

Shepherd University Title IX Sexual Harassment Interim Policy

I. Resources

Overview and Reporting Options

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 sexual harassment, including sexual assault, dating/domestic violence, or stalking is encouraged to seek assistance from the resources listed below. All members of the campus community have the right to 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 supportive measures, 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 Gardiner Hall, Room 120. The Title IX Coordinator can be reached by emailing alewin@shepherd.edu or calling **304-876-5041**. Online reporting and further information can be found at <http://www.shepherd.edu/title-ix>.

Confidential Resources (Counseling and Advocacy)

The University encourages all community members to make a prompt report of any incident of sexual harassment to the University and/or local law enforcement. For individuals who are not prepared to make a report to the University, are 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.

On-campus Confidential Support

SU Counseling Services: 304-876-5161

Office Hours: Monday-Friday 8:00 a.m. - 4:30 p.m.

Appointments can be made by calling Health Center (listed above) or fill out the Request for Counseling Services Contact Form on Rampuse.

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. Counseling Services works with the Title IX Coordinator to provide sexual violence prevention education to the campus community.

Off-campus Confidential Support Option

Eastern Panhandle Empowerment Center:

24 Hour Hotline: 304-263-8292

EPEC 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 EPEC

is officially located off-campus, Shepherd has a long standing and highly functional relationship with EPEC. Advocates at EPEC can connect victims of violence and harassment to University resources or reporting, as well as facilitate criminal reporting and medical assistance. Please look at the website for more information: <http://epecwv.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**

On-campus Confidential Medical Resources

Shepherd Health Services Center: 304-876-5161

Appointments can be scheduled Monday-Friday 8:30am-3:30pm by calling the number above.

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.**

Off-campus Confidential Medical Resources

Winchester Medical Center: 540-536-8000

1840 Amherst St, Winchester, VA 22601

Berkeley Medical Center: 304-264-1000

2500 Hospital Drive, Martinsburg, WV 25401

Jefferson Medical Center: 304-728-1600

300 South Preston Street, Ranson, WV 25438

Shepherd University will work with the Eastern Panhandle Empowerment Center to fully and promptly cooperate in obtaining appropriate medical attention for a Complainant, including transportation to one of the listed hospitals.

Statement on Preservation of Evidence

Evidence of sexual assault, dating violence, domestic violence, stalking, or retaliation should be preserved as soon as possible, even if you are unsure about reporting to the University or filing criminal charges.

Preservation of evidence is essential for both law enforcement and University investigations. Write down, or have a friend write down, everything you can remember about the incident, including a physical description of the perpetrator. You should attempt to do this even if you are unsure about reporting the incident in the future.

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), also commonly referred to as a rape kit. Winchester Medical Center is located in Winchester, VA and will provide exams free of charge. Other local options include Berkeley Medical Center, located in Martinsburg, WV and Jefferson Medical Center, located in Ranson, 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 an 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.

Digital Evidence

Evidence such as texts, emails, social media posts, chats, pictures, videos or other forms of electronic communication can be helpful in an investigation. Download files, save to a .pdf, take screen shots, or use other methods to preserve electronic evidence.

Stalking or Intimate Partner Violence Evidence

Documenting behavior that is unwanted, unwelcome, or violent at the start of such conduct will be helpful even if you are not yet ready to report an incident or course of conduct. This documentation can be useful if attempting to file for a protective or personal safety order.

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 campus members and will collaborate with the Title IX Coordinator in a manner consistent with the University's commitment to a safe and healthy educational and working 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
alewin@shepherd.edu

304-876-5041

The Title IX Coordinator supervises the University's response to a report of sexual harassment. The Coordinator is responsible for the initial Title IX assessment, implementing supportive 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 oversight 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 harassment to the needs of the community. The Coordinator is available to meet with students, staff and faculty.

Student Conduct Office: **304-876-5307**
jmellow@shepherd.edu

Student Conduct can provide options and resources for students as well as assist with a variety of accommodations and interim remedies. Student Conduct will work with the Title IX Coordinator to resolve misconduct relating to students under this policy.

Vice President for Student Affairs: **304-876-5030**
hfrye@shepherd.edu

The Vice President for Student Affairs has overall responsibility for the division of Student Affairs and can help facilitate supportive measures and resolution of complaints involving students.

