

TITLE IX POLICIES & PROCEDURES

Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

As a recipient of Federal funds, Shaw is required to comply with Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq. ("Title IX"). Title IX prohibits discrimination on the basis of sex in education programs or activities. Sexual Misconduct is a form of sex discrimination prohibited by Title IX. The "Title IX Coordinator" is responsible for overseeing the Shaw's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator also has responsibility for weighing a student's request for confidentiality and determining whether supportive measures and additional remedies are appropriate. The Title IX Coordinator is available to advise you about the courses of action available at Shaw and action available externally, including reports to law enforcement. The Title IX Coordinator's responsibilities include, but are not limited to:

- Communicating with all members of the Shaw community regarding Title IX and the Violence Against Women Act (VAWA) and providing information about how individuals may access reporting and support options;
- Reviewing applicable Shaw policies to ensure institutional compliance with federal and state law;
- Monitoring Shaw's administration of its own applicable policies, including record keeping and procedural requirements;
- Conducting training regarding Title IX and this policy, and in coordination with the Clery Compliance Officer and Director of Health & Well-Being, the Clery Act, and VAWA;
- Responding to any complaint or report regarding conduct that may violate this policy. In this capacity, the Title IX Coordinator shall oversee the investigation and resolution of such reported misconduct, direct the provision of any remedial measures, and monitor the administration of any related appeal.

Discrimination

Shaw University prohibits discrimination and harassment based on race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, genetic information, veteran status, or any other status protected by applicable law to the extent prohibited by law.

TITLE IX POLICIES & PROCEDURES

THE UNIVERSITY'S TITLE IX OFFICER

Title IX Coordinator

Richard C. Barnes, Director of Human Resources,
richard.barnes@shawu.edu 919-719-1897

Complaints may also be filed with the Office of Civil Rights:

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1475
Telephone: (202) 453-6020
Email: OCR.DC@ed.gov
Web: <https://www.ed.gov/ocr>

Definitions

The following definitions outline the types of conduct prohibited under this Policy and identify the individuals and processes involved in the investigation of and response to allegations of those prohibited acts:

Sexual Misconduct

“Sexual Misconduct” encompasses a broad range of behavior, from harassing statements to criminal sexual assault. It includes “Non-consensual Sexual Penetration,” “Non-Consensual Sexual Contact,” “Sexual Exploitation,” and “Sexual Harassment,” among others.

Sexual Violence

“Sexual Violence” is defined as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability, or a medically diagnosed impairment. Sexual violence is a criminal offense. A number of different defined acts are criminal offenses and fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. North Carolina criminal sex crimes (in part) are defined in N.C. G.S. §14-27.1 and in The North Carolina Domestic Violence Act as set forth in N.C.G.S. §50B-1. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

Consent

“Consent” means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter.

Consent is communicated by explicit verbal consent, and may be revoked at any time. Consent must be mutual and ongoing, as well as given freely and knowingly. The absence of “no” or “stop,” silence, lack of active resistance, and the existence of a prior or current relationship or

TITLE IX POLICIES & PROCEDURES

sexual activity does not constitute consent. A verbal “no,” even if it may sound indecisive or insincere, constitutes a lack of consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

Alcohol and/or other drugs can place the capacity to consent in question. When alcohol and/or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. This policy also covers a person of whose capacity to consent is altered due to mental disability, sleep, involuntary physical restraint, or from taking date rape drugs.

An individual who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, is not able to consent. An individual who is under the age of 16 is not able to consent.

For more information on North Carolina’s General Statutes related to consent, refer to statute §14-27.1 at www.ncga.state.nc.us.

Rape

“Rape” is defined as any penetration no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent.

Statutory Rape

“Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent. In North Carolina, the age of consent is sixteen (16) years old. Anyone under this age cannot legally give consent.

Sexual Abuse

“Sexual Abuse” is defined as intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse.

Sexual Assault

“Sexual Assault” is defined as any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

Sexual Exploitation

“Sexual Exploitation” occurs when an individual takes non-consensual or abusive sexual advantage of another to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to: engaging in voyeurism; electronic transmission of

TITLE IX POLICIES & PROCEDURES

pornographic or other sexually inappropriate material; exposing one's genitals or breasts in non-consensual circumstances or inducing another to expose genitalia or breasts; and any other sexual activity that goes beyond the boundaries of consent, such as recording of sexual activity, allowing another person to observe sexual activity without the other person's consent, or engaging in sexual activity with another person while knowingly infected with a sexually transmitted infection (STI) or HIV without informing the other person of the infection.

Sexual Harassment

"Sexual Harassment" is defined as conduct on the basis of sex that satisfies one or more of the following:

An employee of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;

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 school's education program or activity; or

Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291 (a)(8), or stalking as defined in 34 U.S.C. 12291 (a)(30).

Types of Sexual Harassment

Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it alters the conditions of employment, or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the victim's viewpoint) and objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include, but are not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was humiliating or perceived as humiliating;
- The effect of the conduct on the reporting party's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the reporting party's educational or work performance;
- Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
- Whether the speech or conduct deserves the protection of academic freedom or the 1st Amendment.

TITLE IX POLICIES & PROCEDURES

Quid Pro Quo sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, and submission to or rejection of such conduct results in adverse educational or employment actions.

Retaliatory harassment is an adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Examples include:

- Attempting to coerce an unwilling person into a sexual relationship;
- Repeatedly subjecting a person to egregious, unwelcome sexual attention;
- Punishment for refusal to comply with a sexually based request;
- Conditioning a benefit on complying with sexual advances;
- Sexual violence, intimate partner violence, dating violence, stalking, and gender-based bullying.

Incest

"Incest" is sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.

Relationship Abuse and Violence

"Relationship Abuse and Violence" encompasses a broad range of behavior, including, but not limited to, "domestic violence" and "dating violence." It includes acts of coercion, abuse, violence, or threats of violence between partners in a personal, intimate relationship. The coercive, abusive, violent, or threatening behaviors can be physical, sexual, psychological, verbal, and/or emotional. Relationship Abuse and Violence can occur between current or former intimate partners who have dated, cohabitated, or been married.

Sexual Assault

Any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse 20 U.S.C. 1092(f)(6)(A)(v)

Domestic Violence

"Domestic Violence" is defined by the Clery Act as a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner; a person similarly situated to a spouse of the individual under the domestic or family violence laws of North Carolina; or any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of North Carolina. 34 U.S.C. 12291 (a)(8)

TITLE IX POLICIES & PROCEDURES

Dating Violence

“Dating Violence” is violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

34 U.S.C. 12291(a)(10)

Stalking

“Stalking” is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

34 U.S.C. 12291 (a)(30)

Coercion

“Coercion” is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including harassment, intimidation, manipulation, threats, or blackmail. A person’s words or conduct are sufficient to constitute coercion if they impair another individual’s ability to choose whether or not to engage in sexual activity.

Incapacitation

“Incapacitation” is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual activity) and/or is physically helpless.

Incapacitation may result from the use of alcohol or drugs, but consumption of alcohol or drugs alone is not sufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual’s decision-making ability, awareness of consequences, ability to make informed judgments, and capacity to appreciate the nature and the quality of an act.

TITLE IX POLICIES & PROCEDURES

Indicators of incapacitation may include the following: bloodshot or unfocused eyes; concern expressed by others about the individual; memory loss or disorientation; outrageous or unusual behavior; slurred speech; unsteady gait; vomiting; unconsciousness, and going in or out of consciousness.

Preponderance of the Evidence

The Grievance Panel considers the greater weight of the credible evidence to determine whether a policy violation occurred. This standard, referred to as the “preponderance of the evidence,” means the Panel, after considering all of the evidence, must find that it is more likely than not that the reported violation occurred.

Complainant

A “Complainant” is an individual who is alleged to be the victim of conduct that could constitute sexual harassment (20 U.S.C. 1681et seq.)

Respondent

The “Respondent” is an individual who has been reported to be the perpetrator of conduct that would constitute sexual harassment.

Investigator

The “Investigator” is an individual who has received specialized training in conducting sexual misconduct investigations and has been assigned to investigate an alleged violation of this Policy. Investigators are neutral fact finders who, during the course of the investigation, typically conduct interviews with the Complainant, the Respondent, and third-party witnesses; take custody of any physical or electronic records or documents to be included in an investigation report; visit and take photographs at each relevant site; and, where applicable, coordinate with Campus Police or other law enforcement agencies. Investigators prepare a written investigation report to use to determine whether to charge the Respondent with a violation of this Policy.

Advisor

An “advisor” is any individual who provides the Complainant or Respondent support, guidance, or advice. The Complainant and Respondent may have the advisor of their choice present during any meeting or proceeding related to complaint resolution under this Policy. The Advisor’s role in any meeting or proceeding is limited to requesting reasonable breaks to confer privately with the advisee. Advisors may not record the meetings or proceedings, take notes, ask questions, or otherwise actively participate in meetings or proceedings. At the student’s request, the Institution will provide a list of trained staff and student advisors available to provide guidance and support to the student. Students are not required to choose an advisor from the list of trained staff and students.

