

RESOLUTION AGREEMENT

City University of New York, Hunter College Case No. 02-13-2052

In order to resolve Case No. 02-13-2052, and to address the concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR) relating to the requirements of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.* and its implementing regulation at 34 C.F.R. Part 106, the City University of New York (CUNY), Hunter College (College) makes the following representations and assures that it will take the actions detailed below.

By entering into this Resolution Agreement, CUNY/the College do not admit to any violations of Title IX or any other wrongdoing.

Action Item A: Title IX Coordinator

By November 30, 2016, CUNY will add the name and/or title, office address, electronic mail (email) address, and telephone number of the College's Deputy Title IX Coordinator(s) and the office address for the College's Title IX Coordinator to CUNY's website.

Reporting Requirement: By December 15, 2016, the College will provide documentation to OCR demonstrating its compliance with Action Item A, including a link to CUNY's website where this information is available.

Action Item B: Notice of Non-Discrimination

By November 30, 2016, the College will revise its notice of non-discrimination to state that inquiries concerning the application of Title IX and its implementing regulation may be referred to the designated Title IX coordinator(s) or to OCR's Assistant Secretary. The College will publish the revised notice of non-discrimination consistent with the requirements of the regulation implementing Title IX, at 34 C.F.R. § 106.9, and include the notice in each announcement, bulletin (including the student and employee handbooks), catalog, or application form that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the College.

Reporting Requirement: By December 15, 2016, the College will provide documentation to OCR demonstrating its compliance with Action Item B, including a link to the website where this information is available, as well as copies of printed materials that are disseminated to individuals identified in Action Item B. Inserts may be used pending reprinting of these publications.

Action Item C: Grievance Procedures

By January 30, 2017, CUNY will draft proposed revised grievance procedures, and will adopt revised grievance procedures within 45 days after receiving approval from OCR. CUNY will revise its Policy on Sexual Misconduct, Policy on Equal Opportunity and Non-Discrimination, and Article XV of CUNY’s Bylaws (collectively, “grievance procedures”), as necessary, to ensure that, to the extent not already provided, the revised grievance procedures, include, at a minimum, the following:

1. Notice of which procedures apply to complaints of general sex discrimination, and which apply to complaints of sexual harassment, sexual assault, and sexual violence, filed by or against employees, students, or third parties;
2. A clear and easily understandable explanation of how and where to file a complaint pursuant to each procedure;
3. The name and/or title of the individual(s) with whom to file a complaint under each procedure, with an internet link that will provide the contact information (office address, email address and telephone number) for that individual(s);
4. Provisions providing for the adequate, reliable, and impartial investigation of all complaints, including affording both/all parties equivalent rights during the process, such as the opportunity to present witnesses and other evidence at a hearing;
5. A process whereby the College advises the parties in advance of all evidence and other information that will be considered in the grievance process (consistent with the Family Educational Rights and Privacy Act) in order to put the parties on notice and allow them to prepare for the grievance process;
6. Designated and reasonably prompt timeframes for the major stages of the grievance process that apply equally to the parties of the complaint, including the investigation, complaint resolution, and appeal processes, if any;
7. A provision requiring concurrent written notification to both/all parties of the outcome of the College’s investigation and any appeal;
8. An assurance the College will respond to complaints or reports or information about incidents of sexual harassment to stop prohibited harassment, eliminate any hostile environment, take steps to prevent the recurrence of sexual harassment, and address any effects on campus from such conduct;
9. A provision indicating that the College will implement appropriate interim measures during its and any law enforcement agency’s investigation period to provide for the safety of the complainant(s) and the campus community and the avoidance of retaliation;

