



WESLEYAN

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# Student Handbook

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Spring 2023

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## WELCOME

Spring 2023,

The West Virginia Wesleyan community extends you a warm welcome as we begin this new academic year! Each student's time here should be one of tremendous growth, exploration, and learning, but within the boundaries of guidelines that protect your rights as well as those of your fellow community members.

As a member of the Wesleyan community, you play a critical role in the quality of life on campus. Through your curricular and co-curricular pursuits, you are certain to make a difference at your 'home among the hills.' I challenge you to become involved and invested in our community through your participation as a student-athlete, as a member of one of our many clubs and organizations, through participation in community service projects, in one of our performing arts programs, in Greek life, or making a difference as a leader in one of our residence halls. Take advantage of our tutoring programs, our learning center, our student success center, our office of diversity, equity and inclusion, the library, our academic affairs office and the many faculty and staff who are here as your advocates. Don't forget to take time for YOU and take advantage of Bobcat Entertainment events, Outdoor Recreation trips, Religious Life events, the Wellness Center, the swimming pool, and intramurals. You won't be disappointed because the opportunities are endless!!!! Wesleyan is a place for you to feel comfortable, safe, valued and involved.

This handbook describes the expectations for behavior and conduct in the Wesleyan community and outlines the procedures to be followed when these expectations are not met. It is your road map, containing the policies and procedures that will guide you as a student while you live and grow in this community of scholars. Wesleyan is a place where individuals accept their obligations to others and where well-defined governance procedures guide behavior for the common good, where integrity and honesty are expected, where consideration for the needs and rights of others is an everyday occurrence and where conflict is acknowledged in a respectful manner.

My office is located in the Student Development suite of the Campus Center, please stop by for a visit. Together, we will have an awesome academic year! Welcome first year students and welcome back to the upper-class students.

Kind Regards,

Alisa M. Lively  
Dean of Students and Director of Campus Life



## MISSION STATEMENT OF WEST VIRGINIA WESLEYAN COLLEGE

West Virginia Wesleyan College challenges its students to a life-long commitment to develop their intellectual, ethical, spiritual, and leadership potential and to set and uphold standards of excellence. Firmly rooted in the liberal arts tradition and closely related to The United Methodist Church, the College is a community of learning based on fundamental principles formed at the intersection of Christian faith and liberal education: intellectual rigor, self-discovery, human dignity, mutual support, social justice, self-discipline, mental and physical wellness, the appreciation of diversity and the natural world, and the judicious use of resources. The College recognizes and affirms its interdependence with the external communities—local, regional, national, and global—and its covenant with the people of West Virginia to share its educational and cultural resources.

West Virginia Wesleyan College prepares its students through its curriculum of arts and sciences, pre-professional and professional studies, and its rich campus life program. As a residential institution of higher education, the College aspires to graduate broadly educated individuals who

- Think critically and creatively,
- Communicate effectively,
- Act responsibly,
- Demonstrate their local and world citizenship through service.

## LEARNING ENVIRONMENT

West Virginia Wesleyan College offers excellent technological and physical facilities to create an environment ideally suited for teaching and learning. The elegant steeple and classic Georgian design of Wesley Chapel set the architectural style of the campus, while a partnership with Dell provides a student-purchase computer program. In addition, we became a ubiquitous wireless campus in the summer of 2011. These efforts serve as the keystone of our comprehensive technology infrastructure. The oldest of Wesleyan's thirty-three buildings is Agnes Howard Hall, built in 1895 and listed on the National Register of Historic Places. It is one of eight residence halls on campus. Among the College's newest facilities are the Virginia Thomas Law Performing Arts Center, completed in 2009; the David E. Reemsnyder Research Center, which opened in 2010; Dunn Hall, a residence hall, which opened in the fall of 2011; and the O'Roark Nordstrom Welcome Center, which houses admissions and financial aid, our newest building. This 'front porch' of the campus, designed to welcome prospective students and their families, opened in the fall of 2014. The Wesley Chapel, Benedum Campus Center, Rockefeller Physical Education Center, and Holloway and Benedum Halls 'frame' the park-like atmosphere of the campus, offering students an attractive place to gather, study, and socialize. The beautiful fountain, which is now the focal point of this 'green space,' was constructed in the summer/fall of 2011. We now enjoy the 'Magic Mystic Fountain' as described in the lyrics of our alma mater.

Key academic buildings of the College include Christopher Hall of Science and the Reemsnyder Research Center, which house Wesleyan's stellar programs in biology, chemistry, computer science, engineering, physics, environmental science, mathematics, physics, and psychology. Modern, well-equipped laboratories complement the building's planetarium, herbarium, and greenhouse. McCuskey Hall, housing the art department, has studios for painting, drawing, ceramics, photography and printmaking, as well as a computer lab for graphic design. McCuskey also houses Sleeth Gallery, which regularly sponsors visiting artists' workshops and curated exhibitions. The Loar Memorial Building provides classrooms, practice rooms, and private studios for vocal and instrumental faculty and students in the Department of Music. Its recital hall seats audiences of 165 for performances and serves as rehearsal space for the department's many ensembles.





Its memorial lounge provides an attractive setting for formal gatherings. In keeping with Wesleyan's commitment to educational technology, Loar Memorial Building has a computer music lab integrating personal computers with instrumental keyboards for music composition, sequencing, analysis, and performance in an interactive group setting. The College recognizes the importance of quality facilities to support our students' academic pursuits.

Other academic buildings include Haymond Hall, which houses several academic departments including criminal justice, history, political science, and sociology. The Learning Center is also located in Haymond. The English faculty reside in the English Annex, which was originally constructed for Wesleyan's music department; and the upper floors of the Lynch-Raine Administration Building provide classrooms and faculty offices for Communication, Education and The Thomas Albinson School of Business, which was officially named in the fall of 2014.

The Martin Religious Center (MRC), aptly named after Dr. Stanley Martin, Wesleyan's President when this building was constructed, is connected to the Wesley Chapel and provides classrooms and faculty offices, primarily for the Religion and Philosophy Departments. The office of the College's Chaplain and Director of Religious and Spiritual Life is also located in the MRC. Middleton Hall, which is the only academic building on Camden Avenue, houses our School of Nursing and Helpdesk. In addition to faculty offices and classrooms, this building includes the Howard D. and Audrey Holden Naylor Nursing Simulation Labs, which help nursing students gain real-world experience within the safety of their classroom.

We continually seek to provide classrooms and laboratories which enhance the learning experience of our students. Likewise, each of our residential living areas has study rooms that afford our students the opportunity to work on their academic responsibilities as their schedules allow and as they prefer—very early in the morning or even well into the night!

## ADMINISTRATIVE AUTHORITY

The Board of Trustees of West Virginia Wesleyan College is the policy-making body for the College and possesses by legal charter ultimate authority for the institution. The Trustees have entrusted the President of the College with the responsibility and authority to develop and supervise the operation of the disciplinary function. The President, in turn, has designated the Dean of the Faculty, Human Resources Office, and Dean of Students as the primary officers in charge of the maintenance and supervision of the conduct process in our campus community.

Colleges and universities are not expected to develop disciplinary regulations that are written within the scope or precision of a criminal code. The community standards contained in the code give general notice of prohibited conduct but are not designed to be exhaustive. Occasions may arise when conduct is such an inherent and substantial threat to the basic ideals and standards of the College that extraordinary action not specifically authorized in the corresponding handbook must be taken.

West Virginia Wesleyan College reserves the right to take the necessary and appropriate action to protect the safety and well-being of the campus community, including the right to discipline faculty, staff, and students if their work or scholarship proves unsatisfactory or if their presence substantially jeopardizes the basic ideals and standards the College seeks to maintain.



Students, faculty, and staff are asked to assume positions of responsibility in the College Student Conduct System so that they may contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the College administration.

## COMMUNITY EXPECTATIONS AND SOCIAL RESPONSIBILITY

West Virginia Wesleyan College is based in the traditions of the United Methodist Church. As a church-affiliated college, West Virginia Wesleyan strives to maintain the highest standards of study and conduct and anticipates that each student will assist in this endeavor.

The College expects high ethical conduct of all students, faculty, and staff members. All community members share the responsibility of maintaining this high level of behavior. When students are admitted to West Virginia Wesleyan College, it is assumed that they are aware of the established College policies and are endowed with a high level of responsibility for their personal behavior, as well as for the College.

The West Virginia Wesleyan College Community is committed to fostering a campus environment that is conducive to academic inquiry, productive campus life, and thoughtful study and discourse. A community exists on the basis of shared values and principles. At West Virginia Wesleyan College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Student Code of Conduct. These standards are embodied within a set of core values that include integrity, fairness, respect, community and responsibility. When members of the community fail to exemplify these values, campus conduct proceedings are used to assert and uphold the Student Code of Conduct.

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.

### *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.

### *LGBTQIA+ Statement*

West Virginia Wesleyan College is committed to providing a safe, supportive and nondiscriminatory learning and living environment for students, faculty, staff and campus guests. WVWC strives to create and sustain a campus environment that supports and values all members of the campus community regardless of their sexual orientation or gender identity, as full participants in the campus community. To affirm these beliefs WVWC will:



- Foster an educational environment that is safe, welcoming and free from stigma and discrimination for all students, regardless of gender identity or expression.
- Ensure that the responsibility for determining individual gender identity rests solely with the individual.
- Provide WVWC campus community members and guests with the use of facilities that correspond with their gender identity, not their gender assignment at birth or on their birth certificate.
- Provide gender-inclusive housing that provides a safe and inclusive housing opportunity for students that identify as transgender or gender non-conforming. This housing option is available to all WVWC students with room assignments made based on availability and date of housing deposit.
- Provide safe, accessible and convenient bathroom/restroom/locker room facilities that correspond to a person's gender identity or facilities designated as gender neutral or gender inclusive.

### *Institutional Diversity & Inclusion*

West Virginia Wesleyan College is committed to creating a safe and welcoming, learning environment for all, strongly affirming the principle of inclusivity in all areas of campus life. WVWC is committed to educating and learning in a way that fosters acceptance of diversity and encourages inclusion in our residence halls, classrooms, offices, and co-curricular activities. As we encounter new perspectives and gain new insights, we expect that this statement will evolve and grow accordingly.

If a student feels that they have 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:

Discuss the matter with a trusted third party to help determine a course of action.

Approach the offending party directly and discuss the matter and its possible solutions.

Report the incident to a West Virginia Wesleyan College employee in person, in writing, by telephone, by email or via the online reporting form found at <https://wwwc.guardianconduct.com/incident-reporting>.

### *Title IX Oversight*

The College's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination, and misconduct policy. The Coordinator reports directly to the President of West Virginia Wesleyan College. The Title IX Sexual Harassment Policy and Grievance Procedures are available in their entirety in Appendix Five. Questions about this policy should be directed to the Title IX Coordinator. 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  
Student Development Suite, Benedum Campus Center  
304-621-1316  
[titleix@wwwc.edu](mailto:titleix@wwwc.edu)

### *Reporting Resources*

The following describes the various ways to make a report as well as support available on and off campus.



### ***Confidential Reporting Options***

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with one of the below individuals. All these employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. The campus counselor is available to help free of charge and can be seen on an emergency basis during normal business hours.

