

Resolution Agreement
OCR Complaint #03142241
Shepherd University

Shepherd University (the University) has agreed to resolve the allegations of discrimination on the bases of xxx and xxxxxxxx xxxxxx raised in complaint #03142241 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The University agrees to implement the following steps and to report the results of implementation to OCR. The Agreement does not constitute an admission of liability on the part of the University, nor does it constitute a determination by OCR of any violation of our regulations by the University.

1. The University recognizes its obligation under Title IX to ensure that no person, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated against in any program or activity. The University also recognizes its obligation under Title VI to ensure that no person, on the basis of race, color or national origin, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated against in any program or activity.
2. By October 15, 2014, the University will issue a statement to all students and staff that will be posted in prominent locations at the University, and published on the University's website, stating that the University does not tolerate acts of discrimination and harassment, including discrimination or harassment based on race, color, national origin or sex. The statement will encourage any student who believes he or she has been subjected to discrimination or harassment based on race, color, national origin or sex to report to the University the discrimination or harassment and note the University's commitment to conducting a prompt investigation. The statement will include the appropriate contact information for the designated staff members to whom students may report allegations of harassment and/or discrimination, as well as the name of an alternate staff member if the complaint is to be filed against the contact person. The statement will warn that students or staff found to have engaged in acts of discrimination or harassment based on race, color, national origin or sex will be promptly disciplined and make it clear that if circumstances warrant, such discipline may include suspension or expulsion for students and termination for employees. The statement will encourage students and staff to work together to prevent acts of harassment of any kind.

REPORTING REQUIREMENT: By October 30, 2014, the University will provide a copy of the statement required by Action Step #1, the URL for the location on the University's website where the statement is published, and a description of all places in which the statement is placed to OCR.

3. By October 30, 2014, the University will X—paragraph deleted—X.

REPORTING REQUIREMENT: By October 30, 2014, the University will provide a copy of the xxxxxxxxxxxxxx xxxxxx, as well as xxxxxx xx xxx xxxxxxxxxxxxxx xx xxx xxxxxxxx. If appropriate provide documentation of steps taken to xxx xxx xxxxxxxxxxxxxx xxx xxxxxxxx xxx xxxxxxxx.

4. By October 30, 2014, the University will identify proposed revisions, as necessary, to its policies and procedures for addressing complaints of discrimination and harassment on

the bases of sex, race, color, and national origin, to ensure they adequately address and provide the University with sufficient options for responding promptly and appropriately to incidents of discrimination and harassment. At a minimum, the revised nondiscrimination policies and procedures will include the following:

- a) Notice to students and employees of the procedure, including where complaints may be filed;
- b) Application of the procedure to complaints alleging harassment carried out by employees, other students, or third parties;
- c) Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
- d) Designated and reasonably prompt timeframes for the major stages of the complaint process;
- e) Notice to the parties of the outcome of the complaint; and
- f) An assurance that the University will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENT: By December 15, 2014, The University will submit to OCR for its review and approval, the revised discrimination and harassment policies and procedures.

5. Within 45 days of OCR's approval of the revised discrimination and harassment policies and procedures, the University will post the procedures on the University's website, and widely disseminate them on campus.

REPORTING REQUIREMENT: Within 45 days of OCR's approval of the revised policies and procedures, the University will the URL for the location on the University's website where the policies and procedures are published, and a description of all places where they are located on campus.

The University 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 University understands that during the monitoring of this 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 this Agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. §106.31(a) and (b) and 34 C.F.R. §106.8(b) and Title VI at 34 C.F.R. §100.3(a) and (b), which were at issue in this case.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. §106.31(a) and (b) and 34 C.F.R. §106.8(b) and Title VI at 34 C.F.R. §100.3(a) and (b), which were at issue in this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9 and 100.10) or judicial proceeding to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
President or Designee

____9/29/14_____
Date