Sexual Misconduct Grievance Panel

The “Sexual Misconduct Grievance Panel” is composed of four (4) members, one of whom shall be the Chair. The members are appointed by the President or delegate and shall serve a

TITLE IX POLICIES & PROCEDURES

renewable two (2) year term. Every effort will be made to maintain gender balance on the panel and membership normally will be limited to full-time faculty and staff members. The Title IX Coordinator shall arrange for the panel members to receive annual training.

Chair

The “Chair” of the Sexual Misconduct Panel shall preside over any meeting of the panel but shall not have a vote in the panel’s deliberations. The Chair shall review the investigation report, statements made by the parties or witnesses, and other relevant materials gathered during the course of the investigation. The Chair determines whether the information is relevant and material to the determination of the charged violation(s) of this Policy and will redact (remove) information that is irrelevant, immaterial, more prejudicial than probative, repetitive, statements of reputation and personal or expert opinion. The Chair is also responsible for policing behavior during the investigation and hearing process to ensure both parties are treated fairly.

Appeal Officer

The “Appeal Officer” is independent counsel selected by the [INSTITUTION] to consider appeals under this Policy.

Formal complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and states:

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
- A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the school.
- The phrase “document filed by a complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process and must comply with requirements for Title IX personnel to be free from conflicts and bias.

Supportive measures

Individualized services reasonably available that are non- punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

TITLE IX POLICIES & PROCEDURES

How to Report

Shaw provides the following options for reporting an act of sexual misconduct/harassment, stalking, or relationship abuse and violence. You are encouraged to report an incident even if you do not want to file a criminal report. By reporting, Shaw can ensure you have access to counseling services, academic support services, and any other supportive measures that are appropriate. Incident reports also provide information to help Shaw provide a safe and non-discriminatory environment for all members of the Shaw community.

All non-confidential reports will be reported to the Title IX Coordinator, who will meet with you to review your options and all available resources. Shaw will limit disclosure of information included in a non-confidential report to those individuals involved in Shaw's response to the report and to legally required or permitted disclosures. This means only people who need to know will be told.

1. Report to Campus Police. Sexual assault (including rape), physical violence, and stalking are serious criminal acts and you are strongly encouraged to report criminal acts to the police. Although Shaw strongly encourages all members of its community to report violations of this policy to law enforcement, it is your choice whether or not to make such a report and you have the right to decline involvement with the police.

Campus Police can assist you with personal safety, seeking medical attention, preserving evidence, or filing a police report. Campus Police also can contact other on- and off-campus resources to assist you. Campus Police will record the report for Clery Act purposes but shall do so without disclosing any personally identifiable information about the Complainant in order to maintain confidentiality.

- Campus Police: 919-546-8249

2. Report to Title IX Coordinator. Shaw has designated a Title IX Coordinator to oversee compliance with Title IX, which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct is a form of sex discrimination prohibited by Title IX. All reported incidents of sexual misconduct involving students are reviewed by the Title IX Coordinator. The Title IX Coordinator will provide you with a written explanation of your rights and options under this Policy, including resources and services available to you, your option to request assistance or supportive measures and additional remedies, and an explanation of Shaw's complaint resolution procedures. The Title IX Coordinator also will report the alleged incident to Campus Police for Clery Act purposes but may refrain from disclosing personally identifiable information about you to Campus Police at your request.

Title IX Coordinator

Richard C. Barnes, Director of Human Resources,
richard.barnes@shawu.edu 919-719-1897

3. In addition to, or instead of submitting a report to Shaw, Complainants may file a complaint with the U.S. Department of Education Office for Civil Rights (OCR) at any time:

TITLE IX POLICIES & PROCEDURES

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1475
Telephone: (202) 453-6020
Email: OCR.DC@ed.gov
Web: <https://www.ed.gov/ocr>

Anonymous Reporting

Any individual may make a report of conduct prohibited by this policy to Shaw without disclosing their name and without identifying the Respondent, and without requesting any action. However, Shaw's ability to respond to an anonymous report may be limited depending on the level of information available about the incident or individuals involved.

North Carolina law also allows Complainants to submit "blind reports" to the Chief of Police or other law enforcement. A blind report, while not anonymous, allows a Complainant to provide information about prohibited conduct without having their identity associated with that report for the purposes of law enforcement records.

Confidential and Protected Resources

Confidential Resources are those required to keep all information disclosed to them confidential within the legal and ethical bounds of their profession. Reports made to these individuals are strictly confidential and will not be referred to the Title IX Coordinator or Campus Police without your consent. At Shaw, these individuals include:

- Angela Coleman-Talbot, Director of Health & Well-Being
Division of Student Affairs
Mobile Unit Building # 744
Office: 919-546-8525
Email: angela.coleman@shawu.edu
- Office of the Chaplain

Ordinarily, reports made directly to these confidential resources may be made in confidence, meaning these reports will be shared with the Title IX Coordinator and Campus Police (for Clery Act reporting purposes) without identifying information and without triggering action by Shaw. Exceptions include when you give consent for identifying information to be reported or if the confidential resource determines imminent health or safety concerns outweigh your request to keep the report in confidence.

Protected Resources also include public awareness events. Information disclosed through a public awareness event is not considered notice of an act described in this Policy.

TITLE IX POLICIES & PROCEDURES

Amnesty for Reporting Parties

To encourage reporting of the acts prohibited by this Policy, Shaw will not subject an individual who reports an incident of sexual misconduct/harassment, stalking, or relationship abuse and violence to disciplinary action for the individual's own policy violation, such as personal consumption of alcohol or drugs, at or near the time of the reported incident, provided that any such violations did not place the health or safety of any other person at risk. Shaw may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or drug use. Further, Shaw may offer amnesty related to other policy violations revealed in the process of pursuing a formal complaint.

Options for the Reporting Person ("Complainant")

You are not required to take any action when you report a Policy violation, but if you choose to take action, your options include:

1. Filing a criminal report with campus or local police
2. Filing a formal complaint with the Title IX Coordinator
3. In appropriate cases, pursuing informal resolution of the complaint conducted by the staff of Student Affairs
4. Requesting supportive measures and additional remedies (for example, a no-contact order, alteration of class schedules, or housing arrangements) and/or
5. Accessing available resources, including counseling.

Additional information about initiating Shaw's internal complaint procedures is set forth below. If you do not want to pursue Shaw's internal complaint procedures, you may nonetheless (i) access support resources, such as counseling or, in appropriate cases, academic relief; and/or (ii) request supportive measures.

Investigation Process

Shaw is committed to taking appropriate action to resolve incidents of sexual misconduct/harassment, stalking, or relationship abuse and violence and to ensure a safe and non-discriminatory environment for all students.

Shaw will undertake an appropriate inquiry into all reports involving students, regardless of whether the Complainant wishes to pursue resolution of any kind. The specific steps in Shaw's inquiry will vary depending on the nature of the allegations, the information available Shaw, whether the Complainant elects to pursue criminal charges, files a formal complaint, or requests Shaw not to pursue action, and other factors. A full investigation occurs only if a formal complaint is filed.

As a general rule, Shaw will not conduct an investigation or take any action without first obtaining the Complainant's consent, and will conduct any investigation and respond to a report consistent with the Complainant's request for confidentiality or request not to pursue action.

TITLE IX POLICIES & PROCEDURES

Shaw's ability to respond to a report, to prevent its recurrence, or to address its effects may be severely limited if the Complainant requests confidentiality, does not provide the name of the Respondent, or asks that the report not be pursued.

Shaw must investigate the allegations in any formal complaint and send written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint. During the grievance process and when investigating:

- Shaw has the burden of gathering evidence and burden of proof
- Shaw will provide equal opportunity for the parties to present facts and expert witnesses and other inculpatory and exculpatory evidence.
- Shaw will not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders").
- Parties will have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
- Shaw will send written notice of any investigative interviews, meetings, or hearings.
- Shaw will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- Shaw will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- Shaw will dismiss allegations of conduct that do not meet the Title IX's definition of sexual harassment or did not occur in Shaw's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude Shaw from addressing the conduct in any manner the school deems appropriate.
- Shaw may, in our discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.
- Shaw will give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- Shaw may, in our discretion, consolidate formal complaints where the allegations arise out of the same facts.

If Shaw dismisses a complaint due to one of the above reasons, Shaw will only dismiss the complaint for purposes of a Title IX investigation. Shaw shall refer the allegation(s) to the appropriate disciplinary review division within Student Affairs.

Title IX protects the privacy of a party's medical, psychological, and similar treatment records and Shaw cannot access or use such records unless the school obtains the party's voluntary, written consent to do so.

