

## **RESOLUTION AGREEMENT**

**The City University of New York (“CUNY” or “the University”)**

**Case Numbers 02-22-2034 and 02-24-2364 (CUNY - Hunter College),  
02-20-2335, 02-21-2010, and 02-24-2377 (CUNY - Law School),  
02-21-2082 (CUNY - Brooklyn College), 02-24-2365 (CUNY - Queens College),  
02-22-2094 (CUNY - Baruch College) (collectively referred to as the “Captioned Colleges”),  
and 02-22-2249 (CUNY - Central Office)**

The City University of New York (“the University”) executes this resolution agreement (“the Agreement”) to resolve the compliance concerns the United States Department of Education, Office for Civil Rights (“OCR”) identified for the above-referenced complaints of discrimination based on national origin, including shared Jewish, Israeli, Palestinian, Arab, Muslim, and/or South Asian ancestry and/or the association with these national origins/ancestries under Title VI of the Civil Rights Act of 1964 (“Title VI”).

The University assures OCR that the Captioned Colleges and all of the University’s other constituent colleges and schools will take the following actions set forth in the Agreement to resolve the compliance concerns OCR has identified under Title VI, as amended, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations at 34 C.F.R. Part 100. The University avers that it has been and remains committed to providing a safe educational environment free from all forms of discrimination, including based on shared Jewish, Israeli, Palestinian, Arab, Muslim and/or South Asian ancestry and/or the association with these national origins/ancestries. Moreover, the University and its constituent schools and colleges have already undertaken some of the requirements set forth in this Agreement.

The University asserts that it will submit its final monitoring report by the beginning of the fall 2025 semester. OCR will close the monitoring of this Agreement once it has confirmed that the University has demonstrated compliance with the terms and conditions of this Agreement.

### **Action Item 1: Nondiscrimination Policies and Procedures**

- A. The University agrees to provide for OCR’s review and approval any proposed revisions to the University’s policies, procedures, and guidelines that would affect the provisions and enforcement of Title VI. “Approval” as such term is used throughout this Agreement shall mean that OCR will review and ensure compliance of those specific provisions, policies, procedures, and/or guidelines with Title VI. OCR’s approval of University policies, procedures, and/or guidelines promulgated by the University is not intended to supplant the governance obligations of the University’s Board of Trustees. The University informed OCR of two independent third-party reviews currently being conducted of the nondiscrimination and antisemitism policies and procedures of the University, including at CUNY - Hunter College (Hunter), one by a retired chief judge of the New York State Court of Appeals at the direction and request of New York State Governor Kathy Hochul, and the other by an advocacy group focused on combating antisemitism. The University anticipates that both reviews will issue reports that may recommend revisions to the University’s policies and procedures and the judge’s report will be issued on or about

June 30, 2024. The University agrees to provide OCR with a copy of the judge's report and (to the extent possible) the report from the advocacy group, including any recommended revisions to the University's nondiscrimination and antisemitism policies and procedures for its 25 constituent colleges and schools for OCR's review and recommendations.

## **B. Reporting Requirements**

1. Within 15 days of receiving the judge's report or the advocacy group's report (to the extent reasonably possible), the University will provide OCR with a copy of the report(s).
2. The University hereby acknowledges that following receipt of the judge's report and/or the advocacy group's report (together "the Antisemitism Review Reports"), the University will need to engage University stakeholders to determine the necessary and appropriate actions that may be required to be responsive to such Antisemitism Review Reports. Therefore, in light of the University's governance schedule, the University shall provide OCR with a description of any actions that the University proposes to take in response to such reports, including, if appropriate, any proposed revisions to the University's nondiscrimination and antisemitism policies and procedures for OCR's review and approval no later than October 31, 2024. The University will respond to any feedback from OCR within 30 days, including any suggested revisions to these policies or procedures.
3. For the duration of this Agreement, the University agrees to provide for OCR's review and approval any proposed revisions to its nondiscrimination policies and procedures that affect the enforcement of Title VI at least 60 days before the University seeks to make such revisions. The University will respond to any feedback from OCR about those proposed revisions within 30 days and secure OCR's approval before adopting them.

