

**Voluntary Resolution Agreement  
Virginia Polytechnic Institute and State University  
OCR Complaint Number 11-14-2219**

Virginia Polytechnic Institute and State University (the University) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-2219. This Agreement does not constitute an admission by the University of a violation of Title IX of the Education Amendments of 1972 (Title IX) or any other law enforced by OCR.

**I. Commitments**

**A. Title IX Grievance Policies and Procedures**

1. By January 30, 2015, the University will review its policies and procedures to determine how best to ensure that these procedures provide for prompt and equitable resolution of allegations of sex discrimination, including sexual harassment and gender-based harassment as required by Title IX. The University will revise these policies and procedures as necessary or develop a new policy and procedures applicable to allegations of student-to-student sexual harassment. The policy and its procedures will provide for the prompt and equitable response to, and resolution of, complaints alleging sexual harassment and will include:
  - an explanation of how to file a complaint pursuant to the procedure;
  - an explanation of the University's informal complaint procedure and that such procedure is optional;
  - the timeframes for the University to attempt to informally resolve a complaint;
  - definitions and examples of what types of actions may constitute sex discrimination, including sexual harassment;
  - provisions for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
  - a statement that the investigators, in consultation with the Title IX Coordinator or Deputy Title IX Coordinator, will make a finding as to whether the complaint should be referred to a hearing based on a thorough analysis of the information gathered and accompanied by a written explanation of the conclusion;

- a description of student conduct hearing procedures, or a cross-reference to the hearing procedures, for alleged violations involving employees and students, including any variations in procedures for the Corps of Cadets, and an explanation of hearing rights given to both parties;
  - a provision for the Student Conduct panel to make a finding as to whether sexual harassment occurred after analyzing all evidence and using the preponderance of the evidence standard;
  - timeframes for the major stages of the investigation;
  - an assurance that the University 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;
  - an assurance that the University will keep the complaint and investigation confidential to the extent possible;
  - written notification to the parties of the outcome of the complaint;
  - notice of the opportunity for the parties involved in student on student cases to appeal the findings;
  - an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker;
  - an assurance that the University will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions and the types of remedies available to address the discriminatory effects on victims and others; and
  - a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.
2. Within 5 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with item #1 above are consistent with Title IX requirements and, therefore, approved by OCR, the University will initiate the process to adopt and implement the policy and grievance procedures pursuant to university governance and will provide all students and employees with electronic or written notice regarding the new policy together with information on how to obtain a copy of the policy and its grievance procedures or other grievance procedures, including hearing procedures, referenced. The University, at a minimum, will make this

notification through the University's website, electronic mail messages to employees and students, as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENTS:**

- a. By January 30, 2015, the University will submit to OCR for its review and approval its Title IX grievance policy and procedures referenced in item A (1) above.
- b. Within 30 calendar days after OCR's approval of the Title IX policy and procedures referenced in item A (1) above, the University will provide OCR with documentation that it has initiated implementation of item A (2). Within 30 days of approval by the Board of Visitors of the policy changes, the University will submit to OCR copies of the written notices issued to students and employees regarding the new Title IX policy and grievance 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 policy and procedures are located.

**B. Title IX Training for University Personnel and Students**

1. By January 30, 2015, the University will provide Title IX training to all University staff who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment), or who will otherwise participate in the University's compliance with Title IX. This includes, among other staff, the University's Title IX Coordinator and Deputy Coordinators, and any person who serves as part of Student Conduct hearing panels. The training will cover the University's new policy and other linked/referenced grievance procedures, including hearing procedures, and will provide attendees with instruction on recognizing and appropriately addressing allegations and complaints pursuant to Title IX. The training will also cover sex discrimination (including sexual harassment), and the University's responsibilities under Title IX to address allegations of sexual harassment. Additionally, the training will include 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.
2. The University will schedule the Title IX training for all administrators, professors, instructors, residential assistants, coaches, campus law enforcement, and other staff who interact with students on a regular basis. The training will provide attendees with essential

guidance and instruction on recognizing and appropriately addressing allegations and complaints of sex discrimination, including the differences between sex discrimination and sexual harassment, and an understanding of the University's responsibilities under Title IX to address allegations of sexual harassment. In addition, the training will cover the University's new policy and grievance procedure for Title IX complaints.

3. The University will provide training to administrators, staff, and faculty regarding Title IX's prohibition against retaliation against individuals for complaining about possible discrimination. The training will include, but not be limited to, an explanation of the analysis used to determine whether retaliation has occurred and examples of possible retaliatory conduct. The training also will describe various ways individuals may raise concerns about discrimination, including filing a grievance under the University's grievance procedure, filing a complaint with OCR, or filing a complaint with the Virginia Department of Education.
4. The University will develop an ongoing Title IX training program to provide administrators, staff, faculty, and students with adequate training every two years, which program could consist of one or more in-depth training sessions plus a refresher. The goal of the training will be to provide University staff and faculty with information about any changes to the law, University policy, and University practices in this area.