10. A statement of the available interim measures (such as counseling, housing assistance, academic adjustments or other academic assistance, no contact orders, etc.), how they can be obtained, that such interim measures will not disproportionately impact the complainant, and that interim measures are available even if the complainant does not file or continue to pursue a complaint;
11. A provision that requests for interim measures may be made by or on behalf of a complainant to designated College officials, including the Title IX coordinator(s), and that the Title IX coordinator(s) (or other designated officials) will be responsible for ensuring the implementation of appropriate interim measures and coordinating the College's response with the appropriate offices on campus;
12. A statement that the preponderance of the evidence standard will be used for investigating all forms of sex discrimination (including sexual harassment, sexual assault, and sexual violence);
13. A statement that retaliation is prohibited against any individual who files a sex discrimination complaint under Title IX, participates in a complaint investigation in any way, or opposes in a reasonable manner an act or policy believed to constitute sex discrimination;
14. A requirement that a report be completed during the course of each and every investigation, including investigations that are suspended or otherwise closed before making findings or reaching a conclusion (in which case the report should explain why an investigation has been suspended or closed before completion), and that both the report and documentation sufficient to support the actions taken or finding(s) reflected in the report be maintained by the College consistent with its document-retention policies and practices for other student records. If applicable, the College will include documentation of the date on which the College temporarily suspended fact-finding at the request of law enforcement agencies to allow such agencies to gather evidence, and the date on which the College was advised by the agencies that it could resume its investigative process;
15. An assurance that the investigation will be conducted in an impartial manner by impartial decision-maker(s) trained in issues of sexual violence and Title IX;
16. Definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment, sexual assault, and sexual violence);
17. Provisions providing for how and when the College will proceed with the investigation of complaints when the complainant does not choose to proceed with an informal or formal complaint or a hearing;
18. An explicit statement that the College will address off-campus conduct in the same manner as on-campus conduct, to the fullest extent possible;

19. Provisions indicating that the College has an obligation to make reasonable efforts to investigate and address instances of sex discrimination when it knows or should have known about such instances, regardless of complainant cooperation and involvement;
20. Provisions indicating that any informal resolution mechanism set forth in the procedures will only be used if the parties voluntarily agree to do so, that the complainant will not be required to resolve the problem directly with the respondent, and that there will be instances when the informal resolution mechanism may be inappropriate (e.g., mediation is prohibited in cases of sexual assault, and those involving a student complaining of sexual harassment against an employee in a position of authority over the student); and that the complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process;
21. Provisions prohibiting parties from directly cross-examining each other during hearings, if any;
22. A description of the Title IX rights of complainants and available resources and reporting options, including confidential resources, support resources such as counseling, disciplinary options, and the right to file a complaint with a local law enforcement agency;
23. An explanation of the College's confidentiality policy, which includes: (i) a list of those individuals who are required to keep information provided by a student confidential if the student so requests; (ii) an assurance that, in an investigation, to the extent possible, the College will only provide information to those who need to know, and parties are not restricted from discussing and sharing information related to their complaints with others who may support or assist them in presenting their case; and (iii) an explanation of what type of information will be shared with the accused if a complaint is filed;
24. A provision indicating that the College will comply with law enforcement requests for cooperation and such cooperation may require the College to briefly and temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the initial process of gathering evidence, and that the College will promptly resume its Title IX investigation as soon as the law enforcement agency has had time to complete its initial evidence gathering process;
25. A provision requiring the College to promptly implement no contact orders, as appropriate and with the burden of no contact on the accused, if the College has made a finding of responsibility, even if an appeal may be filed, or has been filed and is pending;
26. Notice of the opportunity for both/all parties to appeal the findings, if the procedures allow appeals, and for both/all parties to participate equally in the appeal process, even if the party has not herself or himself filed an appeal;
27. Examples of the range of possible disciplinary sanctions, and the types of remedies available to the complainant and others; and

28. An explanation of how disciplinary actions, if any, relating to the complaint (e.g., underage drinking before a sexual assault) will be handled in the complaint procedure.

Reporting Requirements:

- a) By January 30, 2017, the College will provide to OCR, for review and approval, its revised grievance procedures developed in accordance with Action Item C above.
- b) Within 45 calendar days of written notification from OCR of its approval of the revised grievance procedures, the College will provide documentation to OCR demonstrating that the revised procedures were adopted and implemented and that all faculty, staff and students were provided with written notice regarding the grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the grievance procedures. The College, at a minimum, will make this notification through the College's website; email messages to faculty, staff and students; and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the College deems effective to ensure that the information is widely disseminated and easily located. The College will also provide to OCR copies of or a link to its revised student handbooks and any other publications that contain the procedures, and a link to its webpage where the revised Title IX procedures are otherwise located.

Action Item D: Notice to Staff and Training

1. By April 30, 2017, and again by September 30, 2017, 2018, and 2019, CUNY/the College will issue a memorandum to all staff referencing and providing an internet link to the College's grievance procedures, and reminding staff of how to recognize and identify sexual harassment, including sexual assault/violence and behaviors that may lead to and result in sexual violence; the College's responsibilities under Title IX to address such harassment; to whom to report such harassment; and relevant resources available.