## **Action Item 2: New Hire Investigator Training and Annual Orientation and Refresher for Office of Diversity and Compliance Employees**

- A. While the University anticipates the Antisemitism Review Reports will recommend training protocols for individuals responsible for investigating discrimination and harassment claims relating to antisemitism, the University cannot, at this time, anticipate a date when such trainings will be implemented. Notwithstanding the foregoing, the University will provide new hire training and an annual orientation and refresher to its Campus Chief Diversity Officers and individuals within a campus' Office of Diversity and Compliance, who are responsible for investigating complaints and other reports of discrimination, including harassment, based on shared ancestry or ethnic characteristics, including shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry, or association with these national origins/ancestries, to ensure a thorough and impartial investigation of alleged violations of the University's nondiscrimination policies, including that the investigators know how to identify relevant witnesses to interview and how to conduct interviews about such harassment and whether it created a hostile educational environment. The training and annual orientation and refresher will address, at a minimum:

1. the University's obligations under Title VI to respond to alleged discrimination, including harassment, based on national origin, including shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry or association with these national origins/ancestries;
2. a review of the University's policies and procedures that focus on the investigation of complaints of discrimination, including harassment, based on national origin, including shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry or association with these national origins/ancestries, including instructions on how to conduct and document thorough and impartial investigations of alleged discrimination, including harassment, based on national origin, including shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry or association with these national origins/ancestries;
3. a statement that an individual who has reported alleged discrimination, including harassment, must be notified of the steps that the University and/or the individual constituent college or school is taking in response to the reported incident(s), and guidance to employees on how and when to provide this notification;
4. a description of the steps the University and/or the individual constituent college or school will take in response to the alleged discrimination, including harassment, such as the offer of support for students who are subjected to harassment and the alleged harasser, where appropriate, and remedial measures to ensure that any hostile environment created by the harassment is eliminated; and
5. how to identify possible indications that a complainant or other witness may be experiencing retaliation and how to respond.

**B. Reporting Requirements:**

Prior to the beginning of the fall 2024 and fall 2025 academic semesters, the University will provide documentation to OCR about any planned new hire trainings or protocols for the University and/or each individual constituent college or school. In accordance with Action Item 2, the University and/or each individual constituent college or school will provide the dates for when the new trainings and orientations/refreshers will begin. In addition, the University and/or each individual constituent college or school will provide the name(s) and credentials of the trainer(s); copies of any training materials distributed; the agenda and/or a short summary of the material covered; and a list of attendees, by name and job title.

**Action Item 3: Campus Peace Officer Training**

- A. Prior to the beginning of the fall 2024 and fall 2025 academic semesters, the University will provide annual training for Campus Peace Officers who perform regulatory and enforcement duties that support campus public safety and security, on how to engage effectively with the University's students in a manner consistent with the requirements of Title VI addressed in this Agreement; and how to ensure accurate collection and reporting of data or information, including complaints, regarding public safety officer-student interactions.

The training will address, at a minimum, the University's obligations under Title VI regarding alleged discrimination, including harassment, based on national origin, including shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry or association with these national origins/ancestries. CUNY training to Campus Peace Officers will address how to interact effectively with the campus community with a focus on cultural diversity, bias-related incidents, and a primer on constitutional rights consistent with Campus Peace Officers' training in the police academy.

**B. Reporting Requirements:**

Prior to the beginning of the fall 2024 and fall 2025 academic semesters, the University will provide documentation to OCR regarding the scheduled Campus Peace Officer trainings or protocols for the University and/or each individual constituent college or school. In accordance with Action Item 3, the University and/or each individual constituent college or school will provide the dates for when the Campus Peace Officer trainings will begin. In addition, the University and/or each individual constituent college or school will provide the name(s) and credentials of the trainer(s); copies of any training materials distributed; the agenda and/or a short summary of the material covered; and a list of attendees, by name and title.

**Action Item 4: Audit for Academic Years 2023-2024 (July 1, 2023 – June 30, 2024) and 2024-2025 (July 1, 2024 – June 30, 2025) for the Captioned Colleges and CUNY – Central Office**

