

Voluntary Resolution Agreement
Glenville State College
OCR Docket Number 03112033

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, Glenville State College (the College) voluntarily commits to implement the provisions set forth in this Resolution Agreement (Agreement).

The College agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will monitor the College's implementation of each item of this Agreement until such time as OCR has obtained sufficient evidence to demonstrate that the College is in compliance with the provisions of Title IX applicable to this complaint. In addition to the monitoring provisions set forth herein, during its monitoring of this agreement, OCR may visit the College, interview College staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has complied with the terms of this Agreement and with the provisions of Title IX that are applicable to this complaint. The aforementioned actions are being taken pursuant to OCR's statutory authority and are not intended to imply that the College is currently in noncompliance with Title IX. To the contrary, the College asked to voluntarily resolve this review prior to the completion of OCR's investigation and any compliance findings being reached under Title IX.

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.

ACTION STEPS

Investigation

1. By April 1, 2012, the College will reopen its investigation of the sexual assault, which allegedly occurred on its campus on XXXXXX, and ensure that the individual assigned to conduct the investigation of the complaint affords the Complainant the opportunity to present witnesses or other evidence, and to be interviewed. The investigator will send the Complainant a letter, via certified mail, informing the Complainant that she has twenty-one (21) calendar days to respond to the College's offer. By April 30, 2012, the College will interview the Complainant if the Complainant agrees to be interviewed, and attempt to interview any witnesses identified by the Complainant, as well as conduct any follow-up interviews or gather any additional evidence based on information obtained through the interviews with the Complainant and other witnesses. After the completion of the supplemental investigation, the College will make a determination of whether the allegation of sexual assault is substantiated. The College's investigation will be conducted pursuant to its revised sexual harassment grievance procedures.
2. By May 15, 2012, the College will provide the Complainant with a written summary of its findings and, as applicable, any corrective actions that will be taken in response to #1 above.

3. If the College determines that the allegation of sexual assault is substantiated, then by May 15, 2012, the College will take steps to remedy the effects of the sexual assault of the Student/Complainant and others, if appropriate. If the College determines that the allegation of sexual assault is substantiated, then by May 30, 2012, the College will issue to the Complainant, by certified mail, an offer of the steps it is prepared to take to fully and effectively address the effects of the sexual assault. At a minimum, the proposal will include:
 - a. a written offer to the Complainant of counseling services for the assessment and/or treatment of the lingering effects from the incidents of sexual assault. The College's letters will inform the Complainant that she has ten (10) calendar days from the date of the letter to accept the offer by providing written notice of her acceptance to the College.
 - b. a written offer to the Complainant to submit documentation of expenses and fees she incurred as a result of participating in counseling sessions to address the lingering effects she experienced from the sexual assault. The College will review the documentation, in light of the investigative findings, to determine whether reimbursement for any of these expenses would be appropriate.
 - c. a written offer to the Complainant to submit documentation of outstanding expenses she incurred during the 2010-2011 academic year related to tuition, room and board, books and any other costs associated with courses in which the Complainant was enrolled during the 2010-2011 academic year. The College will review the documentation, in light of the investigative findings, to determine whether reimbursement for any of these expenses or debt forgiveness would be appropriate. The College agrees to hold any outstanding bills in abeyance pending the outcome of the College's supplemental investigation of the sexual assault allegation.

By January 15, 2012, the College will take the following actions:

- d. it will immediately authorize the release of the Complainant's academic transcripts.
- e. it will send a written offer to the Complainant inviting her to reenroll at the College for the 2011-2012 academic year, and she will be permitted to reenroll at the College for the 2011-2012 academic year. The College agrees to waive any registration deadlines for the Complainant, and any late registration fees. Also, the College agrees that the Complainant will not be required to reapply for admission. If the Complainant received financial aid for the 2010-2011 academic year, the College agrees to prorate her tuition for the 2011-2012 academic year based on the amount that she received for financial aid during 2010-2011.