Reporting Requirement: By May 31, 2017, and again by October 31, 2017, 2018, and 2019, the College will provide documentation to OCR demonstrating that it has issued the memorandum referenced in Action Item D(1) above. The documentation will include, at a minimum: a copy of the memorandum, how it was issued, the date(s) on which it was issued, and the titles of those individuals to whom the memorandum was issued.

2. By October 31, 2017, 2018 and 2019, CUNY/the College will provide training to all employees who have the authority to take action to redress harassment, or who have the duty to report to appropriate officials sexual harassment or any other sexual misconduct (including, but not limited to, College Residential Life dormitory staff like Community Assistants and Resident Assistants, public safety staff, administrators referenced in CUNY's policies as having a duty to report, counselors, general counsels, athletic coaches, and health personnel). The training will cover, at a minimum: the College's revised grievance procedures; the obligation to report sexual harassment, including sexual harassment

involving other entities at which the College places students; how to recognize and identify sexual harassment, including sexual assault/violence and behaviors that may lead to and result in sexual violence; the College's responsibilities under Title IX to address such allegations; and the relevant resources available. The training should also include information on the student's option to request confidentiality and available confidential advocacy, counseling, or other support services; the student's right to both file a sexual harassment complaint with the College and report a crime to campus or local law enforcement; the attitudes of bystanders that may allow conduct to continue; the potential for victimization of students who may have experienced sexual violence and its effects on students; appropriate methods for responding to a student who may have experienced sexual violence; and the impact of trauma on students who experience sexual violence. During the trainings, the College will provide copies of its revised Title IX grievance procedures to all attendees or refer them to their location within the publications they already possess. Additionally, by the same dates, CUNY/the College will electronically provide Title IX training materials to other College employees who are likely to witness or receive reports of sexual harassment. The training materials provided will include: CUNY's grievance procedures; the definition of sexual misconduct under CUNY's policy; discussion of the importance of bystander intervention; information regarding when and to whom to report sexual harassment; information regarding the availability of College resources (including counseling and confidential resources); CUNY's Drug and Alcohol Amnesty Policy; and information regarding the option to report incidents of sexual misconduct to local law enforcement.

Reporting Requirements:

- a) By November 15, 2017, and by the same date in 2018 and 2019, the College will provide documentation to OCR demonstrating that it has provided the training referenced in Action Item D(2) above. The documentation will include, at a minimum: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and the names and titles of the individuals who received the training.
 - b) By November 15, 2017, and by the same date in 2018 and 2019, the College will provide documentation to OCR demonstrating that it provided Title IX training materials electronically to other College employees who are likely to witness or receive reports of sexual harassment. The documentation will include, at a minimum, the date(s) that the training materials were distributed, a copy of the materials distributed, and the titles of the types of individuals to whom the training materials were distributed.
3. By April 30, 2017, and then by September 30, 2017, 2018, and 2019, the College will provide training to its Title IX coordinator(s) and designees and any other College officials, administrators, faculty, staff or students directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment, including sexual assault/violence, on the College's revised Title IX grievance procedures; the College's obligations regarding the investigation of complaints; and Title IX's prohibitions on

retaliation. The training will include instruction on how to conduct adequate, reliable and impartial Title IX investigations for those charged with investigative duties, including how to handle incidents that occur off campus; information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including same-sex sexual violence; the proper standard of review (preponderance of the evidence); information about coordination and communication between the College and the New York City Police Department, particularly with respect to suspending investigations; information on consent and the role drugs and alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to handle confidentiality issues; the effects of trauma; cultural awareness training regarding how sexual assault/violence may impact students differently depending on their backgrounds; and how to assess hostile environment. The training will also include information regarding the provision of interim measures and the need for remedial actions for the perpetrator, complainant, and school community. Finally, the training will stress the requirement of fully documenting all steps of an investigation and resolution, like testimony collected from witnesses, the start and stop dates of any investigation suspension, the offer and acceptance/decline of interim relief, and the issuance of notice to any party.

Reporting Requirement: By May 15, 2017, and then by November 15, 2017, 2018 and 2019, the College will provide documentation to OCR demonstrating that it has provided the training referenced in Action Item D(3) above. The documentation will include, at a minimum: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the individuals who attended the training.