#### *On-Campus*

- Counseling Center: 304-473-8100
- Chapel Office, Martin Religious Center: 304-473-8007

#### *Off-Campus*

- Licensed professional counselors (including on-campus Community Care counselors)
- Pastoral counselors recognized by a religion or denomination
- Local rape crisis counselors/domestic violence resources
- Women's Aid in Crisis 24 Hour Hotline: 304-636-8433

### ***Formal Reporting Options***

These can be made via email, phone or in person at the contact information below, or via the reporting form found at [www.wvwc.edu/titleix](http://www.wvwc.edu/titleix).

#### *On-Campus*

- Title IX Coordinator: Amy Kittle
  - 304-621-1316 / [titleix@wvwc.edu](mailto:titleix@wvwc.edu)
  - Location: Student Development Suite, Benedum Campus Center
- Deputy Title IX Coordinator / Dean of Students: Alisa Lively
  - 304-473-8431 / [lively\\_a@wvwc.edu](mailto:lively_a@wvwc.edu)
- Deputy Title IX Coordinator / Director of Human Resources: Vickie Crowder
  - 304-473-8032 / [crowder\\_v@wvwc.edu](mailto:crowder_v@wvwc.edu)
- Deputy Title IX Coordinator/ Director of Athletics Compliance: Jackie Hinton
  - 304-473-8507 / [hinton.j@wvwc.edu](mailto:hinton.j@wvwc.edu)
- Campus Security
  - 304-473-8011 / Administration Building Basement

#### *Off-Campus*

- Buckhannon City Police: 304-472-5723
- WVWC 24/7 Campus Conduct Hotline: 866-943-5787

Note: The Campus Conduct Hotline is a service utilized by the College that allows students to anonymously report concerns that may affect the campus community to a trained specialist. These calls are handled with support and sensitivity and are reported to the College's administration.

### ***Anonymous Reporting Options***

The option of making an anonymous report by victims and/or third parties is available using the online reporting form posted at [www.wvwc.edu/titleix](http://www.wvwc.edu/titleix) or the reporting Campus Conduct hotline at 866-943-5787. Note that these anonymous reports may prompt a need for the institution to investigate.



## ACADEMIC GUIDELINES AND PROCEDURES

### *Family Educational Rights and Privacy Act (FERPA) and Access to Institutional Records*

West Virginia Wesleyan College, as required by law, guarantees students, who are or have been registered at the College, the right of access to official records directly related to the student. This includes the opportunity for a review process to challenge such records claiming they are inaccurate, misleading, or otherwise inappropriate. West Virginia Wesleyan College is committed to the welfare and privacy of our students. The College shall make every effort to obtain written consent from the student before releasing health information in a non-emergent situation.

Generally, the College must obtain written consent from the student before releasing personally identifiable data from a student's education record. However, FERPA allows these records to be shared, without consent, to the following parties or under the following conditions:

- College officials with legitimate educational interest;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the College;
- Accrediting organizations;
- To comply with a Student Conduct order or lawfully issued subpoena; and,
- Appropriate officials in cases of health and safety emergencies.

The student's education record includes information in the offices of Admission, Financial Aid, the Registrar/Academic Services, and Student Development, as specified in the written College policy. Students may both inspect and request copies of this information at their expense.

In the implementation of this policy provided for by the Buckley Amendment, there are several factors which students should note:

- Copies of our complete policy on the Family Educational Rights and Privacy Act (FERPA) are available to students in the Office of Student Development.
- Final grade reports are available to students and their faculty advisors through their online Self-Service accounts.
- Certain types of information are classified as public or "directory" information and may be disclosed without a student's written consent. These are name, address, telephone number, Email address, campus box number, major, participation in officially recognized activities and sports, height/weight of athletic team members, dates of attendance, and degrees and awards received. Students wishing to prevent disclosure of any aspect of directory information must file a request with the Office of the Registrar.

In addition to a procedure for a hearing on campus regarding the information included in a student's file, an office has been established by the U.S. Department of Education to investigate and adjudicate alleged violations of /failure to comply with FERPA regulations. Complaints may be addressed to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-8520.



### *Communication with Parents*

Wesleyan may supply certain information to parents of legally dependent children (those who receive at least one-half of their financial support from their parents, regardless of age). This information includes notifications of disciplinary action for cases of disciplinary probation, suspension, and dismissal. Other information is kept confidential unless the student's life or wellbeing is in danger. Current students are able to designate proxy access to a specified individual(s) in order to view/pay a bill, view grades and course schedules, and/or access financial aid records. Specific information regarding proxy access is available in the Academic Services Office, the Financial Aid Office or the Office of Student Accounts.

### *Academic Integrity*

A true community requires that all participants share common goals and respect the particular contributions that each member makes toward achieving them. The common enterprise of a college is learning, which is a discipline of the mind, not merely a manipulation of assignments, activities, and information. This process involves interacting with teachers and fellow learners on the one hand, and personal reflection and critical inquiry on the other. In all cases, it demands integrity. Thus, claiming another person's work as one's own is a serious offense, subject to disciplinary action. The College considers academic dishonesty a serious offense as it diminishes the quality of scholarship and defrauds those who eventually depend upon our knowledge and integrity. The penalties for violating these standards are based on our firm belief in academic integrity.

### *Violations*

Violations of Academic Integrity include but are not limited to the following:

- Cheating on tests, examinations, quizzes
- Plagiarism: appropriating the original work of another with the intent of falsely misrepresenting work as one's own; includes using the exact words of another without identification of the material as a direct quotation or without citing the exact source; paraphrasing the work of another person without citing the exact source (note that a correct paraphrase requires complete transformation of the passage, not a simple change of a few phrases or words); using facts, figures, statistics, graphical representations or interpretations which are not original with the writer or speaker without citing the original source; knowingly aiding or abetting another who is plagiarizing;
- Collaboration without the instructor's consent on individual assignments intended to be performed outside the classroom;
- Submitting work for one course which has already been submitted for another course without the explicit permission of the instructors involved; and,
- Selling or purchasing papers or other assignments for submission to meet course requirements. This includes downloading papers from the internet.

### *Procedures for Handling Incidents*

When an instructor suspects or is informed of academic misconduct, an attempt will be made to determine as clearly as possible the facts related to the incident. The instructor may then meet with the student(s), present the charge, and consider the response. If the student voluntarily admits to the charge, or if the evidence is substantial, the instructor shall determine the appropriate penalty.

A summary of the incident and action will be reported in writing to the Dean of the Faculty and copied to the student. In cases where there is record of repeated offenses by a student, the Dean of the Faculty will review the matter.

The Dean of the Faculty may refer serious or serial violations of academic integrity to the College Student Conduct Board for adjudication.

### ***Penalties for Violations of Academic Integrity***

An instructor has the right to discipline a student if there is justifiable evidence that the student has violated the definitions of academic integrity in this Code or in further elaboration of course materials.

A minimum expected penalty for offense is failure in the assignment or in the course. A warning may be appropriate when the facts of the case are ambiguous or where no willfulness is evident.

If, after reviewing the matter, the Dean of the Faculty determines the violation is a serious and/or serial offense that may require more severe sanctions, the matter will be forwarded to the College Student Conduct Board for adjudication.

### ***Class Attendance/Behavior***

Each student is responsible for attending classes or laboratory sessions, and other designated instructional events.

Each faculty member is responsible for establishing and notifying students at the beginning of each semester of the policy and requirements for class attendance and behavior for each class.

Missing any class or laboratory sessions, or a substantial portion thereof, constitutes an absence. Missing a session because of late registration constitutes an absence. Absences in a class can only be excused by the instructor of that class. Any class absence related to illness or co-curricular participation will require individual negotiation between the student and instructor.

Excessive class absences may result in failure in the course(s) and required withdrawal or dismissal from the College.

The Academic Services Office will inform faculty of emergency circumstances; students are responsible for informing the Academic Services Office of those emergencies which result in being absent from class(es). Documentation of these emergencies may be requested/required.

Expected classroom behavior is consistent with the norms of common sense and basic etiquette. Students should dress appropriately, arrive to class on time, and demonstrate respectful behavior. Students with children should not bring the children to class on a regular basis.

Cell phones must be turned off during class periods.

### ***Commercialization of Lecture Notes***

Selling course lecture notes, handouts, readers or other information provided by an instructor, or using them for any commercial purpose, without the express permission of the instructor, is prohibited.

### ***Student Grade Appeal Process***

1. In cases of alleged arbitrary, capricious, or discriminatory grading, this appeal process will be followed:
2. The student requests a meeting with the instructor to review the basis for the final grade in the course.
3. If, after this meeting, the student is not satisfied that the grade was fairly determined, the student may appeal to the instructor's supervisor (School Director or Department Chair). The supervisor will





seek to mediate the issue between the student and the instructor. The supervisor will then make a determination based on the information provided by the student and the instructor and share their decision in writing with both. If the instructor is the supervisor of the program, the appeal will go directly to the Dean of the Faculty or designee.

4. If the student remains dissatisfied with the supervisor's decision, the student may appeal to the Dean of the Faculty, who will hear the student on the matter, confer with both the instructor and the supervisor, and then make the final decision. Prior to meeting with the Dean of the Faculty, the student must provide a written description of concerns.

Appeals of a final grade must be submitted no later than the end of the subsequent academic semester in which the grade was received.

The process for handling the Grade Appeal after it reaches the Dean's Office is as follows:

1. The student meets with the Dean of the Faculty or a designee. The policy and procedure for Grade Appeals are reviewed.
2. If the student decides to pursue the Grade Appeal, they must submit a statement in writing with any supporting materials believed to be relevant.
3. The student's statement and any supporting materials are then copied and sent to the instructor who also submits a statement in writing and supplies any relevant materials, e.g., syllabus, class attendance, grades.
4. The instructor's statement and materials are then copied and sent to the student for one last written response.
5. Upon the conclusion of these steps, the Dean of the Faculty or designee reviews the various reports and documentation. After making his/her decision, the Dean of the Faculty or his/her designee will send a written decision to the student, with a copy of this communicate sent to the instructor.

### *Policy on Student Complaints*

Student complaints may be submitted to the President, the Dean of the Faculty, Vice President for Student Affairs, or the Dean of Students, depending on the nature of the complaint. Student complaint files shall be maintained by each of these offices for review by representatives of accrediting agencies.

### *Registration Hold Policy*

Under certain circumstances, West Virginia Wesleyan College may impose a hold that prevents an individual student from pre-registering or registering for classes. Registration holds are placed on student accounts to help students fully understand the implications of their decision and help them resolve outstanding issues. A registration hold may be imposed for any of the following reasons:

### *Outstanding Financial Obligation*

A student may be prevented from pre-registering or registering for classes as a result of an outstanding financial obligation. A student who is restricted from pre-registering or registering for financial reasons should be directed to the Office of Student Accounts for further guidance. Once satisfactory arrangements have been made, the hold is removed and the student is permitted to preregister or register. During the period of hold, a student should attend class until otherwise directed. The Office of Student Accounts has the authority to cancel a student's current enrollment if satisfactory financial arrangements are not made by a specific deadline. In some cases, students may not be permitted to move into campus housing until which time the hold has been resolved.





### ***Disciplinary Sanction***

A disciplinary sanction imposed by the Office of Student Conduct may prevent a student from pre-registering or registering for class.

### ***Incomplete Admission File***

The Admission Office may impose a hold for an incomplete Admission file including, but not limited to, failure to produce an official final high school transcript.

### ***Financial Aid Hold***

The Financial Aid Office may impose a hold if the student needs to complete documentation such as verification or student loans.

