

I. Resources

a. Overview

Shepherd University is committed to providing all members of the community with an environment free from discrimination, harassment, and violence. Any member of the campus community that experiences gender-based or sexual misconduct, including sexual assault, relationship violence, or stalking is encouraged to seek assistance from the resources listed below. All members of the campus community have the right to make a report to the University, University Police, local law enforcement, and/or the State Police, or choose not to report at all. Shepherd campus community members have a right to be protected from retaliation for reporting an incident and to receive assistance and resources from the University outlined below.

Shepherd University employs a full time Title IX Coordinator on campus. The Title IX Coordinator, Ms. Annie Lewin is located in the lower level of Gardiner Hall, room G-16. The Title IX Coordinator can be reached by emailing alewin@shepherd.edu or calling (304) 876-5067. Online reporting and further information can be found at <http://www.shepherd.edu/title-ix>.

b. Confidential Resources (Counseling and Advocacy)

The University encourages all community members to make a prompt report of any incident of sexual misconduct to the University and/or local law enforcement. For individuals who are not prepared to make a report to the University, may be unsure of what happened, or are seeking information and support, there are several legally protected confidential resources available as designated below. These confidential resources will not share information with the University or anyone else without the individual's permission. Information shared with these confidential resources is not considered a report to the University.

i. On-campus Confidential Support

- **SU Counseling Services** **304-876-5161**
Counseling Services has professionally trained clinicians to offer advocacy, support, therapy, and guidance. Counselors are available to provide advocacy to students and connect them to other resources, on and off campus. Any names and information shared with a counselor will not be shared with any other campus personnel except when there is an immediate danger to self or others or a suspicion of child abuse.
- **Interpersonal Violence Response Coordinator, Rhonda Jackson** **304-876-5681**
The university has designated an Interpersonal Violence (IPV) Response and Prevention Coordinator within counseling services that may offer confidential assistance. The IPV Response Coordinator can also provide students with referrals, support, and advocacy during the investigation and adjudication for complaints of sexual misconduct and interpersonal violence. The IPV Response Prevention Coordinator works with the Title IX Coordinator to provide sexual violence prevention education to the campus community.
- **Sexual Assault Victims Advocates** <http://www.shepherd.edu/counseling/sexual-assault-victim-advocates-sava>
Advocates are well trained faculty and staff members who volunteer their time to partner with victims to provide emotional support and to help them begin their recovery process by addressing medical concerns, safety issues, interim accommodations, reporting options, and can

connect victims with on and off campus resources. Sharing information with the Sexual Assault Victim’s Advocates will not trigger a university investigation into an incident against the person’s wishes. The Interpersonal Violence Response and Prevention Coordinator can help students to get in contact with a confidential SAVA. Victim’s advocates are required to report non-personally identifiable information to the Title IX coordinator for the collection of aggregate data and crime statistics purposes.

ii. Off-campus Confidential Support Options

- **Shenandoah Women’s Center (SWC):** **304-263-8522**
 - **SWC 24 HOUR HOTLINE:** **304-263-8292**

SWC is a confidential domestic violence and sexual assault crisis center serving both men and women; services include emotional support, counseling, emergency shelter and a 24 hour hot line. Although SWC is officially located off-campus, Shepherd has a long standing and highly functional relationship with SWC. Advocates at SWC can connect victims of violence and harassment to University resources or reporting, as well as facilitate criminal reporting and medical assistance

<http://swcinc.org>

- **The National Sexual Assault Hotline** **1-800-656-HOPE**
- **The National Resource Center on Domestic Violence** www.nrcdv.org
- **The National Coalition Against Domestic Violence** www.ncadv.org
- **WV Foundation for Rape Information and Services** www.fris.org
- **Rape, Abuse and Incest National Network (RAINN):** **(800) 656-4673**
A confidential, anonymous national sexual assault hotline www.rainn.org

c. Confidential Medical Resources

A medical professional can provide emergency and/or follow-up medical services. Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (SAFE - commonly referred to as a rape kit). Winchester Medical Center is located in Winchester, VA and will provide exams free of charge. Another local option is WVU Healthcare’s Berkeley Family Medical Center, located in Martinsburg, WV. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted infections and/or pregnancy) and second, to properly collect and preserve evidence. The University is not notified by the hospital unless the Complainant desires to have on-campus personnel notified.

If a SAFE exam is desired, it is ideal if the Complainant (victim/survivor) does not shower, use the bathroom, or clean one’s body in any way. The individual should also preserve any clothing (including undergarments) in a paper bag.

i. On-campus Confidential Medical Resources

- **Shepherd Health Services Center: (304) 876-5161**
The professionals at SU Health Services Center provide medical attention and referrals to campus and community resources. While Health Services does not provide a sexual assault forensic exam, they do provide some testing for sexually transmitted infections, pregnancy testing, Plan B emergency contraception, and treatment for minor injuries. Any names and information shared with a member of the Health Services staff will not be shared with any other campus personnel except when there is an immediate danger to self or others or a

suspicion of child abuse.

ii. Off-campus Confidential Medical Resources

- **Winchester Medical Center: 540-536-8000**
1840 Amherst St, Winchester, VA 22601
- **WVU Healthcare Berkeley Medical Center: 304-264-1000**
2500 Hospital Drive, Martinsburg, WV 25401

Shepherd University will work with the local rape crisis center to fully and promptly cooperate in obtaining appropriate medical attention for a Complainant, including transportation to one of the listed hospitals.

d. Campus Resources

In addition to the confidential resources listed above, Shepherd community members have access to a variety of resources provided by the University. The staff members listed below are trained to support individuals affected by gender-based and sexual harassment, discrimination, or violence and will collaborate with the Title IX Coordinator in a manner consistent with the University's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