Action Item E: Campus-Based Committee

The College asserts that it has established a committee comprised of two students, the College's Title IX coordinator(s), and others, called the Campus Security Advisory Committee (CSAC), to identify and recommend strategies to ensure that students understand their rights under Title IX and the College's procedures, including how to report possible violations of Title IX, and to ensure that the College takes each complaint seriously and provides a response in accordance with the requirements of Title IX. The College asserts that the CSAC also recommends strategies for: improving the effectiveness of the College's procedures, support services and resources available to students; and preventing sexual harassment and sexual assault/violence, including outreach and educational activities. By January 15, 2017, the College will explore student interest in having additional student membership on the CSAC, and if such an interest exists, the College will consider adding more student representation on the CSAC. The College will ensure that the CSAC continues to convene through the end of academic year 2018-2019, at a minimum.

Reporting Requirements:

- a) By November 30, 2016, the College will provide to OCR a list of the titles of the individuals who are current members of its CSAC, and a description of CSAC's activities, to demonstrate that the current CSAC functions consistent with Action Item E above. The College will also provide to OCR a description of the student activities in which the two current student members of the CSAC are involved.
- b) By February 28, 2017, the College will provide documentation to OCR describing the means by which additional student involvement in the CSAC was explored, and what actions the College took in light of its findings about student interest in the CSAC.
- c) By June 1, 2017, and by the same date in 2018 and 2019, the College will provide documentation to OCR demonstrating that the CSAC convened and took actions consistent with Action Item E; such documentation will include a list of the names and titles of the members of the CSAC, a description of CSAC activities, and Title IX compliance strategies considered and/or implemented by the CSAC.

Action Item F: Training for Students

The College represents that it has provided for academic year 2016-2017, and will continue to provide each academic year, required training for all incoming students as well as for students who are leaders of student groups, student athletes, and students in residence halls. The training includes an online course by a provider of training content on sexual misconduct and related topics and information on CUNY's/the College's policies and procedures. In addition, the College represents that student athletes, student leaders and dormitory residents receive in-person training. The College affirms that the training covers the College's prohibition against sex discrimination (including sexual harassment and sexual assault/violence); how to recognize such sex discrimination and sexual harassment when it occurs; the College's grievance procedures for Title IX complaints, including how and to whom to report any incidents of sex discrimination; a general overview of Title IX and the rights it confers on students; the College's policy prohibiting faculty and other employees who have a professional responsibility for students from engaging in relationships with students; the resources available to students who have experienced sexual harassment or sexual assault/violence, including interim measure available during the course of an investigation; the importance of bystander intervention where safe, and the existence of OCR and its authority to enforce Title IX.

Reporting Requirement: By January 31, 2017, the College will provide documentation to OCR demonstrating implementation of Action Item F above for academic year 2016-2017, and by November 15, 2017, 2018, and 2019 for academic years 2017-2018, 2018-2019, and 2019-2020, respectively, including a description of each training session and the dates that the training sessions were held. The College will also provide access to its electronic training materials that all incoming students must complete.

Action Item G: Dissemination of Information Regarding Sex Discrimination

By January 30, 2017, the College will ensure that its existing materials (e.g., informational pamphlets) distributed to students for general education purposes, including during orientation, and upon receipt of complaints of sexual harassment and sexual assault/violence, in addition to any information found on its website and on posters and in videos displayed on television monitors that are located on campus, contain information on: how and where to file a complaint of sexual harassment or sexual assault/violence with the College; the name and contact information for the College's Title IX coordinator(s), and a description of the responsibilities of the Title IX coordinator(s); information on how to obtain counseling and academic assistance in the event of sexual harassment and sexual assault; and information on what interim measures can be taken to protect a complainant and how to request interim measures.

Reporting Requirements:

- a) By February 28, 2017, the College will provide to OCR, for review and comment, the materials distributed to students for general education purposes consistent with Action Item G, along with a link to where any materials are posted on the College's website. The documentation will include information about which of the College's offices are responsible for distributing the materials for general education purposes and upon receipt of a complaint of sex discrimination, sexual harassment, and/or sexual assault/violence.
- b) Within two weeks of receiving comments from OCR, if any, the College will respond in writing agreeing to make the revisions suggested by OCR or providing a justification for why a suggested revision will not be made, for review by OCR.

