



Handbook of Student Conduct and the Judicial Process

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This is a living document that is continuously under review, and which supersedes all previous editions including that found in the most recent Student Handbook update.

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Philosophy on Student Responsibility

The premise of our student judicial process is that we expect students to take responsibility for their behavior in addition to holding their peers accountable for being good citizens. The student judicial process allows the University to address behavior that has a negative impact on individuals and/or the campus community. The Code of Conduct is designed to clearly communicate behaviors that negatively impact our community. As a member of Shaw University, you have voluntarily entered into a community of learners who are expected to exhibit thoughtful academic study and discourse, and ethical and socially responsible behavior on and off-campus. The University has developed the Code of Conduct, and other policies and procedures to support its academic mission, objectives, processes, functions, and general operations. These standards represent the core values of integrity, fairness, respect, community, and responsibility.

Purpose of Community Standards and the Code of Conduct

Shaw University is committed to the development and personal growth of students. Students are encouraged to be reflective of the university values and behavioral expectations as they engage in their academic studies and co-curricular activities. Research has demonstrated that students who are active participants in the university and surrounding communities are more likely to uphold university policies and maintain a positive community environment. Conduct occurs in the context of a community of scholars dedicated to seeking excellence in academics, personal learning and leadership.

The student judicial process, including the right to appeal, is established to support the rights and responsibilities of each student, to sustain the university's values and behavioral expectations, in addition to determining future privileges as a member of the Shaw University community. This is accomplished by holding individual students and student organizations responsible and accountable to the University's stated values and behavioral expectations.

Judicial Process

Core Values of the Student Judicial Process

1. **Integrity-** All members of our community are expected to exemplify honesty, respect for truth, and congruence with university standards and behavior expectations in all exchanges and interactions.
2. **Responsibility-** Members of our community are expected to take ownership of individual choices and any subsequent consequences.
3. **Respect-** All community members are expected to honor and esteem the rights and freedoms of each unique individual, and to understand the value and worth of college property and the property of others, and to demonstrate care for individuals and property.
4. **Fairness-** Members of the community are expected to follow all published rules and guidelines in good faith as the university is committed to developing consistent, honest and just systems.
5. **Community-** Learning to live as a member of a community is an important part of the personal development of our students. Each individual must learn to respect other individuals. As members of the Shaw University community, students are provided numerous venues to voice their own expectations and concerns about community life. It is the university's expectation that students will use available campus resources to resolve differences and conflicts peacefully

Responsibilities of the Office of Judicial Services

The Office of Judicial Affairs is responsible for:

- Working with students to encourage support of and compliance with the Student Code of Conduct
- Providing training to student bodies
- Investigating and reviewing alleged violations
- Providing administrative support for all judicial bodies
- Coordinating the University's judicial process
- Conduct investigations when appropriate
- Arranging conferences or hearings with the student involved,
- Adjudicating disciplinary referrals,
- Notifying students of the time and place of the hearing /conference
- Hearing appeals

- Informing students of the decision rendered
- Notifying parents and other members of the University community as appropriate regarding the action taken, except in less serious cases where only a sanction of disciplinary warning or reprimand, participation in special workshops, or research assignments are given.

Campus Police and Security receives, investigates, and handles complaints where violations of public law are indicated, and assists when and as needed.

Campus Governance

Administration of the Judicial Process

The President of the University has the responsibility for maintaining a campus environment conducive to achieving the University's mission. The responsibility for the actual daily operations of the judicial system rests with the Office of Student Affairs and Judicial Services. The University reserves the right to discipline any student who violates or disregards policies and regulations to the extent that the integrity of the institution is compromised.

The Judicial Conduct Board

The Judicial Conduct Board is composed of 7 members and may include faculty, staff and a student. It addresses violations of general university regulations, student conduct, Title IX referrals and matters involving the image and integrity of the institution and may adjudicate appeals.

The Judicial Conduct Board chairperson oversees the conduct hearings and executes the Resolution conference. The Judicial Chairperson only votes in a tie. The Director of Judicial Services will use alternates to fill vacancies on the as needed. Members hearing Title IX cases must have training specific to sexual misconduct. See Gender Based Sexual Misconduct Policy for more information.

Jurisdiction in the Residence Hall

Residence Hall Staff are responsible for governance of student behavior in the residence halls that arise from violations of residence hall policies. It is the discretion of the Hall Manager to refer specific violations of the Student Code of Conduct to the Office of Judicial Services. Any instance of sexual misconduct must be reported to the Title IX Office. (see mandatory reporting)

The Appeals Process

Grounds for Appeals

A student may appeal the Judicial Conduct Board's ruling to the Office of Student Affairs. During the appeal the decision of the committee will abide and take effect unless expressly reprieved or delayed by Student Affairs Administration. The student must appeal on at least one of four separate grounds listed below. It is essential that the student describe in detail his/her arguments with respect to the grounds for appeal.

