

**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 July 30, 2011, the College will reopen its investigation of the sexual assault, which allegedly occurred on its campus on September 18, 2010, 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 fourteen (14) calendar days to respond to the College's offer. If the complainant does not respond to the College's offer in the time specified, the College's obligation to continue its investigation will cease. If the complainant accepts the College's offer, then by August 15, 2011, the College will complete the interviews of the complainant, 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 August 30, 2011, 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 September 15, 2011, 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 September 30, 2011, 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 harassment. 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 (taxi, co-pay, counseling sessions, etc.) 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 investigation of the sexual assault allegation.

By June 15, 2011, the College will take the following actions, pending the completion of its investigation and regardless of the outcome of that investigation:

- 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.

**Sexual Discrimination/Sexual Harassment Grievance Procedures**

4. By July 1, 2011, 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 carried out by employees, other students, or third parties;
  - c. adequate, reliable, and impartial investigation, including the opportunity for both parties 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;
  - f. an assurance that the College will take steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate; and
  - g. A prohibition against retaliation 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 45 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 July 1, 2011, 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. The notice will 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 July 1, 2011, 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 July 30, 2011, 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 September 15, 2011, 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). The College may request OCR Philadelphia staff to assist in providing the training.

11. By September 15, 2011, the College will schedule Title IX training to 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 October 30, 2011, 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 November 1, 2011, whichever is latest, the College will forward to the Glenville State Police (GSP) OCR's letter regarding the College's Memorandum of Understanding (MOU) with the GSP 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. By November 1, 2011, the College will develop and submit to OCR for its review material available to students on sexual harassment and sexual violence, to be distributed to students during orientation and upon receipt of complaints of sexual harassment and sexual violence. The material 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 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.
15. By February 28, 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 provide input regarding strategies for ensuring that students understand their rights under Title IX, how to report possible violations of Title IX, 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, and at least one of the topics shall inform students that they can speak with a College counselor if they are concerned about issue of sexual harassment and sexual assault.
16. By November 1, 2011, 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.

17. By June 11, 2012, and again at the end of the 2012-2013 and 2013-2014 school years, the College 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.

### **Reporting Requirements**

#### **Investigation**

1. By October 15, 2011, 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 investigation is not completed by this reporting date, the College must indicate when it anticipates finishing the investigation. If the 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 July 1, 2011, 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 bills are held in abeyance pending the outcome of the investigation and proof that her transcript has been released,

#### **Title IX Grievance Procedures**

3. By July 1, 2011, the College will submit to OCR for its review and comment its Title IX grievance procedures referenced in action step #4 above.
4. Within 60 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.

### **Notice of Nondiscrimination/Title IX Coordinator**

5. By June 15, 2011, the College will provide OCR with a copy of the College's notice of nondiscrimination referenced in action step #6.
6. 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.
7. By July 15, 2011, 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.
8. By October 31, 2011, 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**

9. By October 31, 2011, OCR and 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 materials used during these training sessions were disseminated to any individuals covered by action steps # 10 and #11 who were unable to attend the training session(s), including the names and titles of the individuals who received the information.
10. By September 30, 2011, the College will submit to OCR for its review and approval its newly developed Title IX training program in accordance with action step #11.

### **Memorandum of Understanding and Coordination With Local Law Enforcement**

11. By December 1, 2011, the College will provide OCR with documentation that it forwarded to the Glenville State Police Department OCR's letter regarding coordination with local law enforcement pursuant to action step #13 above.

### **Student-Focused Remedies**

12. Within 60 calendar days of OCR’s approval of the material referenced in action step #14 above, the College will provide OCR with documentation that it has implemented item action step #14, including a link to where the material is posted on the College’s website, and the College offices that will be responsible for distributing the material upon receipt of a complaint of sexual harassment and/or sexual violence.
13. By February 28, 2012, the College will provide OCR with documentation that it has implemented action step # 15 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.
14. By December 1, 2011, the College will provide documentation demonstrating implementation of action step # 16 above, including a detailed summary of the College’s review with respect to all points covered by action step #16.
15. By June 30, 2012, 2013, and 2014 the College will provide OCR with documentation demonstrating implementation of action step #17 above, including summaries of the information obtained and proposed actions based on that information.

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President  
Glenville State College

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Date