Action Item H: Climate Surveys

The College asserts that it conducts climate surveys for students every other year in accordance with state law, with the most recent one being conducted in April 2016. The College asserts that it will conduct the next climate survey, as required by state law, by April 30, 2018. The College asserts that this survey contains questions about the student's knowledge of sex discrimination (including sexual harassment and sexual assault/violence), any experiences with sex discrimination while attending the College, and the student's awareness of the College's Title IX policies and procedures. The College asserts that information gathered from these surveys is used to inform future proactive steps taken by the College to provide an environment that is safe and supportive to all students and in compliance with Title IX.

Reporting Requirements:

- a) By December 15, 2016, the College will provide to OCR, for review and comment, the results of the climate assessment survey developed by CUNY's Office of Institutional Research and Assessment administered in April 2016, including a description of how the climate survey was conducted; a copy of survey questions; summaries of any student responses and, to the extent any information was provided

beyond student responses to the survey questions, summaries of such information; and proposed actions, if appropriate, that the College plans to take in response to the information gathered from the climate survey.

- b) By May 15, 2018, the College will provide documentation to OCR demonstrating implementation of Action Item H above, including a description of how the survey was conducted; a copy of survey questions; summaries of any student responses to surveys ; and, to the extent any information was provided beyond student responses to the survey questions, summaries of such information; and proposed actions, if appropriate, that the College plans to take in response to the information gathered from the climate surveys.

Action Item I: Placement of Students with Other Entities

The College asserts that it has a procedure(s) designed to assure itself that the operator(s) or sponsor(s) of any education program or activity that the College either requires, facilitates, permits, or considers as part of or equivalent to an education program or activity operated by the College, including without limitation other entities at which the College places students as part of internships, clinical programs, or otherwise, take no action affecting any applicant, student or employee that would be prohibited by Title IX; and, the College asserts that it does not facilitate, require, permit, or consider such participation if such action occurs. The College asserts that this procedure(s) ensures that it and/or other entities promptly and equitably investigate and resolve reports of sexual harassment and sexual assault/violence, and includes actions designed to stop the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. The College represents that it will continue to make every effort to coordinate with each outside entity or sponsor of an education program or activity in order to conduct an investigation and take all other necessary steps.

The College asserts that the above procedures were applied to Cases 1 and 5 described below in Action Item K involving situations that arose in connection with students placed with other entities. The College will provide documentation demonstrating how the above procedures were applied with respect to Cases 1 and 5. If the College discovers in the course of responding to this Action Item that the procedures were not applied or applied incorrectly with respect to Cases 1 and 5, the College will explain the steps it propose to take to address any deficiencies.

Reporting Requirement: By January 30, 2017, the College will provide documentation to OCR demonstrating that such a procedure was adopted by the College, shared with other applicable entities, and that all faculty, staff and students were provided with written notice regarding the procedure. The College will demonstrate how this information is widely disseminated and easily located. The College will also provide to OCR copies of or a link to any publications that contain the procedure, and a link to its webpage where the procedure is otherwise located. To the extent the College enters into express written agreements with or receives written assurances from other entities as part of the College's efforts to ensure compliance with this Action Item, copies of fully executed documents will be produced to OCR. The College will also provide to OCR the specified explanation concerning Cases 1 and 5. OCR will review the documentation and

explanation that the College provides and respond as to the sufficiency of the procedure(s) in place and whether any additional measures are needed.

Action Item J: Additional Relief for the Individual Complainant

The College needs to address remaining effects, if any, that the Complainant may have suffered due to sexual harassment by the professor at issue, specifically possible effects if a hostile environment arose through his repeated, unwelcome and graphic communications after April 2012 that affected the Complainant's ability to participate in the College's education programs or activities. By November 30, 2016, the College will contact the Complainant to identify those possible remaining effects, and the College will address whatever remaining effects it identifies (considering the interim relief already provided).

Reporting Requirement:

- a) By December 31, 2016, the College will provide to OCR, for review and approval, its proposed actions to address the Complainant's remaining effects of a hostile environment, if any. The College will submit a copy of all notes of conversations or correspondence with the Complainant, and any other documentation relating to its assessment of how to address any remaining effects.
- b) Within ten days of OCR's approval, the College will take whatever additional actions may be warranted to redress the remaining effects on the Complainant of a hostile environment, if any.
- c) Within ten days of completing all actions required to address the Complainant's remaining effects, the College will provide documentation to OCR demonstrating the actions taken.

