receiving the Complaint Form and/or investigating reports of harassment;
 - g) a requirement that the designated College employee(s) document all reports of incidents of harassment and that the College establish a protocol for recordkeeping;
 - h) a recommendation that College staff members who observe acts of harassment based on race or sex intervene to stop the harassment, unless circumstances would make such intervention dangerous;
 - i) prohibition of retaliation against persons who report harassment or participate in related proceedings;
 - j) a statement that the College will offer counseling services to any person found to have been subjected to or to have engaged in harassment on the basis of race or sex;
 - k) identification of means the College will use to investigate incidents of harassment, including but not limited to the following:
 - i. the steps the College will take to conduct adequate, reliable, and impartial investigations of reported incidents;
 - ii. an assurance that the College will take action to stop the harassment, remedy the harassment, and prevent recurrence; and
 - iii. a statement that the College uses a preponderance of the evidence standard (*i.e.*, it is more likely than not that harassment occurred)

to resolve complaints of harassment or discrimination based on race or sex.

REPORTING REQUIREMENT: By September 15, 2014, the College will submit to OCR for review and approval its revised nondiscrimination policies and procedures referenced in items #1 and #2.

3. *Revised XXXXXXXXXXXXXXX Policy.* By September 15, 2014, the College will review and revise, as necessary, its XXXXXXXXXXXXXXX policy, practice and procedure (hereafter revised XXXXXXXXXXXXXXX policy) to ensure that it is not applied in such a manner as to treat students or staff differently because of their race, national origin, or sex. At a minimum, the revised XXXXXXXXXXXXXXX policy, which is subject to CCC Board approval, will contain the following:
 - a) a statement setting forth the College's commitment to enforcing the XXXXXXXXXXXXXXX policy in a non-discriminatory manner and making clear that the policy will be applied consistently, regardless of a student's race, national origin, or sex;
 - b) clear guidelines describing any applicable exceptions to the policy, and
 - c) identification of the procedures College employees, including security officers, should follow when enforcing the revised XXXXXXXXXXXXXXX policy, including a description of the procedure College employees should follow when a student makes a request to XXXX a XXXXXXXXXXXXXXX.

REPORTING REQUIREMENT: By September 15, 2014, the District will submit to OCR for review and approval its revised XXXXXXXXXXXXXXX policy referenced in item #3.

4. *Publication.* Upon receipt of OCR's approval of the revised nondiscrimination policies and procedures referenced in item #2 and the revised XXXXXXXXXXXXXXX policy referenced in item #3, the College will publish and widely disseminate the revised nondiscrimination policies and procedures and the revised XXXXXXXXXXXXXXX policy, including by emailing all students, faculty and administrators, and publishing the Policy on the College website and in any applicable employee and student handbooks.

REPORTING REQUIREMENT: Within two weeks of receipt of OCR's approval of the revised policies and procedures referenced in item #2 and item #3, the College will provide to OCR for review documentation that it has published and disseminated the revised policies to all College students and staff and posted the revised policies in a prominent location on the College's website, in any applicable employee and student handbooks, and in the College, including the URL for the website, copies of any materials in which the policies appear, and a description of all places in which the policies have been posted.

Other College Actions

5. *Training:*

- a) By January 31, 2015, and annually thereafter for new staff, the College will provide effective training to all College staff, including security officers, on its nondiscrimination policies and procedures. The training will provide instruction on the responsibility of staff to report incidents of possible discrimination or harassment and the procedures for doing so, the responsibility of staff to enforce College policies without regard to a student's race or sex, and instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to such discrimination or harassment.
- b) By January 31, 2015, the College will provide effective training to all security officers, including supervisory security officers, and any other College personnel charged with enforcing the revised XXXXXXXXXX policy on the College's revised XXXXXXXXXX policy, and provide instruction on how to ensure that the revised XXXXXXXXXX policy is administered at the College in a consistent, non-discriminatory manner.
- c) The College will assess the effectiveness of the annual training referenced in item #5a-b by conducting surveys of employees. The surveys shall specifically inquire about employees' knowledge of the applicable College policies.