Provost: **304-876-5176**
sbeard@shepherd.edu

The Provost has overall responsibility for Academic Affairs and will work with the Title IX Coordinator to provide supportive measures and resolve complaints of sexual harassment involving faculty and/or students.

Director of Human Resources/EEO Officer: **304-876-529**
mdewalt@shepherd.edu

The Director of HR will coordinate with the Title IX Coordinator to respond and resolve complaints of sexual harassment involving employees.

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 sexual harassment under Title IX, including sexual violence, stalking, dating violence, and domestic violence. Sexual harassment may occur regardless of a participant's sex, sexual orientation, gender identity, or gender expression.

The University strives to foster a climate free from discrimination, harassment, or violence through training, education, and prevention programs, as well as through policies and procedures that promote

prompt reporting, prohibit retaliation, and ensure timely, fair, and impartial investigation and/or resolution of complaints in a way that eliminates the sexual harassment, prevents any recurrence, and addresses the effects of the harassment. This policy applies to all members of the Shepherd campus community, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, and any individuals regularly or temporarily employed, studying, living, conducting business with, or having any official capacity with the University.

This policy is intended to protect and guide individuals who have been affected by sexual harassment, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for the investigation and resolution of complaints.

When used in this policy, “Complainant” refers an individual who is alleged to be the victim of conduct that could constitute sexual harassment, as defined by this policy, including sexual assault, stalking, or relationship violence. A “Respondent” refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment as defined by 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.

Complainants and Respondents include both students and employees. Both students and employees are held to the same standard when it comes to complaints of sexual harassment.

IV. Geography of Jurisdiction

This policy applies to conduct occurring within a University education program or activity, including locations, events, or circumstances over which the University has exercised substantial control over both the Respondent and the context in which the sexual harassment occurs. This policy applies to conduct occurring on University property or at University-sanctioned events, including off-campus buildings owned or controlled by a student organization that is officially recognized by the University.

General jurisdiction dictates that some off-campus sexual harassment may fall within the University’s Title IX jurisdiction. This extends to incidents of sexual harassment if any of the following criteria are met:

- The off-campus incident occurs as part of the recipient’s ‘operations’
- The recipient exercised substantial control over the Respondent and the context of alleged sexual harassment
- The incident of sexual harassment occurs at an off campus building owned or controlled by a student organization officially recognized by a postsecondary institution

A Complainant is encouraged to report harassment 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.

V. 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, 304-876-5041, alewin@shepherd.edu
Gardiner Hall, Room 120, 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

VI. 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 Student Conduct Office, Title IX investigators, the Hearing Panel members or Decision Makers, the Title IX Advisors, 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.

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

providing supportive measures. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

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 who shared the information. These designated campus and community professionals include professional counselors in the counseling center and medical health professionals in the student health center.

All Shepherd employees outside of designated confidential campus professionals will be responsible to report knowledge of any sexual harassment or 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.

Employee Reporting Requirements

Shepherd University requires all employees to report any knowledge of sexual harassment, except for individuals who have legally protected confidentially (see Section 1, Resources). University employees are required to share this information with the Title IX Coordinator. This allows the Title IX Coordinator to conduct an initial assessment of the reported conduct, and to ensure that a Complainant is aware of all options for resolution, both on and off campus. The Title IX Coordinator will seek the Complainant's expressed preferences in determining a course of action.

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, resolution options will be limited. If the University has information that may include a threat to the campus community, the Title IX Team will evaluate the information and make a determination based on the request. The University will balance the 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. In making this determination, the Title IX Coordinator may consider the following factors (also used to make determination on timely warning):

- 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
 - Examples include: 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
 - Example: 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
 - Examples include: security cameras 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.

VII. Timely Warning and Applicable Law

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 sexual harassment meets the definition of a Clery Act crime, has occurred within Clery Act geography, and represents a serious and ongoing 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 through an assessment by the Clery Compliance committee, taking into account the effect on the parties involved, and the safety and wellness of the campus as a whole. **The Clery Compliance committee will consider the factors listed above in "Complainant's Request for Privacy" as well when making the determination to send a Timely Warning.**

VIII. Prohibited Conduct and Definitions

Prohibited Forms of Conduct

The University prohibits all forms of harassment or discrimination on the basis of sex, including sexual harassment as defined below.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (also referred to as quid pro quo harassment).

