



WEST VIRGINIA  
WESLEYAN  
COLLEGE

Annual Fire Safety  
and Security  
Report 2022

---

West Virginia Wesleyan College does not discriminate on the basis of age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, or family and genetic information in its programs and activities as required by Title IX of the Education Amendments of 1972; the Americans with Disabilities Act of 1990, as amended; Section 504 of the Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; and other applicable statutes and College policies.

West Virginia Wesleyan College prohibits sexual and gender-based harassment, including sexual assault and other forms of interpersonal violence.

The following person has been designated as the overall coordinator for purposes of Title IX compliance: Amy Kittle, Title IX Coordinator, Campus Center Building, 59 College Ave, Buckhannon, WV 26201, [titleix@wwwc.edu](mailto:titleix@wwwc.edu), 304-473-8472. The Deputy Title IX Coordinators are Vickie Crowder, Director of Human Resources, Administration Building, 59 College Ave, Buckhannon, WV 26201, 304-473-8032, [crowder\\_v@wwwc.edu](mailto:crowder_v@wwwc.edu), Alisa Lively Dean of Students and Director of Campus Life, Campus Center, 59 College Ave, Buckhannon, WV 26201, 304-473-8443, [lively\\_a@wwwc.edu](mailto:lively_a@wwwc.edu) and Jackie Hinton, Compliance Coordinator, Rockefeller Center, 59 College Ave., Buckhannon WV, 26201, 304-473-8507, [hinton\\_j@wwwc.edu](mailto:hinton_j@wwwc.edu).

The following person has been designated to handle inquiries regarding non-discrimination policies: Vickie Crowder, Director of Human Resources and Deputy Title IX Coordinator, 59 College Ave., Buckhannon, WV 26201, 304-473-8032, [crowder\\_v@wwwc.edu](mailto:crowder_v@wwwc.edu).

The following person has been designated to handle inquiries regarding the Americans with Disabilities Act, the Rehabilitation Act and related statutes and regulations: Anita Dib, Director of the Learning Center and ADA Compliance, Haymond Hall, 59 College Ave, Buckhannon, WV 26201, 304-473-8563, [dib\\_a@wwwc.edu](mailto:dib_a@wwwc.edu).

Complaints of discrimination, harassment and retaliation may be directed to the Human Resources Office at [crowder\\_v@wwwc.edu](mailto:crowder_v@wwwc.edu). Complaints may also be filed with the Department of Education Office for Civil Rights, the Equal Employment Opportunity Commission, and the Department of Human Resources Management.

---



# Table of Contents

Annual Disclosure of Crime Statistics	1
Reportable crimes	1
Who prepares the report	2
Office of Campus Safety and Security	2
Security Officer Responsibilities	2
Emergency phones	3
Daily Crime Log	3
Emergency Management and Evacuation Plan	3
Emergency Notification Statement	3
Crisis Incident Response Team	4
Emergency Evacuation Procedures	4
Missing Student Statement	5
Timely Warning	5
Diversity and Inclusion Statement	6
Non-Discrimination/Affirmative Action Statement	6
Transgender Community Inclusion Statement	6
Sexual Assault, Domestic Violence, Dating Violence and Stalking	6
<b>Title IX Oversight</b>	6
Prevention Awareness, Risk Reduction and Bystander Intervention	7
<b>Training Courses</b> offered:	7
Alcohol Awareness	7
Drug Awareness and Abuse	7
Sexual Violence Awareness (Campus SaVE Act)	7
Title IX Rights and Protection	7
Title IX and Sexual Harassment Prevention for Employee	7
Prohibited Conduct and Definitions	8
Title IX Sexual Harassment	8
Sexual Assault	8
Rape	8
Sodomy	8
Sexual Assault with an object	8
Fondling	8
Statutory Rape	8
Dating Violence	8
Domestic Violence	8
Stalking	8
Retaliation	8
Other Definitions:	
Campus Sexual Violence Elimination Act (Campus SaVE Act)	8
Complainant	8
Consent	8
Formal Complaint	9
Incapacitation	9
Officials with Authority	9
Report	9
Respondent	9
Responsible Employee	9
Student	9

**Title IX continued:**

Response Procedures	10
Confidential Resources	10
Campus Security Authorities	10
Review Procedures	11
Timeframe for Reporting	11
Amnesty	11
Participant Privacy and Confidentiality	11
Intake Process for Reports of Sexual Harassment	12
Complainant & Respondent Parties Bill of Rights	13
Sanctioning Decisions	13
Reporting and Responding Parties Bill of Rights	13
Disciplinary Procedures for Title IX	15
Timelines	15
Advisors	15
Informal Resolutions	15
Formal Administrative Resolution Process	16
Hearing Procedures	17
Written Notice regarding Outcome	19
Appeals	20
Social Responsibility Statement	20
Protective Measures and Accommodations	21
Code of Conduct	22
Alcohol and Drug Policies	23
Off Campus Resources	25
Hazing Policy for Organizations	25
Student Conduct System	26
Student Conduct Board	26
Procedural Standards	26
Sanctions	28
Appeals	29
Administrative Withdrawal	30
Employee Discipline	31
Crimes Statistics- January 1- December, 31, 2021	32
<b>Fire Safety Report</b>	33
Evacuation Procedures	33
Fire Safety Education Training	34
Fire Evacuation Protocol	35
Fire Systems in On-Campus Residential Housing	35
Electric Appliance Usage	35
Fire Safety Statistics (January 1 – December 31, 2021)	35



# WVWC Annual Security Report - 2022

(Statistics for January 1 – December 31, 2021: filed by December 31, 2021)

## ANNUAL DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC §1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses as described by Clery geography. WVWC maintains a close relationship with the local police department where WVWC owns or controls property. This ensures Campus Safety and Security awareness of crimes reported to the police department that involves the College. The Office of Campus Safety and Security, the Student Conduct Office and the Title IX Office collect the crime statistics disclosed in the charts attached through a number of methods. Campus Security enters all reports of crime incidents made directly to an officer who enters the report in the system, a department administrator verifies the report is appropriately classified in the correct crime category. The statistics attached also include crimes that were reported to various campus security authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the subcategories on liquor laws, drug laws and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

### Definitions of Reportable Crimes

**Criminal Homicide: Manslaughter by Negligence**—The killing of another person through gross negligence.

**Criminal Homicide: Murder and Non-negligent**

**Manslaughter**—The willful (non-negligent) killing of one human being by another.

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Rape—The 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 the consent of the victim.

B. Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

C. Incest—Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

D. Statutory Rape—Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that

injury result from an aggravated assault when a gun, knife or other weapon is used, which could and probably would result in serious personal injury if the crime were successfully completed)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft; for reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (This includes all cases where automobiles are taken by persons not having lawful access, even if the vehicles are later abandoned— including joyriding.)

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. These statistics include arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Weapons: Carrying, Possessing, Etc.**—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. Referred for campus disciplinary action (Liquor Laws, Drugs and Weapons Violations)—The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. For the purpose of this definition "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

**Hate crime:** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability. The crimes of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property are also reported under Clery Act requirements if it is determined the victim was intentionally selected because of the perpetrator's bias against the victim.

**Larceny-Theft (Except Motor Vehicle Theft):** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another, including attempted larcenies; embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Who prepares this report and where do the statistics come from:**

West Virginia Wesleyan College's Annual Security Report is prepared by the Director of Campus Safety and Security and the Director of Campus Life, with consultation by the local police department, the Title IX Coordinator and the Director of Greek Affairs.

The statistics for this report are obtained from the student conduct records of the Office of Campus Safety and Security, the Office of Campus Life (Housing, Residence Life, and Student Conduct, the Office of Greek Affairs and reports from the Title IX Coordinator, with consultation and reports from

the Buckhannon Police Department for the period of time, January 1 – December 31, 2021.

All policies and procedures are updated annually in July, the last update was July 2022. The statistics for the Annual Security Report (Crime Statistics Report) were last updated on September 15, 2022.

Complete policy statements related to the information contained herein are found in the 2022-2023 Student Handbook.



### **Office of Campus Safety and Security:**

The primary purpose of West Virginia Wesleyan College's Campus Safety and Security program is to provide a safe and secure living environment for members of the college community and its guests and to educate our students, faculty and staff on how to maintain a safe campus community. WVWC operates its own Campus Safety and Security force staffed by full and part-time professional security personnel as well as several carefully selected and trained student officers.

Wesleyan security officers do not have police authority, including arrests, or carry weapons, but do cooperate fully with local law enforcement agencies in response to on and off campus incidents. Off-campus conduct is subject to college judicial action. Police reports and written documentations are regularly cross-referenced for appropriate follow-up of off-campus behavior. The Office of Campus Safety and Security, in addition to the Office of Student Conduct, cooperates fully with local authorities for any related investigations and in good faith, makes every effort to collect crime statistics for all Clery Act crimes committed in applicable geographic locations from all law enforcement agencies with jurisdiction of the College.

### **Security Officer Responsibilities Include:**

- Monitoring and securing all campus- owned buildings, parking areas and walkways
- Campus crime deterrence through regular patrols of college property
- Enforcement of college policies
- Investigation and documentation of policy violation
- Cooperation with residence life staff in promoting a safe and secure environment

- Traffic regulation
- Escort service when requested
- Compiling information from daily incident logs, residence hall reports and police data for annual reporting of crime statistics
- Liaison with local police in crime prevention efforts, referral for crime investigation and general safety education
- Assisting students, faculty and staff with practices and procedures for their own security and the security of others, through collaboration with the residence life staff, the counseling staff, informative signage and campus emails.

### Locking of buildings

The Campus Safety and Security Office is open on a 24-hour basis. Officers are in radio contact while patrolling, by calling 304-473-8011 and are in direct contact with emergency services through the county-wide Communications Center.

- Campus buildings are on a regular locking schedule.
- Residence hall doors are kept locked at all times; residents have access to their own residence hall through door swipe cards.
- Visitors to residence halls are escorted.
- Physical Plant staff are identified and have access to campus buildings only as supervised employees.
- Courtesy phones are located outside all residence halls and emergency phones are available in the Middleton parking area and in selected campus locations.
- Residence Life Staff patrols all residence halls Sunday through Thursday nights until midnight and until 2:00 a.m. on Fridays and Saturdays.

The Security Office is located in the basement of the administration building.

### Emergency Phones

The following emergency phones are located on campus and have a direct dial button to the Office of Campus Safety and Security. If no one is in the office, the call will go directly to the on duty officer's walkie-talkie.

#### Building Entry Terminals/Emergency Phones

- |            |              |
|------------|--------------|
| • Holloway | Benedum      |
| • Fleming  | Agnes Howard |
| • Jenkins  | McCuskey     |

#### Emergency Phones – on campus property

- Library front lawn
- Parking lot across from Doney Hall
- Rear Middleton Hall
- Rear Holloway Hall

#### Academic Building Emergency Phones (where all emergency phone numbers are posted)

- Gym 1<sup>st</sup> floor
- Campus Center 3<sup>rd</sup> Floor by Commuter Lounge
- Martin Religious Center by Chapel Office

- Middleton Hall 2<sup>nd</sup> floor
- Administration Building 3<sup>rd</sup> Floor

### Daily Crime Log

The Daily Crime Log is maintained by the Director of Campus Safety and Security. The crime log is kept in the Office of Campus Safety and Security, Administration Building, and is updated on a daily basis each academic year.

### Emergency Management and Evacuation Plans

#### Crisis Management Plan

West Virginia Wesleyan College is committed to providing an environment that is conducive to the safety and security of members of our community, faculty, staff, students, and guests. We realize that crises and/or critical incidents will occur and that these incidents have the potential to have a significant impact on our college community. These critical events require an effective and timely response, as well as open, timely and ongoing communication with various constituencies, both within the campus community and externally. The Emergency Management Plan details WVWC's plan for managing and responding to these critical incidences. It also includes information on how we will communicate with the various constituencies noted above, as well as parents, trustees, community members and other interested and relevant parties. This document also notes how we will partner with city and county officials and departments, as well as state and federal representatives when appropriate, to work toward our common goal of the safety and security of our College and the surrounding community.

The plan is housed in the Office of Campus Safety and Security and is reviewed and updated annually.



#### Emergency Notification Statement

The Critical Incident Response Team is responsible for the management of emergencies and coordination of any emergency responses to the campus community.

Emergency communication would be utilized to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an



immediate threat to the health or safety of students or employees occurring on campus. The institution will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency. We will notify the campus community through the following methods:

- phone calls and/or texts to students, faculty and staff through our Emergency Alert System powered by e2campus. You can sign up here: <https://www.omnilert.net/subscriber.php?sso=1>
- eMo bulletins sent via email or via Blackboard to all students, faculty and staff
- web posting on the college's home page found at [www.wvwc.edu](http://www.wvwc.edu)
- emergency signage placed in key areas of the campus as well as the perimeter
- siren sounded/announcement made from our chapel steeple public address system to alert students, faculty, staff and guests that are outdoors.

### Critical Incident Response Team (CIRT)

The Critical Incident Response Team (CIRT) is the group of individuals tasked with managing an emergency or disaster. The CIRT team meets regularly to keep emergency procedures up-to-date and plan and implement table top exercises and mock drills. The members of the CIRT are as follows:

Emergency Director:	President or designee
Emergency Coordinator:	CIRT Chairperson
Damage Control:	CFO & Director of the Physical Plant
Campus Safety and Security:	Director or Officer on Duty
Student Services:	VP for Student Development
Residence Life Operations:	Director of Campus Life
Health Service:	Community Care Liaison
Public Information:	VP for Enrollment & Marketing
Communications Ops:	Director of Information Technology
Evacuation Coordinator	HR & Dean of Students
Hazardous Materials:	Chemical Hygiene Officer
Athletic Department	Director of Athletics

**Auxiliary Team Members:** depending on the emergency and the various factors of the situation, one or more of the following individuals will be contacted and asked to report to the Emergency Operations Center or the location of the incident:

- Chaplain/Coordinator of Spiritual Life
- Chief Diversity, Equity and Inclusion Officer
- Director of Administrative Services
- Director of Counseling Center
- Title IX Coordinator
- Assistant Director of Campus Life
- Building Coordinators of academic and administrative facilities
- Building Coordinators of residence halls
- Others as determined by CIRT team

### Building Coordinators:

**Residence Halls:** Each residence hall has a Resident Director who is trained in proper evacuation and emergency procedures. The RDs work closely with the Resident Assistants in following emergency protocol. During the summer months, the Summer Conference Assistants serve in that capacity with our guests occupying the residence halls.

**Academic buildings:** Each academic building has a building coordinator and back up coordinator who are trained in proper evacuation and emergency procedures. They meet annually with the office and classroom occupants of their buildings to discuss emergency protocol.

### Emergency Evacuation Procedures

Evacuation drills are coordinated in the following manner:

#### Residence Halls:

The Office of Campus Life (Resident Directors and Resident Assistants) works with the Office of Campus Safety and Security and the local fire department to schedule fire evacuation drills twice a year. These drills are unannounced and designed to educate our occupants about drill procedures, exit locations, and the sound of the fire alarm system. In addition, the drills allow the college the opportunity to test the fire alarm system components, familiarize the local fire department with the layouts of our residence halls and check for any unapproved extension cords, appliances, etc.

Emergency evacuation floor plans are located on the back of each residence hall door. Specific evacuation chart is located in the Fire Safety Report.

#### Academic and Office Buildings:

The college's physical plant works with the Office of Campus Safety and Security to schedule fire evacuation drills twice a year in academic and office buildings. These drills are unannounced and designed to educate our students, faculty and staff about drill procedures, exit locations, and the sound of the fire alarm systems. In addition, the physical plant has the opportunity to test the components of the fire alarm systems.

Evacuation floor plans are located in each classroom/office.