- Procedural irregularity that resulted in an unfair hearing
- Mitigating circumstances
- Undue severity of sanction
- New Evidence

Granting or Denying of Appeals

A written request for an appeal must be submitted by the student to the Office Student Affairs or its designee within forty-eight (48) business hours after receiving the disciplinary decision. Should the deadline fall during the weekend, the next business day (M-F) shall be considered the final day to receive an appeal. The appeal may be denied if it does not meet the grounds for appeal (see previous section). The Judicial Services has the discretion to amend the period of appeal. A student may appeal to the next administrative level.

Contents of Appeal Letter

Letters of appeal shall contain a statement or statements of the grounds for the appeal in order to allow the Student Affairs staff to make a reasonable judgment on whether to grant the appeal. If an appeal is denied, an appropriate written response will be given to the person making the request.

Action and Appeals

Once an appeal letter has been accepted and the case and information has been reviewed, one of the following actions may occur:

1. Deny the appeal affirming the decision and sanction
2. Affirm the decision and amend the sanction
3. Reverse the decision and, if necessary, impose a penalty
4. Order a hearing

Waiver/Hearing

A student may waive his/her right to a hearing. Such a waiver must be executed by the student in writing or during a resolution conference with the Office of Judicial Services and/or the Office of Student Affairs. In this case the sanction is imposed by the SA Administration or Director of Judicial Services and cannot be appealed.

Rights of the Accused

At least forty-eight hours prior to the hearing by the Judicial Committee, the student is entitled to the following:

- Pre-hearing conference
- Written notification of the time and place of the hearing
- A written statement of the charges to enable the student prepare an argument
- The names, if known, of witnesses who may testify at the hearing
- The student shall be entitled to appear in person and to present his/her defense to the judicial committee or administrator and may call witnesses in his/her behalf.
- The student shall be entitled to decline to answer questions.
- The student shall be entitled to be accompanied by representative counsel of his/her choice. The representative may be an attorney, a member of the faculty/staff, student body. If the student engages an attorney, written notice must be given to the Dean of Students at least forty-eight hours prior to the hearing. The representative shall be permitted to give advice and otherwise counsel the accused before, during and after the proceedings, but shall not be permitted to actively and personally examine witnesses or argue for the accused.
- The student shall be entitled to an expeditious hearing of his/her case.
- The student shall be notified of his/her right to appeal the decision of the Judicial Committee or the Administrator within a period of forty-eight hours. Should the accused appeal, the findings of the Judicial Committee will remain in effect unless overruled by a higher body.
- If a student fails to attend the scheduled hearing without notification it will still be held.

Disciplinary Sanctions

Assigning Sanctions

If a student is found responsible for a violation through a hearing the Judicial Conduct Board will assign sanctions. If a student admits responsibility for a violation sanctions will be assigned through a resolution conference. For offenses that are considered major infractions and where there is evidence of physical violence toward persons which result in any injury, possession of weapons or distribution of drugs on campus, the ZERO TOLERANCE POLICY may be imposed or interim measures may be taken and expulsion may be imposed. Students who do not fulfill disciplinary sanctions by the end of the current semester may be subject to suspension. A social conduct hold may be invoked to prevent registration for the new semester.

The following are examples of sanctions that may be assigned in response to students found in violation of the campus policies and Code of Conduct either on or off campus. Sanctions may be imposed independently or in combination with other sanctions. **SANCTIONS LISTED ARE NOT INCLUSIVE OF ALL SANCTIONS THAT CAN BE IMPOSED.**

1. **Assessment/Fines/ Fees** –May range from \$25.00–\$1500.00
2. **Counseling** – The student may be required to attend counseling sessions with a member of the Counseling Staff or referred to a professional off campus.
3. **Dismissal/Expulsion** – Dismissal/expulsion requires that the student completely sever any and all connection with Shaw University within 48 hours of notification. Students will be charged the full housing fee for the entire semester and refunded tuition based on the refund schedule outlined in the University Catalog. The University has the right to require immediate separation.
4. **Educational Project** – The student is required to conduct research or a project in an area relevant to the offense. They may be required to present information as a campus program
5. **Housing Dismissal** – Students who are permanently dismissed from housing will be required to vacate their residence halls within 48 hours of notification of the disciplinary action. In the event of suspension, students will be charged the full housing fee for the entire semester. The student may not reapply for residency. The University has the right to require immediate separation.
6. **Housing Relocation** – If a student is living in a residence hall, he/she may be required to move to another floor or into another residence hall.
7. **Housing Suspension** – Students who are suspended from University housing will be required to move out of housing within 48 hours of notification of the disciplinary action for the length of time specified by the hearing officer. The University has the right to require immediate separation.
8. **Loss of Privileges** – Denial of specified privileges for a designated period of time. This may include limited access to residence halls, participation in clubs, organizations and/or activities, intramurals, intercollegiate athletics and/or activities, loss of privilege to participate in special weeks organized by campus groups, Student Activities or SGA, and loss of privilege to participate in Commencement activities (seniors only).
9. **No Contact Order** – A No Contact Order may be imposed in instances where it is determined that a student poses a potential threat to another person. While enrolled as registered students, student 1 and student 2 shall have no physical, verbal, or written contact with each other, directly or indirectly through any third parties at any time (this includes but is not limited to any contact via mail, text messages, e-mails, telephone calls, social media tags or references, and/or the use of any other electronic means of communication). Each student shall also make every reasonable attempt to avoid eye contact with each other, and shall maintain a minimum distance of 25 feet from each other at all times during matriculation.
10. **Official Warning** – The official warning is notification to the student(s) that he/she has been found responsible for a violation and that any other violations will result in more serious sanctions.
11. **Parents/Guardian Notification** – Parents and legal guardians may be notified of violations of University policies pertaining to alcohol and drugs, potentially life-threatening emergencies, incidents involving hospitals or police agencies, and violations of the any federal, state or local laws. In addition, parents and legal guardians may be notified in cases of suspension or expulsion/dismissal. (See FERPA policy)
12. **Participation in Special Workshops** - Students may be required to assist in developing, coordinating, and evaluating special workshops. The nature of the workshop may/may not be related to the offense the student has committed. Students are required to be prompt and attentive and to present a well-written, typed summary of the workshop to the Judicial Services office within 36 hours of the event. Failure to comply with this sanction may result in additional sanctions including suspension.
13. **Probation** – Probation is a sanction permitting a student to remain enrolled under prescribed conditions. The Probation may be imposed for a specified period of time, or through graduation. During the Probation, the student must demonstrate that their behavior conforms to University standards of conduct. Student conduct violations are cumulative. Therefore, all subsequent violations of the University policy and Code of Conduct may be ground for suspension or dismissal.
14. **Restitution** – The student is required to pay fair market value for repair or replacement of damaged or stolen property. The payment required may not exceed the cost of repair or replacement of the damaged or stolen item, but a lesser amount may be specified.