In addition to the regular and usual correspondence from campus offices throughout the semester regarding their outstanding obligations, students will be given a final notice via email and hard copy two weeks before the end of the academic term directing them to fulfill their outstanding obligation(s) before close of business of the final day of that term.

Students who fail to meet this deadline will be required to move all belongings from their residence hall and return their key to Campus Life. Registration for future terms, class attendance, and/or residence hall move-in will only be granted upon satisfactory fulfillment of all outstanding obligations to the College.

Students are required and expected to regularly monitor their WVWC email and student accounts for changes, notices of delinquency, or requests for important information.

### ***Academic Status***

#### ***Good standing and Good Standing with Academic Warning***

In order to remain in good academic standing, students must maintain a cumulative grade point average (GPA) of 2.0 or above. However, freshmen with a GPA of 1.75-1.99 at the end of their first semester of full-time study will be in good standing but will be placed on academic warning for their next semester of enrollment. Academic warning is based solely on Wesleyan work during the first semester of enrollment. Students on academic warning will be encouraged to work closely with their academic advisors to develop strategies to improve their academic performance. Students on academic warning may be ineligible for institutional financial aid.

#### ***Academic Probation***

Students who fail to maintain good standing at the end of any semester of their enrollment at the College, but who were in good standing the previous semester, will be placed on academic probation. At the end of the probationary semester, students will either (a) re-establish good standing (b) be placed on continued academic probation, provided their GPA for the probationary semester was at least 1.01, or (c) may be suspended for academic reasons.

#### ***Continued Academic Probation***

Students who fail to achieve good standing at the end of a semester on academic probation, or who fail to achieve good standing and have been on academic probation two times or more during their careers at Wesleyan, or who fail to achieve good standing at the end of a semester on continued probation but earn a semester GPA of at least 2.2 on 12 credit hours, will be placed on continued academic probation. To continue enrollment after a semester on continued academic probation, students must (a) achieve good standing or (b)

earn at least a 2.2 GPA on 12 or more earned hours. Students who fail to meet either of these standards may be suspended for academic reasons. Students suspended for academic reasons may appeal their dismissal; appeals will be judged on a case-by-case basis by the Admission & Academic Standing Council.

### ***Special Review of Continued Enrollment***

Students who earn a GPA of 1.0 or less during any semester of enrollment, regardless of their official student status, and who have not been suspended for academic reasons will be required to provide clear justification for their continued enrollment at Wesleyan. Permission to continue enrollment will be granted case-by-case, based on the merits of the student's appeal. First-semester freshmen who earn a GPA of 1.0 or less may be required to withdraw from the College. Students may submit an appeal and permission to continue enrollment will be granted case-by-case, by the Admission & Academic Standing Council. Students granted permission to continue enrollment will be placed on academic probation or continued academic probation.

### ***Academic Suspension and Dismissal and Administrative Withdrawal***

Students at academic risk who fail to qualify for probation or continued probation are subject to academic suspension or dismissal. Students who are suspended or dismissed by the College for academic negligence prior to the completion of a term of enrollment shall have the grade of FW entered in their permanent records for the courses involved. West Virginia Wesleyan College also reserves the right to require students to withdraw if their scholarship proves unsatisfactory, or if their presence significantly deviates from standards and ideals the College seeks to maintain. Academic suspension is a time-limited separation from the College. After review by the Admission and Academic Standing Council, a student may be suspended for either one semester or one year. A suspended student will be eligible to apply for readmission after the specified time period and upon meeting any conditions stated at the time of suspension. A student may be suspended only twice. Subsequent lack of academic progress will result in dismissal. Academic dismissal is a complete separation from the College. After five years, a dismissed student may initiate an application for readmission by contacting the Admissions Office.

### ***Academic Grade Reports***

At the end of each semester and summer term, the College processes each student's final grades. During both the fall and spring semester, progress reports are processed for students as of the first five weeks of classes. Progress reports do not become a part of a students' permanent record but are indicators that corrective action may be needed.

Final grade reports are available to the students and their faculty advisors through their Self-Service accounts.

### ***Use of Library Materials***

- Print and electronic resources are available to students, faculty, and staff of West Virginia Wesleyan College.
- Print materials and media must be checked out following established Library procedures.
- Patrons are expected to return materials on time in order for others to have access/use them.
- Failure to return materials on time will result in fines or replacement costs for which the patron is held responsible.
- Unauthorized removal of library materials will be reported to Campus Security; and, if necessary, will be referred to the College Student Conduct System/Process.
- Patrons are expected to use electronic resources in compliance with copyright laws, institutional policies, and etiquette related to the access and use of information resources.



## *Chosen Name and Identity Policy*

### *About the Policy*

It is the policy of West Virginia Wesleyan College that any student may select a Chosen Name in addition to their Legal Name, to be used within the College community. Students may request this option, either during the initial application process, or at any time.

Any student who directs an outside agency to correspond with WVWC, bears the responsibility to clarify their name with all agencies if using a Chosen Name at WVWC.

The Chosen Name will be used for College purposes as broadly as possible on campus whenever a legal name is not required. Students who use a chosen name should always be prepared to reference their legal name for financial aid, employment, payroll, etc.

### *Definitions*

Chosen name refers to the name that an individual wants to be known by or identifies with in the College community that is different from the individual's legal name.

Legal name refers to the name assigned to individuals on government-issued identification cards, such as a passport, U.S. Social Security card, driver's license, or birth certificate.

Sex refers to a person's legally recognized sex, which may be found on an individual's passport, driver's license, birth certificate, or U.S. Social Security card.

Gender Identity refers to one's internal knowledge of one's own gender (e.g. being a man, a woman, nonbinary, or another gender).

### *Chosen Name or Legal Name Usage*

Chosen Name will appear in the following places:

- Class Rosters
- Grade Rosters
- Degree Audits
- Registrar internally produced reports
- Campus Directory
- Blackboard, SafeColleges, Course Evaluations, Guardian, eCampus, Bobcat Connect, Compliance Assistant
- WVWC Email (upon request)
- Public Directory, unless a FERPA block has been requested
- ID Card (upon request)
- College Awards & Certificates
- Press releases/Website
- Diploma (upon request) International students should continue to use legal name on diploma since the diploma is considered a legal document internationally

The College reserves the right to refuse a chosen name. Instances that may result in this refusal include, but are not limited to – arbitrary or repeated name changes, the use of language deemed inappropriate or offensive, or names that may be used for fraudulent purposes.

When there is a Chosen Name on record, use of Legal Name is still required for certain offices that perform certain administrative processes that legally necessitate the use of Legal Name.

Legal Name will be used by the following:

- Financial Aid
- Student Accounts
- Human Resources/Payroll/Student Employment
- Office of Institutional Research
- All Immigration documentation
- Unofficial and Official Transcripts
- Responses to enrollment inquiries such as verification requests
- Athletics

### ***Gender Identity and Pronouns***

Students may also choose their pronoun and indicate their gender identity. Certain departments require sex as well as gender information for reporting reasons. If reported, pronouns are visible on course rosters and certain Colleague screen views by certain offices. Wesleyan strives to ensure that every member of our campus community is addressed in a way that acknowledges and respects the fullness of their gender identity. We encourage all students to communicate their pronouns to others, through spoken communication when meeting or greeting someone in person or virtually, or in writing, such as email signatures, business cards, resumes, or nametags.

### ***Privacy***

Under the Family Educational Rights and Privacy Act (FERPA), a student's name, including Chosen Name, may be disclosed to the public as "directory information" unless the student opts not to permit such disclosure by requesting a FERPA information block with the Office of the Registrar.

### ***Procedures***

- a. Students may identify a chosen name in addition to the legal name of record by logging in to Colleague Self-Service and accessing user profile and the link to edit personal identity. Students may enter a chosen first name and/or select a preferred pronoun. Students may also use the Chosen Name/Pronoun Usage Request Form available online under Academic Services on the College website.
- b. Students who want to change their legal name must submit official, legal name change documentation directly to the Office of the Registrar and complete the request for legal name change form available on the College website under Academic Services/Academic Services/Legal Name Change on the College website. Information on required documentation is outlined on the form.
- c. Students may change their sex designation in the College's records system by submitting legal documentation to the Office of the Registrar. Legal documentation may include a \*WV driver's license, birth certificate, or passport with the person's identified sex.

In order to update the gender marker on a WV ID, the applicant must submit a Gender Designation Form to the WV Department of Transportation.



### ***Maintenance of, and Amendments to Policy***

The Gender Issues Committee shall be responsible for the maintenance of the policy, including possible amendments.

## **SERVING STUDENTS WITH DISABILITIES**

West Virginia Wesleyan College ensures that no qualified person shall, because of a disability, be denied access to, excluded from participation in or denied the benefits of any program or activity operated by the College or be subjected to discrimination under any of its programs or activities. The College shall make reasonable accommodations to the known limitations of an otherwise qualified student with a disability to enable the qualified student with the disability to have equal access to educational opportunities, programs and activities. Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. § 794(a)] and Americans with Disabilities Act of 1990 (ADA) [42 U.S.C. § 12101, et seq.].

Students with disabilities are required to maintain the same level of responsibility for their education as other students attending West Virginia Wesleyan College. These responsibilities include maintaining levels of academic performance expected of all students, meeting attendance requirements, maintaining appropriate behavior, and following the College's policies and procedures. In addition, the College establishes appropriate standards for its courses, programs, services and facilities and is not required to grant accommodations that impose a fundamental alteration of a program or activity.

The College encourages students to request accommodations before the semester begins or as early in the semester as possible. If the student chooses to delay providing documentation and/or making a request for accommodations, the College will not provide accommodations in a retroactive manner, but will upon the student's request begin the procedure for approving and implementing future accommodations. A reasonable amount of time will be necessary and expected in order for the College to implement these accommodations.

The confidentiality of all documentation will be maintained in accordance with the applicable law. Documentation may be shared with others on a need to know basis. To be eligible for services, students with disabilities should identify themselves and provide documentation to the Director of the Learning Center in the following manner. Documentation of the disability and professional materials from a physician, psychologist, psychiatrist and/or school district on the evaluator's letterhead stationery demonstrating that the disability currently and substantially limits a major life activity of the student.

The documentation will include:

- A statement identifying the disability and describing the current level of functioning;
- A description of the assessments, methods/criteria used, employing the DSV IV when appropriate;
- A description of the current functional impact of the disability including a statement of any substantial limitations as they relate to the ability of the student to meet the various demands of college life, which may include, but not be limited to, specific test results and the examiner's narrative interpretation;
- Treatments, medications, or assistive devices/services currently prescribed or in use;
- Recommendations to assist the College in designing reasonable accommodations for the condition; and,
- The credentials of the diagnosing professional when not indicated on letterhead stationery.



Identifying oneself as having a disability to an individual professor is not considered an official notification to the College. The student must follow the above procedures in order to access accommodations. However, it is the student's responsibility to notify a professor, or others as necessary, of a need for accommodations.

Coordination of accommodations and services may involve any number of College offices and personnel, including faculty, staff, and administrators, depending on the nature of the accommodations and services needed. The Director of the Learning Center will work in consultation with the student, and others as deemed proper, to determine the appropriate academic accommodations. The Director of the Learning Center will make the final decision with respect to an accommodation. If the student has been diagnosed with a Learning Disability or Attention Deficit Disorder, please refer to the "Requirements for Documentation" section of the Learning Center Handbook or the campus website [www.wvwc.edu](http://www.wvwc.edu) for specific educational testing requirements: <https://www.wvwc.edu/academics/academic-resources/the-learning-center/> Address questions or concerns to the Director of the Learning Center at 304-473-8558.