## Missing Student Statement

If a member of the Wesleyan community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify one of the following:

- Director of Campus Safety and Security 473-8011
- Director of Campus Life 473-8431
- Chaplain/Coordinator of Spiritual Life 473-8007
- Director of Counseling Center 473-8803

Campus Safety and Security will generate a missing person report and initiate an investigation.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by WVWC in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, WVWC will notify that individual no later than 24 hours after the student is determined to be missing.

Residential students are required to provide their emergency contact during fall/spring check-in.. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, should Campus Safety and Security determine that the student has been missing for 24 hours, WVWC will notify the Buckhannon Police Department and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, WVWC will notify the student's parent or legal guardian immediately after WVWC has determined that the student has been missing for 24 hours.

## Timely Warnings

When reported situations are considered to be a threat to students or staff, either due to the seriousness of the activity or immediacy, a **timely warning** will be communicated to all faculty, staff and students via eMO and/or through the campus portal and/or through our Emergency Alert System, and/or through campus mailboxes with appropriate staff follow-up. Timely warnings are issued by the Director of Campus Life or the Director of Campus Safety and Security. Timely Warnings are generally issued for the following crimes: arson; aggravated assault; criminal homicide; robbery; burglary; rape, fondling, incest, statutory rape; and hate crimes. Timely warnings also may be issued for other Clery Act crimes as deemed necessary. The purpose of a timely warning is to notify the WVWC community of the incident and to provide information that may enable community members to better protect themselves from similar incidents. WVWC will issue a timely warning when the following criteria are met:

1. A Clery Act crime is reported to Campus Security Authorities or local police agencies;
2. the crime occurred in a Clery-reportable location;
3. the perpetrator has not been apprehended
4. There is a serious or ongoing threat to the WVWC community because of this crime.

The decision to issue a timely warning shall be decided on a case-by-case basis considering the following criteria:

- Was the suspect identified?
- Was the suspect apprehended?
- If known, does the suspect have prior arrests, reports or complaints or any other history of violent behavior?
- If known, does the suspect have a history of failure to

comply with a College No-Contact Directive, other protective measures or judicial protective order?

- Did the incident involve physical violence?
- Has the suspect threatened to commit physical violence?
- Did the incident involve multiple victims? • Does it appear to be an isolated incident involving a specifically "targeted" victim?
- Does the report reveal a pattern of behavior (e.g., by suspect, by a particular group or organization, around a particular recurring event or activity, or at a particular location)?
- Did the suspect use "date-rape" or similar drugs or intoxicants?
- Did the incident occur while the victim was unconscious, physically helpless or unaware that it was occurring?
- Was the victim under 18 years of age?
- Were there other aggravating circumstances or signs of predatory behavior that may constitute a serious or ongoing threat?

To make a timely warning consideration, all Campus Security Authorities (CSAs) and local law enforcement agencies are directed to immediately report Clery crimes to WVWC Campus Security or the Campus Life office. The Director of Campus Safety and Security and/or the Director of Campus Life or their designee(s), are responsible for making a timely warning consideration using the criteria previously listed. If the timely warning criteria are met, a notice will be drafted using crime-specific templates and issued by the Director of Campus Safety and Security and/or the VP for Student Development, or their designee, as soon as pertinent information is available. Timely warnings are generally issued via e-mail, but may also be distributed through press releases, text messages, posters, notices in campus mailboxes or the Early Alert System. The College may not use all distribution methods for every incident. The following information is typically included in a timely warning if available:

1. A statement of the incident, including the nature and severity of the threat and the persons or locations that might be affected
2. Any connection to a previous incident(s)
3. Physical description and/or composite drawing of the suspect
4. Date and time warning was released
5. Other relevant and important information (e.g., gender of the victim, student/non-student, etc.)
6. Appropriate safety tips

When issuing a timely warning, some specific information may be withheld if there is a possible risk of compromising law enforcement efforts to investigate and/or solve the crime. In certain circumstances, an incident may not meet the criteria of a Clery-reportable crime occurring in a Clery-reportable location, but may constitute a serious or ongoing threat to the WVWC community. For instances in which a timely warning is not required, the chief of police and/or the Vice President for student Development, or their designee(s), may choose to issue a "community alert"

Via e-mail notifying the College community of the threat. The content of a community/emergency alert may vary depending on the type of incident reported and the location in which it occurred.

## Diversity and Inclusion

West Virginia Wesleyan College is committed to creating a safe, educational and growing environment for our students, staff and faculty. WVWC continues to foster diversity and inclusion programming in our residence halls, classrooms, offices, and co-curricular activities.

As diversity at West Virginia Wesleyan College continues to rise and the need for services will continue to be a priority, the work of this effort is not done alone.

For more information and resources contact:

Alison Whitehair  
Chief Student Development Officer/Title IX Coordinator  
[titleix@wvwc.edu](mailto:titleix@wvwc.edu)  
304-473-8604

Dr. Dedriell Taylor, Chief Diversity, Equity and Inclusion Officer  
[taylor.d@wvwc.edu](mailto:taylor.d@wvwc.edu)  
304-473-8163

## Non-Discrimination/Affirmative Action Statement

West Virginia Wesleyan College does not discriminate on the basis of race, sex, color, national or ethnic origin, creed, ancestry, marital/family status, veteran status, sexual orientation, gender, gender identity, gender expression, pregnancy, religion, age, disability or blindness, or any other characteristic protected by local, state or federal law in the administration of its admission policies, scholarship and loan programs, educational programs, employment, athletic programs, co-curricular activities, or other College administered programs.



## Transgender Community Inclusion Statement

West Virginia Wesleyan College is committed to providing a safe, supportive and nondiscriminatory living/learning environment for its students, faculty, staff and campus guests. Wesleyan strives to create and sustain a campus environment that supports and values all members of its campus community. With regard to transgender students, faculty, staff or campus guests, West Virginia Wesleyan

College will:

- Provide safe, accessible and convenient bathroom/restroom/locker room facilities. Students, faculty, staff and campus guests shall use the bathroom/restroom/locker room facilities that correspond to their gender identity or utilize bathroom/restroom/locker room facilities that are designated gender neutral or gender inclusive.
- Provide a variety of options for on-campus housing, based on deposit date and permit transgender students to access housing consistent with their gender identity
- Permit transgender students to participate in all athletic activities as outlined by the NCAA transgender student guiding principles.

West Virginia Wesleyan College allows campus community members and students to use the facilities that correspond to their gender identity, not their gender assignment or the gender on their birth certificates. The responsibility for determining an individual's gender identity rests solely with the individual.

## Sexual Assault, Domestic Violence, Dating Violence, & Stalking

West Virginia Wesleyan College strives to provide a respectful, safe and non-threatening environment in which our students feel comfortable, are able to study and learn, fully contribute to their academic pursuits and co-curricular experiences and feel valued and supported. In this environment where human dignity and respect are central to our sense of community, sex and gender based discrimination, harassment or misconduct will not be tolerated or excused. The institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those termed are defined both in the Clery Act and in campus policy.

The Policy Prohibiting Sexual Harassment describes prohibited conduct and establishes procedures for responding to incidents of sexual harassment and misconduct, including sexual assault, dating violence, domestic violence, and stalking. It also outlines resources for both complainants and respondents, reporting structures, and grievance procedures.

## Title IX Oversight:

The College's Title IX Coordinator oversees compliance with all aspects of the Sexual Harassment Policy. The Coordinator reports directly to the President of West Virginia Wesleyan College, and is housed in the Office of Campus Life. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the College Title IX Coordinator:

Amy Kittle  
Title IX Coordinator  
Campus Center Building  
304-473-8472  
[titleix@wvwc.edu](mailto:titleix@wvwc.edu)

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at: <http://www.wvwc.edu/titleix>

Note that these anonymous reports may prompt a need for the institution to investigate.

## Prevention: Awareness, Risk Reduction and Bystander Intervention

Wesleyan uses a combination of Awareness, Risk Reduction and Bystander Intervention trainings and resources to provide comprehensive prevention programming. Awareness Programs include activities that increase understanding of sexual violence (e.g., a media campaign) that can help build support for primary prevention efforts.

Risk reduction focuses on helping students recognize high risk behaviors to avoid to decrease the chances that they or a peer could be sexually assaulted or to stop an attack in progress (self-defense classes, campaigns to inform the public about drug-facilitated sexual assault and how to reduce the likelihood of being drugged at a party or bar, etc.). Whereas risk reduction programs assume that sexual violence itself is the issue to be addressed, primary prevention seeks to change a variety of conditions (e.g., aggression, lack of empathy) that influence someone's decision to perpetrate the actions.

Bystander Intervention is a philosophy and strategy to prevent various types of interpersonal violence. It is based on the fact that people make decisions and continue behaviors based on reactions they get from others. A primary component involves enhancing the responsibility of men and women to intervene with their peers to deter potential abusive incidents.

Wesleyan offers online training and awareness courses for its incoming students each semester. The listings below include the course descriptions from the *Safe Colleges* training platform.

### Alcohol Awareness

This course is designed to provide students with awareness of issues related to alcohol and some precautions to consider. These course explores the college drinking scene, harmful effects of drinking, when and how to get help, and how to protect yourself and others. This course is assigned to all incoming undergraduate students.

### Drug Awareness and Abuse

College students may be exposed to a variety of drugs on college campuses. Drug use can lead to poor grades, addiction, violence, sexual assault, arrest, expulsion, serious health problems, and even death. This course provides students with awareness of issues related to drug use and abuse and some precautions to consider. This course is assigned to all incoming undergraduate students.

### Sexual Violence Awareness (Campus SaVE Act)

This course is designed to promote awareness of sexual assault, domestic violence, dating violence and stalking, as well as how to identify and respond to incidents of sexual violence on campus. Topics covered include sexual violence as related to laws and mandates; what actions to take if you're a bystander to sexual harassment; what to do if you or someone you know experiences sexual violence; disciplinary proceedings, victim resources and supportive measures. This

course is assigned to all incoming undergraduate students.

### Title IX Rights and Protections

This course provides students with information about the importance of Title IX and what an institution's obligations are when a formal complaint is filed. Topics include: definition of sexual harassment, Title IX regulations and obligations, and grievance procedures. This course is assigned to all incoming students, both undergraduate and graduate.

### Title IX and Sexual Harassment Prevention for Employees

This course is designed to provide essential knowledge on Title IX regulations so you can assist students or colleagues when they reach out for help and to give background on recent laws to help guide your response. Topics covered include why people commit sexual harassment, primary prevention methods, federal requirements, reporting obligations, trauma-informed policies and resources. This course is assigned to all new employees, and in some years to all employees.

Other ongoing prevention and awareness programs regarding sexual assault, reporting obligations, and crime prevention are provided on a rolling basis to students, faculty and staff by:

- Human Resources
- Title IX Coordinator
- Residence Life Staff
- Campus Safety and Security
- Counseling Center
- Center for Community Engagement / WE LEAD student organization

WVWC partners with the following off campus organizations to provide online and printed resources for our campus community, as well as referrals for services and support.

### Centers Against Violence

- A private, non-profit, corporation to provide comprehensive services to victims of sexual assault and domestic violence in a six county area. Services include: emergency shelter, a 24 hour crisis hotline, individual counseling, medical advocacy, legal advocacy, information and referral, and adult basic education. Women's Aid in Crisis is a member of the WV Coalition Against Domestic Violence

### WV Foundation for Rape Information and Services (campus grantee)

- The aim of FRIS is to eliminate sexual violence and stalking and to alleviate the suffering of those who have been victimized. Their mission is to promote the compassionate and just treatment of survivors and their loved ones; foster collaborative relationships; and create attitudinal and behavioral changes around sexual violence and stalking through education, victim services, and social change. Their website is designed to provide information and resources to both victims and those professionals seeking information to better serve them.



## Prohibited Conduct & Definitions

**Title IX Sexual Harassment:** conduct on the basis of sex that satisfies one or more of the following –

A College employee (including a faculty member) conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct. *Also known as quid pro quo sexual harassment.*

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College Education Program or Activity.

**Sexual assault:** any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders.

Sexual Assault includes the following:

**Rape:** the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;

**Sodomy:** oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;

**Sexual Assault with an Object:** to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;

**Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;

**Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or

**Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent.

**Domestic violence:** a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of West Virginia, or by any other person against an adult or youth victim who is

protected from that person's acts under the domestic or family violence laws of the State of West Virginia.

**Dating violence:** an act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship is determined based on a consideration of the (1) length of the relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.

**Stalking:** a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his/her/their safety or the safety of others, or (2) suffer substantial emotional distress. This policy specifically addresses only sex-based stalking.

**Retaliation:** an adverse action or other form of negative treatment, including but not limited to intimidation, threats, coercion, discrimination or harassment, carried out in response to a good-faith reporting of or opposition to Title IX Sexual Harassment; an individual's or group's participation, including testifying or assisting in the College's Title IX Procedures; an individual's or group's refusal to participate in the College's Title IX Procedures; or other form of good faith opposition to what an individual reasonably believes to be Title IX Sexual Harassment under this Policy.

Individuals are also protected from retaliation for making good faith requests for accommodations on the basis of religion or disability.

To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting, participation, or opposition.

Charging an individual with a Policy violation for making a materially false statement in bad faith in the course the College's Title IX process does not constitute Retaliation. The exercise of rights protected under the First Amendment also does not constitute Retaliation.

## Additional Definitions

**Campus Sexual Violence Elimination Act (Campus SaVE):** Campus SaVE was signed into law on March 7, 2013, as a part of the reauthorization of the Violence Against Women Act (VAWA). It covers students and staff of institutions, and amends the Jeanne Clery Act to include domestic violence, dating violence and stalking. To educate the campus community, Campus SaVE requires that the institution to begin with the basic definition of consent.

**Complainant:** an individual who is alleged to be the victim of Title IX Sexual Harassment.

**Consent:**

- a. clear, and
- b. knowing, and
- c. voluntary
- d. words or actions,
- e. that give permission for specific sexual activity.

#### *Additional Clarification on Consent:*

- 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 permission regarding willingness to engage in (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 once given, as long as that withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop reasonably immediately.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be or should know to be **incapacitated** (see further definition below) constitutes a violation of this policy.
- An individual is unable to freely give consent when coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.

**College Education Program or Activity:** all operations of the College, including (1) those locations, events, and circumstances where the College exercises substantial control and (2) any building owned or controlled by a student organization recognized by the College. Conduct that occurs on-campus occurs within the College's Education Program or Activity. Conduct that occurs off campus in locations or at events with no connection to the College is unlikely to occur in the College's Education Program or Activity.

**Formal Complaint:** a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Title IX Sexual Harassment. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by email.

**Incapacitation:** a state beyond drunkenness or intoxication in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

- Indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress or undress without assistance, clumsiness, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, emotional volatility, difficulty walking without assistance, loss of

coordination, or inability to perform other physical or cognitive tasks without assistance.

- An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism.
- An individual who is incapacitated is unable to give consent to sexual activity. States of incapacitation include sleep, unconsciousness, or any other state where the individual is unaware that sexual conduct is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual activity.
- In evaluating consent in cases of alleged incapacitation, the College asks two questions: (1) did the person initiating sexual activity know that the other party was incapacitated? And if not, (2) should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is "YES," consent was absent and the conduct is likely a violation of this Policy.
- No matter the level of an individual's intoxication, if that individual has not agreed to engage in sexual activity, there is no consent.

**Official with Authority:** an official of the College with the authority to institute corrective action on behalf of the College and notice to whom causes the College to respond to Title IX Sexual Harassment. For a full list of College officials that meet this definition, see [Appendix A](#) attached to this Policy.

**Report:** formal notification to the Title IX Coordinator or an Official with Authority, either orally or in writing, of the belief that Title IX Sexual Harassment occurred.