- A. By December 31, 2024, and July 31, 2025, CUNY - Central Office will provide to OCR an electronic sortable spreadsheet or other file of CUNY - Central Office's and/or each Captioned College's responses to all complaints and reports alleging discrimination, including harassment, on the basis of national origin, including shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry, or association with these national origins/ancestries, during the preceding academic year. At a minimum, the spreadsheet will include, to the extent such information is known and available, separate fields for:
  1. the date(s) of receipt of the written complaint or oral report;
  2. the individual (by name or unique identifier) who provided notice to CUNY - Central Office and/or the Captioned College ("the reporter");
  3. the status of the reporter (e.g., professor, student, friend);
  4. the individual (by name or unique identifier) who was allegedly discriminated against/harassed ("the complainant");
  5. the status of the complainant (e.g., student, professor, parent, advocate);
  6. the individual(s) (by name or unique identifier) who engaged in discrimination/harassment ("the respondent(s)");
  7. the status of the respondent (e.g., student, professor, staff member), including if applicable, the respondent's job title (if an employee);
  8. the nature of the alleged harassment (e.g., verbal harassment by students using antisemitic slurs);
  9. the date(s) of the alleged harassment;

10. the location(s) of the alleged harassment (e.g., school name, in a particular class, in the library);
11. any witnesses (by name or unique identifier);
12. the name(s) and job title(s) of the individual(s) who received and processed the complaint or oral report;
13. the date the investigation commenced;
14. any supportive measures offered to the complainant, respondent, and/or other person;
15. the status of the investigation of the complaint or oral report (e.g., completed, ongoing);
16. the outcome of all completed investigations (*i.e.*, the determination regarding whether or not discrimination, including harassment, on the basis of national origin, including shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry, or association with these national origins/ancestries, took place; and if so, whether the harassment created a hostile environment);
17. a description of the disciplinary sanctions imposed, if any, and date imposed;
18. a description of the remedial measures taken, including the remedies offered and provided to the complainant and/or other individual(s);
19. a description of any steps the University, CUNY - Central Office, and/or the Captioned College took to eliminate and/or prevent the recurrence of a hostile environment created by the incident;
20. the date(s) the University, CUNY - Central Office, and/or the Captioned College provided written notice of the outcome of the investigation to the parties;
21. the date of any appeal; and
22. the outcome of any appeal.

B. Upon request, CUNY - Central Office will provide to OCR within 30 calendar days a copy of the complete investigative file(s), including all records of the CUNY - Central Office and the applicable Captioned College (e.g., the complaint/report, investigative records, determination records, student disciplinary records, employee disciplinary records, and human resources/personnel files). CUNY - Central Office will produce to OCR electronically the complete investigative files in a mutually agreed format and will separately organize the files for each investigation, including organizing and labeling all documents for each investigation as individual files.

C. **Reporting Requirement:** The University, CUNY - Central Office, and/or the Captioned College will promptly address any OCR feedback until OCR notifies CUNY - Central Office that no further reporting is required for Action Item 4.

#### **Action Item 5: Climate Assessment and Analysis**

- A. The University will ensure that each of its 25 constituent colleges and schools administers at least one climate survey to students that meets the terms of Items 5.C-E below by the earliest possible date but no later than December 31, 2024.
- B. Hunter informed OCR that it is participating in Hillel International's Campus Climate Initiative (the "Hillel Initiative") to ensure that Hunter provides a welcoming

environment for its Jewish community. As part of the Hillel Initiative, Hunter plans to distribute climate surveys to its Jewish students, who self-identify as such, by May 2024, and to use the survey results to recommend improvements or change in campus policies and/or procedures.

- C. By no later than November 15, 2024, CUNY - Central Office will develop a climate survey for distribution to students at each of its 25 constituent colleges and schools to evaluate the climate at each college/school and the University more broadly with respect to national origin/shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry or association with these national origins/ancestries, and the extent to which students are subjected to or witness discrimination, including harassment, based on race, color, and/or national origin, including shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry or association with these national origins/ancestries. The University will ensure that any survey used will contain questions about the student's knowledge of discrimination based on shared ancestry (Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian or association with these national origins/ancestries), any experiences with such discrimination while attending the college/school, and the student's awareness of the University's and/or the college's/school's complaint procedures for reporting such discrimination. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law. The climate survey may be accomplished through a written or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss the survey in person.
- D. By November 15, 2024, CUNY - Central Office will share with OCR for its review and approval, a description of the tools to be used for conducting the climate survey. The description of the survey tools will include the University's and/or the college's/school's strategy for implementing the climate survey and analyzing the results. The University and the college/school will use the information gathered during the climate survey(s) to inform future proactive steps the University and/or the college/school takes to provide an environment that is safe and supportive to all students and in compliance with Title VI. Finally, part of the University and/or the college's/school's ongoing climate survey will include informing students about to whom they can report concerns of discrimination on the bases of race, color, and/or national origin (including discrimination on the basis of shared ancestry (Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian, or association with these national origins/ancestries)).
- E. The University and the college/school will analyze the results of the climate survey(s) within 60 days of its completion to identify appropriate action(s) that the University and the College/school will take to improve the climate at the college/school and the University more broadly. CUNY - Central Office will provide to OCR a report summarizing the results of the survey(s) for each college/school; and, for OCR's review and approval, a description of further action(s), if any, that the University and/or the college/school proposes to take in response to the survey results. Within 60 days of OCR's approval of the University and/or the college's/school's proposed action(s),