If the student is requesting Residence Hall accommodations, please contact the Campus Life Office for specific guidelines and information at (304) 473-8431.

If an individual believes that the services or accommodations provided or recommended do not meet his or her needs, the student should promptly discuss the matter with the Director of the Learning Center, at 304-473-8558, who will seek to resolve the situation in a timely manner. If the student is not satisfied with this response, the student may file a grievance using the investigation and review procedures set forth in this Handbook.

### *Service and/or Support Animal*

West Virginia Wesleyan is committed to compliance with state and federal laws regarding individuals with disabilities. Members of the College community who seek reasonable accommodation for disabilities should contact the Director of the Learning Center. Students requesting to have service or support animals in the residence halls will also need to communicate with the Campus Life Office to provide proper housing accommodations. The following information includes various laws governing service or support animals, including definitions of service and support animals.

Title II of the ADA applies to state and local governmental entities, including all public colleges/universities and states that public entities must modify policies, practices or procedures to permit the use of a service animal by an individual with a disability. Under Title II, a service animal is defined as any dog that is individually trained to do work or perform tasks (directly related to the disability) for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Under Title II, the Department of Justice explicitly states that animals other than dogs are not defined as service animals, except for special provisions permitting miniature horses. Additionally, animals that serve solely as crime deterrents or provide emotional support, comfort or companionship are not considered service animals under the DOJ's definition in Title II.

Title III of the ADA applies to business and nonprofit entities that are "public accommodations" such as public and private colleges/universities and states that individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place or public accommodation. As in Title II, the definition of service animal is restricted and does not include animals other than dogs, animals that are not effectively controlled or housebroken, or animals that are emotional support animals.



Section 504 of the Rehabilitation Act applies to any institution receiving federal financial assistance, which includes nearly all public and private colleges and universities and states that a college/university may not impose upon a disabled student any policy that has the effect of limiting the participation of the disabled students in the College's educational program or activity. The Department of Education's Office for Civil Rights has adopted the definition of service animal provided by Title II and Title III for their interpretation of Section 504 of the Rehabilitation Act.

The Fair Housing Act applies to residential "dwellings," including "any building, structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families." §42 U.S.C. 3602(b) and states that it is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such a dwelling because of a disability of that person. The FHA has ruled that this applies to residential dormitories. The FHA applies only to residential dwellings and not to academic, administrative, and common areas on campus.

After reviewing the laws, WVWC has developed the following Service and/or Support Animal policy:

With respect to a request for a service or support animal, WVWC will determine, on a case-by-case basis, and in accordance with applicable laws and regulations, whether such animal is a reasonable accommodation on campus. In doing so, WVWC must balance the needs of the individual with the impact of the animal on other campus community members.

Where it is not clear that an animal is a service animal as defined by the ADA, WVWC may require enough information and documentation to determine whether the animal qualifies as a service or assistance animal under the disability's legislation. West Virginia Wesleyan College may require any or all the following:

- Documentation from a treating physician or mental health provider showing that the service or support animal is required for the student to be successful in completing their degree requirements, including how the animal assists the student.
- Documentation detailing or verifying the appropriate training of the service or support animal.
- Documentation from a veterinarian that the animal is up to date on vaccinations and all veterinary care.

For support animals that do not meet the requirements stated by Title II and Title III of ADA legislation, but which might meet requirements under the Fair Housing Act, the following policy will be enforced:

- Support animals will be permitted only in the student is dwelling (their specific room or apartment). Support animals will not be permitted in academic buildings, administrative buildings, or in common areas of the residence halls.
- Support animals must be transported in a cage or carrier when outside of the "dwelling" to ensure the safety of others. Support animals must also be kept in a cage or carrier in the room when the student is not present in the room.
- For all residential students who request to have service or support animals living in their residence hall rooms or apartments the following policy will be enforced:
- Students with service or support animals will be financially responsible for the actions of the service/support animal including bodily injury or property damage, including but not limited to any replacement of furniture, carpet, paint, or necessary fumigation. The owner will be expected to pay these costs at time of repair, replacement, or fumigation.





- Students who have service or support animals may be subject to bi-weekly health and safety inspections in their apartments or rooms. All residents are subject to monthly inspections.
- Students with service or support animals may be required to complete additional documentation to share with Residence Life Staff and Campus Security in regards to proper treatment and interaction with the service or support animal.

## STUDENTS CODE OF CONDUCT

### *Philosophy*

By applying for and accepting admission to West Virginia Wesleyan College, students voluntarily decide to become part of a living and learning community, which encourages and expects mutual respect, honesty, and trust. It is understood that the opportunity for free inquiry and expression, which is essential to the educational process, can exist effectively only within a system of order which supports it. To maintain such a system, each member of the Wesleyan community accepts responsibility for personal actions, adhering to and respecting the general regulations of the College, as well as the laws of the larger society, including municipal, state, and federal statutes.

When individuals fail to accept these responsibilities, the College will address such behavior and impose disciplinary sanctions. The primary purpose of the imposition of discipline at Wesleyan is to protect the campus community and to uphold the College's ideals and standards. Consistent with that purpose, reasonable efforts will be made to foster the personal development of students who are held accountable for violations of College regulations.

The student conduct process at West Virginia Wesleyan College is not intended to only punish or discipline students. Rather, it exists to protect the interests of the community, and to challenge those whose behavior is not in accordance with our core values. Sanctions are intended to challenge students' ethical decision-making and to help them bring their behavior into accord with our community values. When a student is unable to conform his/her behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community. Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts.

### *Violations of Law and Disciplinary Regulation*

Students may be accountable both to governmental authorities and the College for acts which constitute violations of law and this Code. The College will not seek to substitute its penalties for those appropriate to law enforcement officers in situations where legal penalties may also apply. Local authorities will hold students responsible in all ways that apply to other citizens, regardless of their educational status. Penalties imposed by governmental authorities, however, will not exempt students from College discipline for the same offense. Students who have committed a felony or misdemeanor will be subject to review by the College student conduct process. Disciplinary action at the College is independent of any civil or criminal action and will typically proceed during the pendency of civil and/or criminal proceedings. College disciplinary action will not be subject to challenge or reduction claiming criminal charges involving the same incident have not been filed, been dismissed, been reduced, or are still in process.





### *Off Campus Conduct*

Students must realize that jurisdiction of the Code of Student Conduct extends to alleged misconduct that occurs on College- owned or controlled property or on property close to the College, including Greek chapter houses; alleged misconduct that occurs at any College-sponsored event; and alleged misconduct that has a significant impact on the educational mission and well-being of the College community. Conduct that 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 Student Conduct action.

### *Important Definitions*

**Student:** a person enrolled in or auditing courses at the institution, either on a full or part-time basis.  
**Distribution -** sale or exchange for personal profit, or the giving to another with no thought of personal profit.  
**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.

**Consent:** clear, knowing, and voluntary words or actions that give permission for specific sexual activity

### *Prohibited Conduct*

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

**Coercion:** (in the context of sexual misconduct) unreasonable pressure for sexual activity.

**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 Student Conduct action. 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.

**Dating and Domestic Violence:** involves any act, attempt, or threat of force by one partner against another partner or a family member.

**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.

**Drones:** The use of drones is strictly prohibited on campus. If the use of a drone is needed for an academic assignment, a written request must be approved by the Director of Security that includes a written statement from the student and a faculty member.

**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:

- 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.
- Intentionally or recklessly misusing or damaging fire safety equipment.
- Unauthorized use or possession of fireworks on College premises.
- Failure to evacuate a building during a drill or an emergency situation.

**Force:** the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent.

**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.

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

- attempting or threatening to subject another person to unwanted physical or verbal contact;
- following another person in or about a public place or places;
- directing obscene language or gestures at another person or groups of people;
- directing verbal abuse at another person; and/or,
- 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.

**Hoverboards:** The use of hoverboards are strictly prohibited on college owned premises.

**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, audiotaping, 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.



**Library Marketplace Theft:** removing any merchandise from the James Vending Marketplace located in the library is absolutely prohibited. Such removal is shoplifting, and may be prosecuted by James Vending. Security footage is monitored constantly by James Vending. Offenders will be subject to a \$125 administrative fine plus the cost of the items per incident. Make sure you have paid for any merchandise taken from this site.

**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.

**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 report of a conduct incident or an individual or group's participation in the conduct process. To be a policy violation, the actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting or participation.

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

**Smoking:** See Tobacco Free Campus Policy.

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

Door-to-door solicitation is not permitted in residence halls or fraternity houses.

On-campus organizations, which have received permission from the Office of Campus Life 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 roller-blading inside campus facilities is similarly prohibited. The use of scooters inside campus facilities is prohibited. Additionally, outdoor recreational sports may not be played inside of residential facilities where individuals and property could be harmed in the process.

**Stalking:** a course of conduct directed at a specific person that involves repeated visual or physical proximity, nonconsensual 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.

**Threatening Behaviors:** any direct, indirect, conditional or veiled express of intent to cause physical or mental harm. Any communication of a threat is presumed to constitute a statement of intent without regard to whether the student communicating the threat has the present or future ability to carry out the threat.

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

**Vandalism:** action involving deliberate destruction of or damage to property.

**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, nunchucks, 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:

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

### *Alcohol and Other Drugs*

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 Life staff members 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 Student Conduct Officer. 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*

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.

Furnishing alcohol to a person under the age of 21 is prohibited.

The possession and/or consumption of alcohol on College premises by persons under the age of 21 is prohibited.

Alcohol may not be consumed or present (even if unopened) in private rooms where any occupant (present or not) or a guest is under the age of 21. Individuals under the age of 21 who are discovered in a room where alcohol is being consumed or present may be found in violation of the underage use policy. Individuals who are of legal drinking age may also be found in violation of the College's alcohol policy for furnishing alcohol to a person under the age of 21.

### *Public Use of Alcohol*

The purchase, sale, or distribution of alcoholic beverages on College premises by students is prohibited.

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.

Only individual residence hall rooms are considered private; an open door causes an individual's room to be considered a public area.

Possession of an open container of alcohol 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, bagged wine, and squeeze bottles.

### *Impairment/Public Intoxication*

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.

Students who violate College policy while under the influence of alcohol will still be held responsible any behavior that violates policy. If a student is perceived to be under the influence, they can be asked to leave a classroom, office, or other campus event.

All members of the College community are fully responsible for the alcohol-related conduct of their guests.

Driving under the influence of alcohol, either on or off campus, is considered an extreme example of irresponsible behavior.

### *Mass Quantity, Distribution/ Possession*

Kegs, beer balls, or other forms of a common supply of alcoholic beverages are strictly prohibited on College premises, including residence hall rooms.

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 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) The maximum amount of allowed alcohol in a single room/apartment/off- campus house is determined by the number of residents and does include the number of guests.



### *Alcohol Paraphernalia*

Alcohol paraphernalia, including but not limited to, empty alcohol containers, is strictly prohibited on College premises and in-residence hall rooms. Alcohol paraphernalia that is discovered in a residence hall room will be treated as evidence of alcohol consumption by all occupants (present or not) and guests in the room.