Title IX Grievance Procedures

4. By February 29, 2012, the College will submit to OCR for its review and approval draft Title IX grievance procedures to address complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b). The College will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:
 - a. notice to students and employees of the procedure, including how and where to file a complaint;
 - b. application of the procedure to complaints alleging sex discrimination (including sexual harassment, sexual assault and sexual violence) carried out by employees, other students, or third parties;
 - c. the name or title, office address, and telephone number of the individual with whom to file a complaint;
 - d. definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment, sexual assault, and sexual violence);
 - e. adequate, reliable, and impartial investigation, including the opportunity for both parties to present witnesses and other evidence;
 - f. designated and reasonably prompt timeframes for the major stages of the complaint process;
 - g. notice to the parties of the outcome of the complaint and the opportunity for the parties to appeal the findings;
 - h. an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker;
 - i. a provision indicating that the College will comply with law enforcement requests for cooperation and such cooperation may require the College to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence and that the College will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the College's investigation may be longer in certain instances;
 - j. the College will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and the avoidance of retaliation;
 - k. the College will ensure that the victims are aware of their Title IX rights and available resources, such as counseling, the local rape crisis center; and their right to file a complaint with a local law enforcement agency;
 - l. an assurance that the College will take steps to prevent the recurrence of any discrimination/harassment, with the range of possible disciplinary sanctions, and to correct its discriminatory effects on the complainant/victim(s) and others, if appropriate, with examples of the types of remedies available to the complainant/victim(s);
 - m. an assurance that the College will keep the complaint and investigation confidential to the extent possible; and
 - n. a statement that prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation and that does not include

language that a complainant may be subject to disciplinary action if the allegations are not substantiated.

Recognizing that Title IX does not require a separate sexual harassment complaint procedure, the College assures OCR that if it chooses to maintain a separate sexual harassment complaint procedure, it will comply with the requirements outlined above.

5. Within 90 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with action step #4 above are consistent with Title IX requirements, the College will adopt and implement the procedures and will provide all students, faculty, staff, and administrators with written notice regarding the revised 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, electronic mail messages to faculty, staff, administrators 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.

Notice of Nondiscrimination

6. By January 31, 2012, the College will submit to OCR for review its notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify students, faculty, staff, personnel, employees, and other relevant persons that it does not discriminate on the basis of sex in the education programs or activities that it operates and that it is required by Title IX not to discriminate in such a manner. Additionally, the notice will state that the requirement not to discriminate in the College's education programs and activities extends to employment with and admission to the College. The notice will also state that inquiries concerning the application of Title IX should be referred to the Title IX Coordinator, and it shall include the name or title, office address, and telephone number for the College's Title IX Coordinator. The College will publish this notice consistent with the requirements of Title IX at 34 C.F.R. § 106.9.
7. Within 45 calendar days of written notification from OCR that the College's notice of nondiscrimination complies with Title IX, the College will ensure that, to the extent required by Title IX at 34 C.F.R. § 106.9, each of its electronic and printed publications of general distribution that provide information to students, faculty, staff and personnel about College services and policies contain the notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

Title IX Coordinator

8. By January 31, 2012, the College will ensure that it has designated one or more employees to coordinate the College's efforts to comply with Title IX and will publish this individual's name or title, office address, and telephone number consistent with the requirements of Title IX at 34 C.F.R. § 106.8(a). If the College opts to designate more than one such coordinator, its publications will make clear the scope of each

coordinator's responsibilities (e.g., who will handle complaints by students, faculty, staff, and personnel), and will designate one coordinator, who will be titled "Title IX Coordinator" and who will have ultimate oversight responsibility over the other coordinators, whose titles will clearly indicate that they are in a deputy or supporting role to the Title IX Coordinator. Inserts may be used pending reprinting of the publications.

9. By January 31, 2012, the College will develop a job description and corresponding training requirements for its Title IX Coordinator and, as appropriate, any deputy coordinators. The job description and corresponding training will cover the investigation of Title IX complaints filed by students, staff, and faculty and the responsibility of the Title IX Coordinator to regularly develop and participate in activities designed to raise awareness within the College regarding sex discrimination (including sexual harassment, sexual assault, and sexual violence), the existence of OCR and its responsibility to enforce Title IX, and the College's policies and procedures regarding such matters. If the College opts to designate additional coordinators to assist the Title IX Coordinator, it will make clear the scope of each coordinator's duties and will ensure that the Title IX Coordinator has ultimate oversight responsibility over the other coordinators, which will be clearly stated in that coordinator's job description. The College will require the Title IX Coordinator and his/her designee to administer compliance with this agreement.