CUNY - Central Office will provide documentation sufficient to show its implementation of those actions, including a description of the actions and how they were implemented.

**F. Reporting Requirements:**

**Administration of Climate Survey**

1. By November 15, 2024, CUNY - Central Office will provide to OCR for review and approval, a copy of the proposed climate survey to be administered across each college/school, along with the description of how CUNY - Central Office and/or the college/school plans to administer the climate survey at the College.
2. Within 30 days of OCR's approval of the climate survey, CUNY - Central Office and/or the college/school will administer the climate survey by the earliest possible date but no later than December 31, 2024.

**Results of Climate Survey**

3. Within 60 days of the completion of the analysis of the climate survey results, CUNY - Central Office will provide a report to OCR (the Report) that includes, at a minimum:
  - a. documentation demonstrating that the approved survey was conducted as planned;
  - b. the analysis of the survey responses and any recommended steps that the University and/or the college/school could take to improve the climate at each college/school and across the University's colleges/schools;
  - c. conclusions about the climate at each college/school and the University more broadly, separately addressing the climate for students of shared Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian ancestry, or students associated with these national origins/ancestries, among other student groups at the college/school; and
  - d. for OCR's review and approval, the University's and/or each college's/school's recommended reforms, if any, to its policies, practices, employee training, and education programs regarding harassment based on national origin, including shared ancestry.

**Action Item 6: Commitments to Address Discrimination, Including Harassment**

- A. Within 30 days of the signing of the Agreement, the University Chancellor will issue a statement to all University students and employees. This statement, and all of the University's annual nondiscrimination notices, will state that the University does not tolerate acts of discrimination, including harassment, on the basis of national origin, including shared ancestry and ethnic characteristics (including shared Jewish, Israeli, Palestinian, Arab, Muslim and/or South Asian ancestry and/or the association with these national origins/ancestries), and that the University will take all necessary actions promptly and effectively to address such discrimination and remedy its effects as appropriate. The statement and annual notices will encourage any student or employee who believes they have been subjected to, or have information about, such discrimination to report it to the University with instructions regarding how to do so.

**B. Reporting Requirements:** Within 30 days of the issuance of the Chancellor's statement, and within 30 days of the issuance of the annual nondiscrimination notice for the 2024-2025 academic year, the University will provide documentation to OCR demonstrating that the statement or notice referenced in Action Item 6, as applicable, was issued and disseminated to the University's students and employees.

#### **Action Item 7: Individual Remedies**

##### **A. Case Number 02-22-2034, CUNY - Hunter College (Hunter)**

1. **Supplemental Investigation:** By June 14, 2024, Hunter will reopen its investigation of the incidents that occurred during the two Zoom class sessions held on [redacted content] 2021, in the course titled, [redacted content] (the "Zoom Incidents"), to interview Student A and Student B (previously identified as [redacted content] respectively) and other students who were in the [redacted content] sessions who respond to Hunter's written notice (described below) and are willing to be interviewed about what transpired in those sessions. On or before June 28, 2024, Hunter will use best efforts to send all the students who were in the two sessions a written notice inviting them to share, on or before July 1, 2024, their recollections of the sessions with Hunter in an interview or otherwise (e.g., submit a written statement or evidence from the class) as part of Hunter's investigation of whether there was harassment based on national origin (shared Jewish ancestry) in the sessions that created a hostile educational environment for students of Jewish ancestry. Hunter will send written notices to each of the students who participated in the above-referenced sessions. Hunter will use the last known address or e-mail on file at Hunter.
2. Hunter's investigation will involve, at a minimum, the following: (a) a detailed review of all information previously provided to Hunter staff; (b) the completion of interviews (to the extent reasonably possible) with those students who made specific complaints to Hunter about the Zoom Incidents, including Student A and Student B, or expressed concern about the Zoom class in the group chat during the [redacted content] session, to the extent those students are willing to be interviewed; (c) interview all other students (to the extent reasonably possible) who were in the two sessions who are willing to be interviewed about what transpired during such sessions; and (d) review all information provided in response to Hunter's written notice relevant to these Zoom sessions. Based on the evidence obtained in the re-investigation, Hunter will issue a report of its factual findings and a legal determination of whether the evidence supports a finding of antisemitic harassment that was sufficiently severe or pervasive that it limited or denied one or more student's ability to participate in or benefit from the class and thereby created a hostile environment based on national origin/shared Jewish ancestry. If Hunter's re-investigation finds that a hostile environment existed or persists, Hunter will take prompt and effective steps reasonably calculated to stop any harassment, prevent its recurrence, eliminate any hostile environment, and as appropriate, remedy its effects, including offering any individual remedies to students and providing training to Hunter employees/representatives involved, if needed.