#### REPORTING REQUIREMENTS:

- a. By November 30, 2014, the University will submit to OCR for its review and approval an outline of the content of each of the trainings and the name and credentials of the individual(s) who will provide the training.
- b. By January 30, 2015, the University will submit documentation that the trainings required by item B (1)-(3) were provided, including the agenda or outlines developed by the institution, and where applicable any PowerPoint slides created by the institution as well as verification to OCR that the training materials used during these training sessions were disseminated to any individuals covered by B (1)-(3) in attendance.
- c. By January 30, 2015, the University will submit to OCR its proposed Title IX training program consistent with B (4) above for feedback and comment.

**C. Student-Focused Remedies**

1. The University will provide OCR with documentation regarding any events it has held to raise Title IX awareness on campus. This documentation will include a description of each event, the names and titles of the individuals who organized the event, information and documentation regarding who was invited to attend the event, copies of any materials used to publicize the event, copies of any materials distributed at the event, and an estimated head count of the number of people in attendance. Information required under this section will be provided in an annual Title IX report to the University President and submitted to OCR for review September 30, for the academic periods 2015 and 2016.
2. By June 1, 2015, the University will develop material that it will make available to students on sexual harassment. The material will be distributed to students during orientation and upon receipt of complaints of sexual harassment. The material will contain information on what constitutes sexual harassment. In addition, the University will include information on how to file a complaint of sexual harassment with the University, including the name and contact information for the University's Title IX Coordinator(s) and a description of the Title IX Coordinator's role and information on what interim measures can be taken.
3. By May 1, 2015, the University will create a campus focus group consisting of representative leaders from the student community, general student community members and University officials. The University will charge the focus group with providing input regarding strategies for ensuring that students understand their rights under Title IX, understand how to report possible violations of Title IX, and are aware of the University's obligation to promptly and equitably respond to Title IX complaints. The campus focus group will provide input to the University regarding the strategies identified. Taking into consideration the campus focus group's input, the University will provide to students a series of informational sessions to ensure that they are aware of the Title IX's prohibition against sex discrimination and sexual harassment; 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). In addition, the sessions will cover the University's updated policy and 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, 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.

4. The University will promptly investigate all incidents of sexual harassment of students and will take appropriate action to respond to complaints. The University will take prompt and effective responsive action reasonably designed to end the hostile environment if one has been created, prevent its reoccurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected student(s).
5. By May 30, 2015, and again by May 30, 2016, the University will conduct a climate assessment with students on campus to assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the University, to ensure a campus free of sexual harassment. 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 University. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.
6. By September 30, 2015, in its annual report to the University President, the University will assess the effectiveness of its efforts to prevent and address sexual harassment and to promote a non-discriminatory climate. Such assessment will include:
  - a. a review of the climate surveys and any recommendations concerning how the University can prevent sexual harassment and better encourage reporting of and improve its response to complaints;
  - b. a review of all reports of sexual harassment, and the University's responses to such reports, including whether such reports were adequately, reliably, promptly and impartially investigated and resolved and any actions that the University took to remedy the hostile environment created by any sexual harassment that occurred, and prevent its recurrence;
  - c. evaluation of measures designed to prevent and/or address sexual harassment; and

- d. steps that the University will take to implement the recommendations made as a result of the assessment, including timeframes for their implementation.

#### REPORTING REQUIREMENTS:

- a. By September 30, 2015, the University will provide the documentation required by provision C (1) above. This information will be provided in an annual Title IX report to the University President and made available for OCR for the academic periods 2014-2015 and 2015-2016.
- b. By June 1, 2015, the University will submit to OCR for its review and approval the materials described in item C (2) above.
- c. Within 60 calendar days of OCR's approval of the material referenced in item C (2) above, the University will provide OCR with documentation that it has implemented item C (2) above, including a link to where the material is posted on the University's website, and the University offices that will be responsible for distributing the material upon receipt of a complaint of sexual harassment.
- d. The University will provide OCR with documentation that it has implemented item C (3) above. Information required under this section will be provided in an annual Title IX report to the University President and made available for OCR review September 30<sup>th</sup>, for the academic periods 2014-2015 and September 2015-2016.
- e. By August 30, 2015, and subsequently each year, for the academic years 2014-2015 and 2015 -2016 the University will submit to OCR copies of all Title IX grievances filed by students or on behalf of students, alleging sexual harassment, during the 2014-2015 and 2015-2016 school years, respectively. The University 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 University will notify OCR in writing in response to item C (4).
- f. By September 30, 2015 and September 30, 2016, the University will provide OCR with documentation demonstrating implementation of item C (5) above, including summaries of the

information obtained and proposed actions based on that information. Information required under this section will be provided in an annual Title IX report to the University President and submitted to OCR for review.

- g. By September 30, 2015, and again at the conclusion of the 2015-2016 academic year, the University will provide to OCR the assessment described in item D (6) through submission of a copy of the Title IX report to the University President.

## II. General Requirements

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 regulation implementing Title IX, at 34 C.F.R. Part 106, which was at issue in this case.

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 Title IX, at 34 C.F.R. Part 106, which was 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, 100.10), or judicial proceedings 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  
Virginia Polytechnic Institute and State  
University

\_\_\_\_\_  
10/22/2014  
Date