Action Item K: Redress and Assessment of the Twelve Cases Reviewed by OCR

By January 15, 2017, the College will take the following actions for the twelve complaint files OCR reviewed from academic years 2011-2012 and 2012-2013.¹

Case 1 (Oct. 23, II): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College not offering counseling or other interim measures when she filed her complaint with the College or from any hostile environment that was created by the respondent; take steps to address any of these effects; contact the

¹ The College twice provided case files to OCR in 2013, once on October 2, 2013 and once on October 23, 2013. The College used the sequence of roman numerals to identify the files in both submissions, and the files were not submitted in chronological order. In addition, the October 23, 2013 submission included a 2009 file outside of the time period being reviewed by OCR, and thus not assessed or considered for redress by OCR (labeled "V"), and two related but separate files under one number (both labeled "I"). OCR put the files in chronological order and applied case numbers from 1 to 12. The College's date of submission and numbering are indicated parenthetically after each referenced case number.

Hospital involved to obtain information about the results of any investigation it conducted regarding the complainant's complaint; and, notify the complainant of the steps the College took and the investigation results it obtained, if any.

Case 2 (Oct. 23, I): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College not offering counseling or other interim measures when she filed her complaint with the College; take steps to address any of these effects; notify the complainant of the steps the College took, if any; and, notify both parties of the outcome of the investigation the College previously conducted.

Case 3 (Oct. 23, I): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College not offering counseling, immediately separating the complainant from the respondent, or providing other interim measures when she filed her complaint with the College or from any hostile environment that was created by the respondent; take steps to address any of these effects; notify the complainant of the steps the College took, if any; and, notify both parties of the outcome of the investigation the College previously conducted.

Case 4 (Oct. 2, I): Contact the complainant and respondent to explain that the College is taking action pursuant to this resolution agreement and of the outcome of the College's previous investigation.

Case 5 (Oct. 23, IV): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College not offering counseling or other interim measures when she filed her complaint with the College or from any hostile environment that was created by the respondent; take steps to address any of these effects; contact the Senior Center involved to obtain information about the results of any investigation it conducted regarding the complainant's complaint; and, notify the complainant of the steps the College took and the investigation results it obtained, if any.

Case 6 (Oct. 23, III): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College not offering counseling or other interim measures when she filed her complaint with the College or from any hostile environment that was created by the respondent; take steps to address any of these effects; complete an investigative report, based on the evidence already collected and any additional evidence the College may find necessary to collect; notify the complainant of the steps the College took, if any; and, notify both parties of the outcome of the investigation the College conducted.

Case 7 (Oct 2, VI): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College removing the complainant from her

dormitory, suspending the investigation for eight weeks to allow local law enforcement to gather evidence, or not providing other interim measures when she filed her complaint with the College; take steps to address any of these effects; notify the complainant of the steps the College took, if any; and, notify both parties of the outcome of the investigation the College previously conducted.

Case 8 (Oct. 2, V): Contact the complainant and respondent to explain that the College is taking action pursuant to this resolution agreement and of the outcome of the College's previous investigation.

Case 9 (Oct. 2, II): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College not offering interim measures other than counseling (such as removing the respondent from the dormitory they shared) when she filed her complaint with the College or from any hostile environment that was created by the respondent; take steps to address any of these effects; notify the complainant of the steps the College took, if any; and, notify both parties of the outcome of the investigation the College previously conducted.

Case 10 (Oct. 2, III): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College not offering counseling or other interim measures when she filed her complaint with the College or from any hostile environment that was created by the respondent; take steps to address any of these effects; conduct a disciplinary hearing for the respondent if he is still enrolled, and, if warranted, impose discipline upon the respondent at this point in time; notify the complainant of the steps the College took, if any; and, notify both parties of the outcome of the investigation the College conducted.

Case 11 (Oct. 2, IV): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of the College not conducting a prompt investigation and not offering counseling or other interim measures except banning the respondent from campus when she filed her complaint with the College; take steps to address any of these effects; complete an investigative report, based on the evidence already collected and any additional evidence the College may find necessary to collect; notify the complainant of the steps the College took, if any; and, notify both parties of the outcome of the investigation the College conducted.