3. Following Hunter's consideration and, as appropriate, implementation of OCR's feedback regarding the report documenting the re-investigation, Hunter will communicate the outcome of the investigation in writing (to the extent reasonably possible, using best efforts) to Student A and Student B, and all students and faculty who attended the two Zoom sessions. Hunter will send the written notice to the last known address or e-mail on file with Hunter. Hunter's written notification of the outcome of the investigation will contain: (a) an accounting of all evidence reviewed or examined; (b) an analysis and determination of whether the preponderance of the evidence examined supports a finding of harassment based on national origin/shared Jewish ancestry that created a hostile environment; and (c) if a finding of harassment based on national origin/shared Jewish ancestry that created a hostile environment is made, a statement of any remedial action to be taken by Hunter, including ensuring that it takes prompt and effective actions reasonably calculated to end the harassment, prevent its recurrence, eliminate the hostile environment, and as appropriate, remedy its effects, including providing training to Hunter employees/representatives involved, if needed, and as appropriate, notice to an individual student of any individual remedies offered to that student to remedy the effects on that student.

4. **Reporting Requirements:**

- a. By August 1, 2024, Hunter will submit to OCR the report of its investigation. The report will include, at a minimum: (a) a description of the evidence collected and witness statements obtained; (b) factual findings and legal determinations; (c) any proposed corrective or remedial actions deemed necessary (including remedies for specific students); and (d) a proposed timeline for implementation of the actions, if necessary. Hunter will also identify, by name and job title, the individuals involved in conducting the investigation and making any determinations. If OCR has any concerns about the adequacy of Hunter's investigation or any proposed remedial or corrective actions, OCR will communicate those concerns to Hunter in writing.
- b. Within 30 days of receiving notice of any such concerns from OCR, Hunter will respond to address OCR's concerns. If OCR has no concerns or no further concerns, Hunter will provide documentation to OCR demonstrating that it communicated the results to Student A, Student B, and all students and faculty in attendance (to the extent reasonably possible) at the two Zoom sessions and documentation to OCR demonstrating implementation of any remedial or corrective action determined as a result of the investigation.

- B. Case Number 02-20-2335, CUNY - Law School (the Law School)**

1. **Supplemental Investigation:** By July 1, 2024, the Law School will invite the Complainant (Student C), in writing, to provide information for an investigation of a possible hostile environment at the Law School during academic year [redacted content]. If Student C responds and provides information relating to a potential hostile environment, the Law School will conduct an investigation, to involve, at a minimum, (a) a detailed review of all information previously provided to Law School

staff; (b) the completion of interviews (to the extent reasonably possible) with those students who made specific complaints to the Law School about a hostile environment during academic year [redacted content]; and (c) an interview with Student C. Based on the evidence obtained in the investigation, the Law School will issue a report of its factual findings and a legal determination of whether the evidence supports a finding of antisemitic harassment that was sufficiently severe or pervasive that it limited or denied with one or more students' ability to participate in or benefit from the Law School's programs and activities during academic year [redacted content] and thereby created a hostile environment based on national origin/shared Jewish ancestry. If the Law School's investigation finds that a hostile environment existed or persists, the Law School will take prompt and effective actions reasonably calculated to stop any harassment, prevent its recurrence, eliminate the hostile environment, and as appropriate, remedy its effects, including offering any individual remedies to students and providing training to Law School employees/representatives involved, if needed.