### *Drugs*

The possession, use, or distribution of illegal controlled substances is strictly prohibited on College premises. 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.

The possession, use, or distribution of Delta 8 or THC products is prohibited on College premises. This includes, but is not limited to, gummies, vapes, pre-rolls, drink mixes, and sublingual films.

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.

### *Drug or Alcohol Amnesty Policy*

Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the student or student organization does all the following:

- Remains with the person who reasonably appears to need emergency medical assistance due to an overdose until such assistance is provided;
- Identifies self, if requested by emergency medical assistance personnel, law-enforcement officers, or College officials;
- Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law enforcement officers, or College officials needed to treat the person reasonably believed to be experiencing an overdose; and
- Completes any additional conditions imposed on the student or student organization by the Student Code Administrator. If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, they will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in this Code, but may be required to complete additional conditions imposed by the Student Code Administrator to receive amnesty.

This provision only applies to violations of this Code. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W. Va. Code §§ 16-47-1 to -6, which can be found here:

<http://www.legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47>



### *Education and Treatment Resources*

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

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

In addition, West Virginia Wesleyan College participates in SafeColleges, an on-line educational program required of all first year students through the First Year Experience course. Programs on alcohol and other drugs are also offered throughout the year in our residential living areas.

### *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
- Phoenix Psychological & Counseling Assn: 304-622-6404
- Professional Counseling Center: 304-641-8334
- Progressive Preventive Health Care: 304-842-8852

## **HAZING POLICY**

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.

### *Applicable Definitions*

**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:** 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, the following: 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 Student Conduct 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 would be maintained by the Chief Student Conduct 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: Title IX Coordinator, Director of Greek Life, Director of Athletics, Chief Student Conduct Officer, one faculty member, and one student. The President of the College makes all appointments to this committee annually.

### *Purpose of 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, the Hazing Committee will address any reported hazing incidents. In some hazing cases, however, it is neither feasible nor appropriate that education will suffice as proper sanction. In such cases, the offending organization will be closed, forfeiting its recognition as an official organization and all the rights and privileges therein.

## **TOBACCO FREE POLICY**

West Virginia Wesleyan College is dedicated to promoting the health and wellness of the students, faculty, staff, and its visitors. This policy is intended to help reduce the health risks associated with tobacco use, smoking, and second-hand smoke.

As of January 1, 2017, all West Virginia Wesleyan College campus and property shall be a tobacco free and smoke free environment. This affects all buildings including residence halls, the grounds, exterior open spaces, parking lots, on-campus sidewalks, streets, driveways, athletic facilities, recreational spaces, practice facilities, and in all WVWC-owned or leased vehicles.





Tobacco use includes but is not limited to the personal use of any tobacco product whether intended to be lit or not, including smoking tobacco, nicotine, or other substances that are lit and smoked, as well as the use of electronic cigarettes, pipes, hookahs, or any other device intended to simulate smoking or vaporizing, and the use of smokeless tobacco, including snuff, chewing tobacco, smokeless pouches, any form of loose leaf, smokeless tobacco, and the use of unlit cigarettes, cigars, and pipe tobacco.

Efforts will be made to train faculty, staff, and students about the policy and tips on how to support the policy.

If a security guard or residence life staff member sees someone smoking/chewing, the individual is informed of the policy and asked to stomp out their cigarette or remove their chew. If the student refuses or does not comply immediately or is caught smoking or chewing again in the same day, they are subject to a fine of \$25.

Once a student has incurred five fines, they are referred to the Student Conduct system for disciplinary sanction.

Fines can be reduced or removed if the student successfully completes a full cessation process.

## COLLEGE COMPUTING POLICY

West Virginia Wesleyan College makes available computing and network resources which may be used by College undergraduates, graduate students, faculty, and staff. These resources, which are administered by Computing Services, are intended to be used for educational purposes and to carry out the legitimate business of the College. These guidelines shall be considered a supplement to the Student Handbook and violations of the guidelines shall be handled in accordance with the procedures set forth in the handbook.

Users of Computing Services should keep in mind the limited nature of the resources it provides and act accordingly. The Computer Center should be notified about violations of computer laws and policies, as well as about potential loopholes in the security of its operation of computer systems and networks. The community is expected to cooperate with the Computer Center in its operation of computer systems and networks, as well as in the investigation of misuse or abuse.

### *Computer Use Policy*

Students shall use only the account(s) specifically assigned to them regardless of intent. Students are responsible for the safeguarding of the account through a strong password and correct login/logout procedures. The Computer Center must be contacted immediately if it is believed that the account has been tampered with.

Use of College computing and network systems/equipment is for academic and administrative purposes only. Accounts may be used for personal electronic mail provided it does not violate any other implied or stated WVWC and/or Internet policies. This includes, but is not limited to, using electronic mail to harass or threaten others. Users do not own their accounts, but are granted the privilege of exclusive use. Misuse may result in the loss of computing and/or network access.

Attempting to monitor, tamper with another user's electronic communications, or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner is a violation of policy. In accordance with the Electronic Communications Privacy Act (1986), the College will not intercept nor disclose electronic communications except as specified in the ECPA. Computing Services will



provide reasonable security for accounts, however, it is also understood that this security is not a guarantee of privacy.

Deliberately wasting and/or overloading computing resources, such as printing too many copies of a document, is not allowed. Inappropriate mass mailings to newsgroups, mailing lists, or individuals are similarly prohibited. You may not initiate or propagate electronic chain letters.

You may not forge the identity of a user or machine in an electronic communication. This includes using an anonymous sender service.

You may not knowingly or carelessly perform an act that will interfere with the normal operation of computers, terminals, peripherals, or networks. This includes running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network. This also includes, but is not limited to, programs known as computer viruses, Trojan Horses, and worms.

You may not violate copyright laws and their fair use provisions through inappropriate reproduction or dissemination. Utilizing College resources for any commercial activity is expressly prohibited. This includes, but is not limited to text, music, and video as specified in the Digital Millennium Copyright Act of 1998 (DMCA)

Public posting and/or distribution of private e-mail messages are prohibited unless expressly authorized by the original sender.

### *Public Computer Use Policy*

Computer labs and public computers are for the use of current WVWC students, staff and faculty. Access is limited to those possessing a current College ID. Those without an ID must obtain special approval from the Director of Computing Services to use lab facilities. Immediate relatives of faculty and staff may obtain a special ID from Human Resources and will be allowed to use the labs when there are sufficient numbers of computers available. College equipment must be treated with care. Thus, there is no eating or drinking allowed in any College computer lab. If there are questions regarding the operation of equipment, users should consult a Computing Services employee for assistance.

You may not add any computer, equipment, peripheral or otherwise access the network without prior permission from Computing Services.

## **SOLICITATION POLICY**

The term “solicitation” is used to describe the sale of products or the seeking of funds, signatures, merchandise, participation in selected activities, or supplies. Commercial (for profit) solicitation is not permitted on College property except by approval of the Office of Campus Life. In these situations, the sales are to be limited to the Campus Center. The Director of Campus Life reserves the right to audit account receipts before, during, and after the event. Commercial groups receiving approval to sell items in the Campus Center must agree to give the College a minimum of ten percent (10%) of the gross sales.

Recognized campus groups entering a project which involves raising money or selling items on campus must have the approval of the Director of Campus Life. Door-to-door solicitation is not permitted in residence halls (unless approved by the Director of Campus Life). On campus groups receiving permission 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.

All solicitations of funds or gifts-in-kind from any off-campus source shall be cleared in advance through the Institutional Advancement Office. This policy applies, without exception, to all College personnel including faculty and administrative staff, and to all College-sanctioned groups or activities (including but not limited to athletic teams, theatre, jazz band, chorale, fraternities and sororities, and other clubs and organizations).

### *Student/Organization Publication Guidelines*

Placing banners, posters, flyers, and stickers on College property without proper authorization by the Office of Campus Life is prohibited. Only recognized Wesleyan organizations are eligible to display posters, banners, and flyers on campus. These items must relate to that organization's activities or events, must clearly indicate the sponsoring organization(s), and must be in good taste with respect to appearance, context, pictures, and language. Information pertaining to policies, procedures, and general operation of the residence halls does not require the stamp of approval. Commercial advertising of products or services is not permitted; however, one (1) poster may be placed within the Campus Center after proper approval is received. Commercial advertising announcing special discounts for College students may be placed in individual campus mailboxes once per semester for a modest fee.

Individual mailbox distribution of bulk commercial materials requires approval of the Post Office. Banners, posters, and flyers which do not comply with the above regulations will be removed by the appropriate College personnel, and the organization that posted them may be responsible for the cost of such removal.

## **MOTOR VEHICLE POLICIES AND PROCEDURES**

### *Registration of Motor Vehicles on Campus*

All students, faculty, staff, and all other employees of Wesleyan College who park in College owned parking lots at any time are required to register their motor vehicle on campus by purchasing a numbered parking hang tag. This contract is the binding document for motor vehicle policies and procedures. Language contained herein takes precedent over all other references to motor vehicle use on the campus of West Virginia Wesleyan College.

The following items are required to register a motor vehicle:

- A valid driver's license
- Make, model, year, and license plate number of the vehicle to be registered.
- Proof of ownership (registration card).

Hang tag registrations are issued for safety and vehicle identification purposes. Possession of a valid hang tag does not guarantee that a parking space, especially one near any particular area, will be automatically available upon arrival. WVWC never distributes more hangtags than parking spots available.

A WVWC hang tag must always be displayed on the inside rearview mirror while the vehicle is parked on campus. It must be clearly visible from the front of the vehicle and cannot be obstructed in any manner with other items hanging from the rear-view mirror. The hang tag must be displayed with the tag number facing the front of the vehicle. The hang tag cannot be displayed on the dash, console or seats of the vehicle.

Any lost or stolen hang tag must be reported immediately to the Office of Campus Safety and Security. A new hang tag may be purchased for a fee of \$100.00.



The individual in whose name a vehicle and/or hang tag is registered will be held responsible for all parking and traffic violations.

WVWC hang tags are purchased annually, expiring each year on August 31st. Residential student hang tags (for those students living in campus residence halls) have sequential numbering system beginning with an “S” and they are color coded. Faculty and Staff hang tags are also color coded and begin with the letter “F”. Commuter hang tags (for students not living in campus residence halls) begin with the letter “C”. Commuter students have the option of purchasing either a commuter or residential hang tag.

The fee for registering a vehicle and obtaining a parking hang tag for students or commuters is \$100.00.