**Respondent:** the person or office, program, department, or group against whom an allegation or complaint is made; i.e., the individual(s), organizational unit(s), or group(s) who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

**Responsible Employee:** an individual designated by College policy who is required to report information regarding Title IX Sexual Harassment to the Title IX Coordinator. These employees mirror those designated as CSAs and include:

- Campus Safety and Security Staff
- Full-time faculty
- Staff members with significant responsibility for student and campus activities, including coaching staff and athletic trainers
- Campus Life student employees, including Resident Assistants, Resident Directors and Community Directors

**Student:** an individual who was selected for part-time, full-time, special, associate, transfer, exchange, or any

other enrollment, membership, or matriculation in or at the College.

## Response Procedures

### Reporting Sexual Harassment to the College

The College encourages all individuals to report allegations of Title IX Sexual Harassment directly to the Title IX Coordinator or to an Official with Authority (see Appendix A for a complete list of Officials with Authority). Any person, whether or not they are the Complainant, may report Title IX Sexual Harassment to the Title IX Coordinator or Deputy Coordinators.

Reporting an incident of Title IX Sexual Harassment to the Title IX Coordinator or an Official with Authority allows the College to provide Supportive Measures (as described below), but does not necessarily result in the initiation of a grievance procedure.

An initial report may be made in person, in writing, by telephone, by email, or via the online report form found at [www.wvwc.edu/titleix](http://www.wvwc.edu/titleix).

To make a report directly to the Title IX Coordinator or Deputy Coordinators, contact:

- Amy Kitttle  
Benedum Campus Center  
[titleix@wvwc.edu](mailto:titleix@wvwc.edu) or [kitttle.a@wvwc.edu](mailto:kitttle.a@wvwc.edu),  
304-473-8604
- Vickie Crowder (Deputy): Personnel Office,  
Admin Building  
[Crowder\\_v@wvwc.edu](mailto:Crowder_v@wvwc.edu), 304-473-8032
- Alisa Lively (Deputy): Office of Campus Life,  
Benedum Campus Center  
[Lively\\_a@wvwc.edu](mailto:Lively_a@wvwc.edu), 304-473-8443

A report can also be made anonymously by telephone, in writing, or electronically through the website reporting system. Depending on the level of information available about the incident or the individuals involved, the College's ability to respond to an anonymous report may be limited. The College will, however, take whatever steps it deems appropriate and in the best interests of the overall College community, consistent with the information available.

***Only a report to the Title IX Coordinator or an Official with Authority will trigger the College's obligation to respond to an allegation of Title IX Sexual Harassment.***

Any report involving a minor will be shared with law enforcement agencies and child protective services.

### Required Reports by Responsible Employees

Responsible Employees are expected to be discreet, but are required by the College to promptly consult with Title IX Coordinator by telephone, email, or online reporting form to share known details of an incident of alleged Title

IX Sexual Harassment.

The following have been designated by the College as Responsible Employees:

- Full-time faculty
- Full-time staff with significant responsibility for student and campus activities, including coaching staff and athletic trainers
- Campus Safety and Security staff
- Campus Life student employees, including Resident Assistants, Resident Directors and Community Directors

A Mandatory Reporter's receipt of information will not automatically trigger an obligation to respond to an allegation of Title IX Sexual Harassment. Only a report to the Title IX Coordinator or an Official with Authority will trigger the College's obligation to respond to an allegation of Title IX Sexual Harassment.

### Emergency Resources and Law Enforcement

Emergency medical assistance and campus safety/law enforcement assistance are available 24/7 both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

**Law Enforcement Assistance:** Members of the College community who believe their safety or the safety of others is threatened or who have experienced or witnessed Title IX Sexual Harassment that may be criminal in nature should immediately call Campus Safety and Security at 304-473-8011, or call 911 to reach local law enforcement.

**Emergency Medical Assistance:** The College encourages individuals who experience sexual misconduct to seek appropriate medical assistance and medical evaluation as promptly as possible. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Even if physical injuries are not apparent, you may want to have an examination and discuss risks with a health care provider.





For emergencies or life-threatening situations, call 911. For medical attention on and off campus:

#### **Community Care of West Virginia**

Providers available on campus Monday 8am-12pm,  
Tuesday – Friday 8am-4pm  
Nurse on duty: Monday-Friday 7:30am-4pm  
(304) 517-3774

#### **St. Joseph's Hospital**

1 Amalia Drive, Buckhannon, WV  
(304) 473-2000

Emotional care, counseling, and crisis response are available both on and off campus:

#### **WVWC Counseling Center**

Director: Whitney Oliverio  
Open Mon-Fri 8am-4:30pm.  
304-473-8803  
[Counseling@wvwc.edu](mailto:Counseling@wvwc.edu)

#### **Centers Against Violence**

Upshur County: (304) 473-0070  
24 Hour Hotline: 1-800-339-1185  
Text Line: 304-840-SAFE  
[centersagainstviolence.org](http://centersagainstviolence.org)

### **Confidential Resources**

Confidential Resources are employees or offices who are available to provide individuals with assistance, support, and additional information.

Confidential Resources are prohibited from disclosing confidential information unless (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information to Campus Safety and Security for Clery Act crime reporting purposes.

The following College resources can provide information and support in a confidential setting:

- Jonathan Acord, Chaplain
- Debra Dean Murphy, Associate Professor of Religious Studies
- Whitney Oliverio, Director of Counseling Services
- Licensed Counselors providing services on campus (Community Care of WV and United Summit Center)

### **Campus Security Authorities (CSA)**

Campus Security Authorities have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus safety and security regarding the type of incident and its general location (on or off campus or in the general area with no specific addresses given) for publication in the College's Annual Security Report. (Please see <http://www.wvwc.edu/about/offices/campus-security> ). This report helps to provide the community with a clear picture of

the extent and nature of campus crime, to ensure greater community safety.

Mandated CSA's at WVWC include:

- Any Resident Director of each residence hall
- Any Resident Assistant on each floor/wing of any residence hall
- Any faculty advisor of any campus organization
- Any member of the Student Development Staff
- Any Campus Safety and Security Officer
- Any coach
- The Athletic Director
- The Human Resources Office

### **Timeframe for Reporting**

In order to maintain and support a community that is respectful and free from Title IX Sexual Harassment and to maximize the College's ability to respond promptly and effectively, the College urges individuals to come forward with reports of Title IX Sexual Harassment as soon as possible. The sooner a report is made, the more effectively it can be investigated, e.g. while witnesses are still available, memories are fresh, and documentation may still be available. ***There is, however, no time limitation for reporting Title IX Sexual Harassment.***

### **Amnesty**

Sometimes students are reluctant to seek help after experiencing Title IX Sexual Harassment, or may be reluctant to help others who may have experienced Title IX Sexual Harassment, because they fear being held responsible by the College or law enforcement for drug use or underage alcohol consumption.

The College generally will not pursue disciplinary action against a student who makes a good faith report to the College, or who participates as a party or witness in the grievance process related to Title IX Sexual Harassment, for personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the Student Code of Conduct, provided the misconduct did not endanger the health or safety of others. The College may, however, engage in an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

### **Participant Privacy and Confidentiality**

The College recognizes that privacy is important. The College will attempt to protect parties' privacy to the extent reasonably possible. The Title IX Coordinator, investigators, advisors, facilitators of informal resolution, hearing officers, and any others participating in the process on behalf of the College shall keep the information obtained through the process private and, to the extent possible, confidential. All other participants in the process (including the Complainant, Respondent, non-College advisors, and witnesses) are encouraged to respect the privacy of the parties and the confidentiality of the proceedings and circumstances giving rise to the dispute and to discuss the matter only with those persons who have a genuine need to know.

While the College is committed to respecting the confidentiality of all parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained

include, but are not limited to, the following:

- When the College is required by law to disclose information (such as in response to a subpoena or court order).
- When disclosure of information is determined by the Title IX Coordinator to be necessary for conducting an effective investigation of the claim.
- When confidentiality concerns are outweighed by the College's interest in protecting the safety or rights of others.
- When a Formal Complaint is filed.

### Intake Process for Reports of Sexual Harassment

Once a report of Title IX Sexual Harassment is made to or received by the Title IX Coordinator, the Title IX Coordinator shall review the report to determine appropriate next steps.

If the allegations reported, if true, would not constitute Title IX Sexual Harassment as defined in this Policy, the Title IX Coordinator will not proceed under this Policy and its Procedures. Instead, if the allegations reported, if true, would not constitute Title IX Sexual Harassment as defined in this Policy, the Title IX Coordinator may take one of the following actions: (1) address the report under Student Code of Conduct or Employee Handbook(s), as appropriate; (2) refer the matter to another department, such as Student Conduct or Human Resources; or (3) if the reported conduct would not constitute a violation of any College Policy, take no further action. The Title IX Coordinator will notify the Complainant of the action or referral.

After receiving a report of conduct that, if true, would constitute Title IX Sexual Harassment as defined in this Policy, the Title IX Coordinator will promptly contact the Complainant and:

- discuss the availability of Supportive Measures;
- explain that Supportive Measures are available with or without the filing of a Formal Complaint of Title IX Sexual Harassment;
- inform the Complainant of the process for filing a Formal Complaint of Title IX Sexual Harassment; and
- inform the Complainant that even if they decide not to file a Formal Complaint of Title IX Sexual Harassment, the Title IX Coordinator may do so by signing a Formal Complaint.

The Title IX Coordinator will also ensure that the Complainant receives a written explanation of available resources and options, including the following:

- Support and assistance available through College resources, including the Complainant's option to seek Supportive Measures regardless of whether they choose to participate in a College or law enforcement investigation;

- The Complainant's option to seek medical treatment and information on preserving potentially key forensic and other evidence;
- The process for filing a Formal Complaint of Title IX Sexual Harassment, if appropriate;
- The College's procedural options including Formal and Informal resolution;
- The Complainant's right to an advisor of the Complainant's choosing;
- The College's prohibition of Retaliation against the Complainant, the Respondent, the witnesses, and any reporting parties, along with a statement that the College will take prompt action when Retaliation is reported (and how to report); and
- The opportunity to meet with the Title IX Coordinator in person to discuss the Complainant's resources, rights, and options.

### Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services, accommodations, and other assistance that the College offers and may put in place, without fee or charge, after receiving notice of possible Title IX Sexual Harassment via a report to the Title IX Coordinator or an Official with Authority. Supportive Measures are designed to restore or preserve access to the College's Education Program and Activity, protect the safety of all parties and the College's educational environment, or deter Title IX Sexual Harassment, while not being punitive in nature or unreasonably burdening any party.

Supportive Measures are available regardless of whether the matter is reported to the College for the purpose of initiating any formal grievance proceeding and before, after, and regardless of whether a Formal Complaint is filed. A Complainant who requests Supportive Measures retains the right to file a Formal Complaint, either at the time the Supportive Measure is requested or at a later date. Any Complainant that requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Formal Complaint pursuant to this Policy.

The Title IX Coordinator will contact a Complainant after receiving notice of possible Title IX Sexual Harassment (1) to discuss the availability of Supportive Measures and (2) to explain that Supportive Measures are available with or without the filing of a Formal Complaint of Title IX Sexual Harassment. The Title IX Coordinator will consider the Complainant's wishes with respect to implementation of Supportive Measures.

Supportive Measures may also be requested by and made available to Respondents, witnesses, and other impacted members of the College community. The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures.

To determine the appropriate Supportive Measure(s) to be implemented, the College conducts an individualized

assessment based on the unique facts and circumstances of a situation. The Title IX Coordinator may work with other administrators when necessary (members of Behavior Intervention Team, VP of Academic Affairs, Registrar, etc.) to determine reasonable measures and accommodations. Whether a possible Supportive Measure would unreasonably burden the other party is a fact-specific determination made by the College in its discretion that takes into account the nature of the education programs, activities, opportunities and benefits in which an individual is participating.

Examples of Supportive Measures include, but are not limited to, the following:

- Academic support services and accommodations, including the ability to reschedule classes, exams and assignments, transfer course sections, or withdraw from courses without penalty;
- Academic schedule modifications (typically to separate Complainant and Respondent);
- Work schedule or job assignment modifications (for College employment);
- Changes in work or housing location;
- An escort to ensure safe movement on campus;
- On-campus counseling services and/or assistance in connecting to community-based counseling services;
- Assistance in connecting to community-based medical services;
- No contact directives (to instruct individuals to stop all attempts at communication or other interaction with one another);
- Placing limitations on an individual's access to certain College facilities or activities;
- Work schedule or job assignment modifications, including suspending employment with or without pay consistent with any applicable written procedures (for College positions);
- Information about and/or assistance with obtaining personal protection orders;
- Leaves of absence;
- Increased monitoring and security of certain areas of the campus; or
- A combination of any of these measures.

The College will maintain Supportive Measures provided to the Complainant or Respondent as confidential to the extent that maintaining such confidentiality would not impair the College's ability to provide the Supportive Measures.

## Complainant & Respondent Parties Bill of Rights

At West Virginia Wesleyan College, following a report or complaint of sexual harassment, individuals are afforded certain rights in order to achieve a prompt and equitable resolution. The College is committed to take appropriate steps to end the misconduct, prevent any further misconduct and retaliation, remedy the effects of misconduct, and eliminate any hostile environment that has been created. To that end, individuals' rights under this policy are as follows:

- To be entitled to a prompt, fair, and impartial investigation of the complaint;
- To file a civil or criminal complaint in addition to any complaint filed as part of the institution's process;
- To be informed, in writing, of counseling and other support services available to them, both on campus and in the community;
- To be offered supportive measures whether or not a formal complaint is filed;
- To have your privacy respected to the extent permissible (the College has certain legal obligations to address this conduct, and as a result cannot guarantee confidentiality to a complainant);
- To have an advisor of their choice present during all meetings and interviews related to any investigative process and hearing;
- To submit evidence and/or bring forth any witnesses relevant to the investigation;
- To pursue an informal process of resolution, when applicable;
- To have findings determined using a preponderance of the evidence standard;
- To be notified of the outcome of the investigation and any sanctions as they relate to the individuals;
- To appeal any finding decisions to the extent permitted within the policy.

## Disciplinary Procedures

### Formal Complaints of Title IX Sexual Harassment Filing a Formal Complaint

A Complainant has the option to file a Formal Complaint against a Respondent alleging Title IX Sexual Harassment and requesting that the College investigate those allegations. In order to file a Formal Complaint, the Complainant should contact the Title IX Coordinator and sign the College's Formal Complaint form. This may be done online, in person, or by email by contacting the Title IX Coordinator.

When a Complainant does not wish to file a Formal Complaint on their own behalf, the Title IX Coordinator may, in their discretion, file a Formal Complaint by signing the Formal Complaint form. When making that determination, the Title IX Coordinator will evaluate the request of the Complainant in light of the duty to ensure the safety of the campus and comply with federal law. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not the Complainant or otherwise a party. While the Complainant may choose to not participate in the grievance process initiated by the Title IX Coordinator's signing of a Formal Complaint of



Title IX Sexual Harassment, the Complainant will still be treated as a party entitled to inspect and review evidence and to receive all notices, including the notice of allegations, the notice of hearing, and the notice of outcome. At no time will the College coerce or retaliate against a Complainant in order to convince the Complainant to participate in the grievance process.

After a Formal Complaint is filed, the matter will proceed to either the Informal Resolution process or Formal Resolution process, as described below. A Formal Complaint must be filed before the College can commence an investigation or the Informal Resolution process under the Title IX Sexual Harassment Procedures.

#### **Mandatory Dismissal of Formal Complaint for Title IX Purposes**

When the Title IX Coordinator receives a Formal Complaint alleging conduct, which, if true, would meet the definition of Title IX Sexual Harassment, the Title IX Coordinator will evaluate the allegations in the Formal Complaint to determine whether the allegations satisfy the following conditions:

- The Title IX Sexual Harassment conduct is alleged to have been perpetrated against a person in the United States;
- The Title IX Sexual Harassment conduct is alleged to have taken place within the College's programs and activities; and
- At the time of the filing or signing of the Formal Complaint, the Complainant is participating in or attempting to participate in the College's programs or activities.