- **Title IX Coordinator: Annie Lewin, 304-876-5067**, The Title IX Coordinator oversees the University's response to a report of gender-based or sexual misconduct. The Coordinator is responsible for the initial Title IX assessment, implementing interim remedies and protective measures for the individual and the community, initiating the investigation, and ensuring a fair and impartial resolution designed to stop the harassing conduct, address its effects, and prevent its recurrence. The Coordinator provides supervision of all Title IX complaints to ensure compliance with local, state and federal authority. The Title IX Coordinator receives and reviews all complaints to identify and address any systemic problems. The Coordinator also assesses student activities periodically to ensure that the practices and behaviors of the students do not violate the policies on sexual harassment and violence, and to tailor education, prevention, and training programs regarding sexual misconduct to the needs of the community. The Coordinator is available to meet with students, staff, and faculty.
- **Dean of Students, Dr. Ann Wendle: 304-876-5214**, The Dean of Students supervises the Office of Student Conduct, Counseling Services, and the Health Center. The Dean of Students can provide options and resources for students as well as assist with a variety of accommodations and interim remedies. The Dean of Students will work with the Title IX Coordinator to resolve misconduct relating to students under this Policy.
- **Vice President for Student Affairs, Dr. Thomas Segar: 304-876-5214**, Dr. Segar has overall responsibility for the division of Student Affairs and can help facilitate resolution of complaints
- **Residence Life Office: 304-876-5172**, Residence Life staff are trained to respond to all kinds of student emergencies and can quickly connect the complainant to other resources on and off campus. Students involved in sexual misconduct incidents in a substantial capacity may request an immediate change of living situations, if an alternative is reasonably available, by contacting

Residence Life, the Title IX Coordinator, or the Dean of Students. The University also reserves the right to require alternative housing for the parties in certain circumstances.

- **Academic Support Center: (304)-876-5221**, ASC can aid in maintaining academic success through offering access to peer tutoring, learning skills instruction, and academic advising.

II. Shepherd University Commitment to Civility and Community Expectations:

Shepherd University is committed to developing and implementing appropriate strategies to achieve greater awareness, appreciation, and human understanding, both in the classroom and throughout the campus. We promote a campus culture that celebrates multiculturalism and diversity. We demonstrate this commitment through our acceptance and appreciation of all groups and individuals. We commend those individuals on our campus who practice civility daily by actively supporting and fostering differences at Shepherd University. The university's Mission Statement demonstrates that it is our shared duty to create an inclusive culture where all members of the campus community are accepted and respected. For more information go to <http://www.shepherd.edu/civility-memo/>

III. Scope of Policy

The University prohibits all forms of sexual and gender-based discrimination and harassment, including sexual harassment, sexual violence, stalking, and relationship violence. Sexual or gender-based misconduct may occur regardless of a participant's sex, sexual orientation, gender identity, or gender expression.

The University strives to foster a climate free from gender-based harassment, discrimination, or violence through training, education, and prevention programs, and through policies and procedures that promote prompt reporting, prohibit retaliation, and ensure timely, fair, and impartial investigation and resolution of complaints in a way that eliminates the sexual misconduct, prevents its recurrence, and addresses its effects. This Policy applies to all members of the Shepherd campus community, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, living, visiting, conducting business with, or having any official capacity with the University or University property. This Policy protects all members of the campus community.

This Policy is intended to protect and guide individuals who have been affected by gender-based and sexual misconduct, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for the investigation and resolution of reports.

When used in this Policy, "Complainant" refers to the individual who identifies oneself as a victim or survivor of sexual or gender-based discrimination, sexual or gender-based harassment, sexual violence, stalking, or relationship violence. A "Respondent" refers to the individual who has been accused of prohibited conduct under this Policy. A "Third Party" refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

This Policy applies to conduct occurring on University property or at University-sanctioned events or programs that take place off-campus, including study abroad and internship programs. With respect to incidents in which both the Complainant and Respondent are members of the campus community, this Policy will apply regardless of the location of the incident. In addition, off campus conduct by or against a member of the Shepherd community that is likely to have a substantial adverse effect on, or poses a



Gender-based/Sexual misconduct and Interpersonal Violence Policy

threat of danger to, any member of the Shepherd campus community or Shepherd itself is covered under this Policy.

A Complainant is encouraged to report misconduct regardless of where the incident occurred, or who committed it. Even if the University does not have jurisdiction over the Respondent, the University will still take prompt action to provide for the safety and well-being of the Complainant and the broader campus community and will assist a Complainant in identifying the appropriate external reporting options.

IV. Non-Discrimination Statement

Shepherd University strives to create a safe and non-discriminatory learning, living, and working environment for all members of the campus community, based on mutual respect and acceptance of differences. Accordingly, the University provides opportunity to all prospective and current members of the student body, faculty, and staff on the basis of individual qualifications and merit. Shepherd University does not discriminate on the basis of race, color, national origin, religion, ancestry, age, ability, pregnancy, marital or family status, veteran status, sex, sexual orientation, gender identity, or gender expression.

Title IX is a federal law that prohibits sex discrimination in institutions of education that receive Federal financial assistance. Inquiries concerning the application of Title IX may be referred to the University's Title IX Coordinator or to the Department of Education's Office for Civil Rights. Shepherd University's Title IX Coordinators' information can be found here:

Annie Lewin, Title IX Coordinator, (304) 876-5067, alewin@shepherd.edu
Student Center, Suite 122, Shepherd University <http://www.shepherd.edu/title-ix>

Contact information for the Department of Education's Office for Civil Rights, Philadelphia Office:

The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107
Telephone: 215-656-8541
FAX: 215-656-8605
Email: OCR.Philadelphia@ed.gov www.ed.gov/ocr

V. Privacy vs. Confidentiality:

The University is committed to protecting the privacy of all individuals involved in a Title IX report or investigation. All employees who participate in the university's Title IX response, including the Title IX Coordinator, the Dean of Students, Interpersonal Violence investigators, the Hearing Panel members, and any other member of the Title IX team receive specific training and instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all involved individuals in a manner consistent with the need for a thorough review of the report. All university proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, the Violence Against Women Act (VAWA), Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and university policy. To ensure all members of the community understand how the university protects the privacy of individuals, please be aware that privacy and confidentiality have distinct meanings.