15. **Suspension** – Suspension from the University may be **immediate** or within 48 hours of notification of the disciplinary action. While a student is suspended, he/she is not to return to the campus, programs, facilities, and activities of the university without written permission from the Office of Student Affairs or a designee. In the event of suspension, students will be charged the full housing fee for the entire semester and refunded tuition based on the refund schedule outlined in the University Catalog. All other fees and charges are forfeited. If a student is suspended from the University, a letter may be sent to her parent(s) or legal guardians with notification of the suspension. The student is not eligible for transient status or enrollment at another CRC institution.
16. **Suspension of University Recognition** - Suspension of University recognition refers to the termination of recognition as a registered student organization for a specific or indefinite period of time.
17. **Writing Assignments** - Student may be required to complete a writing assignment, which may/may not have direct correlation to the offense committed. Research assignments must be completed by the deadline specified, must be thorough, comprehensive, typed, and scholarly. The completed project must also conform to other specifications given by the Judicial Services Office. Failure to comply with these terms may result in temporary suspension from the University.

Students who are suspended for Code of Conduct violations must be approved for readmission by the Office of Judicial Services or Office for Student Affairs, before they are eligible to reapply. This written request should show evidence that all conditions of the suspension have been satisfied/completed. If approved they must apply for re-admission through the Admissions Office. The decision will be forwarded to the Registrar's Office for action. Students are not guaranteed readmission. (Students suspended for arrests related to felony or misdemeanor charges, must provide documentation to show that their legal case has been adjudicated.)

Options for Student Affairs Administration

In certain circumstances following an incident of serious misconduct by an individual or group, Office of Student Affairs Administrator may impose a suspension, administrative withdrawal, expulsion/dismissal, or other sanctions without a formal process or hearing. This is especially true in the case of Zero Tolerance violations. The Office of Student Affairs may also take the following actions:

1. **Interim Suspension** – When imposed, the student may be temporarily separated from the University until such time as the incident is resolved before a hearing officer or hearing board, and until a final decision including any appeal is issued. This interim action may be imposed if there is any reason to believe that it is necessary to ensure the safety and well-being of members of the campus community, to ensure the student's own physical or emotional safety and well-being, if the student poses a threat of disruption of or interference with the normal operations of the University or when a felonious act has been committed. The interim suspension may also include other losses of privileges. Examples of behavior that may lead to immediate suspension are, without limitation, physical violence, sexual assault, disruption of the educational mission or civil living environment of the University, felony larceny, severe damage to property, and possession and distribution of controlled substances. Students are responsible for maintaining academic progress during an interim suspension.
2. **Medical Leave of Absence** - Shaw University offers Counseling and Disability Services and Student Health Services to assist students with managing emotional and other health and wellness related needs. Students may sometimes be referred to off-campus service providers to assist with managing health and wellness concerns. However, students who cannot adequately be helped by the available facilities and/or refuse to accept recommended emotional and/or medical treatment and whose resulting behavior renders them unable to effectively function in the residential or University community, without harming themselves, others, or disrupting the University community, may be required to separate from the University for a prescribed period of time (administrative withdrawal).

Student Complaint/Grievance Policy

Shaw University is committed to mutual respect among all members of the university community. This commitment includes students, faculty, staff, and administration alike. In all concerns about fair treatment, we seek to work together to understand and address those concerns without having to file a formal grievance. When that is not possible, we are at all levels committed to a fair and reasonable resolution of issues through a formal grievance process guided by the information and documentation provided in the process. The regulation described below guides the orderly procedure of grievance, and attempts at resolution. (Excluding Judicial Grievances addressed by a separate Policy) Grievances may entered online at https://bearsnet.shawu.edu/ICS/Grievance_Form .