Training for Title IX Coordinator and College Personnel

10. By May 15, 2012, the College will schedule Title IX training for its Title IX Coordinator, any other coordinators, and any College personnel who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment, sexual assault, or sexual violence) or who will otherwise coordinate the College's compliance with Title IX. The training will include: the College's revised grievance procedures for Title IX complaints; instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX; sex discrimination, including sexual harassment/assault and violence; the College's responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature and to ensure that victims of sexual offenses that are criminal in nature are aware of the College's Title IX obligations and its Title IX grievance procedures; and instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation (which differ from a criminal investigation) as well as the College's responsibilities under Title IX and the Clery Act, 20 U.S.C. §1092(f), which differ. Finally, the training will provide information on the link between alcohol abuse and sexual harassment/sexual violence/sexual assault and best practices to address that link. The College may request OCR Philadelphia staff to assist in providing the training. The College will provide this training on an annual basis to ensure that its Title IX Coordinator and other College personnel who handle Title IX complaints receive adequate training every year.
11. By May 15, 2012, the College will schedule Title IX training for all College staff, including security and police personnel and residence hall staff who interact with students

on a regular basis. The training will provide attendees with essential guidance and instruction on preventing, recognizing and appropriately responding to allegations and complaints of sex discrimination, including the differences between sex discrimination, sexual harassment sexual assault, and sexual violence and an understanding of the College's responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature. In addition, the training will cover the College's revised grievance procedure for Title IX complaints. The College may request OCR Philadelphia staff to assist in providing the training.

12. By May 15, 2012, the College will develop an ongoing Title IX training program that it will provide to all College staff, faculty and personnel to recur on an annual basis, to ensure that they receive adequate training each year. The goal of the training will be to ensure that College administrators and staff are aware of any changes to the law, College policy, and College practices in this area.

Coordination with Local Law Enforcement

13. Upon receipt from OCR or by May 15, 2012, whichever is latest, the College will forward to the Glenville Police Department (GPD) the College's Memorandum of Understanding (MOU) with the GPD on law enforcement and investigative operations as it relates to the College's obligation to investigate Title IX complaints of sexual harassment, including sexual assault and sexual violence. The letter will memorialize OCR's consultation with the Gilmer County Prosecuting Attorney's Office regarding the following: (1) that in instances where conduct of a sexual nature is involved, the College only is required to suspend its fact-finding process under Title IX during a police department's initial evidence gathering process to determine if criminal charges will be prosecuted; (2) that upon notification from local law enforcement that it has completed its evidence gathering process, the College may resume its fact-finding portion of its Title IX investigation; and (3) that during the pendency of the initial evidence gathering by the police, the College is not precluded from providing witnesses with information about their Title IX rights or resources for victims or taking such interim actions as may be necessary to ensure the safety of any victims and the campus community. The College may choose to share OCR's letter with other local law enforcement agencies.

Student-Focused Remedies

14. Within 60 days of the College's implementation of the revised Title IX grievance procedures, the College will develop and submit to OCR for its review a pamphlet/material available to students on sexual harassment and sexual assault/violence, to be distributed to students during orientation and upon receipt of complaints of sexual harassment, including complaints of sexual assault and sexual violence. The pamphlet/material will define sex discrimination, sexual harassment, sexual assault, and sexual violence. It will contain information on what constitutes a sexual assault, what to do if you have been the victim of sexual assault, and contact information for on and off-campus resources for victims of sexual assault. In addition, the College will include information on how to file a complaint of sexual assault with the College, how to file a separate complaint of sexual harassment/discrimination with the College, the name and

contact information for the College's Title IX Coordinator(s) and a description of the Title IX Coordinator's role, information on how to obtain counseling and academic assistance in the event of a sexual assault, and information on what interim measures can be taken if the alleged perpetrator lives on campus and/or attends classes with the victim. The foregoing information also will be included in any other Title IX publication referenced in and covered during any Title IX training required by the Agreement.

15. Within 45 calendar days of receipt of written notification from OCR that the above-referenced pamphlet/material complies with Title IX, the pamphlet/material will be posted on the College's website, included in the College's student handbooks and staff handbooks, discussed at all future student orientations, and distributed at any sex discrimination awareness events held in accordance with item #12 above. The pamphlet/material or an abbreviated bulletin containing the key information in the pamphlet also will be widely posted throughout the campus buildings, in particular in residence halls, athletic facilities, student unions, and fraternity and sorority houses. In addition, the pamphlet/material will be distributed by the College's Office of Public Safety to each individual who makes a complaint of sexual assault. Inserts may be used in any printed items until they are republished.