a. Privacy:

Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those university employees who need to know in order to assist in the active review, investigation or resolution of the report, including the issuance of interim measures. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

b. Confidentiality:

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These designated campus and community professionals include professional counselors in the counseling center, medical health professionals in the student health center, and ordained clergy. All Shepherd employees outside of designated confidential campus professionals will be responsible to report knowledge of any sexual misconduct or interpersonal violence to the Title IX Coordinator, who will then weigh any requests for confidentiality against the University's obligation to provide a safe, non-discriminatory environment for all members of the campus community. When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by West Virginia law to notify child protective services and/or local law enforcement. They are also required to notify the Title IX Coordinator that such a report has been made.

c. Responsible Employees

Under Title IX, a university is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about sexual or gender-based misconduct that creates a hostile environment. At Shepherd, employees with supervisory and leadership responsibilities on campus are considered "responsible employees." This includes all Faculty, Coaches, Administrators, Resident Assistants/Residence Hall Directors, and other student employees/volunteers with a significant responsibility for student welfare.

Accordingly, with the exception of individuals who have legally protected confidentially (see section 1, Resources), all "responsible employees" of the University are required to share with the Title IX Coordinator any report of gender-based or sexual misconduct they receive or of which they become aware. This allows the Title IX Coordinator to conduct an initial assessment of the reported behavior, ensure that a Complainant is familiar with the full range of options for resolution, both on and off campus, and address the necessity for any interim remedies or accommodations to protect the safety of the Complainant and the community. The Title IX Coordinator will seek the Complainant's expressed preferences in determining a course of action.

d. Complainant's Request for Privacy

Where a Complainant requests that the Complainant's name or other identifiable information not be shared with the Respondent or that no formal action be taken, the University will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all campus community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. The Title IX Coordinator evaluates such requests for privacy. In making this determination, the Title IX Coordinator may consider:

- The seriousness of the conduct;

- The respective ages and roles of the complainant and respondent;
- The rights of the respondent to receive notice before disciplinary action is sought
- Circumstances that suggest there is an increased risk of the respondent committing additional acts of sexual violence or other violence (e.g., whether there have been other complaints or reports of harassment or misconduct about the same respondent, whether the respondent has a history of arrests, records from a prior school indicating a history of violence, whether the respondent threatened further sexual violence or other violence against the complainant or others, and whether the sexual violence was committed by multiple respondents)
- Circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group)
- Whether the sexual violence was perpetrated with a weapon
- Whether the University possesses other means to obtain relevant evidence (e.g., security camera or other physical evidence).

The University will take all reasonable steps to investigate and respond to the complaint consistent with the request for privacy or request not to pursue an investigation promptly upon receipt of report. Where the University is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will inform the Complainant about the University's chosen course of action.

e. Timely Warning and Other Considerations

All University proceedings are conducted in accordance with University policies and procedures (contained herein) and in compliance with the requirements of FERPA, the Clery Act, Title IX, the Violence Against Woman Act ("VAWA"), and state and federal law. No information shall be released from such proceedings except as required or permitted by law and University policy.

If a report of misconduct discloses a serious or continuing threat to the Shepherd community, the University may issue a campus-wide timely warning which will take the form of an email to campus to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant. The determination to issue a timely warning is considered on a case by case basis taking into account the effect on the parties involved and the campus as a whole.

VI. Prohibited Conduct and Definitions

a. Prohibited Forms of Conduct

The University prohibits all forms of sexual or gender-based misconduct, which encompasses a broad range of behavior. Sexual/gender-based misconduct and interpersonal violence may occur between people of the same or different sexes, gender identities or expressions, or sexual orientations.

Within these broad categories, the University prohibits the following specific conduct:

Sexual Harassment including unwanted or unwelcome sexual advances or requests for sexual favors, or other behavior of a sexual nature. This can include, but is not limited to:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University sponsored educational program or activity.
- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

- Physical conduct:
 - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
 - Unwanted sexual advances within the employment context
- Verbal conduct:
 - Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual
 - Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes
- Visual conduct:
 - Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate
- Written conduct:
 - Letters, notes or electronic communications containing comments, words, or images described above
- Quid pro quo conduct:
 - Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
 - Offering employment benefits in exchange for sexual favors
 - Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
 - Making or threatening reprisals after a negative response to sexual advances

The following forms of conduct are prohibited under this policy. Each specific prohibited conduct may also be a form of sexual harassment.

Non-consensual Sexual Contact, including any intentional sexual touching, however slight, with any object or body part, performed by a person upon another person. Sexual Contact includes (a) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another touch you or themselves with or on any of these body parts.

Non-consensual Sexual Intercourse, including any penetration, however slight, with any object or body part, performed by a person upon another person. Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

Sexual Exploitation includes taking non-consensual, unjust, or abusive advantage of another person for the benefit or advantage of anyone other than the person who is exploited.

Gender-based harassment, including unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, sexual orientation, gender identity, gender expression, and nonconformity with gender stereotypes.*

Dating Violence includes committing, attempting, or threatening an act of violence against a person in a romantic or intimate relationship, either currently or formerly.

Domestic Violence includes committing, attempting, or threatening an act of violence by a person against a current or former spouse, current or former cohabitant, person sharing a child in common, or person situated in a similar familial environment.

Stalking includes engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Retaliation includes retaliatory action of any kind, including intimidation, coercion, or threats, against any individual as a result of a person's attempt to seek redress or to participate in an investigation under applicable procedures dealing with sexual and other misconduct.

***Gender Identity** is defined as an innate identification of oneself as male, female, both, neither, transgender, genderqueer, gender non-conforming, or other gender-based identification. For some people, gender identity is in accord with physical anatomy. For transgender people, gender identity may differ from physical anatomy or expected social roles. It is important to note that gender identity, biological sex, and sexual orientation are separate and that you cannot assume how someone identifies in one category based on how they identify in another category.

b. Other Definitions

Consent: Consent is a knowing, voluntary, and mutual agreement to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear, unambiguous permission regarding willingness to engage in the sexual activity.