Academic

All grade issues must have documentation to support your assertions.

All issues involving quality instruction must have a class syllabus, class notes, test/quiz grades and any other documentation to support your assertion.

If a student perceives an injustice in a grade, that he/she is not receiving quality instruction, or has issue with any part of the learning process; he/she may follow the steps set forth here:

The chain for reporting perceived injustices is:

1. Instructor
2. Division Head
3. Vice President for Academic Affairs

All freshmen must consult with the Director of the Freshman Year Program for advice and resolution. Resolution to the perceived injustice may happen at any point on the chain of reporting. We will make all efforts to resolve any issue in a timely manner at the lowest report level possible.

Housing

All housing issues must be reported in writing with name, date, room number and contact information

Associate Vice President for Student Affairs will be apprised of the reported issue when it is first reported.

If a student has an issue with housing, he/ she may follow the steps set forth here:

The chain for reporting perceived injustices is and shall remain thus:

1. Resident Advisor on your floor
2. Coordinator on duty
3. Resident Manager
4. Director of Housing
5. Associate Vice President for Student Affairs
6. Vice President for Student Affairs

General

If a student has any issue or concern regarding the living and learning environment or policies at Shaw University, please use the following avenues of recourse available to you:

1. Write out complaint, issue, or take it to the Office of the Associate Vice President of Student Affairs located on the second floor of the Willie E. Gary Student Center. Please include name, date, concern and contact information.
2. Request a conference with the Associate Vice President of Student Affairs.

All student concerns will be addressed within two weeks of notification to Student Affairs/Academic Affairs. Issues will be resolved in a timely fashion as time and resources will allow.

Grievances may entered online at https://bearsnet.shawu.edu/ICS/Grievance_Form/

Student Rights Policy

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community should choose behaviors that contribute toward this end. Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community and surrounding neighborhoods, and contribute positively to student and university life.

Students' Rights

The primary right of students is to pursue their education so long as they maintain their eligibility to remain a member of the community by meeting its academic standards and so long as they observe the regulations imposed by the university for the governance of the academic community.

Each student shall have the right to participate in all areas and activities of the university, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status in accordance with applicable federal and state laws.

Each student shall have the right to be recognized as members of the student body, with all the privileges pursuant thereto as to use of physical plant, university services and facilities.

Each student shall have the right to participate in a free exchange of ideas, and there shall be no university rule or administrative rule that in any way abridges the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution.

Every student has the constitutional rights and responsibilities of any citizen under the law. Conversely, a responsibility of any student is to respect these rights of any other member of the university community.

Each student has the right to expect that academic and professional processes should be flexible and periodically open to review and to participate constructively with faculty and administration in those processes by which the university community maintains the excellence of the standards of its curriculum and methods of instruction and the viability of its total educational program.

Each student subject to disciplinary action arising from violations of *University Student Code of Conduct* shall be assured a fundamentally fair process. At all student conduct hearings, an accused student shall be assumed not responsible until proven responsible, and, in initial student conduct hearings, the burden of proof shall rest with those bringing the charges. In all proceedings, the student shall be guaranteed a fundamentally fair process.

The student has the right to recourse through the procedures outlined in the Student Grievance Policy against any perceived unreasonable action.

Students' Responsibilities

A student has the responsibility to respect the rights and property of others, including other students, the faculty and administration.

A student has the responsibility to be fully acquainted with the published University Student Code of Conduct and Handbook and to comply with them and the laws of the land.

A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire university community.

A student has the responsibility to recognize the university's obligation to provide an environment for learning.

Freedom of Expression Policy

Shaw University values the freedoms of speech, thought, expression and assembly - in their self and as part of our core educational and intellectual mission. If individuals are to cherish freedom, they must experience it. The very concept of freedom assumes that people usually choose wisely from a range of available ideas and that the range and implications of ideas cannot be fully understood unless we hold vital our rights to know, to express, and to choose. The university must be a place where all ideas may be expressed freely and where no alternative is withheld from consideration. The only limits on these freedoms are those dictated by law and those necessary to protect the rights of other members of the university community and to ensure the normal functioning of the university.

At Shaw University, anyone may distribute printed material, offer petitions for signature, make speeches, and hold protests or demonstrations outside university buildings. All such activities must be peaceful, avoiding acts or credible threats of violence and preserving the normal operation of the university. No event shall infringe upon the rights or privileges of anyone not in sympathy with it, and no one will be permitted to harm others, damage or deface property, block access to university buildings or disrupt classes. The enforcement of these conditions will not depend in any way on the message or sponsorship of the act or event. When guests are invited by a recognized campus organization, they may express their ideas not because they have a right to do so, but because members of the campus community have a right to hear, see, and experience diverse intellectual and creative inquiry. Defending that right is a fundamental obligation of the university. Controversy cannot be permitted to abridge the freedoms of speech, thought, expression or assembly. They are not matters of convenience, but of necessity.