Quid pro quo conduct examples:

- 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
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity (also referred to as hostile environment harassment).

Hostile Environment examples that may fit the definition depending on circumstances:

- 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 and 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

3. Sexual and Intimate Partner Violence as defined below:

- a. **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - i. **Non-consensual Sexual Contact/Fondling:** The intentional touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age and/or because of their temporary or permanent mental incapacity.

- 4. Retaliation:** Intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complain, testifies, assisted, or participated or refused to participate in any manner in an investigation, or hearing under Title IX.

Other Definitions

Consent: 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.

IX. 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 discrimination, including sexual harassment.

The University is committed to supporting those who experience sexual harassment and encourages all individuals or 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. 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 complaint of sexual harassment reported to the University will be 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 to consider the nature of the report, the safety of the individuals involved, and the safety of the campus community overall.

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

For immediate assistance: 911

SUPD: 304-876-5202

Shepherdstown Police Department: 304-876-6036

Jefferson County Sheriff's Department: 304-728-3205

West Virginia State Police: 304-724-7986

Medical Providers

Provides Sexual Assault Forensic Exams

Winchester Medical Center: 540-536-8000

Berkeley Medical Center: 304-264-1000

Jefferson Medical Center: 304-728-1600

Provides Medical Treatment

Shepherd Health Services: 304-876-5161

Mon-Fri: 8:00am-4:30pm

Reporting Considerations: Timeliness and Location of Incident

Complainants and third-party witnesses are encouraged to report sexual harassment and violence 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 response may be limited by jurisdiction, but the University will attempt to take every step possible to provide supportive resources and a safe, equitable educational environment. The University's ability to take disciplinary action against the Respondent may be limited, but the University will provide supportive measures for the Complainant and assist in identifying the appropriate external reporting options.

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 sexual harassment, 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 assault and other forms of harassment 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.

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 or intimate partner violence 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 supportive 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.

Statement Against Retaliation

Shepherd University does not tolerate any form of retaliation. It is a violation of University Policy and Title IX to retaliate, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complained, testified, assisted, or participated/refused to participate in any manner in an investigation, or hearing under Title IX. 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. Retaliatory conduct or conduct that could be construed as retaliation or intimidation, including having or attempting contact with any individual involved in the reporting or investigation process to intimidate, harass, threaten, or coerce such individual will be considered a violation of University Policy. Contact also includes contact from third parties, such as friends, family members, and/or other students.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

The University shall not retaliate against an individual who has made a report or complaint, testified, assisted, or participated/refused to participate in any manner in an investigation, or hearing under Title IX. The University will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting discrimination, including sexual harassment, 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.

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 harassment may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation; 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.

X. Supportive Measures and Accommodations

Upon receipt of a report, the Title IX Coordinator will work with other University personnel to provide reasonable and appropriate supportive measures designed to restore equal access to the University's education program or activity without unreasonably burdening the other party. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

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 other supportive measures, if such an accommodation is reasonably available. Supportive measures may be provided regardless of whether the Complainant files a formal complaint.

A Complainant or Respondent may request a Mutual No-Contact Order or other protection, or the University may choose to impose a No-Contact Order or other measure 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 a No-Contact order imposed. Failure to abide by the imposition of a No-Contact Order is a violation of this Policy, and the University may pursue disciplinary action for any failure to comply.

Depending on the circumstances and requested measures, the Respondent may or may not be notified. A Respondent will be notified when the University seeks action that would impact a Respondent, such as

measures that restrict the movement of the Respondent on campus, the initiation of an investigation, or an informal resolution.