- Consent is active, not passive. Silence, passivity, or lack of resistance does not imply consent.
- Consent to engage in one form of sexual activity does not imply consent to engage in other forms of sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Past consent does not imply future consent.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent cannot be given when it is the result of coercion, intimidation, force, threat of harm, or when a person is mentally or physically incapacitated.
- Incapacitation can occur as a result of mental disability, sleep, involuntary physical restraint, unconsciousness, voluntary (or involuntary) use of alcohol and/or drugs, or when a person is otherwise physically helpless.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Incapacitation: An incapacitated individual is unable to make rational, reasonable decisions (e.g. to understand the fact, nature, or extent of the sexual interaction) and therefore is incapable of giving consent. Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

Incapacitation may result from the use of alcohol and/or drugs. The impact of alcohol and drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include but are not limited to slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, emotional volatility, lack of control over physical movements, and inability to communicate.

Force: Force is the use or threat of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcomes an individual's free will to choose whether or not to participate in sexual activity.

Coercion: Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity. Coercion occurs when a person intimidates, forces, or manipulates someone into engaging in sexual activity without the use of physical force. Manipulative statements, threats of violence, blackmail, drugs, and/or alcohol can be used to coerce another into sexual activity. A person's words or conduct are sufficient to constitute coercion if another individual's freedom of will and ability to choose whether or not to engage in sexual activity is impaired. Use of alcohol as a tool to engage another, sexually, will be a factor in determining coercion and consent. A person's age and level of experience compared to another will also be used as a factor in determining whether sexual activity has been consensual.

Warning: In general, the University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs can impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication, the prudent course of action is to forgo or cease any sexual contact or activity.

Intoxication or impairment through the use of drugs or alcohol **is never an excuse** for sexual harassment, misconduct, or interpersonal violence and does not diminish one's responsibility to obtain informed and freely given consent.

VII. Reporting

Shepherd University campus community members have the right to make a report to the University by contacting the Title IX Coordinator; or to law enforcement by contacting University Police or any local police department. All members of the campus community have a right to be protected from retaliation for reporting an incident of sexual or gender-based misconduct.

The University is committed to supporting those who experience sexual and gender-based misconduct and encourages all individuals or third third-party witnesses to report any incident to the University and/or local law enforcement. Reporting options are not mutually exclusive. Both campus and criminal reports may be pursued simultaneously. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. The University provides support that can assist each individual in making these important decisions and, to the extent legally possible, will respect an individual's autonomy in deciding how to proceed. In this process, the University will balance the individual's interest with its obligation to provide a safe and equitable environment for all members of the campus community.

Any individual who reports sexual or gender-based misconduct can be assured that all reports will be investigated and resolved in a fair and impartial manner. A Complainant, a Respondent, and all individuals involved can expect to be treated with dignity and respect. In every report under this Policy, the University will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

a. Emergency and External Reporting Options

The University will help any campus community member to get to a safe place and will provide

coordination with law enforcement and information about on- and off-campus resources and options for resolution. The University will fully and promptly cooperate in obtaining appropriate medical attention for a complainant, including coordination with the local rape crisis center to provide transportation for the complainant to a local hospital.

Law Enforcement:

SUPD: 911 for immediate assistance on campus

(304) 876-5202

Shepherdstown Police Dept.

(304) 876-6036

Jefferson County Sherriff's Dept.

(304) 728-3205

West Virginia State Police

(304) 724-7986

Medical Providers:

Winchester Medical Center

(540) 536-8000

Provides Sexual Assault Forensic Exams

Berkeley Medical Center

(304) 264-1000

Provides Sexual Assault Forensic Exams

Shepherd Health Services

(304) 876-5161

Provides medical treatment

Monday through Friday, 8:00 a.m. – 4:30 p.m.

b. Reporting Considerations: Timeliness and Location of Incident

Complainants and third-party witnesses are encouraged to report sexual misconduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. If the Respondent is not a member of the Shepherd community, the University will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects. The University's ability to take disciplinary action against the Respondent may be limited, but the University will assist the Complainant in identifying the appropriate external reporting options.

Additionally, an incident does not have to occur on campus to be reported to the University. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the Shepherd community may also be addressed under this Policy.

c. Amnesty for Alcohol or Other Drug Use

Shepherd is concerned first and foremost with the safety of the entire campus community. At times, students are hesitant to report the occurrence of gender-based violence, including sexual assault, to University officials because students are concerned about charges for violating alcohol or drug policies. While alcohol and drug violations are not condoned by the University, reporting sexual misconduct and interpersonal violence are strongly encouraged.

A bystander, acting in good faith, or a reporting individual (complainant) acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to University officials will not be subject to code of conduct action for violations of alcohol and/or drug use policies occurring in connection with the report.

d. Coordination with Law Enforcement

A Complainant has the right to file criminal charges with the appropriate law enforcement official or may decline to notify law enforcement. The University encourages Complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under West Virginia law. The University will assist a Complainant in making a criminal report if a Complainant decides to pursue the criminal process. The University will cooperate with law enforcement agencies.

The University's Policy, definitions and standard of proof may differ from West Virginia criminal law. A Complainant may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the University may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the Complainant regarding Title IX protections, procedural options and the implementation of interim measures to assure safety and well-being. The University will promptly resume its Title IX fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

e. Statement Against Retaliation

It is a violation of University Policy and Title IX to retaliate in any way against an individual because the individual raised allegations of sexual or gender-based harassment, sexual violence or exploitation, stalking, or relationship violence or participated in an investigation. The University recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Complainant, Respondent or third party may commit or be the subject of retaliation.