### *Parking Regulations*

- The responsibility of finding a legal parking space rests solely with the vehicle operator. The lack of what the vehicle operator deems to be an adequate parking space is not an acceptable excuse for violating any parking regulation (s).
- Handicapped parking spaces are identified by the official handicapped emblem, and the adjacent curbs and stripes are painted a light blue. Handicapped spaces are restricted from general use 24 hours a day. Vehicles parked in handicapped spaces must display an official handicapped license plate or a WVWC handicapped issued hangtag. Faculty, staff and students that will be using a WVWC handicap parking space must submit proper documentation to support their need for daily parking usage in a designated handicap parking space. Faculty and Staff will park in a designated faculty/staff parking lot and students must park in a designated student lot. The Director of Campus Safety and Dean of Students will review all requests for handicapped parking, including the need for temporary handicap hang tags that would warrant the need to park in a handicapped space. (sprains, broken bones or other injuries of a temporary nature) These hang tags will only be valid for a specified time and are authorized for use only in WVWC parking lots. The security office will issue a handicap hang tag upon an approved request ([Link to Form](#)). The misuse of a handicap hang tag will be subject to WVWC disciplinary process.
- Fire lanes shall be designated by red curbs and/or red stripes and will be clearly marked to indicate a prohibited area.
- No parking is permitted on the lawn or sidewalks. This includes the period during which students are moving in or out of the residence halls.
- Prohibited zones are marked with yellow lines and/or yellow curbs; at times they are also designated by “No Parking” signs. These areas include, but are not limited to, loading/unloading zones, parking zones for maintenance vehicles, etc.
- During the academic year, student parking in designated faculty/staff only areas and faculty/staff parking in student designated areas is strictly prohibited. Enforcement of this regulation will be in effect between the hours of 7 AM and 5 PM Monday thru Friday unless otherwise noted.
- Parking in a reserved parking spot, as noted on spot signage, is strictly prohibited. This regulation is in effect 24 hours a day.
- The streets surrounding the College campus (Camden Ave., College Ave., Meade St., Railroad Ave., Randolph St, etc.) are under the jurisdiction of the City of Buckhannon.
- No weapons of any kind may be stored in a vehicle while on campus at any time. All legal weapons must be stored at the Office of Campus Safety and Security.
- Visitor Parking: ALL Visitors must have a valid Temporary Pass displayed in their windshield. These are available at the Security Office. (Also see # IX of this manual)



- Visitors to campus are permitted to park in Lot “B” (The lot between Jenkins Hall and Loar Hall). This is the designated lot for visitors until 12:00 midnight Monday thru Sunday. If the visitor is spending the night on campus, they must first obtain an overnight visitor pass from the Office of Campus Safety and Security. This visitor’s pass must be displayed on the vehicle dash where it is visible through the windshield. Vehicles displaying this overnight visitor pass will be the only vehicles allowed to park in Lot “B” after 12:00 midnight each night.

### *Violations, Fines and Fees*

Following are the most common parking violation and the fine for each:

- Speeding/reckless driving\*: \$50.00 and referral to College Student Conduct System
- Driving/parking on grass or sidewalk\*: \$50.00 and referral to College Student Conduct System
- Parking in handicapped spaces\*: \$50.00
- Parking in a reserved lot\*: \$25.00
- Parking in a prohibited area\*: \$25.00
- Parking in a restricted area: \$15.00
- Double parking: \$10.00
- Parking in two spaces: \$10.00
- Having No Hang Tag Displayed: \$10.00
- Backing into space (Lots A & D only): \$10.00
- Improper display of Hangtag: \$10.00
- Overtime parking in Loading Zone: \$10.00

*\*A parking boot may be used to temporarily disable any vehicle in these violation categories. A parking boot may also be used to temporarily disable any vehicle which has received five (5) or more parking tickets during the academic year or for a vehicle that has received any number of parking tickets for which the fine for same has not been paid. The fee for boot removal is \$100.00 in addition to the original fine. All violations starred above may also result in the vehicle in question being towed at the owner’s expense. Any damage resulting from towing or booting will be the responsibility of the vehicle owner. Removal of a College boot by the vehicle operator is strictly prohibited. Any vehicle operator who removes, dismantles, confiscates, or damages a parking boot will be fined, referred to the College Student Conduct System and referred to Law Enforcement at the WVWC discretion.*

### *Payment of Fines and Fees*

All fines for parking violations must be paid at the Office of Student Accounts in the Administration Building during regular business hours Monday thru Friday and must be paid within ten (10) working days. Fines and fees are applicable to all employees, guests and students (graduates and undergraduates). Registration fees for faculty/staff must be paid at the Office of Student Accounts upon receipt of the Vehicle Registration Hang Tag. Student accounts will be billed the amount of the registration fee. Acceptable forms of payment for fines and fees will be cash, cashier check, personal check, credit card or money order. Checks should be made payable to WVWC. Parking violation fines and fees may be billed to the student account but if the driver completes the parking ticket appeal process (See Section V below) and the board grants the appeal, then the charge will be removed from the student account.

A student that receives five (5) or more parking tickets that are unpaid will be called into the Student Conduct Office to discuss the flagrant violation of the Student Handbook.



All such fines and fees are valid financial obligations due and payable to West Virginia Wesleyan College. Delinquent fines for faculty and staff are reported directly to the Office of Vice President for Finance. Any individual who refuses to pay delinquent fines will have their parking privileges revoked and their vehicle may be towed when found on WVWC property.

### *Parking Ticket Appeal Process*

An appeal board for ticket review will consist of a three-person board. One of the three board members will be a student serving on the board. The Director of Campus Safety will be available to answer questions as needed to facilitate the appeal process.

Parking tickets may be appealed to the Appeal Board provided it is done within ten working days of the date of the parking ticket. The parking appeal form can be found online on the Wesleyan Intranet page. This form must be submitted via e-mail to [parkingappeal@wvwc.edu](mailto:parkingappeal@wvwc.edu). Once a parking ticket is properly appealed, the 10-working day requirement to pay is suspended until the appeal committee decides.

If an appeal has been filed within the allotted timeframe, the appeal board will meet to consider the merits of the appeal and then render a decision. If the appeal is granted, the ticket will be dismissed and the student account will be modified to remove the fine. If the appeal is denied, the student will owe the amount of the fine and must pay it within ten (10) working days of the date of denial.

### *Traffic Regulations*

- A 15 miles per hour speed limit has been set on all College drives and parking lots and must be observed.
- Right of way will be given to all pedestrians, WVWC security vehicles, police, fire, and emergency vehicles.
- Motor vehicles shall always be operated in a safe and prudent manner, in accordance with the laws of the city, county, and state, and in conjunction with this motor vehicle policy.
- All traffic related accidents occurring on College property must be reported to the Office of Campus Safety and Security as soon as possible.
- All visitors and/or guests shall park in the campus parking lots assigned to them and be responsible for all violations committed by them.
- The driveway around the fountain in front of the Chapel is not a parking lot. It is to be used as a passenger drop-off and pick-up point only. No unattended vehicles are permitted in this area at any time. Pick-up and drop-off is limited to a 10-minute period.

### *College Owned and Operated Parking Lots*

Yellow or Red curbs or stripes indicate no parking zone. Blue curbs or stripes indicate handicap parking only.

The lots are identified and located as follows:

- Lot "A" – The gravel lot behind the Child Development Center along the north side of Brooke St. This lot is to be used as "open parking" for any vehicle displaying a valid WVWC hang tag, either Fac/Staff, Student, or Commuter. (68 spots and 6H)
- Lot "B" – Area between Jenkins and Loar Halls. This lot is reserved for commuters and visitors only. No parking is allowed in this lot between 12:00 midnight and 7AM daily except visitors displaying a valid Visitor Pass issued by the office of Campus Safety and Security. (31 spots and 2H)





- Lot “C” – Rear of Jenkins and Agnes Howard Halls. This lot is reserved for Residential Students only. (64 spots and 2H)
- Lot “D” – Located in front of the Administration Building. No parking at the top of the oval, on any crosswalk, or with any portion of vehicle adjacent to any area marked with yellow or red curbs. No backing into spaces. Lot “D” is reserved for faculty/staff only. No overnight parking in this lot except by visitor permit. (56 spots and 3 H)
  - Lot “E” – Rear of McCuskey, Doney, Fleming and Haymond Halls up to the Health Center driveway on both sides. Lot “E” is reserved for student parking. (152 spots and 3H)
- Lot “F” – Area between the Health Center driveway and Christopher Hall of Science on both sides. Lot “F” is reserved for faculty/staff only. (31 spots and 3H)
- Lot “G” – located between the Library and Haymond Halls. Lot “G” is reserved for faculty/staff only. (20 spots and 2H)
- Lot “H” – Located between Haymond and Fleming Halls. Lot “H” is reserved for faculty/staff only. (20 spots and 3H)
- Lot “I” – lot adjacent to the Child Development Center. The non-reserved spaces of lot “I” provide parking opportunity for faculty/staff. The reserved spaces contain bumpers or signs with designated reserved spaces painted on them. (51 spots, 7 visitor, 2H)
- Lot “J” – Located directly behind Middleton Hall and the Old Camden Complex. This lot is to be used as “open parking” for any vehicle displaying a valid WVWC hang tag, either faculty/staff, students or commuters. (217 spots, 7 visitor, 2H)
- Lot “K” – The lot located on the south side of Randolph Ave behind the Old Camden Complex. This lot is to be used as “open parking” for any vehicle displaying a valid WVWC hang tag, either faculty/staff, students or commuters. It is also used to store college owned fleet vehicles. (78 spots, 14 fleet, 2H)
- Lot “L” – Located adjacent to the Erickson Alumni Center. This lot is reserved for faculty/staff and alumni visitors only. (16 spots and 1H)
- Lot “M” – Located behind 57 Meade St. and 59 Meade St. This lot is reserved for faculty/staff. (7 spots)
- Lot “N” (PAC) – located beside the Performing Arts Center. This lot is reserved for commuters and faculty/staff between the hours of 7AM and 5PM Monday thru Friday. A valid commuter or Faculty/Staff hangtag must be displayed while parked in this lot during these times. The lot is reserved for Performing Arts Center guests from 5PM until Midnight. There will be no overnight parking allowed in this lot. (51 spots and 3H)
- Lot “O” (BSU) – Lot located adjacent to the Black Student Union at the corner of Meade St. and Camden Ave. This lot is reserved for residential student parking only. (26 spots and 1H)
- Lot “P” (Dunn) – Lot located directly behind Dunn Residence hall. This lot is reserved for student parking. (20 spots and 2H)

Municipal ordinances of the City of Buckhannon, WV do not allow parking on either side, or in the median of Camden Avenue, east of Meade Street.

All individuals who use campus parking lots are responsible for reading and abiding by the motor vehicle policy as stated in this contract. If you have questions, please contact the Office of Campus Safety and Security at Ext. 8011.



The College assumes no responsibility for the care or protection of any vehicle or its contents at any time. Any damage or loss that occurs to a parked vehicle on College property should be reported to the Campus Safety and Security Office, the Buckhannon Police Department and the owner's automobile insurance company.

### *Forging or Altering Hangtag*

Any person who alters, duplicates or defaces any hangtag or parking pass with intentions of defrauding West Virginia Wesleyan College by obtaining benefits, such as free parking, shall be immediately recommended for Student Conduct discipline. West Virginia Wesleyan College also reserves the right to pursue criminal charges, (felony forgery, felony uttering and obtaining services under false pretenses), against any person violating this policy. A minimum of a \$100 fine will be a result of this violation. This policy applies to the person who has forged the hangtag and the conspirator who has permitted their hangtag to be forged.

### *Overnight or Visitor Passes*

West Virginia Wesleyan College understands from time to time Faculty, Students, and Staff will have guests, speakers, friends, etc. come to campus for a short visit. In the event a pass is needed for parking, please contact the Office of Campus Safety and Security at ext. 8011.

Visitor parking areas are designated in section 7 of this code. It is the responsibility of the person requesting the pass to tell the visitor where to park their vehicle. Guest parking passes will be limited to two (2) days unless otherwise arranged with the Director of Safety and Security.