16. By April 15, 2012, the College will create and charge a campus focus group consisting of representative leaders from the student community (e.g., women's groups, athletes, residential assistants, fraternity and sorority leaders, etc.) and College officials to identify strategies for ensuring that students understand their rights under Title IX, how to report possible violations of Title IX, feel comfortable that the College official to whom they make such reports will take them seriously and are aware of the College's obligation to promptly and equitably respond to Title IX complaints. The campus focus group will provide input to the Dean of the Office of Student Affairs regarding the strategies identified. Taking into consideration the campus focus group's input, the College will offer a series of informational session(s) that the College will provide to students to ensure that they are aware of the College's prohibition against sex discrimination and sexual harassment, including sexual assault and sexual violence; can recognize such sex discrimination and sexual harassment when they occur; and understand how and with whom to report any incidents of sex discrimination, including sexual harassment, sexual assault, and sexual violence. In addition, the sessions will cover the College's updated grievance procedures for Title IX complaints, as well as a general overview of what Title IX is, the rights it confers on students, the resources available to students who believe they have been victims of sexual harassment, sexual assault, and sexual violence, and the existence of OCR and its authority to enforce Title IX. These sessions will be provided as part of the annual student orientation for new and returning students and annual residence life orientation for students residing in campus housing. At least one required topic will specifically address the connection between alcohol abuse and sexual harassment and sexual assault/violence, and at least one of the topics shall inform students that they can speak with a College counselor if they are concerned about sexual harassment and sexual assault/violence.

17. By April 15, 2012, the College will develop and submit to OCR for its review procedures that designate an individual from the College's counseling center to be "on call" to assist victims of sexual assault and sexual violence. The procedures will require the Office of Public Safety to contact this individual in the event of a sexual assault or incident of sexual violence and will require this individual to come to the police station, identify himself or herself to the victim, and offer assistance. If the victim agrees to accept assistance, the procedures will require this individual to explain to the victim the various assistance options the College provides, such as counseling services and academic support, and to notify the victim of the College's Title IX obligations, whether or not the student opts to file a sexual harassment complaint pursuant to the College's Title IX grievance process. The procedures will also require this individual to make arrangements with the appropriate College offices so that the alleged perpetrator is immediately removed from the victim's classes and housing, as appropriate, and to otherwise arrange for appropriate interim measures while the victim's complaint is investigated.
18. Within 45 calendar days of receipt of written approval from OCR of the procedures listed in item #17 above, the College will adopt and publish those procedures on its website and in the sexual assault pamphlet referenced in item #14 above and will provide instruction to relevant staff in the College's counseling center and Office of Public Safety, as well as to the College's Title IX Coordinator(s), regarding how to effectively implement the procedures.
19. By May 15, 2012, the College will review its campus police records for the 2009-2010 and 2010-2011 school years, and for any complaint of sexual assault/sexual violence that was treated solely as a criminal matter and/or where the Title IX Coordinator was not involved, the College's Title IX Coordinator will review the matter to determine whether sexual harassment occurred in violation of Title IX and whether the remedies were effective in making the victim whole. If not, the College will promptly take measures, should the victim still be enrolled as a student, to ensure the sexual harassment was fully and effectively addressed.
20. By June 1, 2012, and at the end of every school year, the College, with the support and assistance of student group leaders on campus, will conduct a climate check or series of climate checks with students on campus to assess the effectiveness of steps taken pursuant to this agreement or otherwise by the College, to ensure a campus free of sexual harassment, in particular sexual assaults and sexual violence. This climate check 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 this issue in person. If this method is selected, the written survey must be provided to OCR for review and approval prior to its use. Information gathered during these climate checks will be used to inform future proactive steps taken by the College. OCR will provide assistance with the first climate survey.

Reporting Requirements

Investigation

1. By May 30, 2012, the College will provide OCR with documentation demonstrating the College's compliance with action steps #1 through #3a-c, including a copy of its letter to the Complainant offering her the opportunity to present witnesses or other evidence and to be interviewed. If the supplemental investigation is not completed by this reporting date, the College must indicate when it anticipates finishing the investigation. If the supplemental investigation has concluded by this reporting date, the College must provide its investigative report and a copy of its correspondence to the Complainant informing her of the investigation's outcome; corrective actions to be taken, if applicable; copies of the letters to the Complainant offering counseling services and the opportunity to submit documentation regarding reimbursement for counseling expenses services, if applicable, and copies of the Complainant's response.
2. By February 29, 2012, the College will provide OCR with documentation demonstrating the College's compliance with action steps #3d and e, including a copy of the letter sent to the Complainant inviting her to reenroll and notifying her that any outstanding bills are held in abeyance pending the outcome of the supplemental investigation and proof that her transcript has been released.

