

Resolution Agreement
Southern Virginia University
Case Nos. 11-14-2288 and 11-14-2290

Southern Virginia University (the University) agrees to fully implement this resolution agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint Nos. 11-14-2288 and 11-14-2290 (the Complaints). 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.

Action Item: Title IX Notice

1. Within 90 days of OCR approval of this notice, the University will publish a notification that the University does not discriminate on the basis of sex in its educational programs and activities, including in employment. The notification must also state that questions about Title IX may be referred to the employee designated to coordinate Title IX compliance or to the Assistant Secretary for civil rights, and will include the name and/or title, address, and telephone number of the University's designated coordinator in their notifications. The notification will be published on the University's website as well as in any bulletins, announcements, catalogs, and application forms that are used in connection with the recruitment of students or employees or otherwise made available to students, employees, applicants for admission or employment, sources of referral of applicants for admission or employment, and all unions or professional organizations holding collective bargaining or professional agreements with the University.

Reporting Requirement: By January 31, 2015, the University will provide OCR with its Title IX notice of nondiscrimination for OCR's review and approval. Within 90 days of OCR's approval of the statement, the University will provide OCR with documentation that the statement was posted and published, as described above.

Action Item: Title IX Coordinator

2. By January 31, 2015, the University will take steps to ensure that all students, faculty, and other employees are notified of the name and/or title, office address, telephone number, and email address of the person(s) designated to coordinate its efforts to comply with Title IX.

Reporting Requirement: By January 31, 2015, the University will provide to OCR documentation of its compliance with paragraph 2, including copies of the printed versions of all publications disseminated to students and employees containing the required notification, and printouts or a link to all online publications containing the required notification. Inserts may be used pending reprinting of these publications.

3. The Title IX coordinator or a qualified designee will annually review all formal and informal complaints of discrimination on the basis of sex (including sexual harassment and sexual violence) received, along with the results of the University's campus climate surveys, in order to identify any patterns or systemic problems; and will take appropriate action to address any patterns or problems identified.

Reporting Requirement: By February 28, 2015, the University will provide documentation to OCR showing that the Title IX coordinator completed an initial annual review. This

documentation will include information about the number of complaints received, the type of complaint (sexual harassment, sexual violence, pregnancy discrimination, etc.), a general description of the outcome of the complaints (such as, referred to discipline or human resources, accused found responsible, accused found not responsible), any trends or patterns identified, and any actions taken in response to trends or patterns identified.

Action Item: Grievance Procedures

4. By March 31, 2015, the University will revise its grievance procedures to address complaints of sex discrimination (including sexual harassment and sexual violence). The University will ensure that these procedures provide for the prompt and equitable resolution of complaints by students, employees, and third parties alleging all forms of discrimination on the bases of sex. The procedures will, at a minimum, provide:

- Notice to students and employees of the procedures, including where complaints may be filed, that is easily understood, easily located, and widely distributed;
- Application of the procedures to complaints alleging discrimination or harassment carried out by employees, students, and third parties;
- An adequate definition of sex harassment, including sexual violence;
- Steps to protect the complainant as necessary, including interim steps before the final outcome of the recipient's investigation (*e.g.*, no contact order; change academic or living situations as appropriate with minimum burden on the complainant; counseling; health and mental services; escort services; academic support; retake a course or withdraw without penalty);
- a definition of responsible employee and a statement that responsible employees are expected to promptly report sexual harassment that they observe or learn about;
- Notification of the right to end an informal resolution process, if one is available, and begin a formal process at any time;
- Notification that the University will inform students at regular intervals of the status of the investigation;
- Notification to the complainant of the right to proceed with a criminal investigation and a Title IX complaint simultaneously;
- A statement that mediation is never appropriate for complaints of sexual violence;
- A statement addressing confidentiality for the complainant/victim;
- Designated and reasonably prompt timeframes for major stages of the grievance process, as well as the process for extending timelines;
- Adequate, reliable, and impartial investigation, including an equal opportunity to present witnesses and relevant evidence;
- If lawyers or representatives are permitted to assist students, an equal opportunity to both parties to have a lawyer or representative and equal restrictions on the ability of the lawyers or representatives to speak or otherwise participate;
- If cross-examination of parties is permitted, a statement that the parties will not be permitted to personally question or cross-examine each other;
- An assurance that the complainant's prior relationship history with anyone other than the alleged perpetrator should not be considered during the investigation or adjudication of his or her Title IX complaint;

- A statement that the preponderance of the evidence standard will be used for investigating allegations of sex discrimination;
- Similar and timely access to both parties to information used at a hearing, if the procedures provide for a hearing;
- Similar and timely written notice to the parties of the outcome of the complaint;
- The range of potential remedies and sanctions;
- An equal opportunity for both parties to appeal the findings and/or remedy, if the procedures provide for an appeal;
- An assurance that the institution will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others, if appropriate.
- Policies and procedures to protect against retaliatory harassment; and
- A statement that these procedures will be administered in a manner that eliminates any conflicts of interest (real or perceived) by individuals handling the procedures.