If the Title IX Coordinator determines that all of the above conditions are satisfied, the College will address the Formal Complaint of Title IX Sexual Harassment under these Procedures.

If the Title IX Coordinator determines that the allegations in the Formal Complaint do not meet the definition of Title IX Sexual Harassment or that not all of the conditions above are satisfied, the College will dismiss the Formal Complaint for Title IX purposes. However, if the College dismisses the Formal Complaint for Title IX purposes, it may, in its discretion, address the Formal Complaint under other College issued policies, as appropriate.

Additionally, if the Title IX Coordinator investigates a matter as Title IX Sexual Harassment based on the allegations in the Formal Complaint, but, during the course of the investigation, the Title IX Coordinator determines that all of the above conditions are no longer satisfied, the College will dismiss the Formal Complaint for Title IX purposes and instead pursue the matter under other policies and procedures (i.e. Student Code of Conduct, employee handbook, etc), as appropriate and applicable, or will dismiss the Formal Complaint in its entirety.

If the Title IX Coordinator determines that a Formal Complaint of Title IX Sexual Harassment will not be adjudicated under the Title IX Procedures, either at the

outset after reviewing the Formal Complaint or during the course of the investigation, the parties will receive simultaneous written notice of the dismissal and the reasons for that dismissal. Either party may appeal the decision to dismiss a Formal Complaint.

#### **Discretionary Dismissal of Formal Complaint for Title IX Purposes**

In addition to the reasons discussed above regarding mandatory dismissals, the College may, in its discretion, choose to dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the recipient; or
- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

The College retains discretion on a case-by-case basis to determine if it will dismiss a Formal Complaint for Title IX purposes based on any of the above reasons. Just because one or all of the conditions above are satisfied, does not mean the College will automatically dismiss the Formal Complaint for Title IX purposes as is the case with respect to the conditions listed in the "Mandatory Dismissal" section above. Instead, the College will determine if such a decision is appropriate under the circumstances.

If the College dismisses a Formal Complaint for Title IX purposes, it may in its discretion address the Formal Complaint under another policy or procedure, as appropriate.

The parties will receive simultaneous written notice of the dismissal and the reasons for that dismissal. Either party may appeal the decision to dismiss as explained below in Section XVI.

#### **Consolidation of Formal Complaints**

In their discretion, the Title IX Coordinator may consolidate multiple Formal Complaints for resolution under this Policy. Consolidation might involve a single Complainant or multiple Complainants, a single Respondent or multiple Respondents, and allegations of conduct that is temporally or logically connected (even where some of that alleged conduct is not Title IX Sexual Harassment or where the above conditions are not met with respect to some of the alleged conduct). If Formal Complaints involving multiple Complainants and/or multiple Respondents are consolidated, each party will have access to all of the information being considered; including as provided by all involved Complainants, all involved Respondents, and all involved witnesses. The decision to consolidate Formal Complaints is not subject to appeal.

#### **Notice of Allegations**

If a Complainant files, or the Title IX Coordinator signs, a Formal Complaint of Title IX Sexual Harassment within

the scope of this Policy, the Title IX Coordinator will simultaneously send both parties a written Notice of Allegations that contains the following:

- Notice that the Informal and Formal Resolution processes comply with the requirements of Title IX;
- Notice of the allegations potentially constituting Title IX Sexual Harassment, providing sufficient detail for a response to be prepared before any initial interview, including (1) identities of the parties, if known; (2) the conduct allegedly constituting Title IX Sexual Harassment; and (3) the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged Title IX Sexual Harassment and a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney and who may inspect and review evidence;
- Information regarding the availability of support and assistance through College resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options;
- Notice of the College's prohibition of Retaliation of the Complainant, the Respondent, and witnesses; that the College will take prompt action when Retaliation is reported; and how to report acts of Retaliation; and
- Notice that the Student Code of Conduct prohibits *acts of dishonesty*; knowingly making false statements and knowingly submitting false information to College personnel during the grievance process.

If, during the course of an investigation, the Title IX Coordinator decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances but not included in the earlier written notice, the Title IX Coordinator will provide an amended Notice of Allegations to the parties.

### Timelines

Throughout these Procedures, the College designates timelines for different steps of the process. The Title IX Coordinator has authority to extend such timelines for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disability. In the case of such an extension, the Title IX Coordinator will notify the affected parties of the extension, including the reason(s) for the extension.

The phrase "business days" shall refer to those days ordinarily recognized by the College administrative calendar as workdays.

### Advisors

Throughout the resolution process (whether informal or investigative), the Complainant and a Respondent may each have an advisor of their choice to provide support and guidance. An advisor may accompany the Complainant/Respondent to any meeting with the Title IX Coordinator, the investigator, or to a hearing.

Prior to the hearing, a party's advisor has an exclusively non-speaking role, and may not otherwise present evidence, argue, or assert any right on behalf of the party. And, at the hearing, an advisor's role is limited to quietly conferring with the Complainant/Respondent through written correspondence or whisper. An advisor may not speak for the party they are supporting or address any other participant or the Hearing Officer except as necessary to conduct cross-examination as explained below. Advisors must conduct the cross-examination of all witnesses directly, orally, and in real time at the hearing. Neither party may conduct cross-examinations personally.

The College (including any official acting on behalf of the College such as the Hearing Officer) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. For example, the College will not tolerate an advisor questioning a witness in an abusive, intimidating, or disrespectful manner. The College has the right to take appropriate steps to ensure compliance with the Policy and Procedures, including by placing limitations on the advisor's ability to participate in future meetings and proceedings.

### Informal Resolution

Informal Resolution is an alternative resolution process that does not include an investigation or hearing. Informal Resolution is typically a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the Respondent, and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the College community.

Informal Resolution is not available in cases involving a Student-Complainant and Employee-Respondent. Additionally, the Informal Resolution process may not commence unless and until a Formal Complaint of Title IX Sexual Harassment is filed. Informal Resolution may be available, under appropriate circumstances, at any time prior to reaching a determination regarding responsibility.

The Title IX Coordinator reserves the right to determine whether Informal Resolution is appropriate in a specific case. Before the Title IX Coordinator commences the Informal Resolution process, both parties must provide informed consent in writing. In addition, where both parties and the College determine that Informal Resolution is worth exploring, the College will provide the

parties with a written notice disclosing:

- the allegations,
- the requirements of the Informal Resolution process, and
- any consequences resulting from participating or withdrawing from the process, including the records that may be maintained by the College.

At any time prior to reaching a resolution, either party may withdraw from the Informal Resolution process and proceed with the formal grievance process for resolving the Formal Complaint.

Once an Informal Resolution is agreed to by all parties, the resolution is binding and the parties generally are precluded from resuming or starting the formal grievance process related to that Formal Complaint. Any breach of the terms of an Informal Resolution agreement may result in disciplinary action.

## Formal Administrative Resolution Process

### The Investigation

An investigation affords both the Complainant and the Respondent an opportunity to submit information and other evidence and to identify witnesses. Although the parties have the option to submit evidence and suggest witnesses to be interviewed, the burden of gathering information in the investigation is with the College.

When the formal resolution process is initiated, the Title IX Coordinator will designate an investigator who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Title IX Sexual Harassment. The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. Specifically, the investigator will be trained on (1) issues of relevance; (2) the definitions in the Policy; (3) the scope of the College's Education Program or Activity; (4) how to conduct an investigation; and (4) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

A Complainant or a Respondent who has concerns that the assigned investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns to the Title IX Coordinator, who will assess the circumstances and determine whether a different investigator should be assigned to the matter.

### Investigation Timeframe

The investigation of a Formal Complaint will be usually concluded within 90 days of the filing of the Formal Complaint. The parties will be provided with updates on the progress of the investigation, as needed, and will be alerted if the process will go beyond the 90-day

timeframe.

### Interviews and Gathering Evidence

The investigator will interview the Complainant and Respondent in order to review the disciplinary process and to hear an overview of each party's account of the incident. Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional Title IX Sexual Harassment under the Policy.

Following the interview, each party will be provided with a draft summary of their statement so that they have the opportunity to comment on the summary and ensure its accuracy and completeness. The parties' feedback may be attached or otherwise incorporated into the final investigative report to the extent deemed relevant by the investigator.

During the interview, and as the investigator is gathering evidence, each party will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and other evidence. Although the College has the burden of gathering evidence sufficient to reach a determination regarding responsibility, all parties are expected to share any relevant information and/or any information that is requested by the investigator. Such information shared by the parties with the investigator may include both inculpatory and exculpatory evidence.

The investigator will review all information identified or provided by the parties, as well as any other evidence they obtain. Evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint will be shared with the parties for their review and comment, as described below.

### Draft Investigative Report and Opportunity to Inspect and Review Evidence

After all the evidence is gathered, and the investigator has completed witness interviews, the investigator will prepare a draft investigative report. The investigator will send each party, and the party's advisor, if any, the draft investigative report.

The investigator will also provide the parties, and their advisors, if any, with copies of all evidence directly related to the allegations of the Formal Complaint that was gathered during the investigation. Before doing so, the investigator may redact information in the evidence that is not directly related to the allegations of the Formal Complaint; information prohibited from disclosure pursuant to a recognized legal privilege; and/or a party's medical or mental health information/records unless the party consents in writing to the disclosure. The evidence may be provided in either an electronic format or a hard copy.

The parties will have ten (10) days to review the draft investigative report and evidence and to submit a written response. The parties' written responses must include any comments, feedback, additional documents, evidence, requests for additional investigation, names of



additional witnesses, or any other information they deem relevant to the investigation. Any party providing new evidence in their written response should identify whether that evidence was previously available to them, and if so, why it was not previously provided. The parties' feedback will be attached to the final investigation report.

Generally, only information that is provided to, or otherwise obtained by, the investigator during the course of the investigation will be considered in the determination of whether a Policy violation occurred. Any and all information for consideration by the Hearing Officer must be provided to the investigator prior to the final investigation report and will not be allowed during the hearing unless it can be clearly demonstrated that such information was not reasonably available to the parties at the time of the investigation or that the evidence has significant relevance to a material fact at issue in the investigation. If, after the final investigation report is issued, a party provides or identifies evidence that they did not previously provide or identify despite that evidence being reasonably available to them during the investigation process, the Hearing Officer may, at their discretion, draw a negative inference from the party's delay in providing or identifying the evidence. The investigator will review the feedback to the report, interview additional relevant witnesses (as the investigator deems appropriate).

### **Final Investigative Report**

After the time has run for both parties to provide any written response to the draft investigative report and evidence, and after the investigator completes any additional investigation, the investigator will complete a final investigative report. The investigator will submit the final investigative report of relevant information to the Title IX Coordinator. The Title IX Coordinator will review the report for completeness and relevance, and direct further investigation as necessary before the report is provided to the Complainant and Respondent.

The investigator and/or Title IX Coordinator, as appropriate, may exclude and/or redact information or evidence from the final investigative report as follows:

- Information that is not relevant to the allegations raised in the Formal Complaint;
- Information about a Complainant's prior or subsequent sexual activity, unless such information about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; and
- Medical or mental health information, treatment and/or diagnosis, unless the party consents.

After the Title IX Coordinator reviews the report and any

further investigation, if necessary, is completed, the final report will be shared with the Complainant, Respondent, and their advisors. The parties will have ten (10) business days to respond in writing to the final investigative report. The Complainant and Respondent must also submit in writing by that time the names of any witnesses the Complainant/Respondent wishes to testify and a summary of information each witness would provide through their testimony. Names of witnesses provided by the Complainant/Respondent will be shared with the other party.

After the ten-business-day deadline, the Complainant and Respondent may not provide any additional written information for the hearing, unless that information was not reasonably available prior to the closing of the ten-business-day window. The Hearing Officer determines whether to grant exceptions to this ten-business-day deadline.

The Title IX Coordinator will determine what, if any, final changes or additions are made to the final investigative report based upon its review of the report and feedback as described above from the Complainant and Respondent.

The matter will then be referred to a Hearing Officer.

## **Hearing Procedure**

### **The Hearing Officers**

A panel of Hearing Officers will consist of three members and be selected by the College from a pool of trained faculty and staff.

All Hearing Officers receive annual training on the following: how to conduct a hearing; issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; how to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues. The Hearing Officers will also be trained on any technology that might be used during a hearing.

### **Notice**

Both the Complainant and the Respondent will be notified in writing of the date and time of the hearing and the name of the Hearing Officer at least five calendar days in advance of the hearing, with the hearing to occur no fewer than ten days after the parties are provided with the final investigative report. The Hearing Officer will receive the names of the Complainant and the Respondent at the same time.

### **Bias and Conflict Of Interest**

The Hearing Officer must be impartial and free from bias or conflict of interest, including bias for or against a specific Complainant or Respondent or for or against complainants and respondents generally. If the Hearing Officer has concerns that they cannot conduct a fair or unbiased review, the Hearing Officer may report those concerns to the Title IX Coordinator and a different Hearing Officer will be assigned.

A Complainant and/or Respondent may challenge the participation of the Hearing Officer because of perceived conflict of interest, bias, or prejudice. Such challenges,

including rationale, must be made within 48 hours of notification of the name of the Hearing Officer.

At their discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a Hearing Officer should be replaced. Postponement of a hearing may occur if a replacement Hearing Officer cannot be immediately identified.

### **Pre-Hearing Procedures and Ground Rules**

The Hearing Officer and/or the Title IX Coordinator may establish pre-hearing procedures relating to issues such as scheduling, hearing structure and process, witness and advisor participation and identification, and advance determination of the relevance of certain topics. The Hearing Officer will communicate with the parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for party participation/input.

The Hearing Officer also has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum.

### **Participation of Advisors**

Both parties must be accompanied by an advisor to the hearing. If a party does not have an advisor for the hearing, the College will provide an advisor of the College's choice for that party.

Each party's advisor must conduct any cross-examination of the other party and any witnesses. Apart from conducting cross-examination, the parties' advisors do not have a speaking role at the hearing; an advisors' participation is limited to conferring with the party at intervals set by the Hearing Officer.

### **Participation of Parties and Witnesses**

A party or witness who elects to participate in the process is expected, although not compelled, to participate in all aspects of the process (e.g., a witness who chooses to participate in the investigation is expected to make themselves available for a hearing if requested to do so).

If a party or witness elects to not participate in the live hearing, or participates in the hearing but refuses to answer questions posed by the other party through their advisor, the Hearing Officer will not rely on any statement of the non-participating party or witness in reaching a determination regarding responsibility. The Hearing Officer will never draw any inferences based solely on a party's or witness's absence or refusal to answer questions.

"**Statements**" for purposes of the hearing means factual assertions made by a party or witness. Statements might include factual assertions made during an interview or conversation, written by the individual making the assertions (including those found in a Formal Complaint), and memorialized in the writing of another (e.g. in an investigative report, police report, or medical record). Where evidence involves intertwined statements of both parties (e.g. a text message exchange or an email thread) and one party refuses to participate in the hearing or submit to questioning about the evidence while the other does participate and answer

questions, the statements of only the participating party may be relied on by the Hearing Officer.

If a party does not appear for the hearing, their advisor may still appear for the purpose of asking questions of the other party and witnesses. If a non-participating party's advisor also does not appear for the hearing, the College will appoint an advisor to participate in the hearing for the purpose of asking questions of the other party on behalf of the non-participating party.

Parties are reminded that, consistent with the prohibition on Retaliation, intimidation, threats of violence, and other conduct intended to cause a party or witness to not appear for a hearing are expressly prohibited.

### **Witnesses**

The Hearing Officer may, at their discretion, exclude witnesses or witness testimony the Hearing Officer considers irrelevant or duplicative. The Hearing Officer will explain any decision to exclude a witness or testimony as not relevant.

### **Electronic Devices and Record the Hearing**

A Respondent, Complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the Hearing Officer.

