

RESOLUTION AGREEMENT
Virginia Commonwealth University
OCR Case No. 11-11-2031

Virginia Commonwealth University (the University) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-11-2031. This Agreement does not constitute an admission by the University of any violation of Title IX of the Education Amendments of 1972 (Title IX) or any other law enforced by OCR. Full implementation of this Agreement by the University resolves the allegations in OCR Case No. 11-11-2031.

1. The University shall revise its “Student Sexual Misconduct Policy” and (where necessary) its “University Guidelines on Prohibition of Sexual Harassment” to specify that in cases where a student alleges sexual harassment and/or sexual assault in connection with a University program or activity:
 - a. Both the accuser and the accused may appeal a decision of the University Hearing Board;
 - b. The University shall maintain documentation and records from all complaints and proceedings regardless of the outcome, including audio recordings of hearings when such recordings are made;
 - c. Complaint investigators and the University Hearing Board shall make determinations of responsibility using a “preponderance of the evidence” standard of proof (i.e., it is more likely than not that sexual harassment or assault occurred);
 - d. Both the accuser and the accused shall be notified in writing via electronic mail of the outcome of any appeals; and
 - e. The University will take reasonable steps to prevent recurrence of any discrimination and to remedy the discriminatory effects on the victim(s) and others, with examples of the types of remedies available for victims and the broader student population.

In revising the “Student Sexual Misconduct Policy,” the University shall also insert into this policy a cross-reference to the “University Guidelines on Prohibition of Sexual Harassment” to direct students to the appropriate procedures for filing complaints against University employees.

Reporting Requirements for Provision 1:

Within 90 days of the date of this Agreement, the University shall submit a draft of the revisions to OCR. OCR will review and provide comments to ensure compliance with OCR regulations and policies. After OCR’s approval of the revisions, the University shall submit the OCR-approved revised policies to its Board of Visitors for adoption at the Board’s next regularly scheduled meeting following all necessary internal institutional approvals. The University shall notify OCR when the revised policies are formally adopted by the Board of Visitors and the effective date of the revised policies, and provide a copy of the adopted policies to OCR. If there are any delays in adoption of the policies, the University shall provide an explanation to OCR.

2. Within 30 days of the adoption of the revised policies by the Board of Visitors, or as soon as is practically possible thereafter, the University shall:
 - a. Post the revised policies on its policy websites (such as <http://www.students.vcu.edu/policies.html> and <http://www.provost.vcu.edu/policies/>), the Office of Judicial Affairs and Academic Integrity website, the Wellness Resource Center website, and the University Counseling Services website; and
 - b. Notify students, faculty, and staff via email of the adoption of the revised policies and provide a link to the revised policies.
3. The University shall publish the revised “Student Sexual Misconduct Policy” in the next regularly scheduled publication of the “VCU Insider” student handbook.

Reporting Requirements for Provisions 2 and 3:

Within 60 days of the adoption of the revised policies, the University shall provide OCR with links to web pages where the revised policies are posted, a copy of the email notifying the University community of the revised policies, and the projected publication date of the next “VCU Insider” student handbook. When the handbook is published, the University shall provide OCR a copy of the handbook or the link to access it on the website.

4. Within 30 days of the adoption of the revised policies by the Board of Visitors, the University through its Director of Judicial Affairs and Academic Integrity and its Sexual Assault and Domestic Violence Services Coordinator shall provide training on the provisions of the revised policies to the members of the University Hearing Board, the members of the University Appeal Board, the Associate Vice Provost and Dean of Student Affairs, the Director of EEO/AA Services, and any other relevant staff and students identified by the University. The University shall incorporate this training into its annual orientation sessions for members of the University Hearing Board and the University Appeal Board.

Reporting Requirements for Provision 4:

Prior to the training, the University shall provide OCR with a copy of the training agenda and the name and qualifications of the person conducting the training. Within 15 days of the completion of the training, the University shall provide OCR with copies of any materials distributed at the training, a copy of the sign-in sheet from the training, and (if necessary) a description of the University’s plans for ensuring that training is provided to any individuals who were unable to attend the session.

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

By: (b)(6); (b)(7)(C)
Dr. Michael Rao, President
Virginia Commonwealth University

Date: September 29, 2011