Reporting Requirements:

- a) By March 31, 2015, the University will provide its revised grievance procedures to OCR for review and approval.
- b) Within thirty (30) days of the University's receipt of OCR's approved revised grievance procedures, the University will provide OCR with documentation to substantiate that it has formally adopted the OCR-approved revised procedures; updated its printed publications and on-line publications with the revised procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the revised grievance procedures to students and employees.
- c) This documentation will include at a minimum (i) printouts or a link to all on-line publications containing the revised grievance procedures; (ii) evidence of the electronic dissemination of the revised grievance procedures to students and employees; and (iii) if not yet finalized, copies of inserts for printed publications.
- d) Within thirty (30) days, the University will provide to OCR copies of the printed versions of all publications disseminated to students and employees containing the revised grievance procedures.

Action Item: Record Keeping

5. By April 30, 2015, the University will establish a centralized recordkeeping process for documenting and tracking Title IX complaints (including sexual harassment complaints) which will require the Title IX Coordinator, or his or her designee, to maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator (if known), documentation of investigative steps completed, any interim actions taken to protect the alleged victim and alleged perpetrator, and the final determination, including any disciplinary/remedial actions that were taken.

Reporting Requirements:

- a) By April 30, 2015, the University will submit its proposed recordkeeping process to OCR for review and approval.
- b) Within 60 days of OCR's approval of the recordkeeping process, the University will provide training on the approved recordkeeping process to its Title IX coordinator, and any other faculty and staff responsible for investigating and/or responding to sex discrimination complaints.
- c) Within 60 days of OCR's approval of the recordkeeping process, the University will provide to OCR a copy of the sign-in sheets for this training and a copy of any materials distributed at the training.
- d) Within 30 days of the end of each semester until the monitoring of this Agreement ends, the District will provide OCR with the information described in paragraph 5 above for each incident of alleged sex discrimination which occurred in the immediately preceding semester.

Action Item: Training

- 6. By January 31, 2015, the University will schedule a mutually convenient time for OCR to provide Title IX training to its Title IX coordinator and all other University personnel involved in processing, investigating, and/or resolving complaints of sexual harassment, or who will otherwise coordinate the University's compliance with Title IX. The training will include guidance on how to conduct sex discrimination investigations and the appropriate standards to apply in reaching determinations and formulating corrective actions.

Reporting Requirement: Within 5 days after the training, the University will provide OCR a copy of the sign-in sheets.

- 7. By April 30, 2015, and at least annually thereafter, the University will provide training to all staff responsible for recognizing, reporting, investigating, processing and resolving incidents of sexual harassment and sexual violence and staff with Title IX compliance and implementation responsibilities, which may include Title IX Coordinators, deputy coordinators, residential assistants, and campus police. The University's training will cover, at a minimum, the University's new grievance procedures for Title IX complaints and will provide attendees with instruction on recognizing and appropriately addressing allegations and complaints pursuant to Title IX. The training will include information concerning what constitutes sex discrimination (including sexual harassment and sexual violence), Title IX guidance issued by OCR, and the University's responsibilities under Title IX to address allegations of sex discrimination. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations for those charged with investigative duties.

Reporting Requirement: By May 31, 2015, the University will provide OCR with documentation demonstrating that it provided training in accordance with paragraph 6 above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s), the

date(s) and time(s) of the training(s), the names of staff in attendance, and copies of any training materials distributed.

8. By March 31, 2015, the University will provide training to its Title IX coordinator, and any other employee designated to perform duties related to Title IX, regarding the role and responsibilities of the Title IX coordinator and the coordinator's designees.

Reporting Requirement: By March 31, 2015, the University will provide OCR with documentation demonstrating that it provided training in accordance with paragraph 8 above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s), the date(s) and time(s) of the training(s), the names of staff in attendance, and copies of any training materials distributed.

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. §§106.8, 106.9, and 106.31, which were at issue in this case. The University also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the University understands that during the monitoring of this agreement, if necessary, and with notice to the University, 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. §§106.8, 106.9, and 106.31, 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, 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.

__12/16/2015_____
Date

_____/S/_____
President
Southern Virginia University