

Berkeley City College
OCR Case Number 09-14-2260
Resolution Agreement

Berkeley City College (College) agrees to implement the following Resolution Agreement in order to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 and its implementing regulations in the above referenced case number.

A. Policies and Procedures

1. The College will replace its discrimination complaint procedures with the current Sample Community College District Model Policy and Procedures for Handling Complaints of Unlawful Discrimination issued by the California Community Colleges Chancellor's Office, http://extranet.cccco.edu/Portals/1/Legal/Discrim/Mod_Policy_2011.pdf, including making the following revisions to the model:
 - a. the definition of a complainant for both the informal and formal process will include a person who alleges that he or she has personally suffered unlawful discrimination, or a person who has learned of such unlawful discrimination, including a faculty member, administrator, student, family member, or other third party;
 - b. the complainant will be encouraged, but not required, to file the complaint on a form prescribed by the Chancellor's Office; and
 - c. to the extent victims of harassment are provided information about disciplinary consequences for the harasser, they must keep that information confidential.
2. Alignment of the revised Complaint Policies and Procedures with College Catalog, College Website and District website.
3. Information in the College's Catalog and on the College's website will be updated to reflect the revisions.
4. The Booklet entitled *Unlawful Discrimination and Sexual Harassment: Complaint and Investigation Procedures for Employees and Students* will be made accessible from the College's website.

B. Training for Administrators and Appropriate Staff

1. The College will develop instruction for administrators and appropriate staff who are involved in the investigation or resolution of discrimination complaints by students against the College. The instruction will:
 - a. Discuss the College's responsibility to provide a prompt, thorough, and effective response to race discrimination complaints,
 - b. Review the College's policy and procedure against race, national origin and color discrimination, and
 - c. Clarify individual roles and responsibilities regarding the resolution of complaints under the College's revised discrimination complaint procedures.

2. The College will provide the above training to the administrators and staff described above annually.
- C. Clarification of Administrator, Staff and Instructor Roles and Responsibilities on the College's Website and in Publications
1. The College will update its website and publications to include information about the newly hired ombudsperson and his/her role in the resolution of discrimination complaints.
 2. The College will update its website and publications to include the clarification of the appropriate contact person for different types of discrimination complaints.
- D. Reporting
1. The College will provide OCR with a draft of the proposed procedure revisions by May 29, 2015. Within 60 days of OCR approval of the revisions, the College will provide OCR with documentation of the adoption of the revised procedures, online links to the *Unlawful Discrimination and Sexual Harassment: Complaint and Investigation Procedures for Employees and Students* and a report that it has completed the website and publications update to include reference to the ombudsperson and clarification of administrative roles related to the resolution of discrimination complaints.
 2. The College will provide OCR with a report describing the first annual training required under Item B within 90 days of OCR's approval of the revised complaint procedures. The report will indicate who provided the training, who was present and the topics covered. The College will provide OCR with a similar report of the second annual training by September 30, 2016.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI and its regulations at 34 C.F.R. §100.3(a) and (b), which was at issue in this case.

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 regulation implementing Title VI, at 34 C.F.R. §100.3(a) and (b), which was 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 College written

notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Dated: 03/20/2015

By: /s/
President or designee