2. Following the Law School's consideration and, as appropriate, implementation of OCR's feedback regarding the report documenting the investigation, the Law School will communicate the outcome of the investigation in writing to Student C. The Law School's written notification of the outcome of the investigation will contain: (a) an accounting of all evidence reviewed or examined; (b) an analysis and determination of whether the preponderance of the evidence examined supports a finding of harassment based on national origin/shared Jewish ancestry that created a hostile environment; and (c) if a finding of harassment based on national origin/shared Jewish ancestry that created a hostile environment is made, a statement of any remedial action to be taken by the Law School, including ensuring that it takes prompt and effective actions reasonably calculated to end the harassment, prevent its recurrence, eliminate the hostile environment, and as appropriate, remedy its effects, including providing training to Law School employees/representatives involved, if needed and as appropriate, notice to an individual student of any individual remedies offered to that student to remedy the effects on that student.

**3. Reporting Requirements:**

- a. By August 1, 2024, the Law School will submit to OCR the report of its investigation. The report will include, at a minimum: (a) a description of the evidence collected and witness statements obtained; (b) factual findings and legal determinations; (c) any proposed corrective or remedial actions deemed necessary (including remedies for specific students); and (d) a proposed timeline for implementation of the actions, if necessary. The Law School will also identify, by name and title, the individuals involved in conducting the investigation and making any determinations. If OCR has any concerns about the adequacy of the Law School's investigation or any proposed remedial or corrective actions, OCR will communicate those concerns to the Law School in writing.
- b. Within 30 days of receiving notice of any such concerns from OCR, the Law School will respond to address OCR's concerns. If OCR has no concerns or no

further concerns, the Law School will provide to OCR documentation demonstrating that the Law School communicated the results to Student C and implemented any remedial or corrective action determined as a result of the investigation.

**C. Case Number 02-21-2010, CUNY - Law School (the Law School)**

1. Supplemental Investigation: By July 1, 2024, the Law School will conduct an investigation of a potential hostile environment at the Law School during academic year [redacted content], to involve, at a minimum, (a) a detailed review of all information previously provided to Law School staff; and (b) the completion of interviews (to the extent reasonably possible) with those students who made specific complaints to the Law School about a hostile environment during academic year [redacted content]. Based on the evidence obtained in the investigation, the Law School will issue a report of its factual findings and a legal determination of whether the evidence supports a finding of antisemitic harassment that was sufficiently severe or pervasive that it limited or denied one or more students' ability to participate in or benefit from the Law School's programs and activities during academic year [redacted content] and thereby created a hostile environment based on national origin/shared Jewish ancestry. If the Law School's investigation finds that a hostile environment existed or persists, the School will take prompt and effective actions reasonably calculated to stop any harassment, prevent its recurrence, eliminate the hostile environment, and as appropriate, remedy its effects, including offering any individual remedies to students and providing training to Law School employees/representatives involved, if needed.
2. **Reporting Requirements:**
  - a. By August 1, 2024, the Law School will submit to OCR the report of its investigation. The report will include, at a minimum: (a) a description of the evidence collected and witness statements obtained; (b) factual findings and legal determinations; (c) any proposed corrective or remedial actions deemed necessary (including remedies for specific students); and (d) a proposed timeline for implementation of the actions, if necessary. The Law School will also identify, by name and title, the individuals involved in conducting the investigation and making any determinations. If OCR has any concerns about the adequacy of the Law School's investigation or any proposed remedial or corrective actions, OCR will communicate those concerns to the School in writing.
  - b. Within 30 days of receiving notice of any such concerns from OCR, the Law School will respond to address OCR's concerns. If OCR has no concerns or no further concerns, the Law School will provide documentation to OCR demonstrating implementation of any remedial or corrective action determined as a result of the investigation.

