



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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March 10, 2014

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:

This is in reference to the Voluntary Resolution Agreement (the Agreement) signed by Glennville State College (the College) on January 12, 2012, to resolve complaint 03-11-2033 filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the College. OCR has reviewed the information the College submitted under the terms of the Agreement and in response to our monitoring letter dated July 24, 2012. While the College submitted information regarding all aspects of its implementation of the Agreement, OCR is addressing in this letter the College's implementation of Action Steps 1, 2 and 4 only. We apologize for the delay in responding to the College's report and we will respond shortly to the College's status regarding its implementation of the remaining items in the Agreement.

Action Steps 1 and 2 - Title IX Investigation of September 18, 2010 Incident

In our July 24, 2012, letter, we requested that the College provide documentation demonstrating that it completed its investigation of the Complainant's complaint concerning a sexual assault which allegedly occurred on its campus on (b)(6); (b)(7)(C). In accordance with Action Step 1, the College provided OCR with a copy of its completed investigation dated (b)(6); (b)(7)(C); (b)(6); (b)(7)(C).

The College's Title IX Coordinator and Title IX Co-Coordinator conducted the investigation of the complaint and afforded the Complainant the opportunity to present witnesses or other evidence, which the Complainant provided during the College's interview of the Complainant on (b)(6); (b)(7)(C). The College interviewed the witnesses identified by the Complainant and gathered additional evidence based on information obtained through the interviews with the Complainant and other witnesses. Based on the information obtained through its investigation, the College concluded by a preponderance of the evidence that it could not substantiate the Complainant's allegation of sexual assault on (b)(6); (b)(7)(C). The College provided the Complainant with a copy of its investigative report and final outcome of its investigation, including the Complainant's right to appeal the College's decision. By letter dated (b)(6); (b)(7)(C); (b)(6); (b)(7)(C), the Complainant appealed the College's decision and by letter dated (b)(6); (b)(7)(C), the College's Vice President upheld the College's decision. The Vice President's decision was final.

The College conducted its investigation of the (b)(6); (b)(7)(C) incident in accordance with OCR requirements. Accordingly, OCR concludes that the College has satisfied the requirements of Action Steps 1 and 2.

Action Step 4 - Title IX Grievance Procedures

(b)(7)(A)



(b)(7)(A)



The revised procedure, at Section P, (*Criminal Conduct*) provides that if alleged sexual misconduct constitutes both a violation of College policy and criminal activity and law enforcement agencies pursue a criminal investigation of the allegation(s), the College's investigation may be delayed temporarily from three to ten days but may be extended depending upon the circumstances of each case while law enforcement agencies are gathering evidence. The procedure also provides that the College will comply with law enforcement requests for cooperation and will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that is has completed the evidence gathering process. OCR finds this section to be acceptable and meets the requirements of Action Step 4i of the Agreement.

Section U of the procedure (*Interim Measures Pending Resolution of the Complaint*) provides that the College will take prompt and effective action to protect the complainant and the campus community, and to avoid retaliation against the victim(s) before the final outcome of the investigation. The procedure also provides that the College will take appropriate interim measures before the final outcome of the investigation, if any, and lists examples of interim measures that the College may implement pending the final outcome of the investigation. OCR finds this section complies with the requirements of Action Step 4j.

The procedure provides victims notice of the availability of their Title IX rights and available resources, including the emergency contact telephone number for law enforcement and contact information for the College's Department of Public Safety. This procedure also provides a link to the College's Complaint packet, which contains contact information for counseling and the local rape crisis center. This language comports with the requirements of Action Step 4k.

With respect to Action Step 4l, the procedure lists actions the College may take to prevent the recurrence of any discrimination/harassment, including interim measures it may implement to correct any discriminatory effects on the complainant/victim and remedies available to the complainant/victim and a range of possible disciplinary sanctions for individuals found responsible for discrimination, harassment or retaliation. We find that this provision is acceptable and meets the requirements of Action Step 4l. Pursuant to Action Step 4n, the procedure includes an appropriate retaliation statement.

Please submit your next report by April 11, 2014. In the next monitoring report, please provide a copy of the grievance procedures revised consistent with the comments above.

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 Equal Opportunity Specialist Beth Cavallucci at (215) 656-6939 or Attorney Jacques Toliver at (215) 656-8512.

Sincerely,



Melissa Corbin
Team Leader
Philadelphia Office

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