Federal Mandated Laws

Laws, mandates and policies are put into place to protect the privacy and rights of students and to increase the awareness of violent crimes on college campuses. Shaw University is in compliance with all local, state, and national mandates.

Clery ACT

The federal **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** (Clery Act) requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics and summaries of security policies are made once a year in an Annual Security Report (ASR), and information about specific crimes and emergencies is made publicly available on an ongoing basis.

Campus SaVE Act

The **Campus Sexual Violence Elimination Act**, or **Campus SaVE Act** (SaVE), is a 2013 amendment to the federal Jeanne Clery Act. SaVE that will help bolster the response to and prevention of sexual violence in higher education.

FERPA

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance(34 CFR § 99.31).

HIPPA Health Insurance Portability and Accountability Act of 1996

The **HIPPA Privacy Rule** establishes national standards to protect individuals' medical records and other personal health information and applies to health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically. The Rule requires appropriate safeguards to protect the privacy of personal health information, and sets limits and conditions on the uses and disclosures that may be made of such information without patient authorization. The Rule also gives patients' rights over their health information, including rights to examine and obtain a copy of their health records, and to request corrections.

Title IX

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding. Under Title IX, discrimination on the basis of sex can include sexual harassment, rape, and sexual assault. For more information visit the following webpages:

- <https://www.shawu.edu/title-ix>
- https://www.shawu.edu/uploadedFiles/Documents/GenderBasedMisconduct_Policy.pdf

Title IX Coordinator

In accordance with its Title IX obligations Shaw University has designated a Title IX Coordinator who works collaboratively throughout the University to enforce and monitor gender-based misconduct proceedings. The Title IX coordinator should be notified immediately upon the report of any sexual assault or sexual misconduct in order to monitor proceedings and address any systematic problems or patterns of abuse. The Title IX Coordinator will conduct an investigation and provide results of the investigation to the Judicial Services Office for review and appropriate action. Persons with questions, concerns or complaints regarding Title IX violations should contact the Title IX Coordinator, who is located in Shaw University's Department of Human Resources, 1st Floor, Tyler Hall, (919)546-8533. (See <https://www.shawu.edu/title-ix>)

Gender-Based Misconduct

Gender based misconduct is 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.

(See https://www.shawu.edu/uploadedFiles/Documents/GenderBasedMisconduct_Policy.pdf)

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 incapacitation by alcohol or drug use, unconsciousness, disability, or other forms of helplessness).

- **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.
- **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:** 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.

- **Intimate Partner Violence (also known as Domestic and Dating Violence):** 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.
- **Stalking:** 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:** A form of stalking or harassment that involves the intentional act of using the Internet (social media such as Instagram, Twitter, or Facebook) to cause someone emotional distress.
- **Revenge Porn:** The publication of sexually explicit photographs or videos posted 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.

Student Code of Conduct

All members of the Shaw University community are expected to be responsible representatives, and ambassadors of the University. Students are accountable for all behaviors and actions at all times both on and off campus. Because we exist in the larger society, the University does not provide immunity from city, state, or federal law, therefore violations which occur off campus will be treated the same as if they happened on campus.

Students who are suspended for Code of Conduct violations must be approved for readmission by the Administration of Student Affairs, before they are eligible to return. The student must submit, in writing, a request for readmission to the Vice President for Student Affairs. This request should show evidence that all conditions of the suspension have been satisfied/completed. The Vice President will inform Judicial Services of approval and the decision will be forwarded to the Registrar’s Office for action. (Students suspended for arrests related to felony or misdemeanor charges, must provide documentation to show that their legal case has been adjudicated.)

Academic Misconduct

Cases involving academic-related misconduct (e.g., class disruption, cheating, plagiarism and profanity) may come under the jurisdiction of the Judicial Conduct Board. The Office for Academic Affairs has the discretion of addressing academic misconduct or may file a complaint with the Office for Student Affairs and Judicial Services.

Suspension may be immediate when an action is of an extreme, hostile nature and endangers the welfare of the student body or any member of the University community. Students will be afforded every privilege related to due process in such cases.

All cases considered by the Judicial Committee are confidential and are not open to the public. Members of the Committee shall refrain from discussing cases outside the hearing; however, proceedings may be recorded for potential use in an appeal hearing. Recordings are not available to the student once he or she has exhausted all appeals. To maintain individual privacy, students may only have access to documents they submit. (See Academic Misconduct Policy)

Conduct Violations

The following conduct and any attempt to engage in the following conduct will be subject to intervention and disciplinary action:

1. **Academic Integrity** - Any form of academic dishonesty which may include, but is not limited to:
 - a. Cheating
 - b. Collusion/assisting any student or member of the university community in violating any of the Academic Misconduct policies and/or procedures.
 - c. Fabrication, Falsification, and Dishonesty