Case 12 (Oct. 23, VI): Contact the complainant to explain that the College is taking action pursuant to this resolution agreement, and inquire as to whether the complainant suffered any effects as a consequence of any hostile environment that was created by the respondent; take steps to address any of these effects; complete an investigative report, based on the evidence already collected and any additional evidence the College may find necessary to collect; notify the complainant of the steps the College took, if any; and, notify both parties of the outcome of the investigation the College conducted.

Reporting Requirement: By February 15, 2017, the College will provide to OCR copies of investigative reports, if any, provided by the Hospital for Case 1 and the Senior Center for Case 5; copies of the College's newly completed investigative reports for Cases 6, 11 & 12; a description of or documentation demonstrating the College's contacts with the complainants inquiring as to whether the complainants suffered any un-remediated effects; the complainants' responses, if applicable; and how the College plans to address those un-remediated effects, if applicable; and, where applicable, copies of the letters sent to both parties notifying them of the outcome of the College's previous investigation or newly completed investigation. OCR will review the documentation the College provides and respond as to the sufficiency of the actions taken.

Action Item L: Complaint Reviews

By March 15, 2017, the College will review the sexual harassment and sexual assault/violence complaints that OCR did not review as part of its investigation, to wit: all complaints filed and reports made of sexual harassment and sexual assault/violence during academic years 2013-2014, 2014-2015, and 2015-2016. The College will review these files to determine whether the College investigated each complaint or report promptly and equitably, including but not limited to, specifically determining whether the College used the appropriate definitions and analyses of sexual harassment and hostile environment under Title IX; used the preponderance of the evidence standard in investigating; provided interim measures to protect the complainant during the pendency of the investigation; provided equitable notice of the outcome (including any appeal) and appeal rights to the complainant and the accused; and took steps to prevent the recurrence of harassment and to address any hostile environment created by any harassment. The College will take appropriate action to address any problems identified regarding the manner in which these complaints were handled, including providing appropriate remedies that may still be available for the complainants, such as counseling or academic adjustments.

Reporting Requirements:

- a) By February 28, 2017, the College will provide to OCR, for review and approval, the results of its review conducted and other actions taken pursuant to Action Item L, specifically identifying any complaints or reports that were not handled promptly and equitably, all supporting materials relating to the College's review, and the College's planned action(s) to address any problems identified in the review.
- b) Within 30 days of OCR's approval, the College will provide documentation to OCR that the College has taken appropriate action to address any problems identified in its review.

Action Item M: New Complaints

By June 1, 2017, and by the same date in 2018, 2019, and 2020, the College will submit to OCR complete copies of its files for that academic year documenting the College's responses to complaints of sexual harassment, including sexual assault/violence. Along with such files, the College will submit a tracking report that includes, at a minimum: the names of complainants and respondents; the conduct alleged; information about the individual(s) who received and processed the initial complaints; the status of the file at the time of submission to OCR, e.g., the investigation is ongoing, the investigation is suspended due to a request from law enforcement, or the College is assessing discipline to be imposed; the outcome of all completed investigations; and the outcome of any disciplinary matters related to the investigations. If the College submits any files before they are complete, the College will flag those files as incomplete and will re-submit those files after they are completed. By May 1, 2018, and by the same date in 2019 and 2020, the College may petition OCR to modify submissions for Action Item M for academic years 2017-2018, 2018-2019 and 2019-2020, respectively, if OCR has not identified any compliance issues with the previous year's reporting submission.

Reporting Requirement: By June 1, 2017, and by the same date in 2018, 2019, and 2020 the College will provide files and a tracking report to OCR of the information pursuant to Action Item M, unless this reporting requirement is modified consistent with Action Item M.

Monitoring: General Principles

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 IX, at 34 C.F.R. §§ 106.8, 106.9, and 106.31, which were at issue in this case. The College also 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 IX, at 34 C.F.R. §§ 106.8, 106.9, and 106.31. In addition, the College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including to enforce this agreement, OCR shall give the College 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 President or her designee below.

10/27/16
Date

/s/
Jennifer J. Raab, President
Hunter College of the City University of New York

Date

Frederick P. Schaffer, General Counsel and Senior
Vice Chancellor for Legal Affairs
The City University of New York

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