The Title IX Coordinator will arrange for there to be an audio recording and/or transcript of the hearing, which will be made available to the parties for review and kept on file by the College for seven years.

Reasonable care will be taken to create a quality recording and/or transcript and minimize technical problems, however, technical problems that result in no recording or an inaudible recording are not a valid basis for appeal.

### **Hearing Location and Use of Technology**

The hearing will be live, with all questioning conducted in real time. Upon request, the parties may be located in separate rooms (or at separate locations) with technology enabling the Hearing Officer and the parties to simultaneously see and hear the party or witness answering questions. A hearing may be conducted entirely virtually through the use of remote technology so long as the parties and Hearing Officer are able to hear and see one another in real time.

### **Hearing Structure**

The Hearing Officer has general authority and wide discretion over the conduct of the hearing. Although the Hearing Officer has discretion to modify the hearing structure, the general course of procedure for a hearing is as follows:

- Introductions;
- Respondent's statement accepting or denying responsibility;
- Opening Statement from the Complainant;

- Opening Statement from the Respondent;
- Questioning of the Complainant by the Hearing Officer;
- Cross-examination of the Complainant by the Respondent's advisor;
- Questioning of the Respondent by the Hearing Officer;
- Cross-examination of the Respondent by the Complainant's advisor;
- Hearing Officer questioning of other witnesses (if applicable);
- Cross-examination of other witnesses by the parties' advisors;
- Closing comments from the Complainant; and,
- Closing comments from the Respondent.

A Complainant or Respondent may not question each other or other witnesses directly; they must conduct the cross-examination through their advisors. Before a party or witness answers a cross-examination or other question, the Hearing Officer will first determine whether the question is relevant. The Hearing Officer may exclude irrelevant information and/or questions. The Hearing Officer will explain any decision to exclude a question or information as not relevant.

The evidence collected as part of the investigative process will be made available at the hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

### **Determination Regarding Responsibility**

Following the hearing, the Hearing Officer will consider all relevant evidence and make a determination, by preponderance of the evidence standard, whether the Respondent has violated the Policy.

A preponderance of the evidence standard means that, based on the information acquired during the investigation and the hearing, it is more likely than not the Respondent engaged in the alleged conduct.

### **Remedies and Sanctions**

In the event the Hearing Panel finds the Respondent responsible for a violation of the College's policies, appropriate remedies and sanctions will be determined by the Hearing Officers. Remedies are designed to resort or preserve equal access to the College's Education Program or Activity and may be disciplinary or punitive.

Upon a finding of responsibility, the Complainant will be provided with remedies designed to restore access to the College's educational and employment programs and activities.

Sanctions for a finding of responsibility for Student Respondents include, but are not limited to, expulsion, suspension, disciplinary probation, recommended counseling, and/or other educational sanctions. In determining (a) sanction(s), the Hearing Officers will consider whether the nature of the conduct at issue warrants removal from the College, either permanent (expulsion) or temporary (suspension). Other factors pertinent to the determination of what sanction applies include, but are not limited to, the nature of the conduct at issue, prior disciplinary history of the Respondent (shared only upon a finding of responsibility for the allegation), previous College response to similar conduct, and College interests (e.g., in providing a safe environment for all).]

Sanctions for findings of responsibility for Employee and Faculty Respondents include, but are not limited to, progressive disciplinary action; prohibition from various academic or managerial responsibilities involving the Complainant or others; letter of reprimand placed in a Respondent's personnel file; restrictions on a Respondent's access to College programs or facilities; limitations on merit pay or other salary increases for a specific period; or demotion, suspension, or dismissal/termination from the College, or a recommendation that a separate process required to impose such action be commenced.

### **Written Notice Regarding Outcome and, if applicable, Sanctions/Remedies**

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, the Complainant and Respondent will receive a simultaneous written notification including the decision regarding responsibility and, as applicable, remedies and sanctions. The written notification will include the following:

- Identification of the allegations potentially constituting Title IX Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint of Title IX Sexual Harassment, with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the College's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's Education Program or Activity will be provided by the College to the Complainant; and
- The College's procedures and permissible bases for the Complainant and Respondent to appeal.

The written notification of outcome becomes final seven days after it is sent to the Parties, unless an appeal is filed on or before that day.

## Appeals

A Respondent and Complainant both have the right to appeal (1) The Title IX Coordinator's decision to dismiss a Formal Complaint of Title IX Sexual Harassment; and (2) the Hearing Officer's decision regarding responsibility.

A party wishing to appeal the Title IX Coordinator's decision to dismiss a Formal Complaint of Title IX Sexual Harassment must file a written appeal statement within five business days of the date the decision to dismiss is communicated to the parties.

A party wishing to appeal a Hearing Officer's decision must file a written appeal statement within five business days of the date the written decision is sent to the parties. Appeal statements are limited to five pages. The written appeal statement must identify the ground(s) upon which the appeal is being made.

The only grounds for appeal are:

- New information not reasonably available at the time of the decision/hearing that could affect the outcome of the matter;
- The Title IX Coordinator, investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent specifically that affected the outcome of the matter; and/or
- Procedural error(s) that affected the outcome of the matter.

An appeal is not a re-hearing of the case. The College may summarily deny an appeal if it is not based on one of the enumerated grounds for appeal.

### Appellate decision-maker

If the College does not summarily deny the appeal, the College will appoint an appellate decision-maker. The appellate decision-maker's role is limited to reviewing the underlying record of the investigation and hearing, the appealing party's ("Appellant") written appeal statement, any response to that statement by the other party ("Appellee"), and information presented at a meeting of the appellate decision-maker, if convened.

### Conflict of interest

The College will notify the Appellant and Appellee of the name of the appellate decision-maker. The Appellant and/or Appellee may challenge the participation of an appellate decision-maker because of an actual conflict of interest, bias, or prejudice. Such challenges, including rationale, must be submitted in writing to the College no later than 48 hours after notification of the name of the appellate decision-maker. The College will determine whether such a conflict of interest exists and whether an appellate decision-maker should be replaced.

## Response to Appeal

The appellate decision-maker will provide written notice to the Appellee that an appeal has been submitted and will give the Appellee an opportunity to review the appeal statement. The Appellee may submit a written response to the appeal ("response"). The response is due three business days from the date the College provides written notice of the appeal to the Appellee and should be no more than five pages. The College will provide the Appellant an opportunity to review the response.

### Written Decision

The appellate decision-maker will provide written notification of the final decision to the Appellant and Appellee simultaneously.

The appellate decision-maker will typically notify the parties of its decision regarding an appeal in writing within five business days from receipt of the appeal statement. If the decision will take longer, the parties will be informed. The decision of the appellate decision-maker will be final and no subsequent appeals are permitted.

## Confidentiality

The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Title IX Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or other proceeding arising thereunder.



## Social Responsibility Statement

All individuals and/or groups of the West Virginia Wesleyan College community are expected to speak and act with respect for the human dignity of others, both inside and outside the classroom, and in all College-sponsored social, recreational, and academic activities either on or off campus.



West Virginia Wesleyan College will not tolerate any form of harassment or intimidation including, but not limited to, sexual, racial, religious, handicap, or age discrimination. Using the telephone, mail, electronic mail or social media to intimidate or interfere with a person's basic rights is also a form of harassment. Attitudes of condescension, hostility, role-stereotyping, and sexual or racial innuendo weaken the health of the community and are considered harassment as well.

Wesleyan will not tolerate acts of hazing or the exploitation of individuals or groups. At the same time, the College affirms the principle of academic freedom and prohibits discrimination against individuals or groups because they express different points of view. However, the College affirms that freedom of expression does not justify violating human dignity.

Intentionally or substantially interfering with the freedom of expression of others on College property or at College-sponsored activities is prohibited. If a student feels that he/she has been unfairly or inappropriately treated by any member of the Wesleyan community, it is suggested that the student do one or more of the following-- without fear of reprisal:

1. Discuss the matter with a trusted third party to help determine a course of action.
2. Approach the offending party directly and discuss the matter and its possible solutions.
3. Pursue facilitation with the offending party through a facilitator. The facilitator/mediator may be a faculty member, a school director, the Chaplain and Director of Religious and Spiritual Life, the Director of Multicultural Programs and Services, a member of the Health and Counseling or Student Development staffs or some other administration or staff member.
4. For reporting purposes, if this is a racial or ethnic incident, the facilitator will contact the Director of Multicultural Programs and Services before the facilitation takes place.



### Protective measures and accommodations

Detailed information about remedial and protective measures available to Students and Employees can be found in the Resource and Reporting Guides for Students and Employees, which can be found at: <http://titleix-wawa.wvira.org/policy>.

### Students

The Campus Life Office can provide students with information, support and assistance, and can arrange for a broad range of remedial and protective measures. CLO employees have received training for this purpose and will assist students in determining whether certain forms of support, remedial and/ or protective measures may be beneficial and appropriate. CLO employees are categorized as "Responsible Employees" and are therefore required to report to the College's Title IX coordinator information disclosed to them about Prohibited Conduct. If a complainant requests (a) that personally identifying information not be shared with the respondent, (b) that no investigation be pursued and/or (c) that no disciplinary action be taken, the College will seek to honor this request unless there is a health or safety risk to the complainant or to any member of the College community. The College will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Campus Life Office is located on the second floor of the Campus Center, 304-473-8104 or 24 hour on call phone at 304-613-9315.

The specific circumstances of each case will determine the availability of remedial and protective measures. The Campus Life Staff, in consultation with the Title IX coordinator, will consider a number of factors in determining which measures to take, including the needs of the student seeking remedial and/or protective measures; the severity or pervasiveness of the alleged Prohibited Conduct; any continuing effects on the complainant; whether the complainant and the respondent share the same residence hall, dining hall, academic course(s), job or parking location(s); and whether other judicial measures have been taken to protect the complainant (e.g., protective orders). When implementing such measures, the College will seek to minimize the burden on the student seeking the measures.. Examples of such measures include the following:

- Imposition of a no-contact directive against an employee or student (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies)
- Arranging a meeting with police to discuss or report Prohibited Conduct
- Arranging a meeting with police to discuss safety planning
- Arranging access to counseling services and assistance in setting up initial appointments
- Arranging access to medical services and assistance in setting up initial appointments
- Assistance in seeking academic assistance, including modified class schedules (including transfer to another section), permission to withdraw from and/or retake a class or attend a class via alternative means (e.g., online or independent study), extension of assignment deadlines and voluntary leaves of absence
- Assistance in modifying College housing arrangements, including immediate temporary relocation to safe living quarters and/or permanent reassignment of College residence halls
- Assistance in modifying assigned parking
- Assistance in modifying College employment arrangements, including changes in work schedules, job assignments, work locations and/or assigned parking
- Imposing an Interim Disciplinary Suspension and/or predisciplinary leave, with or without pay, on the respondent
- Any other measures that may be arranged by the College (to the extent reasonably available) to ensure the safety and well-being of a student who has been affected by Prohibited

Conduct In some cases, a student may choose to seek a leave of absence or a reduced course load; these actions may, in turn, affect a student's immigration, visa and/or financial aid status. In such cases,

The Office of Campus Life will connect students with the applicable College department or unit so that they may obtain relevant information and assistance. The Office of Campus Life will ensure students receive written notification of all their rights and options, regardless of whether a student chooses to report Prohibited Conduct to the College or to the police. This notification will describe options for, available assistance in and how to request changes to academic, living, transportation and working situations or protective measures. Students are entitled to receive information, assistance and a broad range of support and remedial measures, as reasonably available, regardless of whether they choose to pursue criminal and/or College disciplinary resolution of Prohibited Conduct. WVWC will make such accommodations or provide such protective measures if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the Prohibited Conduct to Campus Security or local law enforcement.



## Code of Conduct Definitions

**Aggravated Violation** - a violation which resulted or foreseeably could have resulted in significant damage to persons or property, or which otherwise posed a substantial threat to the stability and continuance of normal College or College related activities.

**Distribution** - sale or exchange for personal profit, or the giving to another with no thought of personal profit.

**Fabrication** - intentional and unauthorized falsification or invention of any information; knowingly providing false or inaccurate information.

**Institution or College** - West Virginia Wesleyan College.

**Organization** - campus groups recognized according to designated policies and procedures of the College.

**Reckless** - conduct which one is reasonably expected to know could cause a substantial risk of harm to persons or property, or which would otherwise be likely to result in

interference with normal College or College sponsored activities.

**College Premises** - buildings or grounds owned, leased, or operated by the College.

**College-Sponsored Activity** - any activity on campus; or any activity off campus which is expressly authorized or supervised by the College.

## Prohibited Conduct

**Acts of Dishonesty:** intentionally furnishing false or misleading information to College personnel.

**Complicity:** association with a violation of College policy (in contrast to direct involvement or perpetration), either by presence when the violation is committed or non-reporting of the act(s), can result in judicial referral. Students who anticipate or observe a violation of College policy are expected to, as a minimum action, remove themselves from the situation and are strongly encouraged to report the violation.

**Climbing:** climbing trees or the outside of College owned facilities is strictly prohibited. The use of rappelling equipment on College-owned property is also strictly prohibited.

**Damage to Property:** intentionally or recklessly destroying, damaging, or misusing the property of others, including the property of the College, on College premises or at College-sponsored activities.

**Disorderly Conduct:** any conduct which is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community or offends basic sensibilities.

**Disruption:** intentionally or recklessly interfering with normal College or College-sponsored activities, including but not limited to, studying, teaching, research, and the administration of college functions shall not be tolerated. In addition, intentionally interfering with the functions of Campus Safety and Security personnel or fire, police or emergency medical officials is prohibited.

**Failure to Comply:** failure to comply with the directions of College officials, including residence hall staff or any other administrator, faculty person, or student acting in an official capacity (e.g.: Resident Assistant, Student Security Officer, etc.), in the performance of their duties.

**Fire Safety Issues:** including but not limited to:

1. Intentionally/recklessly initiating, or causing to be initiated, any false report, warning, or threat of fire, explosion, or other emergency on College premises or at College-sponsored activities.
2. Intentionally or recklessly misusing or damaging fire safety equipment.
3. Unauthorized use or possession of fireworks on College premises.

**Forgery:** unauthorized alteration or unauthorized use of any College document or personal instrument of identification, including misrepresenting age for the purpose of obtaining alcoholic beverages.

**Freedom of Expression (Interference With):** intentionally or substantially interfering with the freedom of expression of others on College property or at College-sponsored activities.

**Harassment:** actions which are intended to annoy and/or alarm another. These include but are not limited to:

1. attempting or threatening to subject another person to unwanted physical or verbal contact;
2. following another person in or about a public place or places;
3. directing obscene language or gestures at another person or groups of people;
4. directing verbal abuse at another person; and/or,
5. utilizing electronic messaging, texting, phone (cell or landline) or social media in ways that intimidate individuals and/or create a hostile living and learning environment for others.

**Hate Crime:** the victimization of an individual based on that individual's race, religion, national origin, ethnic identification, gender, gender identity or sexual orientation.

**Intrusion of Privacy:** unreasonably invading the private domain or seclusion of another by any means, including observation, videotaping, audio taping, photographing or capturing the actions, image, audio or likeness of any other member of the College community without permission or knowledge, when there is a reasonable expectation of privacy.

**Physical Assault:** the act of intentionally or recklessly causing physical harm to any person on College premises or at a College-sponsored activity, or intentionally or recklessly causing reasonable apprehension of such harm.

**Sanctions:** knowingly violating the terms of a disciplinary sanction imposed in accordance with this Code or failure to complete assigned sanctions.

**Solicitation:** the term "solicitation" is used to describe the sale of products or the seeking of funds, signatures, merchandise or supplies.

1. Door-to-door solicitation is not permitted in residence halls or fraternity houses.
2. On-campus organizations, which have received permission from the Coordinator of Student Activities and Conferences to solicit, may do so in residence hall lounges and other public areas in campus buildings, as long as this solicitation is consistent with the educational purposes and policies of the College.