Range of Measures

Supportive measures will be implemented at the discretion of the University. Potential measures, which may be provided to the Complainant or Respondent, include:

- Access/referral to counseling services and assistance in setting up an initial appointment, both on and off campus
- References and assistance in obtaining medical/health services
- Imposition of a campus Mutual No-Contact Order
- Imposition of a restriction from campus for non-student
- Increased security and monitoring of certain campus areas
- Timely warnings
- 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, extensions, course-related adjustments
- Change in work schedule or job assignment
- Residence modifications, including:
 - Change in on-campus housing, arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies
- Visa and immigration assistance
- Education to the community or community subgroup
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Emergency Removal and Administrative Leave

The University may remove a student Respondent from an educational program or activity on an emergency basis if a determination is made that the student is an immediate threat to the physical health or safety of any student or other individual arising from allegations of sexual harassment. The determination for an emergency removal will be made based on an individualized safety and risk analysis completed by the Title IX/Clery Coordinated Campus Response Team. The University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The University may also place a non-student employee Respondent on administrative leave pending the resolution or outcome of a Title IX grievance process underway. Neither a Student Emergency Removal or an Employee Administrative Leave action will modify any rights under the Americans with Disabilities Act, Section 504 of Rehabilitation Act, and other applicable law.

XI. Options for Resolution of Complaints

Time Frame for Resolution

The University seeks to resolve all complaints within a reasonable time frame. 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. 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.

Grievance Process for Resolution of Complaints or Reports

1. Initial Title IX Response

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 harassment, including sexual violence, stalking, and dating or domestic violence. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant'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.

Both informal and formal options are available to resolve the complaint. When a report of sexual harassment is received, the Title IX Coordinator will respond promptly to provide supportive measures and options for resolution of complaints. The Title IX Coordinator, or designee, will contact the Complainant to discuss the availability of supportive measures regardless of filing a formal complaint, and will explain the process for filing a formal complaint. A Formal Complaint is required to initiate a formal or informal process for resolution.

2. Formal Complaint

A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. In order to file a formal complaint, a Complainant must physically or digitally sign the complaint, or otherwise indicate that the Complainant is the one filing the complaint and intends to file a formal complaint. A formal complaint is required to initiate either the formal resolution process, including

an investigation and hearing, or an informal resolution under Title IX. A Complainant cannot file a formal complaint and remain anonymous; however, a formal complaint may be filed without knowing the identity of the Respondent. A formal complaint must allege sexual harassment as defined by this policy.

3. Written Notice of Allegations

Both the Complainant and the Respondent will receive written notice of an allegation if a formal complaint is filed. This notice includes a written document to the Respondent outlining, the Complainant, the nature of the incident and how it constitutes sexual harassment (as previously defined), and information pertinent to the incident (date, time, location, etc.) if known. The Respondent is not presumed responsible for the alleged conduct, and only at the conclusion of the grievance process will there be a determination of responsibility. Both parties will at this time be made aware of their right to an advisor and detailing evidence, as well as prohibition of making false statements or providing false information. Following the filing of a formal complaint, the Title IX Coordinator will contact the Respondent and provide written notice of allegations, including sufficient details known at the time with sufficient time to prepare a response before any initial interview. Sufficient details include: the identities of the parties involved in the incident (if known); the conduct allegedly constituting sexual harassment; the date and location of the alleged incident. The Written Notice of Allegations will also include options for resolution, including formal investigation and adjudication or informal resolution.

4. Informal Resolution Options

Informal resolution is an alternative dispute resolution option that is a remedies-based approach, including mediation or arbitration, and designed to eliminate a hostile environment and prevent future harassment. Both the Complainant and Respondent must submit written consent and agree on the type of informal resolution. Informal resolutions may not be used to resolve complaints submitted by students against employees. An informal resolution process does not involve a full investigation and adjudication and may be initiated at any point prior to reaching a determination regarding responsibility. 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, eliminate any hostile environment issues, and prevent future misconduct. Other potential remedies include targeted or broad-based educational programming or training.

The Title IX Coordinator will work with the Complainant and Respondent to determine the best and most appropriate option for informal resolution based the individual circumstances of the situation. Participation in informal resolution is voluntary, and parties can request to end informal resolution at any time, resume the formal process or choose an alternative informal process. The informal resolution process will include a document outlining action steps to address current and prevent future hostile environment concerns. Informal resolutions can include No-Contact Orders, educational requirements, and other supportive measures as well. The Title IX Coordinator will maintain records of all reports and conduct resolved through the informal resolution process. The University will keep all parties informed of the progress of the informal resolution process. Informal resolutions can never be forced upon a party for fear of retaliation.