**D. Case Number 02-21-2082, CUNY - Brooklyn College (Brooklyn)**

1. Investigation: By July 30, 2024, Brooklyn will investigate the incidents of possible harassment based on national origin, including shared Jewish ancestry, and other protected bases, including race, that occurred during the following incidents pertaining to (a) classes and presentations in Brooklyn's Graduate Program in Mental Health Counseling (MHC) in summer/fall 2020; and (b) communications in and around September and December 2020 involving MHC and reported concerns regarding student peer-to-peer harassment based on shared Jewish ancestry (collectively, "the Incidents").
2. On or before June 14, 2024, Brooklyn will use best efforts to send a written notice to the students who reported and/or complained about the Incidents (Students D, E, F, and G and any other students) inviting them to share, on or before June 28, 2024, their recollections of the Incidents with Brooklyn in an interview or otherwise (e.g., submit a written statement or evidence) as part of Brooklyn's investigation of whether there was harassment based on national origin (shared Jewish ancestry) in the events that created a hostile educational environment for students of Jewish ancestry. Brooklyn will send written notices to Students D, E, F, and G, and all students who were in the classes related to the Incidents. Brooklyn will use the last known address or e-mail on file at Brooklyn.
3. Brooklyn's investigation will involve, at a minimum, the following: (a) a detailed review of all information previously provided to Brooklyn staff; (b) the completion of interviews (to the extent reasonably possible) with those students who made specific complaints to Brooklyn about the Incidents; (c) interview all other students (to the extent reasonably possible) who participated in the Incidents who are willing to be interviewed about what transpired during each event; and (d) review all information provided in response to Brooklyn's written notice relevant to these Incidents. Based on the evidence obtained in the investigation, Brooklyn will issue a report of its factual findings and a legal determination of whether the evidence supports a finding of antisemitic harassment that was sufficiently severe or pervasive that it limited or denied one or more students' ability to participate in or benefit from Brooklyn's programs and activities during academic year 2020-20201 and thereby created a hostile environment based on national origin/shared Jewish ancestry. If Brooklyn's investigation finds that a hostile environment existed or persists, Brooklyn will take prompt and effective actions reasonably calculated to stop any harassment, prevent its recurrence, eliminate the hostile environment, and as appropriate, remedy its effects, including offering any individual remedies to students and providing training to Brooklyn employees/representatives involved, if needed.
4. Following Brooklyn's consideration and, as appropriate, implementation of OCR's feedback regarding the report documenting the investigation, Brooklyn will communicate the outcome of the investigation in writing (to the extent reasonably possible, using best efforts) to Students D, E, F, and G and all students and faculty who were involved in and/or in attendance during the Incidents. Brooklyn will send the written notice to the last known address or e-mail on file with Brooklyn.

Brooklyn's written notification of the outcome of the investigation will contain (a) an accounting of all evidence reviewed or examined; (b) an analysis and determination of whether the preponderance of the evidence examined supports a finding of harassment based on national origin/shared Jewish ancestry that created a hostile environment; and (c) if a finding of harassment based on national origin/shared Jewish ancestry that created a hostile environment is made, a statement of any remedial action to be taken by Brooklyn, including ensuring that it takes actions reasonably calculated to prevent recurrence of any harassment, and as appropriate, remedy its effects, including providing training to Brooklyn employees/representatives involved, if needed, and as appropriate, notice to an individual student of any individual remedies offered to that student to remedy the effects on that student.

**5. Reporting Requirements:**

- a. By August 1, 2024, Brooklyn will submit to OCR the report of its investigations. The report will include, at a minimum: (a) a description of the evidence collected and witness statements obtained; (b) factual findings and legal determinations; (c) any proposed corrective or remedial actions deemed necessary (including remedies for specific students); and (d) a proposed timeline for implementation of the actions, if necessary. Brooklyn will also identify, by name and job title, the individuals involved in conducting the investigation and making any determinations. If OCR has any concerns about the adequacy of Brooklyn's investigation or any proposed remedial or corrective actions, OCR will communicate those concerns to Brooklyn in writing.
- b. Within 30 days of receiving notice of any such concerns from OCR, Brooklyn will respond to address OCR's concerns. If OCR has no concerns or no further concerns, Brooklyn will provide documentation to OCR demonstrating that it communicated the results to Students D, E, F, and G and all students and faculty in attendance (to the extent reasonably possible) during the Incidents and documentation to OCR demonstrating implementation of any remedial or corrective action determined as a result of the investigation.

**OCR Monitoring**

By signing this Agreement, the University understands and agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the University understands that during the monitoring of the Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of the Agreement.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has demonstrated compliance with all the terms of this Agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this case.

The University understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (“DOJ”) for judicial proceedings in the event of breach 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 University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

In accordance with Section 110 (j) of OCR’s Case Processing Manual, similar matters may be closed or dismissed if OCR finds that this Agreement addresses same or similar allegations against CUNY and/or its constituent colleges.

This Agreement will become effective immediately upon the signature of the University’s authorized representative below.

The City University of New York

By:

June 10, 2024  
Date

/s/  
Authorized Representative