TITLE IX POLICIES & PROCEDURES

Requests for Confidentiality

In cases where the Complainant requests confidentiality or requests Shaw not to take any action in response to a report, the Title IX Coordinator or designee will conduct a preliminary assessment into the reported Policy violation and will balance this request with the Shaw's commitment to providing a safe and non-discriminatory environment to all members of the Shaw community. The Title IX Coordinator or designee will consider many factors when determining whether or not Shaw can honor the request for confidentiality or no action, including, but not limited to:

- The information provided suggests that the Respondent has committed prior acts and/or suggests an increased risk that Respondent will commit additional acts that would violate this policy or are otherwise violent acts;
- The information provided suggests that the act is part of a larger pattern at a specific location or by a particular group and thus there is an increased risk of future violations of this policy under similar circumstances;
- The reported misconduct was committed by multiple perpetrators;
- The reported misconduct was perpetrated with a weapon;
- The Complainant is a minor;
- Shaw has other means to obtain relevant evidence (e.g. security camera footage, physical evidence, additional witnesses);
- If the facts warrant issuance of a timely warning.

In appropriate cases, Shaw may be able to take steps to limit the effects of the reported misconduct and prevent its recurrence that do not involve formal disciplinary action against Respondent or reveal the identity of Complainant.

However, the Title IX Coordinator or designee may determine that, in the interest of providing a safe and nondiscriminatory environment, it is necessary for Shaw to act on information it has received. In that event, the Complainant will be informed of this determination before Shaw takes action in response to the report. Shaw's response will depend on the circumstances of the report, but could include: imposition of supportive measures and additional remedies; and/or filing a formal complaint on behalf of the affected individual, in which case Shaw will be the Complainant. Shaw cannot withhold Complainant's name from the Respondent once Shaw takes action that affects the Respondent.

Supportive Measures and Additional Remedies

Supportive Measures

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. Such measures are designed to restore or preserve equal access to Shaw, programs, or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or to Shaw's educational environment, or deter sexual harassment. Shaw

TITLE IX POLICIES & PROCEDURES

will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of Shaw to provide supportive measures. The Title IX Coordinator will be responsible for the effective implementation of supportive measures. Possible supportive measures and additional remedies include:

- No-contact order between Respondent and Complainant
- Limiting access to certain Shaw facilities or activities (including “social probation”)
- Limiting access to campus to specific times of the day
- Alteration of class schedules
- Alteration of on-campus housing arrangements
- Removal from on-campus housing
- Changing campus work schedules or job assignments
- Suspension from on-campus employment
- Suspension from athletic teams or other student organizations
- Rescheduling of exams, papers, or other assignments
- Taking an incomplete in a class
- Authorized withdrawal from a class
- Alternative course completion options
- Voluntary leave of absence
- Access to counseling services
- Providing an escort to ensure safe movement between classes and activities
- Providing academic support services
- Other remedies that may be tailored to the involved individuals to achieve the goals of this policy

Upon receipt of a report of a Policy violation, Shaw may determine that “supportive measures” are necessary to ensure a safe and nondiscriminatory environment for students. Similarly, at the conclusion of the complaint resolution process, Shaw may determine that “additional remedies” are necessary to ensure a safe and nondiscriminatory environment for students. Supportive measures and additional remedies are separate from any sanctions the Grievance Panel may impose during complaint resolution procedures and are not disciplinary in nature. They are imposed by the VP, Student Affairs and/or Director of Judicial Services in consultation with the Title IX Coordinator and may be imposed at any time, regardless of whether formal disciplinary action is sought by Complainant or Shaw. They may be extended beyond and/or imposed after complaint resolution procedures are completed. The Title IX Coordinator will provide both the Complainant and the Respondent with a copy of the Supportive Measures.

Requesting Supportive Measures or Additional Remedies

Students seeking the assistance of supportive measures or additional remedies should speak with the Title IX Coordinator, who will evaluate and, if warranted, will coordinate the request. Even when a student does not specifically request that protective action be taken, Shaw may choose to

TITLE IX POLICIES & PROCEDURES

impose supportive measures or additional remedies at its discretion to ensure a safe and nondiscriminatory environment for students.

Where Complainant and Respondent are members of the same organization or athletic team, the Title IX Coordinator and VP, Student Affairs will consider ways to permit both students to continue participation, but when such compromise is not possible, the VP, Student Affairs has the discretion to determine whether one or both students is restricted from participation.

Violations of Supportive Measures and Additional Remedies

All individuals are encouraged to report concerns about failure of another individual to abide by restrictions imposed by a supportive measure or additional remedy. Failure to abide by restrictions imposed by a supportive measure or additional remedy is a violation of Shaw's Honor Code/ Code of Conduct.

Violation of Supportive Measures Prior to Determination

If, prior to the Grievance Panel's determination of responsibility, the VP, Student Affairs receives information that indicates the Respondent has violated the terms of supportive measures and additional remedies imposed, the VP, Student Affairs may take any of the following actions:

- Impose new supportive measures on Respondent
- Charge Respondent with a violation of Shaw's Code of Conduct
- Prepare a written report for the Grievance Panel concerning the reported violation

Where appropriate, the VP, Student Affairs will further investigate the allegations prior to preparing the report. The written report will be included in Respondent's files and, in the event the Panel determines a policy violation occurred, would be considered by Panel in determining appropriate sanction(s) to be imposed.

Investigating Basis for Imposing Supportive Measures

Supportive measures may be imposed prior to investigation into a report. If a formal complaint has been filed, the supportive measures will remain in place at least until the complaint resolution procedures are completed. If no formal complaint has been filed and the supportive measures affect Respondent, the VP, Student Affairs will assign an Investigator to investigate the allegations that led to the imposition of the supportive measures (a "supportive measures investigation"). At a minimum, this supportive measures investigation will include an opportunity for Respondent to provide a statement in response to the allegations. [Note: if Complainant later files a formal complaint, an additional investigation into the allegations likely will occur. A supportive measures investigation under this Section is for the limited purpose of determining the appropriateness of the supportive measures.]

The Title IX Coordinator and VP, Student Affairs will review the supportive measures investigation report and will determine whether to keep the supportive measures in place, whether additional supportive measures are warranted, and the time period for their imposition. The VP, Student Affairs will send written notice of this determination to Respondent and

TITLE IX POLICIES & PROCEDURES

Complainant. Supportive measures are subject to re-evaluation upon the conclusion of the time period for their imposition.

The investigatory process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases where a student makes a complaint of sexual misconduct against a university staff member, the complaint will be treated as a Title IX complaint, with investigation procedures also provided in accordance with the employee handbook (see ADDENDUM A). In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek or to hold the accused responsible through the University's Student Code of Conduct. As soon as possible, the complainant and the accused will be offered appropriate supportive assistance, and our Academic Affairs department will be contacted if course adjustments are required.

Complaint Resolution Process

Informal Resolution

Informal resolution of a complaint is only available in appropriate cases. The process may take the form of mediation or restorative justice. Informal mediation is not an option to resolve allegations that an employee sexually harassed a student. The VP, Student Affairs has the discretion to determine if it would be inappropriate to informally mediate any particular sexual misconduct complaint.

Both Complainant and Respondent must agree to engage in informal resolution, and either party can end the informal resolution process at any time, for any reason. The complaint will be mediated by the Title IX Coordinator or designee appointed by the Title IX Coordinator. Both student parties are expected to attend the resolution. During the resolution, the Complainant and Respondent may:

- a) Communicate their feelings and perceptions to each other in the presence of, and facilitated by, the mediator;
- b) Communicate feelings and perceptions regarding the reported incident and the impact of the reported incident; and/or
- c) Relay wishes and expectations regarding non-disciplinary measures.

The mediator will attempt to facilitate the parties' resolution of the complaint. If the resolution results in a resolution agreed to by the student parties and the Title IX Coordinator finds the resolution to be appropriate under the circumstances, the informal resolution will be concluded, and the complaint will be closed. If the parties are unable to reach a resolution, the Complainant may file a formal complaint or may request the Title IX Coordinator evaluate the need for supportive measures.

Students must understand that anything said in this informal resolution may be used in either criminal proceedings or Shaw's internal complaint procedures.

TITLE IX POLICIES & PROCEDURES

Filing a Formal Complaint

To initiate Shaw's internal complaint procedures, the Complainant must file a formal complaint with the Title IX Coordinator. A formal complaint must include, at a minimum, the time, place, and type of Prohibited Act(s) alleged, a factual summary of the reported incident(s), any witnesses, and the name of the Respondent.

The formal complaint procedure begins with an initial meeting between the Complainant and the Title IX Coordinator, in which the Title IX Coordinator will provide the Complainant with a copy of this policy, discuss the formal complaint procedures, offer counseling or other support assistance, and discuss any supportive measures that may be needed.

Who May File

Any individual may file a formal complaint against a student for a violation of this Policy. In the event the Title IX Coordinator determines Shaw must file a complaint on behalf of an affected individual who has requested confidentiality or is otherwise unable or unwilling to participate in the process, Shaw shall be the Complainant and the affected individual shall be considered a witness and will be entitled to receive all notifications due to Complainant under this policy, including notification regarding the outcome of the complaint resolution procedures are completed.