5. Formal Resolution Options

Formal Investigation

Formal resolution begins with a formal 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 appropriate sanctions or outcomes. If the Complainant files a formal complaint and chooses to pursue a formal resolution process, the University will initiate a prompt, thorough, and impartial investigation. The Title IX Coordinator will have oversight over 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 harassment, to the extent known.

At the conclusion of the investigation, an investigation report will be compiled with relevant evidence included and submitted to the hearing panel prior to the hearing and after documents have been reviewed by both parties. 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.

Evidence regarding a party's sexual behavior or predisposition that is directly related to the allegations raised in a formal complaint should be offered for review to all parties for consideration of inclusion in the investigative report. The Complainant's prior sexual behavior is considered irrelevant; however, **it must be shared if it is considered directly related to the allegations.**

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 Hearing Board to determine responsibility outcomes and sanctions.

Advisor of Choice

Complainants and Respondents have the right to be assisted by an advisor to provide support through the grievance process. Advisors may be any member of the campus community but may not be a witness or other party in the proceeding. Complainants and Respondents who wish to consult with an attorney may do so at their own expense; the attorney may act as the party's advisor and accompany the party to any investigation meeting and/or hearings. An advisor may be present for any investigation, meeting, or hearing. If a party does not have an advisor, the University will provide the party with an advisor at no cost for the purpose of cross-examination during the live hearing. The advisor will conduct cross examination for the Complainant or Respondent during the hearing.

Document Review

Before the investigator(s) issues a final report, both parties will be provided with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely. Prior to completion of the investigative report, the University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The Recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. Upon completion of the investigative report, the parties will have another opportunity to review evidence documentation prior to the live hearing.

Preponderance Standard

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.

Hearing Board Panels and Decision-Makers

The hearing board panel typically consists of three members drawn from a pool of faculty and staff, selected and trained by the Title IX Coordinator. All decision-makers and 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.

All formal hearing recordings will be maintained by the University.

Witnesses

The Complainant, Respondent, and the hearing board all have the right to call witnesses, including expert 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. The Decision Maker will determine if the proffered witness(es) has relevant information.

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 (10) business days before the hearing. All parties have the opportunity to ask questions of witnesses through the party's advisor, regardless of which party requested the witness.

Prohibited Conduct/Policy Violation	Range of Sanctions
Sexual Harassment (Not constituting sexual assault)	<p>Maximum:</p> <ul style="list-style-type: none"> ○ Suspension ○ Deferred Suspension ○ Disciplinary Probation <p>Minimum:</p> <ul style="list-style-type: none"> ○ Educational/Counseling Component ○ Community Service
Non-consensual Sexual Contact/Fondling	<p>Maximum:</p> <ul style="list-style-type: none"> ○ Expulsion ○ Suspension (including deferred) <p>Minimum:</p> <ul style="list-style-type: none"> ○ Disciplinary Probation and Community Service with an Educational/Counseling Component
Non-consensual Sexual Intercourse/Rape	<p>Maximum:</p> <ul style="list-style-type: none"> ○ Expulsion <p>Minimum:</p> <ul style="list-style-type: none"> ○ Suspension (including deferred) and Educational/Counseling Component
Sexual Exploitation	<p>Maximum:</p> <ul style="list-style-type: none"> ○ Expulsion ○ Suspension ○ Deferred Suspension ○ Disciplinary Probation <p>Minimum:</p> <ul style="list-style-type: none"> ○ Educational/Counseling Component ○ Community Service
Dating/Domestic Violence or Stalking	<p>Maximum:</p> <ul style="list-style-type: none"> ○ Expulsion ○ Suspension ○ Deferred Suspension ○ Disciplinary Probation <p>Minimum:</p> <ul style="list-style-type: none"> ○ Educational/Counseling Component ○ Community Service

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 <https://www.shepherd.edu/student-handbook>

Employees

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.

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.

Appeals

A Respondent or Complainant has up to five business days from the date of the decision notification to submit an appeal in writing to the Decision Maker. An appeal may be made on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

This notification must clearly identify the grounds for the appeal and give clear support for this reason. Appeals 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 decision of the Shepherd University Appeal Board is considered 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.