### *Temporary Handicap Passes*

West Virginia Wesleyan College understands from time to time Faculty, Student and Staff may need a temporary handicapped parking pass. Temporary handicapped parking passes can be issued for persons that possess a valid WVWC hangtag. In the event a temporary handicap pass is needed the person will need to contact the Office of Safety and Security. The Nurse will set up a meeting and at that time the physician's note will need to be presented. A temporary handicapped pass will be issued for the time designated by the attending physician and the WVWC Nurse. The Nurse will notify the Director of Security to discuss each situation individually.

### *Improper Use and/or Forged Handicap Placards*

West Virginia Wesleyan College understands the need for handicap accessibility on campus; however, these services are reserved for individuals that are issued these rights. Any faculty, staff, or student who utilizes the handicapped services, forges or fraudulently represents a handicap placard will receive a ticket and be recommended for Student Conduct proceedings. \*WVWC also reserves the right to notify Law Enforcement for criminal prosecution pertaining this issue.

### *Refunds*

If you purchased a hangtag before or during the fall semester at the regular rate then the hangtag can be returned before January 31 of the same school year for a pro-rated refund of up to 50% of the original cost. West Virginia Wesleyan College hangtags are non-transferrable.

### *Change of Student Status*

In the event a student changes their status from Resident to Commuter or Commuter to Resident that student may bring their hangtag to the Security Office and get their pass exchanged, respectively, for no extra cost.





### *Registering Vehicle without Hangtags*

West Virginia Wesleyan College encourages students who do not wish to buy a hangtag to register their vehicles with WVWC Security. In the event a student's vehicle near campus is struck or damaged, it would enable security to notify the owner, if registered. This is a free service offered by WVWC.

By purchasing a hangtag from West Virginia Wesleyan College, you agree to follow all motor vehicle laws of West Virginia and all rules and regulations set forth by West Virginia Wesleyan College. You also agree that if you receive a fine or penalty from WVWC for violations of the policies that you will pay the fine in a timely manner.

## **THE STUDENT CONDUCT SYSTEM**

Director of Campus Life/Student Conduct Officer serves as the Chief Student Conduct Officer and 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 Chief Student Conduct Officer has the authority to review and alter all findings of the Student Conduct Officer.

The Student Conduct Officer Duties:

- 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
- Determine the disciplinary charges to be filed
- Interview and advise parties involved in disciplinary proceedings
- Select, supervise, train, and advise all College Student Conduct Board members and student advocates
- 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 themselves or may be disqualified from hearing a case if they are personally involved or biased, or has prior knowledge of the case to be heard. If academic calendar restrictions impact the ability to form a conduct panel as outlined above, the Vice President of Student Affairs or Dean of Students have the ability to populate the conduct panel as necessary to proceed. 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*

Infractions involving organizational misconduct will be handled by the Office of Greek Life and will be subject to the scrutiny of the College President 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 email 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.

Documentary evidence and written statements are relied upon, and the student can respond to them at the conference.

The Disciplinary Conference is normally not used in cases that might result in any form of separation from the College.

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*

- Pending action on charges of violation of College regulations, a student has the right to continue to live on campus, attend classes, and participate in their co-curricular activities unless the student is deemed a threat to others and self. The BIT team will be consulted to determine whether privileges are suspended pending a Student Conduct hearing.
- 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.
- 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.
- 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.
- 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.
- 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.
- Hearings shall be closed to the public.
- 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.

- 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 self. The College Student Conduct Board may take note of the refrainment from testimony.
- 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.
- The College Student Conduct Board, at its discretion, may exclude 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.
- Witnesses shall provide true and correct information and may be subject to charges of violation of College regulations upon providing false information.
- Prospective witnesses shall be excluded from the hearing except during their own testimony.
- 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.
- An accused student shall have the right to question, through the Student Conduct Board, adverse witnesses, as determined by the Student Conduct Officer.
- The burden of proof shall be upon those bringing charges who must establish the responsibility of the accused student by a preponderance of evidence.
- All parties shall be excluded from the deliberations of the College Student Conduct Board.
- Decisions of the College Student Conduct Board will be by majority vote.
- 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.
- 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.
- 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.
- The decision of the College Student Conduct Board shall be accompanied by a brief written opinion.
- 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:** 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:** the separation of the student from the College for a specified number of semesters, 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 self 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:

- The reliability of the information concerning the student's conduct, including the matter of the student's identity.
- 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.
- 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 they have 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.

### *Drug or Alcohol Amnesty Consideration*

Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the student or student organization does all the following:

- Remains with the person who reasonably appears to need emergency medical assistance due to an overdose until such assistance is provided;
- Identifies self, if requested by emergency medical assistance personnel, law-enforcement officers, or College officials;
- Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law enforcement officers, or College officials needed to treat the person reasonably believed to be experiencing an overdose; and
- Completes any additional conditions imposed on the student or student organization by the Student Code Administrator. If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, they will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in this Code, but may be required to complete additional conditions imposed by the Student Code Administrator to receive amnesty.

This provision only applies to violations of this Code. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, W. Va. Code §§ 16-47-1 to -6, which can be found here:

<http://www.legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47>

### *Appeals of College Student Conduct Board*

Any proceeding of the College Student Conduct Board may be reviewed by the Director of Campus Life.

The following are acceptable grounds for appeal:





- Insufficient evidence to warrant the Student Conduct outcome;
- Evidence of prejudicial error;
- Discovery of new evidence which could affect the decision;
- Excessive penalty; and/or,
- 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. If 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:

- Deny the appeal;
- Affirm the finding and the sanction imposed by the original College Student Conduct Board or hearing officer; or
- 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*

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.

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.

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.

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 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 Designee in consultation with the President of the College. The Student Development Designee is also charged with compiling the College's Annual Security Report, filed each year by October 1 in accordance with the Department of Education's guidelines. You may access the report by using this link (<https://www.wvwc.edu/campus-life/campus-safety-security/>)

### ***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.

## **RESIDENTIAL LIVING**

### ***Residency Requirement***

As part of our distinctive living-learning environment, West Virginia Wesleyan College (WVWC) is proudly a residential institution, featuring educational programs that focus on student learning and personal development. Therefore, students are required to live on campus throughout their enrollment at Wesleyan unless an exception is approved by the Campus Life Office. Residence Hall Agreements are for the entire academic year (August through May).

Applications for an exception to the residency requirement for continuing students must be submitted to the Campus Life Office. Leases or other living arrangements should not be confirmed until exceptions are approved and verified in writing from the Campus Life Office. Letters of exception will be distributed via campus mailboxes.

### ***Exceptions to the Residency Requirement***

Exceptions to the residency requirement include:

- Non-traditional age - reaching 23 years of age prior to the beginning of the fall semester.
- Married - verified with a marriage license.
- Living at home (or with a grandparent or legal guardian) and graduated from, (or was home schooled in) Barbour, Lewis, Randolph or Upshur Counties - a notarized letter from parent(s) or legal guardian(s) verifying who the student is living with and verifying the address is required. The Campus Life Office reserves the right to require further verification, if warranted.
- Medical release form (available in the Campus Life Office, this process normally occurs during the fall semester only) filled out and signed by a physician describing a need for off-campus living arrangements. Submitting this form is not a guarantee of the student's release from our residential living requirement. The documentation will be reviewed by a committee of College officials, whose expertise is related to the student's request and the reasons therein. This Committee is charged with determining appropriate accommodation(s). Exceptions based on medical issues are only allowed when it is determined that we cannot accommodate special needs through our various on-campus/residential living options.



- Fifth year seniors are allowed to live off campus but must complete the appropriate forms prior to the beginning of the academic year (of the fifth year of attendance). Fifth year status verification is required by the Registrar.

Students found to be in violation of any of the aforementioned policies may be referred for Student Conduct action. In addition, if a student and his/her parent or legal guardian falsify information in order to live off campus, the College reserves the right to reduce a student's financial aid by \$2,000 a semester.

### ***Residing Off Campus (with approval)***

In an effort to remain citizens in good standing within the Buckhannon community, students must realize that jurisdiction of the Code of Student Conduct extends to alleged misconduct that occurs on College-owned or -controlled property or on property close to the College, including Greek chapter houses; alleged misconduct that occurs at any College-sponsored event; and alleged misconduct that has a significant impact on the educational mission and well-being of the College community that takes place at any location off campus. Therefore, the Student Development Leadership Team designee, has the right, if necessary, to address any unruly gatherings and close them down. Incidents may be subject to College Student Conduct sanctions.

Please refer to the Residence Life Accommodations Policy Agreement for more details. The full manual is located on Blackboard.

### ***Abandonment Policy***

In the event a student abandons personal items in their assigned student housing, after a dismissal or withdrawal, the student or an immediate family member, identified by the student, will have seven days to remove all belongings. In the event a student abandons items after a formal check-out, the student, or designated family member, will have 24 hours to remove the personal items. Failure to remove items within the designated timeframe will constitute abandonment and items will be discarded.

## **CAMPUS SAFETY AND SECURITY**

We staff a safety and security force of full and part-time professional security personnel, as well as several carefully selected student officers. The primary purpose of the program is to maintain a safe and secure living environment for members of the college community.

As required by federal law, through the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, campus crime statistics are published annually during October. Current statistics for West Virginia Wesleyan College are included at the Crime Statistics link below or may be requested from the Office of Student Development by calling 304-473-8441. (<https://www.wvwc.edu/campus-life/campus-safety-security/>)

In compliance with the Campus Sex Crimes Prevention Act, the sex offender registry for the state of West Virginia or for any county in the state can be found at West Virginia State Police. There you can find a list by county and photo of each person registered, with additional background information.

### ***Campus Safety Tips***

- Be Aware! Recognize that crime can happen, even on a campus as safe as ours.
- Sign up for the Emergency Alert service.
- Report suspicious persons or activities to Campus Security at 304-473-8011.



- Use the buddy system and watch out for others.
- Do not prop open residence hall doors – not even for food deliveries or late arriving friends.
- Avoid walking alone at night.
- Use the campus escort service.
- Always lock your door and your car.

### *Officer Authorities & Responsibilities*

Wesleyan security officers do not have police authority or carry weapons, but do cooperate 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.

Standard duties include:

- Patrolling and securing all campus- owned buildings, parking areas and walkways
- Monitoring security camera footage
- Enforcing College policies
- Investigating and documenting policy violations
- Cooperation with Campus Life staff in promoting a safe and secure campus
- Traffic regulation
- Escort service when requested
- Compiling information from daily incident logs, residence hall reports and police data to track accurate statistics
- Working with local police on crime prevention efforts, referrals for investigations and general safety education

## **BICYCLE REGISTRATION PROGRAM**

Bicycle Registration is a voluntary and free program. Students, faculty, and staff can register their bicycles with Security and Security will maintain these records for the entire school year. In the event your bicycle is stolen or damaged then Security will have these records on-hand for quick access.

### *Why should I register my bicycle?*

- Bike registration helps to keep track of how many bicycles are on campus and it helps us provide you with more bike programs, racks, and infrastructure.
- You can be contacted if your bicycle needs to be moved or if we have a special announcement for cyclists on campus.
- If a registered bike is stolen and recovered it can more easily be returned to its owner.
- It's FREE!

### *How do I register my bicycle?*

Bring your bicycle to the Office of Safety and Security so the following information about your bicycle can be recorded: make, model, serial number, color, bike size, type and any other identifiers.

A security officer will assist you in filling out a registration form.

A photo will also be taken to add to your registration.



