

Resolution Agreement
Cuyamaca College

OCR No. 09-15-2067

In order to resolve the allegations raised in this complaint filed with OCR under Title VI of the Civil Rights Act of 1964, and without admitting to any violation of law, Cuyamaca College (College) agrees to implement this agreement.

Actions and Reporting:

- I. Within sixty days of the date of this agreement, the College will conduct a thorough investigation of the racial discrimination/harassment issues raised by the Complainant in his May XX, 2014 email to the College President.
 - a. The College will follow its current procedure, "AP 3435 *Discrimination and Harassment Complaints Investigations*," to investigate the Complainant's allegation of discrimination. In conducting the investigation, the College may utilize information already gathered prior to the date of this Agreement as one source of relevant information, along with other sources it develops during its investigation.
 - b. Prior to conducting the investigation, the College will provide OCR with the name of the investigator and a description of his/her training and experience in the area of investigating discrimination issues.
 - c. By June 9, 2015, and prior to reporting its findings to the Complainant, the College will send OCR its investigative report and its proposed response for the Complainant. OCR will provide feedback as necessary to the College about the College's investigative process and its proposed response. The College will issue notice of its findings, including any remedial and corrective action taken, to the Complainant within ten days of completion of OCR's review.
- II. By May 15, 2015, the College will:
 - a. Provide training to administrators who are directly involved in processing, investigating, and/or resolving complaints or other reports of race discrimination, including harassment, on identifying and appropriately routing and resolving complaints of racial discrimination/harassment; the training will include the following topics:
 - i. The definition and examples of racial harassment, as well as the College's policy prohibiting racial harassment.

- ii. An explanation of Administrative Procedures 3435, the College's complaint procedure for resolving complaints of race discrimination, including harassment.
 - iii. Identification of the individual, by name or title, and contact information, responsible for receiving and investigating reports of harassment.
 - iv. A statement of College personnel's responsibility to report incidents of possible harassment, the procedures for doing so, and instructions on how to recognize, prevent, and respond appropriately to such reports.
 - v. A statement of the requirement that a student or parent/guardian who has reported alleged incidents of racially harassing behavior must be notified of their right to file a formal complaint pursuant to the College's procedures, Administrative Procedures 3435, and be offered a copy of the procedures.
 - vi. A statement that the College is responsible under Title VI of the Civil Rights Act of 1964 for responding appropriately to reports of racial harassment, even if a formal complaint is not filed.
 - b. Prior to the training described above, the College will provide OCR with the name(s) of the trainer(s), relevant experience and qualifications, and a description of the material that will be covered. Within 14 days of the completion of the training described above, the College will provide OCR with written confirmation that the training has been completed and a list of the participants.
- III. By June 30, 2015, the College will:
- a. Revise its policy AP 3435, page 2 of 8, "Where to File a Complaint" to clarify that complaints of discrimination will not be rejected solely because they are not submitted on the Chancellor's Office form. The revised policy will state that a complainant may initiate the formal complaint process by submitting the complaint in another written format and specifying that it is a formal complaint of discrimination. If a complaint of unlawful discrimination is presented in another written format, such as a letter, the college may request that the complainant complete the form. The College may also attach the letter to the form.
 - b. Within 14 days of the policy revision, noted above, the College will provide OCR with a copy of AP 3435, including the finalized changes.

Monitoring:

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 in compliance with Title VI.

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 Section Title VI.

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.

_____/s/_____
Tim Corcoran, Vice Chancellor, Human Resources
Grossmont-Cuyamaca Community College District

04/09/2015

Date