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.

Affirmative findings of responsibility in matters resolved through formal resolution are part of a student's conduct 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.

Records will be retained for seven years or may be retained for longer periods of time or indefinitely at the discretion of the University.

XII. Education and Prevention Programs

Shepherd University is committed to the prevention of sexual and intimate partner violence, harassment, and discrimination 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 drug use, affirmative consent, safe and positive options for bystander intervention, and information about risk reduction. Risk reduction is intended to educate members of the campus community to decrease perpetration and bystander inaction, while also increasing empowerment for healthy relationships, communications, and survivor support to increase safety on campus.

Incoming first year students and new employees will receive primary prevention and awareness programming as part of their orientation as well as online training. 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.

Training for Faculty/Staff

All incoming faculty and staff at Shepherd University receive Title IX/Sexual Harassment 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 completion of the Shepherd Employee Title IX training for faculty and staff created by the Title IX Office using the Articulate 360 software. All Shepherd employees are required to complete one of the training options described above.

Prevention and Education Programs for Students

1. Shepherd Online Sexual Respect Module

All incoming students are required to complete the Shepherd University Virtual Tour on Sexual Respect created by the Title IX Coordinator using collaboration from the IPV Prevention Task Force and the online software Articulate 360. This online training is customized to explain Shepherd University

policies, procedures, definitions, and techniques for prevention, including videos featuring the Title IX Coordinator, the Shepherd Chief of Police, the Vice President for Student Affairs, Counseling Services, the local rape crisis center (Eastern Panhandle Empowerment Center), and other campus and student voices.

2. In-person Title IX and Sexual Violence Prevention Training

All incoming students, student-athletes, student employees, students involved in fraternity or sorority life, and student leaders are required to complete annual Title IX and sexual/intimate partner violence prevention training. In addition, all incoming students will receive in-person or virtual sexual and interpersonal violence prevention training during orientation. All training programs are organized by the Title IX Office, in collaboration with the Prevention Task Force.

3. Stand Up Campaign

“Stand Up Don’t Stand By,” modeled after the national Green Dot Program, is Shepherd’s homegrown bystander intervention program implemented to raise awareness and empower the bystander to prevent sexual and intimate partner violence, harassment, and discrimination 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 and other misconduct or bias related behavior from occurring. Every year the Stand-Up Campaign hosts a “Green Game” at a Shepherd University during one of the home football games.

4. 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 Culture of Respect Campaign, SU Consent Week, and Campus Conversations on healthy masculinity programming using 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, and student run organizations. Every year, the Office of Social Equity, Inclusion, and Title IX organizes various programs to create awareness, to include film screenings, panels, and the Rams Rally for Respect.

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 education training and programming

for the prevention of gender-based discrimination, harassment, and violence. 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 the values of mutual respect and human dignity.

XIII. 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 Eastern Panhandle Empowerment Center. Shepherd is also engaged in a partnership with the WV Foundation for Rape and Information Services for training and grant coordination purposes.

XIV. Campus Climate Survey

The Title IX Office conducted a campus climate survey during the spring of 2018 and all of the data from that survey can be found here on the website for any campus or community member to view:

<https://www.shepherd.edu/title-ix/shepherd-campus-climate>. As you can see, nearly 83% of students are aware of and understand policies and procedures for handling sexual violence. 91.8% of students feel safe on this campus, and almost 90% of students believe that Shepherd is trying hard to make sure students feel safe. Nearly 85% of students know what services are available for students that have experienced sexual assault and 91% of students feel that if they reported sexual assault Shepherd would treat them with dignity and respect. 93.6% students responded that sexual harassment is not tolerated at this school. If you compare Shepherd results to other schools, Shepherd leadership response and perception is much higher than other schools. You can find that information here: <https://media.suweb.site/2019/04/SU-Comparison-2.pdf?v=1558815054?v=1556131244>

According to the survey, students know where to report and understand the resources and support available to them. We know that sexual misconduct is happening at Shepherd and at schools across the country. We will continue to work toward improving outreach, prevention, and appropriate response.

XV. 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.