**Sports:** primarily for safety reasons, playing with or driving hard balls, including golf balls, on College owned property outside of designated athletic facilities is prohibited. Skateboarding on College premises and rollerblading inside campus facilities is similarly prohibited.

**Stalking:** a course of conduct directed at a specific person that involves repeated visual or physical proximity, non-consensual communication, or verbal, written or implied threats, or a combination thereof, that would cause fear in a reasonable person.

**Theft:** theft of property or of services on College premises or at College-sponsored activities is prohibited. The use of stolen property and/or knowingly possessing stolen property on College premises or at College-sponsored activities is also a violation of College policies.

**Tobacco Free** – During the fall of 2016, WVWC will have a Tobacco Free policy for the entire campus with four designated areas of tobacco use. On January 1, 2017, WVWC will become an entire tobacco free zone.

**Unauthorized Entry:** any unauthorized presence in or use of College premises, facilities, services, or property is prohibited.

**Weapons:** the use, possession, or unauthorized storage of any weapon on College premises or at College-sponsored activities is prohibited. Weapons include, but are not limited to, rifles, shotguns, handguns, ammunition, gun powder, fireworks, numb chucks, air rifles, air pistols, knives, BB guns, bow and arrows, dart guns, paint guns, slingshots, axes or hatchets, metal stars for throwing, blow guns, tazers, pipes, chains and "look-a-like" weapons, or anything used to inflict a wound or cause injury. All legal weapons must be registered and stored at the Office of Campus Safety and Security.

## Alcohol and Other Drug Policies

West Virginia Wesleyan College seeks to create an environment that promotes individual and community health and well-being. The illegal or abusive use of alcohol and other drugs jeopardizes this effort. Therefore, the College is committed to defining standards of behavior, enacting and enforcing policies, and complying with local, state, and federal laws. The Drug Free Workplace Act of 1989 requires information regarding the following:

1. the conduct that is prohibited under campus policy and sanctions that will be imposed for violations of the policies;
2. the applicable legal sanctions under the local, state, and federal laws;
3. the health risks associated with the use and/or abuse of alcohol and other drugs; and,
4. the educational and treatment resources available on and off campus.

The United Methodist Church, the College's sponsoring denomination, encourages abstinence from alcohol and illegal drugs and supports educational programs that inform and encourage abstinence. While abstinence from alcohol



may be preferred, the College acknowledges that students may make other choices and works aggressively to educate students regarding community responsibility and Wesleyan's expectations for all members of the student body.



The College prohibits the use of alcoholic beverages by individuals who are not of legal age and the abuse of alcohol by individual community members of any age. Violations of local, state, and federal laws pertaining to alcoholic beverages are prohibited. Furthermore, the College prohibits the illegal use of drugs on College property or property used by any recognized student or College group. State and federal laws state that it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

According to the federal Controlled Substance Act of 1970, this applies to drugs that have a high potential for abuse, may lead to chemical dependence, and are required by law to be prescribed or administered under the supervision of a physician.

Full compliance with the specific set of standards related to alcohol and other drug use is expected. Although Residence Hall staffs play an important role in monitoring student conduct, any member of the Wesleyan community may refer a student alleged to have violated this, or any policy, to the Vice President for Student Development. This policy will be strictly enforced, and all cases of alleged violations will be resolved in accordance with the disciplinary procedures described in this handbook.

### Underage Use

1. All individuals, College affiliated organizations, and social groups are to comply with local, state and federal laws concerning the possession, consumption, and distribution of alcoholic beverages and be aware of the legal ramifications of noncompliance. Noncompliance with any state or federal law is a violation of College policy and is subject to disciplinary action.
2. Furnishing alcohol to a person under the age of 21 is prohibited.
3. The possession and/or consumption of alcohol on College premises by persons under the age of 21 is prohibited.

### Public Use of Alcohol

1. The purchase, sale or distribution of alcoholic beverages on College premises by students is prohibited.
2. Alcoholic beverages may not be used in any public facility or space on College premises, including public areas of residence halls, or at College-sponsored activities. The legal exercise of personal freedom within the privacy of one's own room and in accordance with College policy may not infringe upon the rights of others by creating an atmosphere objectionable to others who reside in the same room.
3. Only individual residence hall rooms are considered private; an open door causes an individual's room to be considered a public area.
4. Possession of an open container in any public area of the campus is prohibited. An open container includes, but is not limited to, open or unsealed cans and bottles, cups, wine sacks, and squeeze bottles.

### Impairment/Public Intoxication

1. Public intoxication or the state of being drunk that leads to aggressive or disruptive behavior, the significant distortion of memory, the significant dulling of responses, reduction in the capacity to make reasonable judgments or the violation of the Code of Conduct is prohibited, regardless of age, and will be considered an aggravating factor.
2. The influence of alcohol does not relieve an individual of responsibility for his or her behavior. Behavior that causes, or threatens to cause, physical harm to oneself or others, harassment of others, damage to property, or general disruption is a violation of College policy.
3. All members of the College community are fully responsible for the alcohol related conduct of their guests.
4. Driving under the influence of alcohol, either on or off campus, is considered to be an extreme example of irresponsible behavior.

### Mass Quantity, Distribution/ Possession

1. Kegs, beer balls, or other forms of a common supply of alcoholic beverages are strictly prohibited on College premises, including residence hall rooms.
2. A student of legal age who possesses more than a total of 192 ounces of alcoholic beverages or exceeds any one of the following, even though in the privacy of his/her residence hall room, will be in violation of the mass quantity regulation:  
Twelve, 16-ounce containers of beer or equivalent; two liters of wine, (2 half gallons); twelve, 12-ounce wine coolers; or one liter of distilled spirits, (1 and ½ fifths)

### Alcohol Paraphernalia

Alcohol paraphernalia, including but not limited to, empty alcohol containers, is strictly prohibited on College premises and in residence hall rooms.

### Off Campus Conduct

Conduct which occurs off campus that is a violation of state, federal, or local law, or has a detrimental impact on the college may result in college judicial action.

### Drugs

1. The possession, use, or distribution of illegal controlled substances is strictly prohibited on College premises.
2. The manufacture, delivery or possession with the intent to manufacture or deliver a controlled substance as prohibited by the WV Code (Vol. 17, Chapter 60A) is also strictly prohibited by the College. This applies to drugs that have a high potential for abuse, may lead to chemical dependence, and are required by law to be prescribed or administered under supervision of physician.
3. Drug paraphernalia is strictly prohibited. Drug paraphernalia includes, but is not limited to, rolling papers, roach clips, water bongs, pipes, etc. or anything fashioned for such use.

### State and Federal Laws

State and federal laws prohibit the manufacture, possession, sale and trafficking of marijuana and other drugs. State law



also controls the sale, distribution, possession and consumption of alcoholic beverages except in a licensed establishment.

### Education and Treatment Resources

The Health and Counseling Center staff provides educational, assessment, counseling, consultation, and support services for individuals and groups interested in the prevention and treatment of various addictions. The Health and Counseling Center website offers a variety of Resource Links for more information. Specific educational and assessment services for students are offered on both a voluntary and mandatory basis.

The Health and Counseling Center and the WWC Library have many resources, including books, videos, newsletters, and pamphlets for student, staff, and faculty use.

In addition, West Virginia Wesleyan College participates in Alcohol-Edu, an on-line educational program required of all first year students through the Freshman Seminar courses. Programs on alcohol and other drugs are also offered throughout the year in our residential living areas; and, our Wellness 'Issues Team,' which is part of our Center for Community Engagement and Leadership Development, focuses on this critical area as well.

### Off-Campus Resources

OFF CAMPUS RESOURCES	
Appalachian Community Health Center	304-472-2022
Alcoholics Anonymous Meetings	800-333-5051
Chestnut Ridge Hospital Health Line	800-982-8242
Family and Marital Counseling	304-269-3923
Focus Solutions	304-924-6925
Life Reflections	304-637-1002
National Sexual Assault Hotline	800-656-HOPE
Phoenix Psychological & Counseling Assn	304-622-6404
Professional Counseling Center	304-641-8334
Progressive Preventive Health Care	304-842-8852
Women's Aid in Crisis	304-636-8433

### Judicial Sanctions and Legal Consequences

Violations of campus alcohol and other drug policies, as well as local, state and federal laws, are taken most seriously by the College and by local law enforcement. A thorough summary of judicial sanctions and possible legal consequences is provided under separate cover and disseminated to all Wesleyan students each year.

### Hazing Policy

#### Policy for Hazing Related Incidents

West Virginia Wesleyan College seeks to promote and provide a safe environment where students may participate in activities and organizations without compromising their emotional or physical health, safety or welfare. It is, therefore, the College's policy that **hazing is strictly prohibited**. The impact of hazing activities can result in

irrevocable harm to its victims, their families and the College community, undermining the value of these experiences for many individuals.

Prevention of hazing is the responsibility of every member of the College community. Each organization, as well as each individual, must uphold the basic community values of being just, civil and respectful of the rights of others. A respect of College policies, procedures and community expectations is also critical to the health and wellbeing of our community.

#### Definitions:

**Organization** - "Organization" will specify an athletic team, association, order, society, cooperative, club, student organization, fraternity, sorority or other similar group that is affiliated with the College and whose membership consists primarily of students enrolled at the College. "Organization" includes a local chapter, unit or other local division consisting primarily of students, regardless of the nature of the membership of the larger public or private organization.

**Hazing** - "Hazing" is defined as an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization, could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual. Examples of hazing include, but are not limited to: humiliating, intimidating, or demeaning treatment; the destruction or removal of public or private property; behavior involving the coercive consumption of alcohol, other drugs, or other substances; or, rituals or systems that encourage the violation of any College policies or procedures or local laws and statutes.

### Alcohol Consumption and Hazing

Any consumption of alcohol, other drugs, or other substances that is "an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization" is hazing. This definition is applied regardless of the level of pressure to drink and will be classified as a level one offense.

### Disciplinary Oversight of Reported Incidents

The "committee on hazing" will oversee the investigation and adjudication, when warranted, of all reports concerning alleged hazing activities with individuals and/or organizations. Specifically, the committee will determine the level of concern and then assign jurisdiction to address the alleged violation. The committee reserves the right to adjudicate the case or refer to other prearranged procedures such as a "show cause hearing" with Greek Life organizations or refer the case to the College's judicial system.

A minor incident may be referred to the advisor, coach, or self-governing board for remediation of the reported concern. This individual will then be expected to provide a written report of corrective action to discourage future behavior of this nature.

Files of all reported hazing incidents will be maintained by the Chief Judicial Officer, who will examine the data and inform the College of any problematic trends, while also assisting the institution in its efforts to respond with appropriate consequences for any repeat offender(s).

The "committee on hazing" will consist of the following: Dean of Students, Director of Greek Life, Title IX Coordinator,

Director of Athletics, one faculty member, and one student. All appointments to this committee are made annually by the Vice President for Student Development.

### **The Goal/Purpose of This Hazing Policy**

Wesleyan's goal, when possible, is to **educate and promote change within organizations that have been accused of and found guilty of hazing**. In most cases, fraternities and sororities that are accused of and found guilty of hazing will be required to participate in the Anti-Hazing Compliance Program in which they will work with a consultant to revise their new member recruitment process(es). Athletic teams are subject to College policy and NCAA rules; and, any reported hazing incidents will be addressed by the Director of Athletics. In some hazing cases, however, it is neither feasible nor appropriate to seek change. In such cases, the offending organization will be closed, forfeiting its recognition as an official organization and all the rights and privileges therein.

## **The Student Conduct System**

Director of Campus Life/Chief Student Conduct Officer delegates the daily management of the Student Conduct system to the Assistant Director of Campus life that is designated as the Student Conduct Officer. The Student Conduct Officer will:

1. Assign cases of alleged violation of regulations to the appropriate hearing body based upon the severity of the infraction, the nature of the regulation and the residence of the student(s) involved;
2. Determine the disciplinary charges to be filed;
3. Interview and advise parties involved in disciplinary proceedings;
4. Select, supervise, train, and advise all College Student Conduct Board members and student advocates;
5. Maintain all student disciplinary records..

### **College Student Conduct Board**

The College Student Conduct Board is composed of students selected by the Executive Committee of Student Senate and the Director of Campus Life; faculty members chosen by Faculty Senate; and, administrative/staff members recommended by Staff Council. For each hearing, there shall be a hearing panel consisting of two (2) students, two (2) faculty and/or administrative staff and one (1) faculty chairperson. A panel member should disqualify himself/herself or may be disqualified from hearing a case if he/she is personally involved or biased, or has prior knowledge of the case to be heard. The hearing panel must deliberate until a decision is reached. When consensus is not possible, a majority vote will decide the case. The College Student Conduct Board may impose any sanction contained in the Code of Conduct.

### **Student Conduct Officer**

The Assistant Director of Campus Life, or designated members of the Student Development Staff, may conduct Disciplinary Conferences involving students charged with minor violations of the Code of Conduct or Residence Hall Policies.

### **Inter-fraternity and Panhellenic Councils**

Inter-fraternity Council and Panhellenic Council:

Infractions involving Organizational misconduct will be handled by the Office of Greek Life and will be subject to the scrutiny of the Student Development Leadership team as per the guidelines for College interactions with Greek organizations document that was executed and approved by the board of trustees during the 1998 spring meeting. Definition of Organizational misconduct are outlined in the Greek Life Leadership Manual.

In most cases, alleged Individual misconduct will be handled by the college's Student Conduct system. The Director of Greek Life and the Director of Campus life will make the final determination. All Student Conduct records will be on file within the Office of Greek Life and the Student Conduct officer of the college.

### **Case Referrals**

Any member of the West Virginia Wesleyan College Community may refer to the Student Conduct Officer, a student, student group, or organization suspected of violating the Code of Conduct. Persons making such referrals are required to provide information pertinent to the case and may be expected to appear before a College Student Conduct Board as the complainant. The statement of information will be used in disciplinary proceedings.

### **Hearing Referrals**

The Student Conduct Officer will review case referrals to determine whether the alleged misconduct might result in Student Conduct action. Students subject to those sanctions may be afforded a hearing before the College Student Conduct Board. Other cases will typically be resolved in informal Disciplinary Conferences as referred/determined by the Student Conduct Officer.

Admission of responsibility generally results in a Disciplinary Conference rather than a Student Conduct Hearing. The full range of sanctions authorized by this Code may be imposed in such instances, and the right to appeal will be applicable as specified in the related section of this handbook.

During certain times of the year (e.g., early in the semester, during final examinations, summer), when it is difficult for the College Student Conduct Board or an Appeals Committee to convene because of scheduling, students subject to disciplinary action may participate in a hearing conducted the Assistant Director of Campus Life or other member of the Student Development Staff. The full range of sanctions authorized by this Code may be imposed in such instances, and the right of appeal will be applicable as described in the appeal section of this handbook.

### **Notification Process**

Students will be notified through the college e-mail system of disciplinary conferences, Student Conduct hearings, sanctions and other important information. Students are expected to check their e-mail regularly in order to ensure that they receive information in a timely manner.

### **Procedural Standards**

The focus of inquiry in disciplinary proceedings shall be to determine the responsibility of those accused of violating disciplinary regulations. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding. Students will be notified regarding the College policies they are alleged to



have violated prior to a conference or a hearing. However, during interviews with the student and/or witnesses, information may surface regarding additional policies that may have been violated. For this reason, additional policy violations may be considered, adjudicated upon, and sanctioned, as necessary. The student will be afforded the opportunity to provide a statement regarding any policy violations that are reported before or during a conference or hearing.

Campus Student Conduct Cases are based on a Preponderance of the Evidence Standard, meaning it is more likely than not that the accused student violated the college's policies.

