



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

May 9, 2012

***In response, please refer to: 03-11-2033***

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

Dear Dr. Barr:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has reviewed the correspondence submitted by Glenville State College (the College) on February 29, 2012, March 30, 2012 and April 11 and 12, 2012. The College submitted the correspondence under the terms of the Voluntary Resolution Agreement (the Agreement) signed by the College on January 12, 2012.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by any recipient of Federal financial assistance from the Department. The College is a recipient of Federal funds from the Department and is, therefore, subject to the provisions of Title IX and its implementing regulation.

The Agreement required the College to address the following items in order to demonstrate its compliance with Title IX: 1) the investigation of an alleged September 18, 2010, sexual assault on the College's campus, 2) the Title IX grievance procedures, including, but not limited to, the manner in which the College addresses complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), 3) notice of nondiscrimination, 4) the appointment of a Title IX Coordinator, 5) training for the Title IX Coordinator and College personnel, 6) the College's coordination with local law enforcement, and 7) student-focused remedies.

In our March 30, 2012 letter, we informed the College that Action Step 3c of the Agreement, required the College to make 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, but that the College's January 12, 2012, which the College submitted as evidence it had complied with Action Step 3c, did not expressly state the terms of Action Step 3c. OCR required the College to provide the Complainant the opportunity to submit documentation as outlined in Action Step 3c.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

The College submitted to OCR a copy of its April 10, 2012, letter to the Complainant in which it provided the Complainant with the opportunity to submit the aforementioned documentation.

(b)(7)(A)

Action Step 1 of the Agreement required the College to reopen its investigation of the sexual assault, which allegedly occurred on its campus on (b)(6); (b)(7)(C) 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 College was to send the letter to the Complainant via certified mail, informing the Complainant that she has twenty-one (21) calendar days to respond to the College's offer. The College provided OCR with a copy of its letter dated (b)(6); (b)(7)(C) to the Complainant advising the Complainant that the College is reopening its investigation of her claim of sexual assault, and that the College's Title IX Coordinator will investigate the Complainant's claim. The letter offered the Complainant the option to be interviewed, submit names of witnesses for interview and provide any other evidence supportive of her claim. The letter also informed the Complainant that she has twenty-one (21) days from the date of the College's (b)(6); (b)(7)(C) letter to respond to the College's offer.

Action Step 1 also requires that by April 30, 2012, the College interview the Complainant if the Complainant agrees to be interviewed and attempt to interview any witnesses identified by the Complainant, as well as conduct any follow-up interviews or gather additional evidence based on information obtained through the interviews with the Complainant and other witnesses. The College's supplemental investigation will be conducted pursuant to its revised sexual harassment grievance procedures, which the College submitted for OCR's review. *In its next report, due May 30, 2012, please provide documentation demonstrating the College's compliance with Action Step 1. If the supplemental investigation is not completed by May 30, 2012, the College must indicate when it anticipates finishing the investigation.*

Action Step 4 of the Agreement required the College to submit to OCR for our 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 procedures are to provide for the prompt and equitable resolution of complaints alleging sex discrimination and should include, at a minimum, the steps outlined in Action Step 4, item a through n. In an email dated February 29, 2012, the College submitted the following procedures for OCR's review and approval: Policy 6, Social Justice, 2. Policy 13, Sexual Misconduct, 3. Policy 50, Equal Employment Opportunity/Affirmative Action, 4. Discrimination/Harassment/Retaliation Complainant Procedures for Complaints Against Employees and Third Parties, and 5. Procedures for Student Sexual Misconduct Complaints.