Notice of Investigation

Upon receipt of a formal complaint, the Title IX Coordinator will determine whether the allegations in the formal complaint, if proven, would constitute a violation of this Policy. If the allegations would constitute a violation of this Policy, then the Title IX Coordinator shall prepare a written Notice of Investigation which will include: the nature, time, and place of the reported violations (including the specific prohibited acts), the name and contact information of the Investigator, a statement regarding confidentiality of the process, and a statement on the policy which prohibits retaliation. The Title IX Coordinator will provide both Complainant and Respondent with the written Notice of Investigation and will also provide the parties with a copy of this policy, and a list of staff and students trained as advisors.

Respondent Acceptance of Responsibility

The Respondent may choose to accept responsibility for the reported violation prior to, or during the course of, an investigation. If the Respondent chooses this option, the Respondent must submit a written statement accepting responsibility for the reported violation and waiving all rights to an investigation, hearing and determination of responsibility by the Grievance Panel, and appeal on the ground of procedural error. In such cases, the VP, Student Affairs, in consultation with the Title IX Coordinator, will determine the sanction(s) and will notify Respondent and Complainant of the sanctions in writing within three (3) calendar days of receiving the Respondent's written statement accepting responsibility. By accepting responsibility, Respondent also accepts the VP, Student Affairs' decision on sanctions as final and waives the right to appeal on the ground of procedural error.

TITLE IX POLICIES & PROCEDURES

Assistance of an Advisor

The Complainant and Respondent may have an advisor of their choice present during any meeting or proceeding related to complaint resolution procedures under this Policy, including meetings related to investigation of the formal complaint. The advisor's role is to provide support, guidance, or advice to the Complainant or Respondent. The advisor has no formal role in the complaint resolution process and cannot act on behalf of the Complainant or Respondent in relation to the complaint resolution process. The advisor's role in any meeting or proceeding is limited to requesting reasonable breaks to confer privately with the advisee. Advisors may not record the meetings or proceedings, take notes, ask questions, or otherwise actively participate in meetings or proceedings. The Complainant and Respondent may share with their advisor notices and information provided to them in relation to complaint resolution under this Policy, provided that the advisor shall keep such materials confidential unless the advisor is otherwise authorized to disclose the information contained therein.

While Shaw will make reasonable efforts to accommodate the schedule of a party's advisor in scheduling meetings, an advisor's inability to attend a meeting does not constitute an unavoidable conflict that would necessitate rescheduling a meeting or proceeding.

At the student's request, Shaw will provide a list of trained staff and student advisors available to provide guidance and support to the student. Students are not required to choose an advisor from the list of trained staff and students. Parties must provide the VP, Student Affairs with notice of the identity of their advisor of choice prior to the advisor attending a meeting or proceeding under this Policy, ideally at least one (1) calendar day in advance.

Investigation into Formal Complaint

Investigators

Investigators are individuals who have received specialized training in conducting sexual misconduct investigations. Investigators are neutral fact finders who, during the course of the investigation, typically conduct interviews with the Complainant, the Respondent, and third-party witnesses; take custody of any physical or electronic records or documents to be included in an investigation report; visit and take photographs at each relevant site; and, where applicable, coordinate with Campus Police or other law enforcement agencies. Investigators prepare a written investigation report for the VP, Student Affairs and the Grievance Panel to use in determining whether to charge the Respondent with a violation of this Policy. Investigators are authorized to contact any relevant individuals and to access any relevant records not otherwise prohibited by legal protections of privilege or confidentiality.

Depending on the circumstances, the Title IX Coordinator may investigate appoint a single outside Investigator or a team of Investigators to conduct the investigation. The Title IX Coordinator may appoint as Investigators trained staff members or an external expert Investigator (which may, or may not be, an attorney). An external Investigator may be appointed in the event that there are insufficient staff resources to investigate a complaint, there is a legitimate conflict of interest between the available staff Investigators and a party to the

TITLE IX POLICIES & PROCEDURES

complaint, the complaint is particularly complex, or in any other case that the Title IX Coordinator in his or her discretion, deems it advisable.

Timeframe

The length of the investigation depends on the circumstances of each case, but Shaw will make every effort to complete an investigation in sixty (60) calendar days, not including Shaw holidays (i.e., when classes are not in session).

In typical cases, the timeframe for the complaint resolution process (starting with the filing of a formal complaint and ending with the notice of the Grievance Panel's determination of whether a policy violation occurred), not including any appeals, will not exceed sixty (60) calendar days, not including Shaw holidays (i.e., when classes are not in session). In some circumstances—including, but not limited to, cases involving a parallel criminal process; cases involving multiple alleged Policy violations, Complainants, and/or Respondents; and when the complaint resolution process has to accommodate periods of time when Shaw is not in session—the timeframe for the complaint resolution process will exceed sixty (60) calendar days.

Investigation Procedures

The investigation will be conducted in a prompt, fair, thorough, and impartial manner. At minimum, it will include obtaining information from the Complainant and Respondent and pertinent witnesses and soliciting and reviewing documentation relevant to the investigation including available police reports. Shaw will treat parties fairly during the process.

The Complainant and Respondent will be asked to identify all information they would like the Investigator to review, including any witnesses they would like to be interviewed. Decisions about interviews and collection and evaluation of information are at the discretion of the Investigator. The Investigator may need to interview the Complainant and Respondent multiple times during the investigation. The Investigator will present the pledge of confidentiality to all individuals involved in the investigation.

The formal complaint process must be explained to both parties, and a copy of this policy given to both parties. Both parties shall also be informed of their rights throughout the investigation process. The Respondent should be instructed not to interfere with the investigation process or retaliate against anyone in the investigation, as doing either will result in a violation of this policy. The Respondent should also be made aware that he/she will have the opportunity to tell their story and that Shaw does not assume they are in violation of the policy before the investigation is conducted. Further, any supportive measures the Complainant might utilize that may affect the Respondent will be explained.

Investigation Report

The Investigator will prepare a written investigation report, including any exhibits of relevant documentation.

TITLE IX POLICIES & PROCEDURES

The Investigator shall submit the investigation report and exhibits to the Chair for review. The Chair will redact (remove) information which they determine to be irrelevant or immaterial. Specifically, the Chair shall redact:

- Irrelevant information concerning sexual history, unrelated sexual activity, character, or incidents not directly related to the complaint (subject to the Chair's determination that the information demonstrates a pattern of behavior);
- Statements of reputation or personal or expert opinion;
- Information that violates an individual's privacy right or that constitutes an unwarranted invasion of privacy;
- Information that is irrelevant, immaterial, more prejudicial than probative, or repetitive;
- Information related to the longer-term impact of the reported incident on Complainant or Respondent (which may be submitted as a separate impact or mitigation statement).

Notice to Proceed

At the conclusion of the investigation, the VP, Student Affairs will issue a written Notice to Proceed to Complainant and Respondent with a copy to the Chair. Where warranted, the Notice to Proceed will include any additions or revisions to the reported policy violations based on information gathered in the investigation. In rare circumstances, when the investigation finds no factual basis for the allegations, the VP, Student Affairs, in consultation with the Title IX Coordinator, may dismiss the allegations prior to resolution by the Grievance Panel and shall notify Complainant and Respondent of the dismissal in writing.

Review and Response to Investigation Report

Upon receipt of the Notice to Proceed, the Chair shall arrange for Complainant and Respondent to access the information separately in a private setting on campus (typically within three (3) calendar days). The parties may not make copies or take photographs of the information. Within one (1) calendar day of accessing the information, each party shall notify the Chair whether the party requests to meet with the Investigator for the purpose of responding to this information. The Investigator will record each party's responses to the information and submit a written report of the responses to the Chair. The party's meeting with the Investigator should occur within three (3) calendar days of the party's request to the Chair, and the Investigator shall submit the written report to the Chair within two (2) calendar days of the meeting. If new and relevant information is submitted during this review and response period, it will be shared with Complainant and Respondent and each will have an opportunity to respond to the new information via the Investigator within a time frame determined by the Chair. If the written reports of the parties' responses include information deemed by the Chair to be irrelevant or immaterial, the Chair shall redact (remove) the irrelevant or immaterial information prior to permitting the other party to access the information.

Following the review and response period (typically within three (3) calendar days after its conclusion), the Chair will issue the final investigation packet, comprising the investigation report and any exhibits thereto; the written reports of the parties' responses, if any; written notices to the parties (notice of investigation, notice upon conclusion of investigation); and the

TITLE IX POLICIES & PROCEDURES

formal complaint, to the Sexual Misconduct Panel. The Chair shall notify Complainant and Respondent when the final investigation packet has been issued to the panel and shall arrange for Complainant and Respondent to access the information separately in a private setting. The parties may not make copies or take photographs of the information.

Complaint Resolution Procedures

Sexual Misconduct Grievance Panel Review of Final Investigation Packet

The Sexual Misconduct Panel determines whether a policy violation occurred and imposes sanctions for policy violations as appropriate. The panel will review the final investigation packet and may request any additional relevant information from the Investigator or third parties. The parties will have the opportunity to access any such requests for additional relevant information and any information produced in response to such requests prior to the panel hearing. The parties may not make copies or take photographs of the additional relevant information.