### Disciplinary Conference Procedures

Disciplinary Conferences will be conducted by the Assistant Director of Campus Life. A Disciplinary Conference normally consists of an informal, non-adversarial meeting between a student and the Assistant Director of Campus Life. Those bringing charges of violation are not required to participate unless their personal testimony is essential to the resolution of a factual issue in the case.

1. Documentary evidence and written statements are relied upon, and the student is allowed to respond to them at the conference.
2. The Disciplinary Conference is normally not used in cases that might result in any form of separation from the College.
3. As is indicated in the notification sent to students via e-mail, students must contact the Office of Campus Life within 48 hours to schedule a disciplinary conference. If this is not done, the conference will be held in the student's absence. Absence from the disciplinary conference will not be grounds for appeal.

### College Student Conduct Board Hearing Procedures

1. Pending action on charges of violation of College regulations, the status of a student may not be altered, nor may the right to be present in class or on campus be suspended, except as provided in Interim Suspension.
2. Students will be given formal electronic notice of the hearing date and the specific charges at least three (3) days in advance and will be given reasonable access to the case file, which will be retained by the Student Conduct Officer.

3. Students will be assigned a Student Advocate who will meet with the student prior to the Student Conduct Board Hearing and advise the student on his or her rights, as well as the hearing procedures. The Student Advocate cannot serve as the student's Advisor during the Student Conduct Board Hearing.
4. Students will be afforded a hearing before members of the College Student Conduct Board within seven (7) class days from the date of notice of the hearing. Students shall have the right to an advisor of their choice to assist and advise in presenting their case. Such advisors shall be members of the West Virginia Wesleyan College community (i.e. any student in good standing, faculty, staff or administrator). Advisors shall be present to observe and advise the student; but may not participate in the proceedings. Advisors may not also serve as a witness, even as character witnesses, during the proceedings.
5. Outside legal counsel will not be permitted unless there is pending criminal or civil action or the reasonable expectation that criminal charges shall be filed. In that case, the student's attorney may be present to observe and advise the student but may not participate in the proceedings. The determination of the pendency of actions and participation guidelines will be outlined by the Student Conduct Officer.
6. If the student chooses not to attend his/her hearing, the proceeding will take place in the student's absence. The student's absence from this proceeding will not constitute a reason for appeal.
7. Hearings shall be closed to the public.
8. All hearings of the College Student Conduct Board shall be audio-taped from the beginning of the hearing through deliberations and the issuing of the final decision. These tapes will be erased and/or destroyed upon completion of the appeal process or at a time when students may no longer appeal the decision of the Student Conduct Board, based on time limitations set forth in the appeal process.
9. Students shall have the right to present information on their own behalf, including the ability to present a reasonable number of witnesses, as well as to refrain from presenting information against himself/herself. The College Student Conduct Board may take note of the refrainment from testimony.
10. The College Student Conduct Board will render a decision solely on the information presented during the hearing and, in its review of the case, is not required to follow formal rules of evidence.
11. The College Student Conduct Board may exclude at its discretion repetitious or irrelevant information. Participants are expected to treat each other with courtesy and respect. Any person who disrupts a hearing may be dismissed from the hearing by the College Student Conduct Board and the hearing would then continue in his/her absence.
12. Witnesses shall provide true and correct information and may be subject to charges of violation of College regulations upon providing false information.
13. Prospective witnesses shall be excluded from the hearing except during their own testimony.
14. In cases involving more than one accused student, either party may request separate hearings. The Student Conduct Officer will determine if the request will be granted.



15. An accused student shall have the right to question, through the Student Conduct Board, adverse witnesses, as determined by the Student Conduct Officer.
16. The burden of proof shall be upon those bringing charges who must establish the responsibility of the accused student by a preponderance of evidence.
17. All parties shall be excluded from the deliberations of the College Student Conduct Board.
18. Decisions of the College Student Conduct Board will be by majority vote.
19. After considering the facts and reaching a decision, the College Student Conduct Board will consult the student's discipline file prior to determining the sanction.
20. When determining sanctions, the College Student Conduct Board may consult with the Chief Student Conduct Officer and/or the Student Conduct Officer regarding the scope and implementation of sanctions under consideration, if necessary.
21. The decision of the College Student Conduct Board must include a written summary of the testimony which will be sufficiently detailed to permit review in the appeal process.
22. The decision of the College Student Conduct Board shall be accompanied by a brief written opinion.
23. The decision will be conveyed to the accused student by the Student Conduct Hearing Board directly following deliberations and will then be forwarded in writing to the student and other appropriate persons within two (2) class days after the close of the hearing.



## Sanctions

**Disciplinary dismissal** is the permanent separation of the student from the College. Notification will appear on the student's transcripts. The student will also be barred from College premises. A copy of the notice is sent to the parent or guardian of all dependent students and to appropriate College personnel.

**Suspension** is the separation of the student from the College for a specified period of time, after which the student may apply for readmission to the College. Permanent notification may appear on the student's transcript at the discretion of the Student Conduct Board. During the term of the suspension, the student shall not participate in any College-sponsored activities and shall be barred from College premises. A copy

of the notice of suspension is sent to the parent or guardian of dependent students and to appropriate College personnel.

**Interim Suspension:** Director of Campus Life or his/her designee may suspend a student for an interim period pending disciplinary proceedings or medical evaluation. Such interim suspension is to become immediately effective without prior notice whenever there is evidence that the continued presence of the student on the College campus poses a substantial threat to himself/herself or others, or to the stability and continuance of normal College functions, or to the basic ideals and standards, the College seeks to maintain. A student suspended on an interim basis shall be given an opportunity to return to campus at a given time for a hearing before the College Student Conduct Board within three (3) class days, if possible, from the effective date of the interim suspension. The hearing shall then be held on the following issues:

1. The reliability of the information concerning the student's conduct, including the matter of the student's identity.
2. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to the student or others or to the stability and continuance of normal College functions, or to the basic ideals and standards the College seeks to maintain.
3. If a continued separation from the college is not warranted, what sanctions, if any, are most appropriate.

**Disciplinary Probation:** A student is provided written notice that he/she has been found in violation of a standard contained in College regulations that warrants significant corrective action. Further violation will subject the student to more severe Student Conduct action. Probation shall be for a specified time, and may involve conditions or restrictions, identified at the time the probation is assigned. Depending on the violation, disciplinary probation might include ineligibility to publicly represent the College in co-curricular activities, including (but not limited to) athletics, chorale, and theatre; loss of student employment; restrictions from participation in clubs, organizations, and activities including (but not limited to) student senate, Greek life, intramurals, athletics, and social events. Disciplinary probation might also include the removal from residential facilities and restrictions from entering non-academic buildings. An individual currently on academic or Student Conduct probation may not pledge a Greek organization.

**Written Reprimand:** The student is given written warning that any further misconduct may result in more severe disciplinary action. The Chief Student Conduct Officer or designee may initiate letters of reprimand.

**Restitution:** The student is required to make payment to the College or to other persons, groups, or organizations for damages incurred because of a violation of College regulations. Restitution charges are reimbursements to the College persons and should not be confused with fines.

**Active Sanctions:** Policy violations may result in referral to the Counseling and Health Center for assessment and follow-up. These assessments can be mental, physical, behavioral, or developmental in nature. Students may also be required to



complete other active sanctions, including but not limited to, attending life skills workshops, participating in community service projects, and completing educational and reflective projects.

**Fines:** Fines will not be issued as initial sanctions except for violations of fire safety and check-in/out procedures. Fines may be issued for failure to complete an active sanction. Fines will range from \$5-\$500 depending on the nature of the violation and/or the severity.

**Other sanctions** may be imposed instead of, or in addition to, those specified above. Students may be subject to dismissal from College housing for violations that occur in the residence halls or elsewhere. In cases where this sanction is imposed, the student will receive a refund of board charges prorated to the date of removal from College housing. Room charges will not be refunded.

Termination of student employment, restrictions on participation in fraternity/sorority pledging/membership activities, restricted access to College facilities or equipment, and/or loss of College recognition or institutional means of support (for student organizations), are examples of sanctions which may be imposed.

**Structured Mediation Procedure:** The Student Conduct Officer may refer to structured mediation those cases involving interpersonal conflicts—if the misconduct does not warrant suspension or dismissal, and if the conflicting parties agree to voluntary participation in all sessions outlined by the mediator. Educational sanctions, intended to foster individual or community development, may be imposed by the Student Conduct Officer. These sanctions become an addendum to the final agreement.

Non-compliance with the terms of the agreement or addendum will result in immediate referral to the College Student Conduct Board. The charge of non-compliance will be added to the existing charges.



The following are acceptable grounds for appeal:

1. Insufficient evidence to warrant the Student Conduct outcome;
2. Evidence of prejudicial error;
3. Discovery of new evidence which could affect the decision;
4. Excessive penalty; and/or,
5. Substantial violation of hearing procedures.

Students requesting an appeal must submit a letter to the Director of Campus Life within three (3) school days from receipt of the written decision. This letter must be submitted by the student in person or via e-mail. All information to be considered with the appeal must be included at this time. Failure to request an appeal within the designated time will render the original decision final and conclusive.

Appeals shall be decided upon findings of fact and upon written briefs submitted by the parties. In the event that a key point is in contention, the Appeal Council may call witnesses or seek other processes/methods through which to determine the facts.

The Director of Campus Life or the Appeal Committee may:

1. Deny the appeal;
2. Affirm the finding and the sanction imposed by the original College Student Conduct Board or hearing officer; or,
3. Decide on a different sanction based on the information presented. It should be noted that the Appeal Council may impose any of the sanctions listed in the Code of Student Conduct, including a more severe sanction than was originally rendered.

Decisions of the Appeals Process, which result in dismissal or suspension from the College, may be appealed to the President of the College or his/her designee.

A written brief in support of the appeal must be submitted to the Office of the President of the College within three (3) class days from the date of the letter notifying the student of the decision rendered by the Appeal Council. A copy of this written brief should be submitted to the Director of Campus Life.

Once an appeal has been submitted, the imposition of sanctions will be deferred pending the outcome of the appeal unless the Chief Student Conduct Officer determines that it is against the best interest of the campus community.

### Disciplinary Records

1. A file on each student involved in a disciplinary action will be kept in the office of the Student Conduct Officer. This file will contain a copy of all material relevant to the case and its disposition. This file will be cumulative in nature.
2. The file will be maintained in the Student Development Office until the student graduates from the College and then it shall be archived. For students who withdraw from the College, disciplinary records will be retained in the file through the end of the year in which the student was initially expected to graduate and then be destroyed. If the student is readmitted to the College, such records will be maintained through the adjusted graduation date and will then be archived. Regular Student Conduct files are archived for seven years; files of students who are dismissed from the College are kept permanently.
3. This file may be viewed by the Director of Campus Life, Student Conduct Officer or a designee. It may not be viewed by anyone outside the administrative or Student Conduct system. This file may be examined during normal office hours by the student; and, requests to correct any alleged errors will be submitted to the Student Conduct Officer. With the

permission of the student, this file may be shared with a professor or administrator who is recommending the student for a grant, award, internship, etc. The file may also be shared with an advisor who is working with the student on an appeal or subsequent hearing.

4. This record will be confidential and will only be released to a valid subpoena from the court.

### Annual Review/Annual Security Report

The Student Development Leadership Team is charged with the responsibility of conducting an annual review of the Code of Conduct. This review will include any suggested revisions approved by Student Senate and other relevant offices/staff members. Ultimate approval of any revisions will be the responsibility of the Student Development Leadership Team in consultation with the President of the College. The Student Development Leadership Team or his/her designee is also charged with compiling the college's Annual Security Report, file each year by October 1 in accordance with the Department of Education's guidelines.



### Administrative Withdrawal

The Student Code of Conduct contains policies and procedures necessary for establishing reasonable standards to maintain order, support the educational purposes of the institution, promote the rights and responsibilities of the individual, and protect the safety and well-being of community members. Consistent with these endeavors, the Administrative Withdrawal Policy provides an avenue for the involuntary withdrawal of a student given certain criteria.

The Administrative Withdrawal Policy is not a substitute for appropriate disciplinary action as outlined in the Code of Conduct; however, it may be used as an alternative when a student exhibits acute or persistent psychological/medical problems or harmful behavior.

### Standards for Administrative Withdrawal

A student may be involuntarily withdrawn from the College and/or College Housing if it is determined that the student:

- Engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others;
- Engages, or threatens to engage, in behavior that substantially impedes the lawful activities of others, and/or substantially interferes with the educational or residential environment of members of the College community;
- Demonstrates the inability to self-monitor and/or regulate personal behavior and/or expression, resulting in a reasonable possibility that serious physical harm (to oneself or others) might occur within a short period of time;
- Commits a violation of the Code of Conduct and lacks the physical or mental capacity to comprehend and participate in the College's disciplinary process; and/or,
- Commits a violation of the Code of Conduct and did not understand the nature of the wrongfulness of the conduct at the time of the offense.
- Fails to attend class regularly and early alert reports document excessive unexcused class absences
- Fails to satisfy financial obligations to the institution

### The Process

The Behavioral Intervention Team initiates the Administrative Withdrawal Policy for the student when any member of the College community who reasonably believes that a student may meet one of the involuntary withdrawal standards contacts the Early Alert Response Team, and/or the student is referred for a possible Code of Conduct violation, and the conduct is such that it may meet one or more of the involuntary withdrawal standards.

After this notification, the Behavior Intervention Team conducts a preliminary review of the information, including any documentation of relevant behavior or incidents and an informational meeting and interview with the student.

After the review, a determination will be made considering the following options:

- The student does not meet the standard for involuntary administrative withdrawal; however, given the circumstances, a referral for a disciplinary hearing may be warranted and initiated.
- The student does not meet the standard for involuntary administrative withdrawal; however, sufficient concern warrants a referral to the Counseling Center or other mental health professionals for an assessment. In addition, a letter of understanding indicating that future persistent or escalating behavior will result in administrative action.
- The student meets the conditions for an involuntary administrative withdrawal but voluntarily withdraws from the institution. If future enrollment is an option, the Behavior Intervention Team outlines the conditions necessary for consideration of re-admission.

- The student meets the conditions for an involuntary administrative withdrawal and a referral to the Dean of the Faculty is made. The Dean of the Faculty will review the referral from the Behavior Intervention Team and render a final decision. If the severity of the student's behavior warrants, an interim suspension (as outlined in the Student Code of Conduct) will be enacted and an evaluation by a mental health or medical professional may be required. The Dean of the Faculty will notify the student in writing within two days of the decision. A formal letter, specifying the decision and any contingencies, will be sent to the student's campus mailbox, residence hall room, and email. A copy of this letter will also be sent to the student's parent(s)/legal guardian(s).

### Appeal Process

The student has the right to appeal a decision involving separation from the College. The President or his/her designee will hear the appeal and render a decision. This decision will be final.

### Conditions for Readmission

Any student who voluntarily or involuntarily withdraws from the College may be subject to specific conditions for re-admission. These conditions are decided on a case-by-case basis and may include, but are not limited to the following:

- Submission of a psychological assessment by a qualified mental health professional. The assessment must include a decision about the individual's readiness to return to school and any treatment or other recommendations that are in the best interest of the individual.
- Restriction from residing in or entering residential facilities.
- Successful completion of coursework at another institution or verification of successful employment.
- Review by the Behavior Intervention Team in consultation with the Director of Counseling Services.

### Failure to Comply

A student's failure to attend, comply, or adhere to any aspect of this process or the conditions stipulated will result in an involuntary withdrawal or suspension from the College.

### Center for Restorative Justice

Restorative Justice is a set of convictions and practices for addressing harm, asking questions like:

- What needs are created when harm occurs in a community?
- What kinds of obligations emerge?
- How can wrongdoers be held accountable and brokenness repaired?

It is also an ethos—an intentional way of being—in which trust, friendship, equity, vulnerability, joy, and the flourishing of all are its visible features. The Center for Restorative Justice at WVWC is active on campus and across the state in settings as diverse as K-12 education, addiction recovery, and juvenile justice.