The University shall not retaliate against an individual who files a complaint of or participates in an investigation of gender-based/sexual misconduct. The University will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting gender-based or sexual misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report does not later result in a finding of responsibility.

f. False Reports

The University will not tolerate intentional false reporting of incidents. The University takes the validity of information very seriously as a charge of sexual misconduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a Complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, that individual may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Similarly, a Respondent or witness who is later proven to have intentionally given false information during the course of an investigation or conduct action may be subject to disciplinary action.

VIII. Interim Measures, Remedies and Accommodations

Upon receipt of a report, the University will impose reasonable and appropriate interim measures designed to eliminate the hostile environment and protect the parties involved. The University will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed; namely, the University will offer to change academic, living, transportation, and working situations or protective measures, if such accommodation is reasonably available. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the University.

A Complainant or Respondent may request a No-Contact Order or other protection, or the University may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community and/or the integrity of the process.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce a previously implemented measure. Failure to abide by an interim measure imposed by the University is a violation of this Policy, and the University may pursue disciplinary action for any failure to comply.

a. Range of Measures

Interim measures will be implemented at the discretion of the University. Potential measures, which may be applied to the Reporting Party and or the Responding Party, include:

- Access to counseling services and assistance in setting up an initial appointment, both on and off campus
- References and assistance in obtaining medical services
- Imposition of a campus No Contact Order
- Imposition of a no trespass order
- Security Assistance (examples might include security escorts, increased patrol, accompanying a student during an interview with SUPD, etc.)
- Academic accommodations (with permission of the student and with agreement of the appropriate faculty, who will not be informed of the specific reason for the request):
Rescheduling of exams and assignments, Providing alternative course completion options, Change in class schedule or other academic accommodations, without penalty to the party
- Providing Academic support services, such as tutoring
- Change in work schedule or job assignment
- Residence modifications: Change in on-campus housing, Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies, Relocation assistance
- Limit of an individual or organization's access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Interim suspension or restrictions
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

b. Interim Suspension

The Dean of Students or designee may suspend a student for an interim period pending the adjudication of a complaint of sexual misconduct or interpersonal violence. An interim suspension may become effective immediately without prior notice whenever there is evidence that the continued presence of the Respondent student on the University campus poses a substantial threat to others, or to the stability and continuance of normal University functions. In cases where there is an appeal following the adjudication of a complaint of sexual misconduct in which an interim suspension was issued, the interim suspension shall continue during the appeal. A student suspended on an interim basis may not withdraw from the University before the conclusion of the adjudication and appeal, if any.

IX. Options for Resolution of Reports

a. Time Frame for Resolution

The University seeks to resolve all reports within 60 calendar days of the initial report. All time frames expressed in this Policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this Policy and accompanying procedures. The University will keep all parties updated on the status of resolution procedures throughout the process.

b. Resolution for Complaints against Students

1. Initial Title IX Assessment

Upon receipt of a report, the University's Title IX Team will conduct an initial Title IX assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual and or gender-based harassment, discrimination, and interpersonal violence, including sexual violence, stalking, and relationship violence. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the Reporting Party's expressed preference for resolution in determining the appropriate course of action to eliminate any hostile environment presented, stop the conduct at issue, prevent its recurrence, and address its effects.

At the conclusion of the assessment, the Title IX Team may refer the report for informal resolution, which includes the identification of remedies to stop the sexual misconduct, address its effects, and prevent its recurrence. Alternatively, the Title IX Team may refer the matter for formal resolution. Formal resolution begins with an investigation. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to refer the report to an adjudication or grievance process in order to determine responsibility and impose disciplinary action if appropriate.

The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the University seeks action that would impact a Respondent, such as protective measures that restrict his/her movement on campus, the initiation of an investigation or the decision to involve the Respondent in Informal Resolution.

2. Informal Resolution Options

Informal resolution is a remedies-based approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.

Where the Title IX assessment concludes that informal resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the University and to eliminate a hostile environment. Examples of protective remedies are provided in Section VIII: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the University. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The University will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence. The decision to pursue informal resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. The University will keep the Complainant informed of the progress of Informal Resolution procedures.

3. Formal Resolution Options

a. Formal Investigation

Following the initial Title IX assessment, the University may initiate a prompt, thorough, and impartial investigation. The Title IX Coordinator, in consultation with the Title IX team, will oversee the investigation. Prior to any investigation meetings, the Title IX Coordinator, or member of the Title IX team will meet with both the Complainant and Respondent to inform both parties of their rights and responsibilities, the name of the investigator(s) appointed to the case, the policy provisions alleged to have been violated, the range of potential sanctions for the alleged violations, the name of the parties alleging violations, and the date, time, and place of the alleged sexual or gender-based misconduct, to the extent known. At the conclusion of the investigation, if warranted, the Student Conduct Officer, in coordination with the Investigator and Title IX Coordinator, will facilitate adjudication of the complaint or the investigation may be referred for resolution through a student conduct hearing board panel.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved as much as possible.

The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

At the conclusion of the investigation, the investigator(s) will prepare a written investigation report synthesizing the facts that will be submitted for review by the Title IX Coordinator and the Student Conduct Officer.

b. Friendly Advisors

Complainants and respondents have the right to be assisted by a friendly advisor to provide support through the investigation and student conduct process. Complainants and Respondents may choose any individual to act as a friendly advisor, including a relative, friend or attorney; however, the advisor may not be a witness or other party. An advisor may be present for any investigation or student conduct meeting. An advisor may attend but not participate in the hearing process; the student conduct officer must be notified no less than 72 hours in advance of the hearing with the name of any advisor. Advisors have no speaking role during the investigation or student conduct process and are not permitted to ask or answer questions or address the hearing board. An advisor may only provide advice to the complainant or respondent in a non- disruptive manner. Any case must be presented by the student. Students should select an advisor whose schedule allows attendance at any scheduled meeting or hearing.