Sexual Misconduct Grievance Panel Hearing

Within seven (7) days of receiving the Final Investigation Packet, the Title IX Coordinator, in consultation with the Chair, will schedule a Sexual Misconduct Grievance Panel hearing. Both parties will have access to any information that will be used at the hearing, including the names of panel members, witnesses list, and documentary evidence.

Both parties will be given the opportunity to have an initial meeting with the Title IX Coordinator and Chair of the Sexual Misconduct Grievance Panel, where they may be accompanied by an advisor. The purpose of this meeting will be to review the hearing procedures, provide both parties of a copy of the procedures, and answer any questions or concerns either party has regarding the hearing process.

During the hearing, both parties will be allowed to present relevant evidence and witnesses, and to question witnesses, but not to each other. Each party's advisor will be permitted to ask the other party and any witnesses follow-up questions, including those challenging credibility. Such cross-examination must be conducted orally, directly, and in real time by the party's advisor of choice and never by the parties personally. If a party does not have an advisor, Shaw will provide the party with an advisor to conduct questioning, free of charge to the party. The panel may ask questions of the witnesses. The Chair has discretion to decide whether the panel will ask the questions submitted by the parties. Questions that are irrelevant, inappropriate, or are not in accordance with this policy will be excluded by the Chair.

Impact Statement and Mitigation Statement

The Complainant has an opportunity to submit a written impact statement, and the Respondent has an opportunity to submit a written statement in mitigation or extenuation. These statements shall not exceed three (3) pages and should be submitted to the Chair no later than three (3) calendar days after the Chair issues the final investigation packet. These statements would only be reviewed by the panel and made part of the record if the panel determines that a policy violation occurred. In that event, the statements would be reviewed by the panel in determining sanctions as described below. If either the impact statement or mitigation statement includes

TITLE IX POLICIES & PROCEDURES

information deemed by the Chair to be irrelevant or immaterial, the Chair shall redact (remove) the irrelevant or immaterial information prior to distributing to the panel. Specifically, the Chair shall redact:

- Irrelevant information concerning sexual history, unrelated sexual activity, character, or incidents not directly related to the complaint (subject to the Chair's determination that the information demonstrates a pattern of behavior);
- Statements of reputation or personal or expert opinion;
- Information that violates an individual's privacy right or that constitutes an unwarranted invasion of privacy;
- Information that is irrelevant, immaterial, more prejudicial than probative, or repetitive

Determination of Responsibility

The panel will apply a preponderance of evidence standard when arriving at a determination of whether a policy violation occurred. The panel will meet in executive session following the conclusion of the hearing and will base its determination solely on information presented as part of the complaint resolution process (information from the Final Investigation Packet and that obtained during the hearing). Panel members may properly consider as evidence of violation that the Respondent has refused to cooperate in the investigation if there is other information to support the alleged policy violation. A majority of the panel must concur in the determination that a policy violation occurred.

Record of Hearing

The Chair shall prepare a written digest of the hearing for the purpose of preserving a record of the hearing proceedings in the event of an appeal. The Chair shall include as an exhibit to the written digest any materials distributed to the panel prior to a determination on sanctions (that is, any written impact statement or mitigation statement; and a copy of the items from Respondent's file considered by the panel in determining appropriate sanctions, if any). The Chair shall provide an opportunity for Complainant and Respondent to access the written digest and exhibit (if any) separately in a private setting at least two (2) calendar days prior to the deadline for filing an appeal. The parties may not make copies or take photographs of the written digest and exhibit (if any).

Imposition of Sanctions

If the panel determines a policy violation occurred, the panel will impose sanctions and in determining sanctions, the panel will attempt to fairly fit the sanction to the violation seen in total context. For example, a fairly severe sanction might appropriately be imposed for a relatively minor violation which has been persistently repeated despite formal warning, while a relatively minor sanction might appropriately be imposed for a serious violation when substantial extenuation is shown.

Prior to making a determination on sanctions, the Chair shall distribute to the panel:

- a) Any written impact statement or mitigation statement; and

TITLE IX POLICIES & PROCEDURES

b) Any items from Respondent's files deemed appropriate by the VP, Student Affairs for the panel's consideration of the appropriate sanction(s), if any, to be imposed. These items could include, but are not limited to: prior disciplinary records, criminal records, police reports, and/or supportive measures imposed.

A majority of the panel must concur in the decision to impose any particular sanction. This policy includes a list of possible sanctions. In addition to sanctions imposed by the panel, the VP, Student Affairs may impose new or continuing supportive measures and additional remedies designed to ensure a safe and nondiscriminatory environment for students.

Notice of Action

The Chair shall distribute to Respondent a notice of the panel's determination of whether a policy violation occurred (including the specific prohibited acts and panel's determination of responsibility for each prohibited act), the rationale for the decision, and the sanctions imposed, if any. The Chair shall concurrently provide a copy of the Notice of Action to Complainant, with any redactions as required by federal law. The Chair will make every effort to conclude the complaint resolution process and distribute the Notice of Action within two (2) calendar weeks of the conclusion of the Sexual Misconduct Grievance Panel's hearing.

Final Determination

The determination by the Sexual Misconduct Grievance Panel both as to the fact of violation and as to the sanction(s) to be imposed, are finally dispositive of the complaint resolution process subject only to the rights of the parties to appeal as provided below. Whether or not the panel determines a policy violation occurred, and in addition to any sanctions imposed by the panel, the VP, Student Affairs, in consultation with the Title IX Coordinator, may impose new or continuing additional remedies designed to ensure a safe and nondiscriminatory environment for students. In the event the panel determines the Respondent is not responsible for the reported policy violation, Shaw may continue to provide additional remedies for Complainant so long as those remedies do not unduly burden or prejudice Respondent.

Sanctions and Additional Remedies

If the panel determines no policy violation occurred, then no sanction will be recommended. If the panel determines a policy violation occurred, the panel will impose sanction(s) and in determining sanctions, the panel will attempt to fairly fit the sanction to the violation seen in total context.

Possible sanctions include:

- Eviction: removal from on-campus housing
- Social Probation: exclusion from participation in privileged or extra-curricular activities for a period not exceeding two (2) weeks. Social probation may be extended to all activities, including campus social events, campus-sponsored functions, participation in Shaw athletics (including intramural), attendance at sporting events, or other activities

TITLE IX POLICIES & PROCEDURES

deemed necessary by the panel. Violation of this policy, or the Shaw Code of Conduct, may result in suspension from Shaw.

- Restricted Access: limiting campus access to certain areas of campus and/or specific times of day.
- Suspension for a definite period of time: exclusion from classes and other privileges of activities with forfeiture of academic credit, as set forth in the notice of action, for a definite time, beginning immediately. If suspension is for more than one term, the suspension shall be served in consecutive terms.
- Indefinite Suspension: termination of student status, subject only to formal readmission, with no right to petition for readmission before the expiration of one (1) year from the date of suspension.
- Warning: notice, oral or in writing, that continuation or repetition of conduct in violation may be cause for more severe disciplinary sanctions.
- Censure: a written reprimand, which may include warning of more severe disciplinary sanction in the event of determination of a subsequent violation within a stated period of time.
- Apology: oral or written apologies to persons or groups upon whose rights the Respondent may have infringed.
- Mandatory Educational Programming: may include but is not limited to alcohol and/or drug abuse awareness/prevention programming, and sexual harassment prevention training.

When students are suspended, they shall ordinarily leave campus within one (1) day after conclusion of the complaint resolution process. A suspended student shall not come on campus without the permission of the VP, Student Affairs. In the event that social probation is imposed during the student's senior year and the probationary period extends beyond the date of commencement, the student shall not be eligible for a degree until the end of the probationary period.

Failure to comply with sanctions imposed will ordinarily result in harsher sanctions, including suspensions.

Stay of Sanctions Pending Appeals

If the decision of the Sexual Misconduct Grievance Panel is appealed, sanctions are stayed until the matter has been finally disposed of within these procedures; provided, however, that:

- If a sanction of suspension is appealed, the Respondent is restricted during the appeal period to academic involvements only. Thus, the continuation of participation in privileged or extra-curricular activities is not permitted during the appeals process. A reversal of the sanction of suspension on appeal may allow for reinstatement at the discretion of the appeal officer.
- If a sanction of suspension is appealed and the sanction upheld, the effect of the suspension shall be as of the date imposed by the Sexual Misconduct Grievance Panel.

TITLE IX POLICIES & PROCEDURES

- If a sanction of social probation is appealed and the sanction upheld, the term of the probationary period shall begin when the appeal concludes.
- The VP Student Affairs, in consultation with the Title IX Coordinator, may impose additional remedies, including additional remedies that reflect the sanctions, while the appeal is pending to ensure a safe and non-discriminatory environment for students.