REPORTING REQUIREMENTS: By January 31, 2015, the College will provide OCR documentation that it has implemented item #5a-b, including a narrative statement describing the trainings it has provided to College staff, all agendas and materials distributed at the training(s), and sign in-sheets demonstrating that all security staff and other College personnel attended the training(s). By July 1, 2015, the College will provide OCR documentation that it has implemented item #5c, including a copy of the employee survey administered and a narrative summary of the results of the survey.

6. *Individual Relief.* Within two weeks from the date of this Agreement, except as otherwise noted, the College will:

- a) Send a letter to the Complainant in which it apologizes for any miscommunication XX XXXXXXXXXX XXXX XXXX XXX XX XXXXXXXX XX, XXX XX XXXXXXXX XXX, XXXX and in which it describes the investigatory process applicable to items ## 6(b) and (c) below;
- b) Complete any previously pending XXXXXXXXXX XXXX XXX XXXXXXXX XXXXXXXX XXXXXXXX XX XXX XXX, XXXX XXXXXXXX XXXXXXXX XXX XXXXXXXX and, if necessary, take appropriate action pursuant to the

College's employee disciplinary policies in place at the time of the incidents;
and

- c) Within one week from the date the revised nondiscrimination and harassment policies referenced in item #2 are published, initiate an investigation, pursuant to the revised policies, to determine whether the Complainant was subjected to discrimination on the basis of race or sex on XXXXXX XX, XXX and XXXXXX XX, XXX by the XXXXXX XXXXX or any other College employee, and, if necessary, take appropriate action.

REPORTING REQUIREMENT: By August 15, 2014, the College will provide OCR with documentation demonstrating the following: (i) implementation of item #6(a), including the letter the College sent to the Complainant; (ii) implementation of item #6(b), including but not limited a written statement of findings issued as a result of the investigation into the XXXXXXXXXXXX conduct, if not included in the written statement of findings, a narrative description of any remedial action taken against the XXXXXXXXXXXX, a copy of any documents demonstrating any remedial action was documented in the XXXXXXXXXXXX employee file, any notes taken during the investigation, and any other materials considered during the investigation. By November 30, 2014, the College will provide OCR with documentation demonstrating the following: (iii) implementation of item #6(c), including any written statement of findings issued as a result of the College's investigation to determine whether the Complainant was subjected to discrimination on the basis of race or sex, any notes taken during the investigation, any other materials considered during the investigation, and if applicable and not included in the written statement of findings a description of and schedule for providing any offered compensatory and/or remedial services to the Complainant. OCR will review the documentation submitted to ensure that the College's determination is consistent with 34 C.F.R. §100.3 and 34 C.F.R. § 106.31, which were at issue in this case. Finally, by July 1, 2015, the College will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services to the Complainant were provided, and the name(s) of the service provider(s). OCR will review the documentation submitted to ensure that the College's provision of any compensatory services to the Complainant is consistent with 34 C.F.R. §100.3 and 34 C.F.R. § 106.31, which were at issue in this case.

7. *Maintenance of Other Data.* Effective immediately, the College agrees to maintain documents relating to specific complaints or other reports of harassment of students, including the following:

- a) a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of harassment of any kind;
- b) a narrative of all actions taken in response to the reports by College personnel, including any written documentation;

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- c) a copy of any and all disciplinary sanctions issued to students or employees for violations of the College's revised nondiscrimination and harassment policies and procedures referenced in item #2;
- d) if applicable, documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
- e) if applicable, a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By July 1, 2015, the College will provide to OCR copies of the documentation referenced in this item for the 2014-15 academic year.

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 and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3(a) and (b)(1) and Title IX, at 34 C.F.R. § 106.31(a) and (b)(4), which were at issue in this case.

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 regulations implementing Title VI, at 34 C.F.R. § 100.3(a) and (b)(1) and Title IX, at 34 C.F.R. § 106.31(a) and (b)(4), which were at issue in 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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For the College

Date