### Employee Discipline

West Virginia Wesleyan College wishes to promote and maintain friendly working relationships at all times. Employees are expected to know the policies of conduct. If observed, policies will help to correct small problems before they become more serious and will encourage good employee/employer relationships.

The College maintains the right to employ corrective measures when an employee's conduct is contrary to established standards. Acts by an employee which, in the judgment of the College, constitute behavior warranting disciplinary action short of discharge may subject the employee to progressive, corrective disciplinary action.

Employees are subject to discipline, suspension or termination of their employment. When notified by the College of pending disciplinary action, the employee subject to the disciplinary action shall have the right to have a representative present. It is understood and agreed that employees who commit any act considered by the College to constitute gross misconduct may be subject to immediate disciplinary action up to and including termination of employment.







## West Virginia Wesleyan College

### Crime Statistics 2021

(January 1 - December 31, 2021, reported in 2022)

\*Note: the College was closed due to COVID March 15, 2020 to December 31, 2020

<b>Criminal Offenses - On-campus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
<b>Sex offenses - Forcible</b>			
Rape	2	0	0
Fondling	1	0	0
<b>Sex Offenses - Non-Forcible</b>			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor-vehicle theft	0	0	0
Arson	0	0	0
<b>Criminal Offenses - On-campus Student Housing Facilities</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
<b>Sex offenses - Forcible</b>			
Rape	2	0	0
Fondling	1	0	0
<b>Sex offenses - Nonforcible</b>			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor-vehicle theft	0	0	0
Arson	0	0	0
<b>Criminal Offenses - Public Property</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
<b>Sex offenses - Forcible</b>			
Rape	0	0	0
Fondling	0	0	0
<b>Sex offenses - Nonforcible</b>			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor-vehicle theft	0	0	0
Arson	0	0	0
<b>Criminal Offenses - Noncampus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
<b>Sex offenses - Forcible</b>			
Rape	1	0	0
Fondling	0	0	0
<b>Sex offenses - Nonforcible</b>			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor-vehicle theft	0	0	0
Arson	0	0	0

<b>HATE CRIMES</b>			
Where applicable, there will be a breakdown by category of bias: Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability, Ethnicity, and National Origin			
2019 - There were no Hate Crimes reported			
2020 - There were no Hate Crimes reported			
2021 - There were no Hate Crimes reported			
<b>VAWA Offenses - On Campus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Domestic Violence	0	0	0
Dating Violence	1	1	0
Stalking	1	0	0
<b>VAWA Offenses - On Campus Residence Halls</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Domestic Violence	0	0	0
Dating Violence	1	1	0
Stalking	0	0	0
<b>VAWA Offenses - Noncampus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
<b>VAWA Offenses - Public Property</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	0
<b>Arrests - On- campus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Liquor Laws	1	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0
<b>Arrests - On-campus Residence Halls</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Liquor law violations	1	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0
<b>Arrests - Public Property</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0
<b>Arrests -Noncampus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0
<b>Disciplinary Actions/Judicial Referrals - On-campus</b>	<b>2019</b>	<b>2020*</b>	<b>2021</b>
Liquor law violations	48	5	4
Drug law violations	21	7	3
Illegal weapons possession	1	0	0
*Note: the College was closed due to COVID March 15, 2020 to December 31, 2020			
<b>Disciplinary Actions/Judicial Referrals - On-campus Student Housing Facilities</b>	<b>2019</b>	<b>2020*</b>	<b>2021</b>
Liquor law violations	48	5	14
Drug law violations	21	7	7
Illegal weapons possession	1	0	0
*Note: the College was closed due to COVID March 15, 2020 to December 31, 2020			
<b>Disciplinary Actions/Judicial Referrals - Public Property</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0
<b>Disciplinary Actions/Judicial Referrals - Noncampus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0



# Annual Fire Safety Report - 2021

The Higher Education Opportunity Act, enacted August 4, 2008, requires institutions that maintain on-campus student housing to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this Act for West Virginia Wesleyan College.

**Definitions:** We have provided definitions from the Higher Education Opportunity Act:

**On-Campus Student Housing**—A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

**Fire**—Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

## Evacuation Routes and Assembly Points

**Responsibilities of Residents:**

Residents are defined as students, guests, or faculty/staff who reside in Housing & Residence Life–owned properties. **EVACUATION SHOULD BE THE RESIDENTS' ONLY CONCERN** All residents must remain calm, move quickly (no running) and remain out of the way of emergency personnel and associated equipment. When exiting the building and proceeding to the preplanned assembly area, remain at least twenty feet away from the building walls and overhangs. Facility Evacuation Routes Housing & Residence Life is responsible for reviewing designated evacuation routes and assembly points with residents at the start of each semester. Students should be aware of all alternative routes in the event the primary routes are blocked. In the event you are unable to exit the building: • Remain calm, do not panic. • Remain low; crawl if necessary. • Place a cloth, wet if possible, over your mouth/nose to serve as a filter. • Place clothing/towels, wet if possible, around your doors to block smoke from entering your room. • Use your phone to inform the fire department of your location. If the phone is not working you should signal for help from a window. Use a towel, clothing, sign, etc.



## Emergency Evacuation Procedures

Evacuation drills are coordinated in the following manner:

### Residence Halls:

The Office of Campus Life works with the Office of Campus Safety and Security and the local fire department to schedule fire evacuation drills twice a year. These drills are unannounced and designed to educate our occupants about drill procedures, exit locations, and the sound of the fire alarm system. In addition, the drills allow the college the opportunity to test the fire alarm system components, familiarize the local fire department with the layouts of our residence halls and check for any unapproved extension cords, appliances, etc. Emergency evacuation floor plans are located on the back of each residence hall door.

### Academic and Office Buildings:

The college's physical plant works with the Office of Campus Safety and Security to schedule fire evacuation drills twice a year in academic and office buildings. These drills are unannounced and designed to educate our students, faculty and staff about drill procedures, exit locations, and the sound of the fire alarm systems. In addition, the physical plant has the opportunity to test the components of the fire alarm systems.

Evacuation floor plans are located in each classroom/office.

## Fire Safety Education and Training Programs for Students, Faculty and Staff

The overall goal of the WVWC Fire Safety Program is the protection of life and property. Through training programs, College staff, faculty and students are educated on fire safety practices. We teach employees and students how to recognize and prevent fire hazards, and what actions they are to take in the event of a fire or other emergencies (bomb threats, inclement weather, etc.). Typically, this training will include a hands-on training in the proper use of fire extinguishers. At the beginning of each school year, the Residence Life Office in cooperation with Buckhannon Fire Department and the Office of Campus Safety and Security conducts training for all resident advisors (RA's) and resident directors (RD's or GRD's). The College provides RA's information and training on how to respond properly to emergency situations such as natural disasters, fires, evacuations, assaults, crime, etc. It also provides evacuation training and information to all students living within the residence hall system.

## Fire Incident Reporting

Students, faculty and staff should call **911** to report a fire emergency.

For non-emergency notification, call:

- |                              |              |
|------------------------------|--------------|
| • Campus Safety and Security | 304-473-8011 |
| • Office of Campus Life      | 304-473-8431 |
| • WVWC Physical Plant        | 304-473-8367 |

## Procedures for Student Housing Evacuation

For your safety and protection, remember, in case of fire, get out as quickly as possible, and leave the firefighting to the

professionals. All residents and guests **MUST** evacuate when the building fire alarm systems sound.

### What to do in case of a fire

When the fire alarm sounds, you must evacuate the facility. Never assume it is a drill or false alarm; treat each alarm as the real thing.

1. Feel your door knob before opening it:
  - If the knob is hot, do not open the door.
  - If the knob is not hot, brace yourself against the door and open it slightly.
 If heat or heavy smoke is present in the corridor, close the door and stay in the room. Keep low to the floor if smoke is present.

#### If you **CAN** leave the room

- Wear shoes; if possible, carry wet towels.
  - Close all doors behind you to retard the spread of smoke.
  - If you are in another part of the building, do not return to your room.
  - Go to the nearest exit or stairway. **NEVER USE AN ELEVATOR.**
- If the nearest exit is blocked, use an alternate route. If all exits are blocked, go back to your room and close the door. Follow the procedures described below. • Never re-enter the building until staff indicates it is safe to do so.

#### If you **CANNOT** leave the room

- If possible, open the window at the top and the bottom to let out smoke and let in fresh air.
- **DO NOT BREAK THE GLASS.** Smoke and fumes may be drawn in through the windows. You must be able to close the window if necessary.
- **CALL 911**, shout for help. Seal cracks around the door with towels or bed linens to keep out smoke. Stay near the floor when possible.
- Hang a sheet, jacket, shirt or other object in or outside the window to attract attention.

#### If you discover a fire, do not endanger yourself

- **PULL THE NEAREST ALARM BOX.**
- Shout a warning. Repeat it.
- Leave the building and **CALL 911**, even if a small fire has been quickly extinguished



Fire Evacuation for On-Campus Housing		
Residence Hall	Evacuation location	Location to relocate in case of no re-entry
<b>NOTE: Always use the stairs when evacuating the building. Never use the elevator.</b>		
Agnes Howard Hall	Residents need to evacuate to the Erickson Alumni parking lot	Chapel
Benedum Hall	Residents need to evacuate to the Chapel oval	Chapel
Doney Hall	Residents need to evacuate to the Lily garden area	Gym - Green Room
Dunn Hall	Residents need to evacuate to the fountain area	Chapel
Fleming Hall	Residents need to evacuate to the Lily garden area	Gym - Green Room
Holloway Hall	Residents need to evacuate to the Chapel oval	Chapel
Jenkins Hall	Residents need to evacuate to the Chapel oval	Chapel
McCuskey Hall	Residents need to evacuate to the Lily garden area	Gym - Green Room
52 Randolph	Residents need to evacuate to the Camden parking lot	Gym - Green Room
60 Randolph	Residents need to evacuate to the Camden parking lot	Dunn Hall lobby
72 Randolph	Residents need to evacuate to the lawn of Holloway Hall	Holloway Hall lobby
48 Meade	Residents need to evacuate to the lawn of Agnes Howard Hall	Agnes Howard Lobby
57 Meade	Residents need to evacuate to the lawn of Agnes Howard Hall	Agnes Howard Lobby
59 Meade	Residents need to evacuate to the lawn of Agnes Howard Hall	Agnes Howard Lobby
75 Meade	Residents need to evacuate to the lawn of Holloway Hall	Agnes Howard Lobby
82 Barbour	Residents need to evacuate to the lawn of Agnes Howard Hall	Holloway Lobby
84 Barbour	Residents need to evacuate to the lawn of the Agnes Howard Hall	Agnes Howard Lobby
51 College	Residents need to evacuate to Agnes Howard Hall	Agnes Howard Lobby
53 College	Residents need to evacuate to Agnes Howard Hall	Agnes Howard Lobby
18 Baxter	Residents need to evacuate to the Library lawn	Library lobby

### Electrical Appliance Usages

- Power strips and surge protectors (including bed risers with built-in power extenders) must have a U.L. rating and must be fused with a reset switch. WVWC prohibits fused power strips used in series to create a longer cord.

- Extension cords are not permitted.

- All electrical cords must be out of the way of foot traffic. No electrical cords across the middle of the floors, hallways, doorways, etc

- Do not place any electrical cords underneath area rugs or clothing. WVWC only allows Ethernet (computer network) and coaxial (TV) cables placed under rugs, or taped down with duct tape to keep people from tripping over them. • No halogen lamps are allowed.

- No open flame or open burner or open coil appliances of any kind may be used; this includes George Foreman-type grills, toasters and toaster ovens and space heaters.

- Each room may have one microwave no greater than 1200 watts and one or two small refrigerator(s) not exceeding 3.3 cubic feet total capacity

. • The following appliances are approved for use in residence halls: – television sets – hair dryers – electrical curling irons/heating curlers with enclosed heating coil – computer equipment – sound system entertainment – lamps (except those prohibited above) – fans. These appliances are permitted as long as they have an automatic shut off: coffee maker, iron, and rice cooker.

Fire Systems in On-Campus Housing			
Residence Hall	Type of Fire Safety System	Fire Extinguishers	Fire Drills per academic year
Agnes Howard Hall	Hard wired smoke detectors in sleeping rooms that are not tied into the building alarms	Yes	2
Benedum Hall	Hard wired smoke detectors in sleeping rooms that are not tied into the building alarms	Yes	2
Doney Hall	Hard wired smoke detectors in sleeping rooms that are not tied into the building alarms	Yes	2
Dunn Hall	Hard wired central system with smoke detectors, pull stations and sprinklers	Yes	2
Fleming Hall	Hard wired central system with smoke detectors, pull stations and sprinklers	Yes	2
Holloway Hall	Hard wired smoke detectors in sleeping rooms that are not tied into the building	Yes	2
Jenkins Hall	Hard wired smoke detectors in sleeping rooms that are not tied into the building alarms	Yes	2
McCuskey Hall	Hard wired smoke detectors in sleeping rooms that are not tied into the building alarms	Yes	2
52 Randolph	Hard wired smoke detectors in each room/carbon monoxide detection	Yes	2
60 Randolph	Hard wired smoke detectors in each room/carbon monoxide detection	Yes	2
72 Randolph	Hard wired smoke detectors in each room/carbon monoxide detection	yes	2
48 Meade	Hard wired smoke detectors in each room/carbon monoxide detection	yes	2
57 Meade	wet pipe sprinkler system/ self contained water tanks with pumps, fire alarm/carbon monoxide system/detection – notification	Yes	2
59 Meade	wet pipe sprinkler system/ self contained water tanks with pumps, fire alarm/carbon monoxide system/detection – notification	yes	2
75 Meade	wet pipe sprinkler system/ self contained water tanks with pumps, fire alarm/carbon monoxide system/detection – notification	Yes	2
82 Barbour	Hard wired smoke detectors in each room/carbon monoxide detection	yes	2
84 Barbour	Hard wired smoke detectors in each room/carbon monoxide detection	Yes	2
51 College	wet pipe sprinkler system/ self contained water tanks with pumps, fire alarm/carbon monoxide system/detection – notification	yes	2
53 College	wet pipe sprinkler system/ self contained water tanks with pumps, fire alarm/carbon monoxide system/detection – notification	Yes	2
18 Baxter	Hard wired smoke detectors in each room/carbon monoxide detection	yes	2

## Fires reported on campus:

West Virginia Wesleyan College									
2021 Campus Safety and Security Fire Summary									
(reports for January 1, 2021 through December 31, 2021, filed in 2022)									
Residential Facilities	2019			2020			2021		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Agnes Howard Hall	1	0	0	0	0	0	0	0	0
Benedum Hall	0	0	0	0	0	0	0	0	0
Doney Hall	0	0	0	0	0	0	0	0	0
Dunn (New) Hall	0	0	0	0	0	0	0	0	0
Fleming Hall	0	0	0	0	0	0	0	0	0
Holloway Hall	0	0	0	0	0	0	0	0	0
Jenkins Hall	0	0	0	0	0	0	0	0	0
McCuskey Hall	0	0	0	0	0	0	0	0	0
52 Randolph	0	0	0	0	0	0	0	0	0
60 Randolph	0	0	0	0	0	0	0	0	0
72 Randolph	0	0	0	0	0	0	0	0	0
48 Meade	0	0	0	0	0	0	0	0	0
57 Meade	0	0	0	0	0	0	0	0	0
59 Meade	0	0	0	0	0	0	0	0	0
75 Meade	0	0	0	0	0	0	0	0	0
82 Barbour	0	0	0	0	0	0	0	0	0
84 Barbour	0	0	0	0	0	0	0	0	0
51 College	0	0	0	0	0	0	0	0	0
53 College	0	0	0	0	0	0	0	0	0
18 Baxter	0	0	0	0	0	0	0	0	0
Totals	1	0	0	0	0	0	0	0	0