Title IX Grievance Procedures

3. By February 29, 2012, the College will submit to OCR for its review and comment its Title IX grievance procedures referenced in action step #4 above.
4. Within 90 calendar days after OCR's approval of the Title IX procedures referenced in action step #4 above, the College will provide OCR with documentation that it has implemented action step #5 above, including copies of the written notices issued to students and employees regarding the new Title IX procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised Title IX procedures are located.
5. By June 1, 2012, June 1, 2013, and June 1, 2014, the College will submit to OCR copies of all Title IX grievances filed under the new grievance procedure, by or on behalf of students, alleging sexual harassment, including allegations of sexual assault and sexual violence, during the 2011-2012, 2012-2013, and 2013-2014 school years, respectively. The College will provide OCR with documentation related to the investigation of each complaint, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records, and documentation regarding any appeals. If no Title IX grievances were filed during the year in question, the College will so notify OCR in writing.

Notice of Nondiscrimination/Title IX Coordinator

6. By January 31, 2012, the College will provide OCR with a copy of the College's notice of nondiscrimination referenced in action step #6.
7. Within 60 calendar days of OCR's approval of the College's notice of nondiscrimination, the College will provide OCR with documentation that it has implemented action step # 7 above, including copies of any printed publications, and web links to any electronic publications containing the notice.
8. By January 31, 2012, the College will provide OCR with name/title of the person designated as the Title IX Coordinator, including the address and contact information, job description and training program developed pursuant to action steps # 8 and #9 above.
9. By May 15, 2012, the College will provide OCR with documentation regarding any activities it has held to raise Title IX awareness at the College, as referenced in action step #9. This documentation will include a description of each activity, the names and titles of the individuals who organized the activity, information and documentation regarding who was invited to attend the activity, copies of any materials used to publicize the activity, copies of any materials distributed at the activity, and an estimated head count of the number of people in attendance.

Staff Training

10. By June 15, 2012, the College will have provided the training required by action steps #10 and 11, and the College will provide verification to OCR that the training sessions were conducted, including the sign in sheets for the training sessions and a copy of the training materials used. If any individuals covered by action steps #10 and #11 were unable to attend the training sessions, provide a list of the names and titles of those individuals and documents confirming that the training materials were disseminated to them.
11. By June 15, 2013, the College will submit to OCR documentation establishing that the College conducted the annual training sessions for school year 2012/2013 required by action steps #10 and #11.
12. By May 15, 2012, the College will submit to OCR for its review and approval its newly developed Title IX training program in accordance with action step #12.

Memorandum of Understanding (MOU) and Coordination With Local Law Enforcement

13. By May 15, 2012, the College will provide OCR with documentation that it forwarded to the Glenville State Police Department the model MOU provided by OCR regarding coordination with local law enforcement pursuant to action step #13 above.

Student-Focused Remedies

14. Within 60 days of the College's implementation of the revised Title IX grievance procedures, the College will provide OCR with documentation that it has implemented

item action step #14, including the following: a link to where the pamphlet/material is posted on the College's website, identification of the College offices that will be responsible for distributing the pamphlet/material upon receipt of a complaint of sexual harassment and/or sexual violence, documentation that this information has or will be discussed at future student orientations, copies of the College's student and staff handbooks (or inserts) where this information appears, and the name, title, and contact information for the individual(s) at the Office of Public Safety responsible for distributing the material/pamphlet to each individual who makes a complaint of sexual harassment, sexual assault or sexual violence. The College will also provide documentation regarding the name, title, and qualifications of the College staff member designated to assist victims of sexual assault/sexual violence, and documentation that it has provided training on procedures to relevant staff including the dates of the training, the names, titles and qualifications of the individuals who provided the training, a sign-in sheet showing the names and titles of the individuals who attended the training, and copies of any materials used or distributed during the training.

15. By May 15, 2012, the College will provide OCR with documentation that it has implemented action step # 16 above, including a list of names and titles of the members of the campus focus group, the dates of and copies of any minutes of campus focus group meetings, a copy of the campus focus group's recommended actions, and a detailed description of each informational session held by the College, the date(s) the sessions were held, the names, titles and qualifications of the individuals who led the informational sessions, and copies of any written materials distributed during the sessions.
16. By May 15, 2012, the College will provide OCR with documentation that it has implemented action step #17 above, including the name(s) of individuals from the College's counseling center designated to be "on call" to assist victims of sexual assault/sexual violence, and a copy of the procedures developed in accordance with action step #17, including a link to the website and copies of all written publications (or inserts pending republication) where these procedures appear.
17. By May 15, 2012, the College will provide documentation demonstrating implementation of action step # 19 above, including a detailed summary of the College's review with respect to all points covered by action step #19.
18. By June 30, 2012, 2013, 2014, the College will provide OCR with documentation demonstrating implementation of action step #20 above, including summaries of the information obtained and proposed actions based on that information.

OCR Docket Number 03112033 – Voluntary Resolution Agreement

/s/

President or President's Designee
Glenville State College

January 12, 2012

Date