- d. Misrepresentation of facts or unethical behavior designed to persuade any individual to alter a grade(s).
 - e. Plagiarism
 - f. Unauthorized permission to use signature of another person on academic documents
 - g. Unlawfully accessing and/or securing tests
2. **Actions against Members of the University** - Abusive conduct that includes any words or acts that cause physical injury, threaten any individual, or interfere with any individual's rightful actions.
- a. Harassment or any physical, verbal, graphic, written, or electronic communications that are sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to function in the University community.
 - b. Human Dignity- physical, verbal, graphic, electronic or written conduct based on race, ethnic origin, gender, age, religion, disability or sexual orientation that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by the University.
 - c. Injury or Harm/reckless endangerment - Intentionally or recklessly causing physical or mental harm to any person or to self, and/or intentionally or recklessly causing reasonable apprehension of such harm. The alleged victims' consent or acquiesce to physical mistreatment is not an acceptable defense by any individual or group in the University community.
 - d. Cyber-bullying - Using online communities and electronic communications such as email, websites, Facebook, Twitter, Tumbler, Snapchat and texting for the purpose of harassing, threatening, or engaging in behaviors that ridicule, belittle or harm individuals or groups, regardless of your intent.
3. **Actions against oneself and/or displaying behaviors that could endanger self.**
4. **Complicity**- Helping, procuring, encouraging, and/or cooperating with another person in the commission of a violation of the Student Code of Conduct.
5. **Disorderly Conduct** or any offense involving disturbance of the public peace, lewd and indecent behaviors. This includes belligerent behavior toward students, faculty and/or staff in the performance of their duties. Belligerent behaviors include aggressive, argumentative, quarrelsome, loud-mouthed, confrontational, threatening remarks or gestures, foul and/or abusive language.
6. **Disruptive Activity** includes participation in an activity that interferes with teaching, research, administration, student conduct proceedings, other college functions including public-service functions and off-campus activities. (See Disruptive Behavior Policy) Representative actions include:
- a. Leading or inciting others to disrupt scheduled and/or normal activities on college premises.
 - b. Classroom behavior that seriously interferes with either the instructor's ability to conduct the class or the ability of other students to profit from the instructional program.
 - c. Any behavior in or out of class, which for any reason materially disrupts the academic work of others, involves substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the University.
7. **Alcoholic Beverages and other Drugs or Narcotics**
- a. Use, possession, sale, delivery, manufacturing, consumption, or distribution of alcoholic beverages on Shaw University property or at any University sponsored event.
 - b. Under the influence of alcohol and/or intoxicated in public and/or in the residence halls or any university facility or sponsored event (including individual residence hall rooms).
 - c. Use, possession, sale, delivery, consumption, or distribution of any narcotic, drug, medicine prescribed to someone else, chemical compound or other controlled substance or drug-related paraphernalia on university premises, except as expressly permitted by law. (See Zero Tolerance Policy)
 - d. Under the influence of illegal drugs and/or intoxicated in public and/or in the residence halls or any University facility or sponsored event (including individual residence hall rooms).
8. **Breaching Campus Safety and Security, False Information, Destroying or Damaging Property**
- a. Forgery/furnishing false information, including knowingly providing false information to the University, faculty and/or staff either verbally or written, and/or the unauthorized alteration of financial, academic, and/or nonacademic documents.

- b. Stealing or possessing stolen property, or extorting or attempting to extort money or property from any member of the University community.
- c. Intentionally damaging property of the University, a member of the University community, or those contracted with the University.
- d. Unauthorized entry into, use or occupancy of University facilities. This includes unassigned residence hall rooms and unauthorized access to University facilities
- e. Unauthorized possession of University keys or master keys to University offices or residential facilities; duplicating university keys.
- f. Propping open fire doors, security doors, and/or secured doors;
- g. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions. (See Campus Parking Policy)
- h. Unauthorized use of checks, personal records information, credit cards, or identification cards.

9. Firearms, Weapons, Fire, and Explosives

- a. Use or possession of weapons, including handguns, firearms, and knives (2 inches or longer), ammunition, fireworks, explosives, noxious materials, incendiary devices, or other dangerous substances on University premises or at a University sponsored event.
- b. Attempting to ignite and/or igniting University and/or personal property and/or property of others on fire either by intent or as a result of reckless behavior that results in damage to persons or property on University premises or at a University sponsored event.
- c. Arson with intent to destroy persons or property.

Please Note: Possession of weapons, including handguns is prohibited, even for licensed handlers. The University reserves the right to confiscate firearms and other weapons, explosives and fireworks. (See Zero Tolerance Policy, North Carolina General Statute 14-269.2)

10. Fire Alarms, Emergencies and Fire Safety

- a. Tampering with fire alarms, fire extinguishers or fire signs and prevention equipment or failing to comply with other safety rules.
- b. Making false emergency calls and destruction of emergency signs on University premises.
- c. Attempting to ignite and/or igniting University and/or personal property on fire either by intent or as a result of reckless behavior that results in damage to persons or property on University premises or at a University sponsored event.
- d. Failure to exit or evacuate the building during a fire alarm or fire drills.
- e. Inducing panic and causing the evacuation of any public place, or otherwise causing serious public inconvenience or alarm.

