



U.S. DEPARTMENT OF EDUCATION

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107

OFFICE FOR CIVIL RIGHTS

WENDELLA P. FOX
DIRECTOR

February 2, 2011

IN RESPONSE, PLEASE REFER TO: 03-11-2033

Dr. Peter B. Barr, President
Glennville State College
Heflin Administration Building
200 High Street
Glennville, WV 26351

Dear Dr. Barr:

On December 29, 2010, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against Glennville State College (the College). (b)(6); (b)(7)(C) (the Complainant) alleges that the College discriminated against her on the basis of sex. Specifically, she alleges that the College:

1. Failed to respond appropriately to the complaint the Complainant filed with the College regarding a sexual assault that occurred on (b)(6); (b)(7)(C)
2. Forced the Complainant to withdraw from the College on (b)(6); (b)(7)(C).
3. Failed to notify the Complainant of its Title IX grievance procedures.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the College is subject to Title IX and its implementing regulation. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening this allegation for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of the *Case Processing Manual*.

OCR can resolve complaint allegations *before* completing an investigation in two ways: Early Complaint Resolution (ECR) and voluntary resolution agreements. The Complainant has indicated that she is not interested in participating in ECR.

Complaints can also be resolved before the completion of an investigation through voluntary resolution agreements between OCR and the recipient as follows:

- The recipient expresses an interest in resolving the complaint through an agreement;
- If the complaint can be resolved through a voluntary resolution agreement, OCR will draft an agreement for the recipient's review;
- If the recipient signs a voluntary resolution agreement, OCR will issue letters notifying the Complainant and the recipient that the case has been resolved;
- OCR monitors voluntary resolution agreements;
- The complainant is not a party to the agreement.

Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about: OCR's complaint evaluation and resolution procedures; regulatory prohibitions against retaliation, intimidation and harassment of persons who file complaints with OCR or participate in an OCR investigation; and application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.71. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii) of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR is requesting that you forward the following information to us within fifteen (15) calendar days.

Please note that in this request, the term "correspondence" includes, but is not limited to, e-mail, meeting notes, notes of telephone conversations, and all related memoranda. In each instance where a policy is requested but a written policy on the matter at issue does not exist, provide instead an explanation of the College's usual practice.

1. Please provide the name and contact information for the College's Title IX Coordinator and a written description of how that information is communicated to staff and students.
2. A copy of the College's Title IX grievance procedures and a written description of how those policies are communicated to staff and students.
3. A copy of any investigative manual, guidelines, or any similar document describing how the College investigates complaints of sexual assault, sexual harassment or a hostile environment on the basis of sex.
4. Copies of all records and correspondence from (b)(6); (b)(7)(C) to the present concerning any complaint that the Student was sexually assaulted, harassed or subjected to a hostile environment on the basis of sex, including but not limited to any complaint forms and/or a description of any verbal complaints made by the Complainant

or the Student, copies of all documented interviews with witnesses, documents obtained during the course of any investigation, the results of the investigation, including a copy of any investigative report, a description of how the College notified the Complainant of the results of the investigation, and a description of any remedial actions taken by the College.

5. A copy of the College's policies and procedures regarding withdrawal from the College.
6. A detailed written response to the allegations of this complaint.
7. Any other information the College believes would be helpful in resolving this matter.

In an effort to improve the convenience, accessibility and quality of our interactions with our customers, we request that you submit requested evidence and information by e-mail in an electronic format whenever it is convenient to do so. This may include using e-mail to forward scanned or saved hard copy documents, PDFs, other e-mails, digital photographs, spreadsheets and databases. When data files are too large for email, a CD by regular mail would achieve a similar result. Similarly, if you have access to e-mail and can receive information from OCR in an electronic format, please provide us with your email address. To the extent that information we have requested (such as relevant policies or procedures) is available online, please provide the URL address(es) where the information is located. In addition, please advise us if you have ready access to a web camera or have other video-conferencing capability, in order for us to facilitate face-to-face communication. Use of these digital media can greatly enhance the quality, speed and efficiency of our case resolution activities.

Please notify OCR of the name, address, and telephone number of the person who will serve as the School's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter. In addition, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is determined to be necessary, you will be contacted to schedule a mutually convenient time for the visit.

Thank you for your cooperation in this matter. If you have any questions, please contact Cynthia Wesley at 215-656-8548 or by email at cynthia.wesley@ed.gov. If the complaint is not resolved through mediation, it will be investigated under the supervision of Vicki Piel at 215-656-8522.

Sincerely,



Michael Branigan
Acting Team Leader

Enclosure