Appeals

Grounds for Appeal

Either Complainant or Respondent can appeal the finding of the Sexual Misconduct Grievance or the sanctions imposed on the following grounds:

- a) Procedural irregularity that affected the outcome of the matter;
- b) 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;
- c) 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.

Previously unavailable relevant evidence that could significantly impact the result of the panel's determination must be brought to the attention of the Chair within five (5) calendar days of receiving the written Notice of Action. In that event, the Chair will reconvene the panel to determine whether the information would have affected the result.

Filing an Appeal

Appeals must be filed with the VP, Student Affairs within five (5) calendar days of receiving the written Notice of Action. Appeals must be made in writing and must state in detail the reason(s) for the appeal. Appeals shall not exceed three (3) pages.

Upon receipt of a written appeal, the VP, Student Affairs will forward the appeal and the record on appeal to the appeal officer and the Chair. The record on appeal comprises all materials reviewed by the Sexual Misconduct Grievance Panel, the written digest of the hearing and exhibits (if any), and the Notice of Action. The VP, Student Affairs shall provide an opportunity for Complainant and Respondent to access the appeal and the record on appeal separately in a private setting. The parties may not make copies or take photographs of the information.

Appeal Procedures

Appeals are heard by independent counsel selected by Shaw, called the appeal officer. The appeal officer ordinarily will decide within five (5) business days of receiving the record on appeal whether the appeal states sufficient grounds to be considered. If it does not, the appeal officer will dismiss the appeal.

TITLE IX POLICIES & PROCEDURES

If the appeal officer finds the appeal states sufficient grounds, the appeal officer will invite the Chair to respond in writing. When an appeal is requested by Respondent, the appeal officer will invite the Complainant to respond in writing. When an appeal is requested by Complainant, the appeal officer will invite the Respondent to respond in writing. Written responses shall not exceed three (3) pages. The appeal officer may, in the appeal officer's discretion, request additional documentation related to alleged procedural errors to accompany the statement of the Chair or a student-party. The appeal officer shall provide copies of the written responses and additional documentation, if any, to the VP, Student Affairs, and the Chair, and shall provide an opportunity for Complainant and Respondent to access the information separately in a private setting. The parties may not make copies or take photographs of the information.

The appeal officer may, in the appeal officer's discretion, choose to call a conference with Complainant, Respondent, and the Chair before making a decision on appeal.

The appeal officer considers the appeal solely on the information in the appeal, the record on appeal, the written responses, and additional documentation of procedural error, if any, and shall not consider any new evidence. The appeal officer will not substitute the officer's own judgment for that of the Sexual Misconduct Grievance Panel.

Actions Available on Appeal

The appeal officer may:

- Uphold the determination of the Sexual Misconduct Grievance Panel.
- Reduce or increase the sanction(s) to one(s) deemed more appropriate than those imposed.
- Remand the matter to the Sexual Misconduct Grievance Panel where a procedural irregularity can be corrected by the Grievance Panel.
- Remand the matter to an ad hoc review panel composed of trained individuals not previously involved in the matter. This action will only be taken in extraordinary cases, when the appeals officer determines the matter would be best addressed by a newly constituted panel.

Counter Appeals

If both parties file appeals, the appeal officer shall have the discretion to determine the process for resolving counter appeals, including the discretion to alter timelines.

Notice of Outcome

The appeal officer ordinarily will provide a written notice of outcome within two (2) weeks of the decision to consider the appeal, and this decision is finally dispositive of the matter. The Notice of Outcome will be distributed to Complainant, Respondent, and the Chair with any redactions as required by federal law.

TITLE IX POLICIES & PROCEDURES

Investigation and Hearing Procedures When the Respondent is an Employee

When the Title IX Coordinator receives a report that a member of the faculty or staff violated this policy, the Title IX Coordinator will investigate in a manner consistent with Shaw's Employee Relations policies and applicable law. The Title IX Coordinator will have the authority to exercise oversight of the investigation and resolution and will ensure that the procedures followed are consistent with the requirements of Title IX and VAWA.

Retaliation

No person shall be subject to restraints, interference, coercion, or reprisal for action taken in good faith to seek advice concerning an alleged violation of this policy, to file a report, to initiate Shaw's internal complaint resolution process, or to serve as a witness, panel member, or representative in the investigation and resolution of a complaint. Acts or threats of retaliation are a violation of Shaw's code of conduct/retaliation policy and will be investigated and adjudicated accordingly.

Jurisdiction and Scope

This policy applies to the on-campus conduct of all students. It also applies to off-campus conduct of students that, in Shaw's judgment, involves or affects Shaw or other members of the Shaw community, such as conduct in connection with:

1. Academic work or other Shaw related educational activities and experiences, such as class projects, field trips, study abroad, or internships;
2. Activities sponsored, conducted, or authorized by Shaw or its student organizations; or
3. Activities that cause or threaten harm to the health, safety, or well-being of Shaw or members of the Shaw community.

This policy applies to all such conduct by a student while a student, even if it occurs outside of an academic term or when the student is not otherwise present at Shaw. Moreover, Shaw continues to have authority to initiate or continue administration of this policy with respect to any such conduct by a student while a student even if, after a formal complaint is filed, the student withdraws, takes leave, or is otherwise absent from Shaw.

Jurisdiction over Related Charges

The Sexual Misconduct Grievance Panel has the authority to consider any charge under the Code of Conduct that is related to a reported violation of this Policy. The VP, Student Affairs has the discretion to determine whether any such related charge will be considered by the Sexual Misconduct Grievance Panel pursuant to these procedures or by judicial proceedings under the Code of Conduct.

Additional Policy and Procedure Information

Rights of Student Parties

Complainants and Respondents have the following common rights:

TITLE IX POLICIES & PROCEDURES

- Receiving a prompt, fair, and impartial complaint resolution process, meaning a process that:
 - Is completed within reasonably prompt timeframes;
 - Is conducted in a manner that is consistent with this policy;
 - Includes timely notice of meetings at which the parties may be present;
 - Provides timely and equal access to information that will be used during the complaint resolution process; and
 - Is conducted by trained individuals who do not have a conflict of interest or bias against the Complainant or Respondent
- Equal opportunities to have the advisor of the party's choice present during any meetings or proceeding related to complaint resolution procedure under this policy, including meetings related to investigation of the formal complaint;
- Written notification of the result of the complaint resolution process (subject to any redactions required by federal law);
- An outcome based solely on information presented as part of the complaint resolution process;
- To not be subject to acts or threats of retaliation for action taken in good faith as part of the complaint resolution process;
- To not be required to take any reviews or examinations during the complaint resolution process (from the receipt of the Notice of Investigation until two (2) calendar days after the Notice of Action is delivered);
- To decline to make statements, provide testimony, or attend meetings or proceedings related to the complaint resolution procedure under this policy; provided, however:
 - Failure to appear at the panel hearing is deemed a waiver to the right to timely and equal access to information used during the complaint resolution process;
 - Panel members may properly consider as evidence of violation that the Respondent has refused to cooperate in the investigation if there is other information to support the reported policy violation
- Preservation of privacy, to the extent possible and allowed by law;
- Access to support from the Counseling Center.

Complainant has the following additional rights:

- Implementation of supportive measures and additional remedies that reduce the burden on Complainant but do not unduly burden or prejudice Respondent;
- To request that the Title IX Coordinator evaluate the need for supportive measures and additional remedies;
- Notice that the Title IX Coordinator has determined Shaw must act on information received in cases where the Complainant has requested confidentiality or that Shaw has not take action;
- To provide information at any step of the procedures outlined in this policy outside the presence of the Respondent.

TITLE IX POLICIES & PROCEDURES

Respondent has the following additional rights:

- An investigation into the allegations that for the basis for Shaw's imposition of supportive measures and additional remedies;
- To waive Sexual Misconduct Grievance Panel proceedings by accepting responsibility for the reported violation prior to, or during the course of, an investigation;
- To provide information at any step of the procedures outlined in this policy outside the presence of the Complainant.

Securing Witnesses

Investigators are authorized to contact any relevant individuals to request that they participate in the investigation, including responding to requests for additional information from the Sexual Misconduct Grievance Panel.

Malicious and False Accusations

All witnesses to an investigation, including the parties, shall pledge in writing to present honest testimony. A student who does not present honest testimony may be formally accused of lying as a Code of Conduct/Honor violation. Filing a formal complaint (for Complainant) or denying responsibility (for Respondent) will not in itself subject the party to a Code of Conduct/Honor charge for lying, regardless of the panel's determination whether a policy violation occurred. An allegation which is both false and brought with malicious intent is a violation of the Code of Conduct/Honor policy.

Pledge of Confidentiality

All aspects of the complaint resolution process shall be confidential, including information provided as part of the process, and all persons participating in the complaint resolution process shall pledge in writing to maintain in confidence all matters presented in the process. Provided, however:

- Shaw is authorized to disclose information as set forth in this policy;
- Parties may disclose information to their advisors and other personal support persons and legal counsel;
- The confidentiality pledge does not extend to information that an individual has a legal right to disclose.