Representative actions include the following:

- Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false
- Threatening to commit any offense of violence
- Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm

11. Failure to Comply

- a. A. Failure to comply with policies, procedures and/or directions imposed by any University official in performance of his/her duties.
- b. B. Failure to comply with reasonable instructions from a University official.
- c. C. Failure to respond to written and/or verbal communication from a University official in performance of his/her duties.

12. Hazing

Any activity that is intentional, or unintentional due to reckless behavior, occurring on or off campus directed against a student that endangers or is likely to endanger the student's mental and/or physical health or safety regardless of a student's willingness to participate in such activity in connection with or as a condition or precondition of gaining acceptance, membership, office or other status in a school organization. This activity is commonly associated with the student's membership, initiation, affiliation, pledging and/or association with an organization, but may include other activities. (See No Hazing Policy)

The definition includes, but is not limited to;

- a. Physical brutality, whipping, beating, striking, branding, paddling, kicking, choking, scratching, and electronic shocking and placing harmful substance on or in the body;

- b. Sleep deprivation, exposure to elements, and confinement in a small space, aerobic exercising, duck walking and weight lifting;
- c. Any activity involving the excessive consumption of food or non-appropriate foods and liquids, alcohol, liquor, drugs, (this includes ingesting foreign objects or substances);
- d. Any activity that intimidates, ostracizes, and/or subjects students to extreme mental stress, shame and/or humiliation or anything that adversely affects the student's mental health such as:
 - i. Screaming at an individual or group
 - ii. Belittling or humiliating participants
 - iii. Using derogatory, profane or obscene language toward participants
 - iv. Requiring participants to engage in morally degrading or humiliating games (as perceived by the University community and/or participants)
 - v. Embarrassing activities
 - vi. Reputation damaging
 - vii. Disheveling hair, tearing clothes
 - viii. Using participants' cars, money, or clothes or other personal items
- e. Treasure hunts, scavenger hunts, road trips, or other activities that require participants to travel long distances and find their way back from isolated areas with insufficient financial resources or that otherwise endanger a participant are prohibited;
- f. Any activity in which hazing is either condoned or encouraged by members, officers, and/or alumnae of the organization
- g. Gifts of any form may not be given to any individual or organization prior to the intake process or during the membership intake process
- h. Engaging in any activity that is prohibited by law or by the policies of the University.

It shall not constitute a defense to the charge of hazing that the participant(s) took part voluntarily, that the participant voluntarily assumed the risks or hardship of the activity, or that no physical or mental injury was suffered.

Students who are victims of hazing and who have not committed hazing behavior on others involved in the incident being reported will not be charged with a violation of the hazing provision of the Code of Conduct. However, failing to report the incident of hazing contributes to a culture of hazing and abusive conduct, and perpetuates acts which threaten the health, safety, security, and welfare of the campus community. Engaging in such behaviors will result in necessary and appropriate intervention and or other actions by the University to assist the student with understanding the impact of hazing behaviors to self and to the campus community.

Finally, having knowledge of the planning of such activities or knowledge that an incident of this type has occurred, and failing to report the behaviors to the Student Affairs/Greek Life or any university officials is also a violation of Hazing policy.

13. Hindering, obstructing or interfering with the Student Conduct Process- Action or conduct that hinders, obstructs or otherwise interferes with the implementation and/or enforcement of the Student Code of Conduct and student conduct administration processes.

- a. Failing to comply with the directions of university officials or law enforcement officers acting in performance of their duties
- b. Failure to appear for a university student conduct hearing to respond to allegations or to appear as a witness when reasonably notified to do so. This includes student conduct hearings, university investigations, and appeals hearings as requested by the Hearing Officer
- c. Withholding material information from the university, misrepresenting the truth in a student conduct hearing, and making false statements to any university official
- d. Failing to present valid identification upon the request of a university official
- e. Intentionally initiating or causing to be initiated any false report, warning, threat of fire, explosion or other emergency concerning the university and university-sponsored activities
- f. Retaliation or harassment of complainant or other person alleging misconduct, including but not limited to intimidation and threats
- g. Knowingly violating the terms of any student conduct sanction, including failing to complete the sanction, meet the specified deadlines and/or committing a violation of university policies while serving a probationary sanction, imposed in accordance with university policies