OCR's review is as follows:

(b)(7)(A)



(b)(7)(A)

(b)(7)(A)

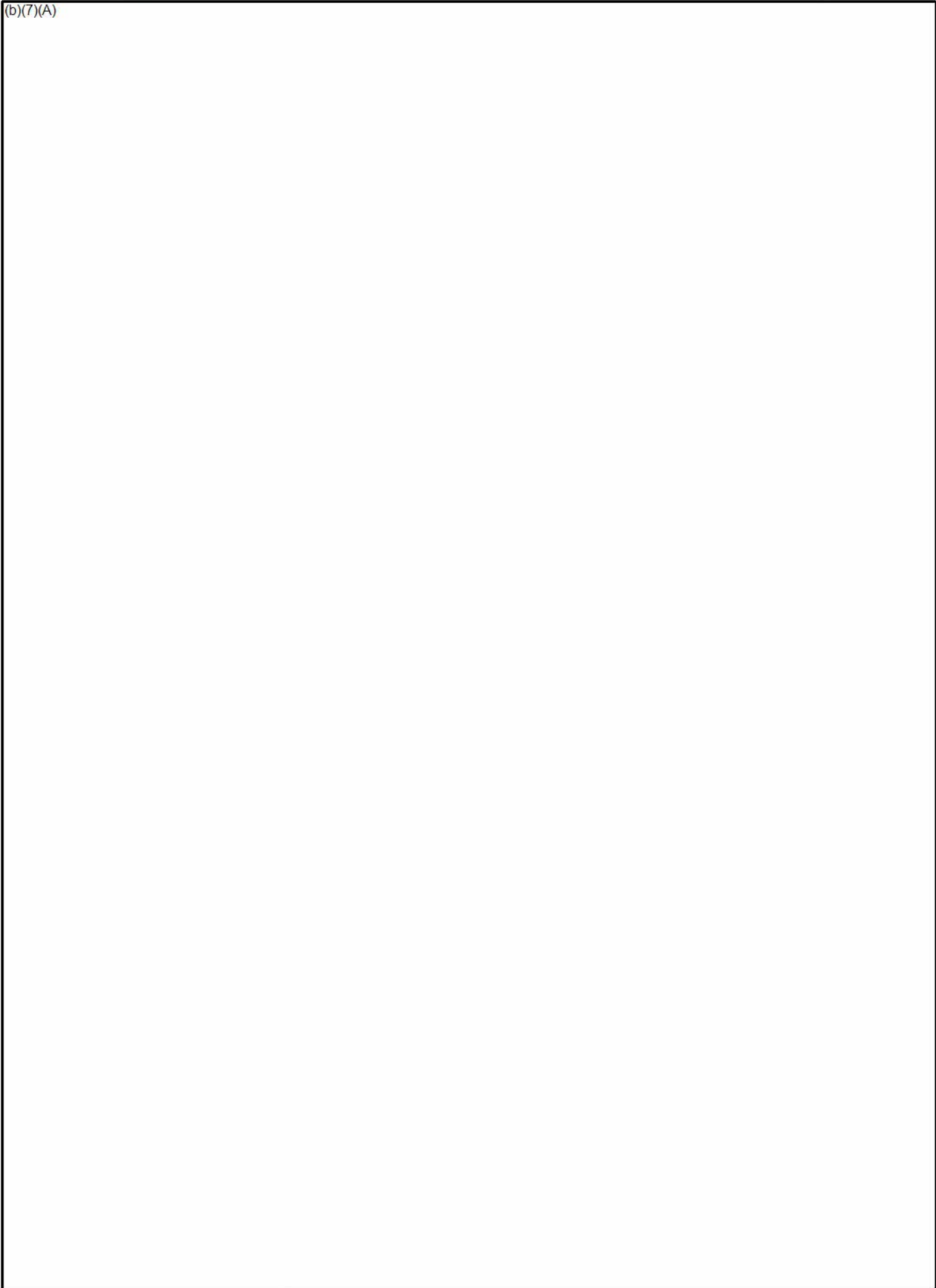




(b)(7)(A)



(b)(7)(A)



(b)(7)(A)



**Conclusion**

OCR concludes that the College has satisfied the requirements of Action Step 3c and Reporting Requirement 2 as it relates to Action Step 3c.

Your next report will be due on May 30, 2012. In addition to the additional items in the Agreement that must be reported on at that time, we request information identified above regarding Action Steps 4, 6, 8, 9 and 10.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions, please contact Attorney Jacques Toliver at (215) 656-8512 or Equal Opportunity Specialist Beth Cavallucci at (215) 656-6939.

Sincerely,



LouAnn Pearthree  
Team Leader  
Philadelphia Office

Cc: Kristi McWhirter, Esquire (by e-mail only)