Violations of the pledge of confidentiality may result in disciplinary action under Shaw's Code of Conduct.

Disclosure of Information

Shaw will limit disclosure of personally identifiable information presented as part of the complaint resolution process to those individuals involved in Shaw's process and other legally required or permitted disclosures. Appropriate Shaw officials (including, but not limited to, the Title IX Coordinator, the VP, Student Affairs, the Chair of the Sexual Misconduct Grievance Panel, the Investigators assigned to the complaint, the appeal officer, the President, or the

TITLE IX POLICIES & PROCEDURES

General Counsel) shall have access to information presented as part of the complaint resolution process.

Summary of Timelines for Complaint Resolution Procedures

In typical cases, the timeframe for the complaint resolution process (starting with the filing of a formal complaint and ending with the notice of the Sexual Misconduct Grievance Panel's determination of whether a policy violation occurred), not including any appeals, will not exceed sixty (60) calendar days (unless unforeseen circumstances arise, causing delays in the investigation or resolution process, such as inclement weather, staff/faculty turnover, availability of witnesses, etc.):

- The VP, Student Affairs provides Notice of Investigation to Complainant and Respondent ordinarily within three (3) calendar days of receiving a formal complaint.
- The parties provide notice of the identity of their advisor ideally at least one (1) calendar day in advance of the advisor attending a meeting or proceeding under this policy.
- Shaw will make every effort to complete an investigation in sixty (60) calendar days. At the conclusion of the investigation, the VP, Student Affairs will notify the parties whether, based on information gathered in the investigation, there are any additions or revisions to the policy violations alleged.
- The Chair shall arrange for the parties to access the information in the investigation report typically within three (3) calendar days of the Chair's review and redaction of the investigation report.
- Within one (1) calendar day of accessing the information, each party shall notify the Chair whether the party requests to meet with the Investigator for the purposes of responding to this information. The parties' meetings with the Investigator should occur within three (3) calendar days of the request to the Chair. The Investigator then has two (2) calendar days to submit a written report of the parties' responses to the Chair.
- Within three (3) calendar days of the end of the review and response period, the Chair notifies the parties that the final investigation packet has been issued to the panel and provides an opportunity for the parties to access the information in the final investigation packet. The parties then have three (3) calendar days to submit a written Impact Statement of Statement in Mitigation to the Chair.
- Within seven (7) calendar days of receiving the final investigation packet, the Chair will schedule a Sexual Grievance Panel hearing.
- The Chair will make every effort to conclude the complaint resolution process and distribute the Notice of Action within two (2) calendar weeks of the conclusion of the Sexual Misconduct Grievance Panel hearing.
- Previously unavailable relevant evidence that could significantly impact the result of the panel's determination must be brought to the attention of the Chair within five (5) calendar days of receiving the written Notice of Action.
- Appeals must be filed within five (5) calendar days of receiving the written Notice of Action. The Chair shall provide an opportunity for the parties to access the written digest

TITLE IX POLICIES & PROCEDURES

of the hearing and exhibits (if any) at least two (2) calendar days prior to the deadline for filing an appeal.

- The appeal officer ordinarily will decide within five (5) business days of receiving the record on appeal whether the appeal states sufficient grounds to be considered.
- The appeal officer ordinarily will provide written notice of outcome within seven (7) calendar days of the decision to consider the appeal.

There is no deadline by which a Complainant must file a formal complaint, and the fact that there was a delay between the reported policy violation and the filing of a formal complaint is irrelevant to the panel's determination whether a policy violation occurred. However, a delayed filing can affect Shaw's ability to gather information related to the reported policy violation and may affect Shaw's jurisdiction to administer this policy.

Concurrent or Subsequent Legal Proceedings

Shaw's Policy, definitions, and standard of review differ from North Carolina criminal law. Neither law enforcement's determination whether to prosecute the Respondent nor the outcome of any criminal prosecution is 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.

This complaint resolution process is separate from any criminal proceedings or civil litigation. Students must understand that information provided as part of the complaint resolution process may be used in criminal proceedings or other legal proceedings.

In the event there is a criminal investigation involving acts that are violations of this policy, Shaw will fulfill its responsibility to take prompt and appropriate action to provide supportive measures and resources to the Complainant. Shaw will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation and may need to temporarily delay an investigation under this policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed its gathering of evidence, Shaw will resume and complete its investigation. If the Complainant wishes to file a formal complaint under this policy while criminal proceedings are pending, or if the Title IX Coordinator determines that Shaw must file a formal complaint, Shaw will not wait for the conclusion of the criminal case to proceed with the disciplinary process.

Individuals who report a violation of this policy shall be informed that they may request that a Shaw campus police officer be present during a meeting with the Title IX Coordinator or an Investigator so that they can simultaneously provide a statement for campus police and for Shaw's Title IX investigation.

Delegation

Whenever an action may be or is required to be taken under this policy by the VP, Student Affairs, the action may be taken by a designee. Whenever an action may be or is required to be taken under this policy by the Title IX Coordinator, the action may be taken by the Title IX Coordinator's designee.

TITLE IX POLICIES & PROCEDURES

Deviations, Extensions, and Delays

Reasonable deviations from these procedures by Shaw will not invalidate a decision or proceeding unless significant prejudice to a student is caused by such deviation. While Shaw will make every effort to complete actions within the stated timelines, Shaw may extend timelines for good cause and with written notice to Complainant and Respondent that explain the reason for the extension or delay.

Accommodations for Persons with Disabilities

Shaw will make appropriate arrangements to ensure that students with disabilities are provided reasonable accommodations as needed to participate in this process. Requests for accommodations must be made to Human Resources. Human Resources will review the supporting disability related documentation, make a decision about the request, notify the student about approved accommodations and make arrangements for the accommodations. Accommodations may include, but are not limited to, providing interpreters for the deaf, providing recordings of materials for the blind, and assuring a barrier-free location for the proceedings.

Training

Shaw officials involved in the complaint resolution process shall receive annual training on this policy and issues related to sexual misconduct, including how to conduct a complaint resolution process that protects individuals who are targets of sexual misconduct and that promotes accountability. Investigators will receive annual training on how to investigate. The training will be made publicly available per federal law.

Prevention and Education

Prevention and education training will be given to all Shaw students, faculty, and staff on a regular basis. Such training for students will occur during New Student Orientation and once per semester through the office Judicial Affairs, Title IX, Clery, and Counseling Center via Bearsnet and/or workshops.

All new employees will receive Title IX and sexual misconduct training during new employee orientation. All employees will receive training on an annual basis at Opening Institute or via UltiPro.

Further, this policy will be available to all students and employees via the Shaw website.

Procedures for Specific Circumstances

Information Concerning Unrelated Sexual Activity

Information concerning the unrelated sexual activity of Complainant is irrelevant and shall not be considered in the complaint resolution process except in the case that the Chair determines there is relevant information regarding sexual activity between Complainant and Respondent.

TITLE IX POLICIES & PROCEDURES

Information concerning the unrelated sexual activity of Respondent is irrelevant and shall not be considered in the complaint resolution process except in the case that the Chair determines the information alleges behavior that is sufficiently similar in nature to suggest a pattern of behavior. Information that suggests a pattern of behavior may be considered in the complaint resolution process regardless of whether Respondent was formally charged with a violation of this Policy, except if Respondent was formally charged and the panel did not find that a policy violation occurred, then information related to that charge shall not be considered in the complaint resolution process.

Multiple Complaints Filed

If more than one Complainant files a formal complaint against Respondent before the complaint resolution process for the initial complaint has been completed, the Chair shall have the discretion to determine the process for resolving multiple complaints, including the discretion to alter timelines.

Multiple Respondents

In the event the complaint involves more than one Respondent, the Chair shall have the discretion to determine the process for resolving the complaint against multiple Respondents.

Conflicts of Interest

Investigators and Sexual Misconduct Grievance Panel members with disclosed conflicts of interest or demonstrated bias for or against a student-party shall not be assigned to investigate or determine responsibility for an alleged policy violation. Examples of a conflict of interest include:

- A student-party currently enrolled in a course taught by a faculty member of the panel;
- A student-party in a formal counseling relationship with an Investigator or panel member;
- or
- Where an Investigator or panel member currently supervises the student-party's academic work, student employment, or athletic or other educational programming.

Bias is defined as an unfair prejudice in favor or against a student-party based on a student-party's race, ethnicity, national origin, sex, gender identity, sexual orientation, disability, age, or religion and associated stereotypes.

Investigators and panel members deeming themselves disqualified for reasons of bias or conflicts of interest shall remove themselves from the matter or may be removed by the VP, Student Affairs or Chair. A party may petition the Chair for removal of an Investigator, and may petition the Chair for removal of any member of the Panel on the basis of a conflict of interest or demonstrated bias.

TITLE IX POLICIES & PROCEDURES

Any vacancies occurring on the Sexual Misconduct Grievance Panel while a contested matter is to come before it shall be filled by the Chief Operating Officer in consultation with the VP, Student Affairs, who shall appoint trained, disinterested members of the full-time faculty or staff to fill such vacancies.