Delays will not normally be allowed due to the scheduling conflicts of an advisor. All communication regarding the conduct process will be directed to the student. An advisor will not be permitted to communicate on the student's behalf. Students may contact the Title IX Coordinator or Dean of Students for a referral to a trained advisor on campus.

c. Preliminary Hearing and Review of Documents

Following the Investigation the Student Conduct Officer will meet with the Title IX Coordinator and/or the Title IX investigator who conducted the formal investigation to review the investigation report and determine whether if there is a preponderance of evidence present to demonstrate violation of a policy, or if the case should be referred to a formal hearing. If the charge does not carry the possibility of suspension or expulsion, the investigation report may be referred for administrative hearing. If the charge carries the possibility of a sanction of suspension or expulsion, the investigation will be referred to a formal hearing board panel.

During the preliminary hearing process, both the complainant and respondent will have the opportunity to meet with the Student Conduct officer and Title IX officer to review all documents within the investigation report and make any final clarifications. If the Student Conduct and Title IX officers determine that the respondent is responsible for violating policy during the preliminary hearing process, the respondent may accept responsibility or request a formal student conduct hearing. The respondent has up to two business days from the conclusion of the preliminary hearing process (or by 8 a.m. on the next university business day if the deadline occurs when the university is closed) to decide which option the respondent would like to utilize to resolve the charges. If a respondent accepts responsibility for the alleged offense then a respondent will waive the right to a formal hearing and accept the assigned sanction. If a respondent does not accept responsibility for the alleged offense, then a formal hearing will be conducted to determine if a respondent is responsible for the alleged violations and to determine the sanction(s), if appropriate. A complainant may also request a formal hearing if the preliminary hearing process concludes that the investigation report does not demonstrate a preponderance of information to find a respondent responsible for violating this policy.

If a respondent does not accept responsibility or does not attend the preliminary hearing, a formal hearing will be convened at the discretion of the student conduct officer. Students are not required to participate in the student conduct process; however the student conduct process will continue based on the information that is presented. At the discretion of the university, the student conduct process may be carried out prior to, simultaneously with, or following legal proceedings. The university reserves the right to resolve the matter through a formal hearing should the student conduct officer deems it to be necessary based on the type and severity of the alleged violations. A respondent may not be offered a preliminary hearing option.

d. Administrative Hearing and Preponderance Standard

An Administrative hearing may be used for all cases except those concerning prohibited conduct resulting in a sanction of suspension or expulsion. An administrator from the Office of Student Conduct will review the investigation report and decide whether the respondent is responsible for violating university policy and determine a sanction, if appropriate. Preponderance of evidence is the required standard for determining a policy violation. Administrators charged with rendering a decision of policy violation must be convinced based on the information provided that a policy violation was more likely to have occurred than to not have occurred in order to find a respondent responsible for violating a policy. If the policy violation may result in suspension or expulsion and the preliminary hearing was not offered or the respondent did not take responsibility during the preliminary hearing process, the investigation will be referred to the formal student conduct hearing board process.

e. Student Conduct Board Hearing

The student conduct hearing board typically consists of a three members drawn from a pool of trained faculty and staff, selected and appointed by the Student Conduct Office and the Office of the Title IX Coordinator. All hearing board members must participate in annual training on non-discrimination; the dynamics of sexual harassment, sexual violence, stalking, and intimate partner violence; the factors relevant to a determination of credibility; the appropriate manner in which to receive and evaluate sensitive information; the manner of deliberation; evaluation of consent and incapacitation; the application of the preponderance of the evidence standard; sanctioning and the University's policies and procedures. The training will be coordinated by the Title IX Coordinator and the Student Conduct Office.

The Hearing Board is supported by the Student Conduct Officer, who is present at hearings but is not a voting member of the board. He or she will meet with the Complainant and Respondent prior to the hearing, be present during the hearing to serve as a resource for the hearing board on issues of policy and procedure, and to ensure that policy and procedure are appropriately followed throughout the hearing.

No recordings of the proceedings shall be made by any person other than the student conduct administrator or the administrative hearing officer. All formal hearing recordings will be maintained by the Office of Student Conduct.

f. Witnesses

The Complainant, Respondent, and the hearing board all have the right to call witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character.

In general, neither party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the University’s investigation. If either party wishes to call witnesses, whether or not they were previously interviewed as part of the University’s investigation, the following must be submitted no later than two (2) business days before the hearing to the Student Conduct Officer in writing:

- The names of any witnesses that either party intends to call;
- A written statement and/or description of what each witness observed, if not already provided during investigation;
- A summary of why the witness’ presence is relevant to making a decision about responsibility at the hearing; and,
- The reason why the witness was not interviewed by the investigator, if applicable.

The Student Conduct Officer will determine if the proffered witness(es) has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the investigator. The Student Conduct Officer may also require the investigator to interview the newly proffered witness which may delay the hearing no more than five (5) business days.

If witnesses are approved to be present, the Respondent and Complainant are provided with a list of witnesses and any relevant documents related to their appearance at the hearing no later than five (5) business days before the hearing. All parties have the opportunity to ask questions of witnesses (through the board), regardless of which party requested the witness.

g. Sanctions

Prohibited Conduct/Policy Violation	Range of Sanctions
Sexual Misconduct Constituting Sexual Harassment (Not constituting non-consensual sexual contact or intercourse)	Maximum: Expulsion Suspension Deferred Suspension Disciplinary Probation Minimum: Educational/Counseling Component Community Service
Sexual Misconduct Constituting Non-consensual Sexual Contact	Maximum: Expulsion Suspension Minimum: Deferred Suspension, or Disciplinary Probation, and Community Service Educational/Counseling Component
Sexual Misconduct Constituting Non-consensual Sexual Intercourse	Maximum: Expulsion Minimum: Suspension, and Educational/Counseling Component