14. **Host Responsibility** - Students and student organizations are responsible for their guests or visitors' behavior and compliance with University policies and procedures in academic and non-academic buildings, on University owned property, and at University sponsored events. Any student's failure to fulfill her responsibilities will be subject to fines/charges for any damage and possible disciplinary action. Non-members of the Shaw University community whose behavior is detrimental to the University may lose his/her visiting privileges and/or be subject to charges of trespassing on Shaw University property.
15. **Housing and Residence Life**- Violating any policy, procedure, notification, regulation or condition established within the residence halls, (this includes published and non-published materials) and/or any rules established by majority vote of the residents.
16. **Information Technology Acceptable Use**- Use the university's computer resources only for the university-related purposes for which they were authorized. As with all university equipment, use of the computer resources, including the University network, for private or commercial purposes is prohibited, except as expressly authorized. (See Computer Use Policy)
17. **Pets** - Pets and other animals are prohibited in all university buildings, with the exception of those identified as service or comfort animals or those approved for guided assistance. (See Service and Comfort Animal Policy)
18. **Publicity/Posting Policy**- Posting flyers or other media used for marketing or event purposes on bulletin boards must be approved and align with individual building and university publicity and posting policies. Posting on any doors and windows is prohibited.
19. **Sales and Solicitation**- Solicitation is defined as requesting money, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering any other comparable event admission, materials and privileges. Likely violations include, but are not limited to:
 - a. Promoting sales in person or by handbills, through e-mail and/or internet, or by posters or similar materials without the approval of the Office of Student Life and Engagement, appropriate Building Coordinator and/or Residence Life and Housing staff
 - b. Soliciting and selling for private or commercial gain
 - c. Door-to-door solicitation in academic and non-academic buildings, including residential facilities.
 - d. Commercial stuffing of student mailboxes is strictly prohibited
20. **Smoking**- Smoking on campus is prohibited. This includes the use of marijuana, cigarettes, e-cigs, cigars, blunts, vape pens (water vapor) and pipes. Smoking marijuana or the smell of marijuana in a student's room may result in loss of housing and/or suspension (See No-Smoking Policy)
21. **Violation of Law**- Violation of any city, county, state, and/or federal law or municipal ordinance.

Conduct Violation(s) within the Cooperating Raleigh Colleges (CRC)

As a member of the Cooperating Raleigh Colleges (CRC), Shaw University has a reciprocal agreement with the other member institutions regarding student behavior and discipline. When a Shaw University student is accused of misconduct on a CRC campus, Shaw University will address the behaviors and conduct violation. Likewise, non-Shaw University student conduct violations on the Shaw University campus will be addressed by the student's home institution.

Sample Prohibited Behaviors

(Not inclusive of all possible behaviors and is subject to change)

1. Possession, use or transportation of firearms, weapon on campus in a building, vehicle, book bag, including but not limited to, firearms, crafted weapons (baseball bats, pool cues), bowie knives, switch blade knives, daggers, nun chucks, and metallic knuckles.
2. Possession of Explosives or Fireworks, Bomb Threats.
3. Receiving, possession, use, sale, or transportation of illegal drugs and/or paraphernalia
4. Misrepresentation, Falsification on admission applications, transcripts and other documents
5. Hazing – intentional acts to produce humiliation, physical discomfort, bodily injury, or ridicule can result in loss of organizational privileges and status for no less than one semester and up to 5 years
6. Disruptive behavior (in or out of classroom)
7. Attempts to defraud or failure to pay a debt which is legally owed

8. Sexual assault, rape, sexual harassment, stalking, dating and domestic violence
9. Arson
10. Vandalism
11. Use or possession of alcoholic beverages
12. Possession or receipt of stolen goods.
13. Sounding a false alarm, tampering smoke detectors, fire extinguishers and/or alarms
14. Any activities involving fires, open flames, candles, incense, matches or other flammable materials
15. Blocking or in any way preventing the use of fire exit doors.
16. The use of dangerous chemicals or explosive materials such as fireworks, firecrackers, gunpowder.
17. Conviction of a felony charge in court.
18. Fighting/assault or any action which physically injures or inflicts physical discomfort on another individual
19. Food fights
20. Verbal abuse, the use of obscene language, profanity, derogatory or discriminatory language or graphic pictures on clothing.
21. Theft in any form
22. Illegal use of computer devices or internet technology.
23. Destruction of another's property
24. Cyberbullying, bullying, intimidation, corrupting influence, or any behavior deemed inappropriate
25. Indecent exposure, urinating in public or any other immoral act.
26. Cheating on exams, plagiarism, deception, or other forms of academic dishonesty.
27. Identity theft or altering or possessing an altered identification card or document.
28. Lewd, obscene conduct or expression on University property or in University owned or operated buildings.
29. Fraternalization – an intimate relationship with faculty or staff of a sexual nature
30. Counterfeiting or abetting counterfeiting of US currency or passing worthless checks
31. Tampering with or theft of mail
32. Sexual acts of any kind between consenting persons in University buildings or grounds including vehicles parked on property
33. Animals of any kind except APPROVED service or comfort animals
34. Cooking appliances
35. Failure to comply with reasonable instructions of any campus authority
36. Failure to show student ID upon request.
37. Violation of University curfew policy.
38. Gambling
39. Smoking including vaping and e-cigs
40. Spitting on the floors, porches, walls, furniture or sidewalk on the University.
41. Littering including chewing gum
42. Violation of sanitation standards in residence halls
43. Inappropriate dress that exposes butts, breast and bellies or see through clothing exposes such
44. Removal, exchange, or altering arrangements of any University property without permission from the appropriate authority, (Residence Hall furniture from the lobby to a student's room).
45. Disturbing the peace, verbally or with unreasonably loud music within one mile radius of campus, on the campus grounds, in the residence halls, classrooms, or automobiles either in motion or stationary
46. Reckless Endangerment –any thoughtless action or activity performed that disregards the danger or other possible undesirable outcome.