Scheduling Meetings and Proceedings

The Complainant and Respondent shall receive timely notice of any meeting or proceeding at which they may be present. Shaw will make reasonable efforts to schedule meetings and proceedings at times convenient to the parties. Meetings and proceedings will not be scheduled at a time when a party has an unavoidable conflict with a required academic obligation (e.g., classes, labs). An advisor's inability to attend a meeting does not constitute an unavoidable conflict that would necessitate rescheduling a meeting or proceeding.

Additional or Revised Charges

If the investigation produces information that indicates either that (i) there is evidence of additional policy violations that would constitute new or revised charges; or (ii) there is no factual basis for the allegations in the formal complaint, the Investigator shall notify the VP, Student Affairs. Upon review of the information, the VP, Student Affairs may revise the Notice of Investigation to include the new or revised charges. In the event there is no factual basis for the allegations, the VP, Student Affairs may dismiss the matter prior to resolution by the Sexual Misconduct Grievance Panel.

Confrontation

Complainant has the right to provide information at any step of the procedures outlined in this Policy outside the presence of the Respondent. At Complainant's request, the hearing with the panel or appeal officer may be conducted in a room with a room divider or screen, or with the assistance of technology such as Zoom.

Petition for Readmission

A student who has been suspended for an indefinite period pursuant to this Policy may petition in writing for readmission to the VP, Student Affairs with no right to petition for readmission before the expiration of one (1) year of the date of suspension. This petition will be submitted to the VP, Student Affairs. The VP, Student Affairs may, when possible, consult with members of the Sexual Misconduct Grievance Panel who heard the student's case.

ADDENDUM A

STUDENT SEXUAL MISCONDUCT COMPLAINTS AGAINST STAFF/VENDOR

In cases where a student reports sexual (gender) misconduct from a Shaw staff employee, the complaint will be treated and investigated as a Title IX complaint. Any findings requiring disciplinary action on the employee will be handled in accordance with the provisions of the Disciplinary section of the employee handbook.

Definitions:

1. Gender Misconduct: comprises a broad range of behaviors focused on sex and/or gender discrimination that may or may not be sexual in nature. Sexual harassment, sexual assault, gender-based harassment, stalking, and intimate partner violence are forms of gender-based misconduct under this policy. Misconduct can occur between strangers or acquaintances, including between people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender.

- Sexual Assault: An assault that is sexual in nature including a sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will when the victim is incapable of giving consent (due to incapacitated by alcohol or drug use, unconsciousness, disability, or other forms of helplessness).
- Consent: is based on an explicit understanding and mutual agreement and permission to engage in any form of sexual activity with a person or persons legal capable of providing consent. Sexual activity with a minor is unlawful with or without consent, as it's sexual activity with a person who is incapacitated mentally, emotionally, or physically. Forcing or manipulating someone into having sex is not consent. It is the duty of the sexual aggressor to show respect and to recognize boundaries, and to ensure the partner has the capacity to provide consent. It should also be noted that even if a person gives consent, the person has the right to withdraw consent at any time. Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn at any time.
- Mental Incapacity means the condition of the victim existing at the time of the sexual act prevents the victim from understanding the nature or the consequences of the sexual act involved, and about which the accused knew or should have known.

TITLE IX POLICIES & PROCEDURES

- Sex while incapacitated: To have sex with someone whom you know to be, or should know to be, incapable of making a rational, reasonable decision due to his or her consumption of substances is a violation of policy. If you choose to drink alcohol or use other drugs, you run the risk of impaired thinking and communication, which may result in inappropriate choices about sex.
 - Force: is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes threats, intimidation (implied threats) and coercion that overcome resistance or product consent (i.e., threats such as “Have sex with me, or I’ll hit you,” etc.)
 - Coercion: is unreasonable pressure for sexual activity. Coercive behavior can occur based on the type of pressure someone uses to get consent from another. For example, when someone makes it clear they do not want sex, or they want to stop, or they do not want to go past a certain point of sexual interaction..., continued pressure beyond that point can be coercive.
 - Sexual Exploitation: any conduct in which a student takes advantage of another without his/her consent for his/her own advantage or benefit or to benefit or to benefit or advantage anyone other than the one being exploited.
 - Sexual Harassment: is defined as unwelcomed conduct of a sexual nature. It includes unwelcome sexual advances, sexual gestures, touching, requests for sexual favors, verbal or non-verbal physical aggression, dirty jokes, spreading rumors of a sexual nature, comment or questions about a person’s body, dress or personal life, offensive language of a sexual nature, intimidation, hostility, or stereotyping, even if those acts do not involve conduct of a sexual nature.
2. Intimate Partner Violence (also known as Domestic and Dating Violence): is a pattern of abusive behavior in an intimate relationship that is used by one partner to gain or maintain power and control over another partner such as the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse.
3. Stalking occurs when a person, on more than one occasion, engages in any behavior or conduct directed at another person with the intent to place that other person in reasonable fear. Examples of stalking behaviors include, but are not limited to: sending unwanted or non-consensual communications (letters, telephone calls, voice mails, e-mail messages, text messages); the physical appearances of the stalker; unwanted gifts; threatening or obscene gestures; pursuing or following; surveillance or other observation; trespassing; vandalism; and non-consensual touching.
- Cyber Stalking- is a form of stalking or harassment that involves the intentional act of using the Internet (social media such as Instagram, twitter, Facebook) to cause someone emotional distress.
4. Revenge Porn: the online publication of sexually explicit photographs or videos posted

TITLE IX POLICIES & PROCEDURES

without the consent or knowledge of the subject of the content. “Involuntary porn” or “nonconsensual pornography” to emphasize that subject of the pornographic photos and videos have not consented to the publication of their most intimate moments.

When a student reports sexual (gender) misconduct, as noted above, against a staff employee, the following investigatory process will apply:

- The Title IX Coordinator (Richard C. Barnes, 919-719-1897, richard.barnes@shawu.edu) will investigate the student’s complaint by interviewing the student and any witnesses the student provides relevant to the claim and will gather any and all evidence provided by the student relevant to the claim. Initial investigation will begin within 7 calendar days of a complaint received, with complainant interviewed within 2 days of complaint form received (student schedule pending and if student is willing and available to meet). The investigation will continue with final resolution and complaint closeout completed within 60-90 days.
- Human Resources will interview the accused staff employee, to include providing the specific allegations, and allow the staff employee to respond to the allegations and provide any witnesses relevant to the claim to interview, and will gather any and all evidence provided by the staff employee. Both parties can present witnesses and other evidence.
- Human Resources will suspend the accused staff employee with pay pending the outcome of the investigation (decided on a case by case basis based on the allegations/severity and is an interim measure only). Human Resources/Title IX Coordinator will write an investigation report of the findings and provide the report to the accused staff employee’s (respondent) supervisor for review. The paid suspension is not punitive but provided to allow separation of the complainant and respondent to avoid any claim of retaliation and to maintain the integrity of the investigation process. Since the suspension is with pay, final resolution of the complaint will be made as expeditiously as possible.
- The accused staff employee’s supervisor will make a determination of any disciplinary action to take, in consultation with Human Resources. Results will be provided to the complaining person and the responding person within 7 days of completion. The notice of outcome will be provided at the same time and in writing to both parties.

Shaw University is committed to providing the complainant and the respondent (staff employee) to an allegation of sexual (gender) misconduct the following protections:

- Resolution as set out in the policy of all credible reports of prohibited conduct made in good faith;
- Respectful treatment by college officials;
- Written notice of the outcome and sanction of any investigation or hearing;
- Notification of available counseling, mental health or student services for individuals accused of a violation of policy, both on campus and in the community;
- Appropriate and sensitive handling of accusations of sexual misconduct;
- A fair and timely investigation process resulting in a determination of whether a policy violation occurred, and if so, recommended sanctions;

TITLE IX POLICIES & PROCEDURES

- The right to appeal the finding of the Title IX Investigator/Human Resources to the Office of the President for both the student and the staff/faculty member;
- The right to review all documentary evidence available regarding the investigation, subject to the confidentiality limitations imposed by state and federal law

The University will take steps to prevent and remedy any discriminatory effects. In addition, the University strictly prohibits retaliation against the student, the respondent and anyone who participates in the investigation.

In cases where a student reports sexual (gender) misconduct from a Shaw vendor (whether consultant or vendor working on behalf of Shaw, or visitors to Shaw on Shaw property), the complaint will be treated and investigated as a Title IX complaint. The process and provisions set forth above will apply, with final investigation reports provided to both the complainant and the vendor/vendor designee in writing. Shaw reserves the right to ban any vendor representative from Shaw property or from conducting business with Shaw should a finding of fault be found against the respondent vendor. Shaw will protect the student and respondent against retaliation during the investigation and will make every reasonable effort to ensure complainant's safety during such investigation, including (but not limited to) barring respondent from working on Shaw property and having any contact with the complainant.