Sexual Misconduct Constituting Sexual Exploitation	Maximum: Expulsion Suspension Deferred Suspension Disciplinary Probation Minimum: Educational/Counseling Component Community Service
Gender-based Misconduct Constituting: - Gender-based harassment - Dating Violence - Domestic Violence - Stalking	Maximum: Expulsion Suspension Deferred Suspension Disciplinary Probation Minimum: Educational/Counseling Component Community Service

Any student found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from deferred suspension or probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*

Any student found responsible for violating the policy on sexual exploitation, sexual or gender-based harassment, dating/domestic violence, or stalking will likely receive a recommended sanction ranging from warning/educational component to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

For further definitions please refer to the student code of conduct at <http://www.shepherd.edu/wordpress-1/wp-content/uploads/2016/08/StudentHandbook2016.pdf>

h. Outcome Notification

Written notice of the outcome, the rationale for the decision, relevant sanctions imposed, and instructions for filing an appeal will be provided to both parties following the decision. Both parties also will be notified of any change to the outcome that occurs prior to final resolution, and when the outcome becomes final.

i. Appeals

A respondent or complainant has up to three business days (or by 8 a.m. on the next university business day if the deadline occurs when university offices are closed) from the date of the decision notification to submit an appeal in writing to the Office of Student Conduct.

An appeal may be made on the following grounds:

- The student conduct process was not conducted in a fair or impartial manner.

- New, relevant information became available after the hearing was completed.
- The hearing was not conducted according to established procedures.

This notification must clearly identify the grounds for the appeal and give clear support for this reason. Appeals based on the outcomes of student conduct board hearings, and for cases where the formal hearing occurred as an administrative hearing through the Student Conduct Office, will be heard through the Shepherd University Appeal Board. The Shepherd University Appeal Board will consist of three faculty or staff members, one of which will serve as chairperson. The appeals process will be limited to the content of the appeal request, a review of hearing recordings (if any), supporting documents, and related information. The university representative, the respondent, and the complainant may not be required to attend the Appeals Hearing Board unless needed to explain the basis of new information. The decision of the Shepherd University Appeal Board will be considered to be final in all cases and cannot be appealed. Decisions of the Shepherd University Appeal Board may take one of the following three forms:

- Affirm the original decision and sanctions.
- Change the original decision and/or sanctions.
- Void the original decision and order a new formal hearing.

The Shepherd University Appeal Board will make its decision promptly and communicate the findings to the respondent and complainant in writing in a timely manner.

4. Records

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution, or formal resolution. Complaints resolved by means of Title IX assessment or informal resolution are not part of a student's conduct file or academic record or of an employee's personnel record.

Affirmative findings of responsibility in matters resolved through formal resolution are part of a student's conduct record and an employee's personnel record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel record.

Student conduct records will be retained in the Dean of Students Office seven years from when the student graduates or leaves the University due to death, withdrawal, or academic dismissal. Student conduct records of cases resulting in suspension, expulsion, or organizational deactivation may be retained for longer periods of time or indefinitely at the discretion of the Dean of Students. Further questions about record retention should be directed to the Dean of Students Office.

c. Resolution for Resolving Complaints against Employees

As outlined in the Reporting section of this policy, an individual who wishes to make a report of sexual harassment, sexual violence, stalking, or intimate partner violence is encouraged to make a report directly to the Title IX Coordinator or the Office of Student Conduct. Complaints involving University employees, volunteers or contractors can also be made to the University's Affirmative Action/Equal Employment Opportunity (AA/EEO) Officer, Marie DeWalt. In every instance under this policy, the University will conduct an initial Title IX Assessment. For complaints involving University employees the Title IX team will coordinate with the University's AA/EEO Officer. The Initial Assessment, Informal

Options for Resolution, and Investigation will similarly occur in reports against Employees of the University.

The contact information for the AA/EEO Officer is as follows:

Dr. Marie DeWalt
Office of Human Resources
120 N. Princess Street Shepherdstown, WV
304-876-5288
mdewalt@shepherd.edu

1. Informal

Informal resolution is a remedies-based approach designed to eliminate a hostile environment without taking formal disciplinary action against a Respondent. If the Informal Resolution option is chosen, the complainant may opt for a meeting with the alleged offender and the Title IX Coordinator or AA/EEO Officer, or designee. The Ombudsperson may also serve as mediator, listening to all views and establishing a resolution document or mediation agreement as appropriate. The Title IX Coordinator may also meet with all parties separately and work with the AA/EEO Officer to seek an appropriate resolution. The resolution document or mediation agreement may include a "no-contact arrangement" and/or other provisions. The outcome of the informal resolution should meet the satisfaction of all parties to the fullest extent possible. If the complainant is not satisfied, the Title IX Coordinator may review other options, including the formal resolution. All records, including the resolution document, are submitted to the office of AAO for filing. The AAO or Title IX Coordinator will follow-up with parties within two weeks of the resolution if one was reached. Additional follow-up contacts will be made as needed. Proceedings and records will be confidential to the fullest extent possible. If additional complaints arise subsequently as to the same employee, the earlier records may be evidence of a continuing practice of misconduct.

2. Formal Resolution Options

Upon receipt of a formal complaint of sexual or gender-based misconduct, the Title IX Coordinator will consult with the University's AA/EEO Officer prior to taking action to investigate or resolve the complaint. The Title IX Coordinator shall, within sixty (60) days from the receipt of a formal complaint, conduct and conclude an investigation of the allegations that will include an interview with the Complainant, the Respondent, and witnesses as well as the collection of relevant documents, if any. The Title IX Coordinator will submit the investigation report to the AA/EEO Officer.

3. Social Justice Panel

The President shall annually designate a ten-member body made up of five faculty and five staff. The AAO will randomly select three members to serve on the social justice panel for formal resolution of complaints against employees. Immediate supervisors of the accused or the accuser, or any person with a specific, known bias, will be excluded from serving on the three member panel. The formation of the panel will be completed within two weeks of the submission of the written complaint, except where extenuating circumstances require additional time. The panel may meet with the investigator, complainant, respondent, or any witnesses relevant to the investigation to clarify any information, but shall at all times act collectively as a group and not individually. The panel shall prepare a written report of its factual findings and conclusions regarding the merits of the complaint. This report may, if

applicable, include dissenting conclusions. If the report finds any part of the complaint to be meritorious, then the report will designate appropriate action with respect to the respondent. The panel shall direct its written report to the AAO and to the executive officer who supervises the respondent. The AAO shall then provide a copy of the report to the complainant and respondent, and notice of whether the executive officer implemented some form of adverse action.

4. Sanctions

Disciplinary action may include, but is not limited to, a letter of reprimand, instructions to draft and send a letter of apology, termination of a contract, demotion, termination of employment, or expulsion from University programs. The decision notification will also advise the Complainant and the Respondent of the right to appeal the decision.

5. Rights to Appeal

The Complainant or Respondent may appeal the decision by filing a written appeal with the AA/EEO Officer. After receipt of the appeal, an Appeal Panel will be appointed in accordance with the procedures in the applicable grievance procedures of the University. For further information see <http://www.shepherd.edu/hr/board-policies/>

X. Education and Prevention Programs

Shepherd University is committed to the prevention of sexual and interpersonal violence through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Prevention programs include an overview of the University's policies and procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use, affirmative consent, safe and positive options for bystander intervention, and information about risk reduction.

Incoming first year students and new employees will receive primary prevention and awareness programming as part of their orientation as well as online. Returning students and employees will receive ongoing training on a periodic basis. The Title IX Coordinator oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty and staff.

a. Training for Faculty/Staff

All incoming faculty and staff at Shepherd University receive Title IX training focused on both the awareness and prevention of gender-based harassment, discrimination and violence. Options are given for all faculty and staff to complete Title IX training in person through a presentation from the Title IX Coordinator or online through the Haven sexual violence training for faculty and staff provided through the Everfi training modules. Faculty and staff with leadership or supervisory responsibilities for students are required to complete both on-line and in person training.

b. Prevention and Education Programs for Students

1. Haven

All incoming students, student-athletes, student employees, students involved in fraternity or sorority life, and student leaders are required to complete Haven Sexual Violence training. In addition all incoming students will receive in person Title IX training during orientation. All student-athletes are also engaged in sexual and intimate partner violence prevention and awareness training programs organized

by the Title IX Coordinator and Interpersonal Violence Response Coordinator, including small group-facilitation with peer leaders and advocates.

2. Stand Up Campaign

Stand Up Don't Stand By is Shepherd's homegrown bystander intervention program implemented to raise awareness and empower the bystander to prevent sexual and interpersonal violence on campus. 3D Thursday occurs every Thursday at Shepherd and empowers all members of the campus community as bystanders to direct, distract, or delegate to get involved in a situation and prevent sexual or gender-based misconduct from occurring. The year of events culminates in the annual 3D dash, a 5K on campus, organized by a committee of students and staff, to bring awareness to the issues surrounding IPV.

3. On-going Prevention and Awareness Campaigns

Shepherd University has engaged in a variety of prevention and awareness campaigns including the Stand Up Bystander Intervention Program, the It's On Us Pledge Campaign, the Red Flag Campaign, the RealConsent Campaign, and healthy masculinity programming including multiple discussion and viewing of the film *The Mask You Live In*. The Prevention task force described below utilizes evidence based prevention methods through resources including the CDC's Technical Packet for Addressing Sexual Violence. Risk reduction efforts include empowerment campaigns for survivors of violence.

c. Prevention Task Force

The Interpersonal Violence Prevention Task Force was formed in the spring of 2016 through coordination of the Title IX team. The Task Force utilizes diverse campus community collaboration and includes representatives from faculty, undergraduate and graduate students, athletics, Title IX, SAVAs, Local Women's Center, SUPD, and student affairs (residence life, counseling services, student success, new student programming, Sorority & Fraternity Life, student engagement, student conduct, disability support services, and multicultural student affairs). The Mission of Task Force is as follows: Incorporating Shepherd University's core value of community, the task force will collaborate with communities across campus to coordinate and implement campus-wide comprehensive prevention and education programming. Utilizing a public health model and a social justice approach, the task force works to promote a safe and equitable campus community environment based on mutual respect and end the occurrence of gender-based discrimination, harassment, and violence.

The goals for the 2016-2017 academic year are:

- a. Mobilize allies across campus to serve as leaders for cultural and social change.
- b. Engage campus and community members across the spectrum of gender expressions and identities in activism to shift culture through peer education awareness.
- c. Develop and implement training curriculum to educate students, faculty, and staff about the cultural myths, stereotypes, and power dynamics that lead to gender-based discrimination and violence.
- d. Provide tools and involve members of the campus community to create awareness about language and behaviors that normalizes sexual violence, and instead facilitate narratives that promote a campus culture of consent and respect.
- e. Expand the Stand Up Don't Stand By Bystander Intervention Program, utilizing task force collaboration and bystander leadership training.
- f. Recognize the importance of addressing the needs of underserved populations (including students with disabilities, international students, and students from the LGBTQ community) in programming and collaboration efforts.

- g. Track and assess effectiveness of prevention and awareness programs and activities to direct and improve future prevention initiatives.

XI. Agreements with Local Law Enforcement and Rape Crisis Programs

Shepherd University is a grantee of the Office for Violence Against Women and has signed both internal and external memoranda of understanding with local law enforcement and the local rape crisis center, the Shenandoah Women’s Center. Shepherd is also engaged in a partnership with the WV Foundation for Rape and Information Services

XII. Campus Climate Survey

The IPV Prevention Task Force is currently engaged in the Campus Climate Campaign to be launched on Shepherd University campus during the spring of 2017 for purpose of collecting data to inform future prevention and awareness efforts.

XIII. Conflicts with Other Policies

To the extent that this Policy conflicts with any other University policy, procedure, handbook, faculty or employee bylaw, agreement, or process, this Policy shall prevail.