### *Bicycle Safety Tips*

Riding bicycles can be a fun activity, but it's important to know the bicycle safety risks. Biking has quickly become the budget and environmentally friendly go-to means of transportation for college students. As more and more cities and college campuses become bike-friendly, it's important that students learn how to stay safe when riding a bicycle. Before you hit the road, read the following bicycle safety tips from West Virginia Wesleyan Safety and Security and become proficient in bicycle safety. One of the most important bicycle safety tips for anyone riding a bike is to always follow the rules of the road. This is especially important to bicyclists because you must be cognizant of not only other cyclists, but motorists as well. Some rules of the road that all bicyclists should follow in order to practice proper bicycle safety include the following:

- Always check the weather forecast before riding
- Know your neighborhood's bike-friendly routes
- Ride with the flow of traffic
- Use hand signals when turning
- Stay at least a car-door-width away from parked vehicles
- Thoroughly check your brakes before riding your bike
- Always Keep your hands on the brakes during your ride
- Utilize lights anytime visibility is poor (nighttime, foggy conditions, in the rain, before sunrise)
- Lock your bike
- Wear a helmet. According to the Centers for Disease Control and Prevention, wearing a helmet can reduce the risk of bicycle-related head injuries by 80 percent. Always wear a helmet that properly fits your head to avoid serious injuries.
- Wear bright, bold colored clothing so that you can easily be spotted by motorists. At night, always wear a headlamp and reflective gear.

### *Protect Your Bike from Theft*

Bicycles are a true investment. Protect your bike from theft by registering your bike with the West Virginia Wesleyan Safety and Security Unit. By registering your bike, it can be quickly identified and you can easily prove ownership. The Office of Campus Life also offers students access to a bicycle storage room in the basement of Benedum Hall. Students who wish to utilize this space must stop by the Office of Campus Life to request access. The Office of Campus Life is not responsible for damage or theft of bicycles that are stored in this room. It's important to understand and use these bicycle safety tips whenever riding your bike. Bicycle safety helps prevent injury to yourself and keeps the activity a fun and safe one.

## **SECURITY VIDEO MONITORING POLICY**

### *Purpose*

West Virginia Wesleyan College is committed to enhancing the quality of life of our campus community by integrating the best practices of safety and security through technology. A critical component of a comprehensive security plan is through installation of a security and safety camera system (CCTV/web camera surveillance). Our college supports the use of CCTV/web camera surveillance on campus to monitor and maintain a safe campus for students, faculty, staff, and guests. The surveillance of public areas is intended to deter crime and assist in protecting the safety and property of our community, documentation of incidents, and assisting Campus Safety Officers in criminal or misconduct investigations. Video monitoring cameras may be stationary or worn by Campus Safety Officers.



Safety at West Virginia Wesleyan College is the shared responsibility of all students, faculty, and staff. However, no campus or community is completely free from crime. The degree to which we are safe on campus depends on each of us taking seriously the responsibility to protect ourselves and others. West Virginia Wesleyan believes in a balanced approach using technology to enhance our safety and the protection of individual privacy rights in accordance with the college's core values and local, state, and federal laws. With that in mind, this policy is adopted to formalize procedures for the installation of surveillance equipment, as well as the handling, viewing, retention, dissemination, and destruction of surveillance records. Our College reserves in its sole discretion, the right to place CCTV/web cameras on campus locations where it deems reasonable and necessary.

### *General Principles*

1. This policy does not imply or guarantee that CCTV/web cameras will be monitored in real time 24 hours a day, seven days a week. Video footage will be reviewed only upon reporting of a crime or violation. Information obtained from the cameras shall be used exclusively for campus policy enforcement, including, where appropriate, student judicial functions or to assist local law enforcement personnel in their investigation of campus/local crime. Information must be handled with an appropriate level of security to protect against unauthorized access, alteration, or disclosure. All appropriate measures must be taken to protect an individual's right to privacy and hold College information securely through its creation, storage, transmission, use, and deletion.
2. Video surveillance of public areas for security purposes will be conducted in a manner consistent with all existing college policies, including the Non-Discrimination Policy and Sexual Harassment Policy. The Code of Procedures for Video Surveillance prohibits surveillance based on the characteristics and classifications contained in the Nondiscrimination Policy (e.g., race, gender, religion, age, sexual orientation, national origin, disability, etc.).
3. Video surveillance for security purposes will be conducted in a professional, ethical, and legal manner. Personnel involved in video surveillance will be appropriately trained and supervised in the responsible use of this technology. Violations of the Code of Procedures for CCTV/web camera surveillance referenced in this policy may result in disciplinary action consistent with the the College's HR policies. Failure of any College employee to adhere to the procedures will result in the matter being referred to College HR.
4. The Director of Campus Safety and Security will review all external requests to release records obtained through security CCTV/web camera surveillance. The College will seek consultation and advice from the General Legal Counsel as necessary regarding such requests prior to the release of any records outside of the College.
5. Campus Safety and security shall monitor developments in the law and in security industry practices and technology to ensure that CCTV/web camera surveillance is consistent with best practices and complies with all federal and state laws.
6. Security staff members are prohibited from using or disseminating information acquired from College security cameras, except for authorized purposes. All information gathered and/or observations made in the use of security cameras are considered confidential and can only be used for official College and law enforcement purposes upon the approval of the Director of Campus Safety and Security or designee.
7. In recognizing students may have an enhanced expectation of privacy in the hallways of residence facilities, due to access of a commonly shared bathroom, CCTV/web camera surveillance will not be placed in residential hallways. However, for safety and security purposes CCTV/web camera



surveillance will be installed at exit or entry doors, lounges adjacent to main entrances, and stairwells of residential buildings, all of which will be considered public domain and may be monitored as deemed necessary to protect the ingress of private hallways in those facilities.

8. Campus Safety and Security will consider recommendations concerning camera locations from student senate, faculty, and staff, and review camera locations to ensure the scope of view of fixed location cameras conforms to this policy.
9. The Director of Campus Safety and Security will review any complaints regarding camera locations and determine whether this CCTV/web camera surveillance policy is being followed. Any appeal of a decision by the Director of Campus Safety and Security will be reviewed by the President or his/her designee who will render a final decision.

### ***Security Video Monitoring Policy***

1. Purchase, installation, and maintenance of any security video monitoring equipment will be coordinated through the Information Technology and Campus Safety departments. No other person or department may purchase and place private cameras for the purpose of video monitoring. Reasonable requests will be accommodated that do not violate this policy.
2. All public areas are subject to security video monitoring. Campus Safety Officers may record interactions with the public or members of the college community when responding to certain calls or investigating possible criminal or misconduct activities
3. **The use of body cameras:** All campus community members should be aware that each of our Campus Safety and Security staff members will be wearing a body camera to record interactions with faculty, staff, students, and guests. Our goal is to help increase trust, transparency, and accountability. It helps hold our officers - as well as those who interact with them - more accountable, all while fostering a safer campus community. The experience nationwide generally has been that the use of body cameras results in fewer incidents and fewer complaints against staff. We must note that this is just one of the several approaches that Campus Safety is implementing to improve engagement with our community. Similar to how a sports team uses video to help critique and improve their play, Campus Security members will be able to review footage and learn from it. We hold ourselves to a high level of professionalism, and this will help ensure that we are meeting those standards.
4. CCTV/web camera surveillance will not occur in private areas such as restrooms, residence hall rooms, or locker rooms where individuals may have a reasonable expectation of privacy. One exception will be the recording of room searches in a residence hall room by a Safety Officer wearing a body camera while staff investigates possible acts of misconduct. All room searches will be conducted in tandem with the on-duty Campus Security Officer and Residential Life professional staff member. Each of our Safety and Security staff will be wearing a body camera to record the search and will be expected to conduct a respectful search of the room's contents, while the Residential Life pro-staff member will be controlling the hallway to maximize privacy during the search. High level of professionalism will be expected and courtesy will be required by all WVWC staff members conducting the search.
5. Access to the footage will be limited to the Director of Campus Safety and Security. Footage may be shared with local police authorities. The college will balance any public right to information with privacy rights on a case-by-case basis when considering any request for disclosure, subject as well to any restrictions under the Family Educational Rights and Privacy Act, or College HR policies.
6. Caution will be accorded in viewing all video, recognizing that a recording cannot tell the entire story of any interaction - the camera won't capture everything that takes place, nor can it measure emotions or perceptions or the experiences that individuals bring to a situation. Such human elements will always be present and will be considered accordingly when reviewing footage.





7. Security video monitoring will not occur in an individual office or a classroom unless the office holder or professor of the class expressly consents to such surveillance in advance.
8. Covert security video monitoring may be used in public areas when Campus Security determines that there has been a credible report of potential or actual misconduct or criminal behavior or in any areas deemed by Campus Security to be high risk for such behavior.
9. Only Campus Security Officers and authorized Information Technology staff will have routine access to security video monitoring images and the usernames / passwords for access to the IP camera server. Selected supervisors may have approval and access to video monitoring of selected areas they have control, however these recordings remain records of the Campus Safety and Security office.
10. As with all College policies, the College reserves the right to modify this policy if deemed reasonable or necessary or in the best interests of the College.
11. The use of dummy or placebo cameras is prohibited. The College does not want to promote a false sense of securing any area of campus.
12. When an incident is suspected to have occurred, only authorized personnel may review the images from surveillance camera data. The Director of Campus Safety and Security will determine who may review footage on a case by case basis.
13. Only the Director of Campus Safety and Security may authorize copies of surveillance images who will consult with College General Legal Counsel before any release of images.
14. Video surveillance cameras shall not be specifically directed or zoomed into windows of any residential building, including residence hallways. The department of Information Technology will work with the Safety and Security office to properly place each camera to protect individual privacy concerns.
15. Proposed changes or exceptions to the Campus CCTV/web camera surveillance policy will be reviewed annually by the Director of Campus Safety and Security and Information Technology staff.

### *Placement of Cameras*

1. Cameras will be located so that personal privacy is protected. No audio shall be recorded. Camera positions and views of residential housing shall be limited to external areas. The view of a residential housing facility must not violate the standard of a reasonable expectation of privacy. Hallways will be considered private residential areas due to the location of bathrooms in many dormitories. However, stairwells are considered public areas.
2. Unless being used for criminal investigations, all video camera installations should be placed in the public view and visible.
3. The exact location, quantity, and function of all cameras will generally be considered confidential for security purposes and will not be released to the general-public, guests, or employees.
4. The College may place cameras in areas that are not open to the campus or general-public (e.g., closed buildings or secured areas).
5. Anyone tampering with video equipment will be subject to disciplinary action through the student conduct or HR office.

### *Access and Monitoring*

1. All recording or monitoring of activities of individuals or groups by college security cameras will be conducted in a manner consistent with college policies, state and federal laws, and will not be based on any subject's personal characteristics, including age, color, disability, gender, national origin, race, religion, sexual orientation, or any other protected classification.





2. Furthermore, all recording or monitoring will be conducted in a professional, ethical, and legal manner. All personnel with access to college security cameras will be trained in the effective, legal, and ethical use of monitoring equipment.
3. College security cameras are not normally monitored continuously but may be monitored for legitimate safety and security purposes, including but are not limited to the following: high risk areas, restricted access areas/locations, response to an alarm, special events, maintenance purposes, functionality purposes, and specific investigations authorized by the Director of Campus Safety and Security or designee.
4. When an incident is reported, the personnel responsible for the area (VPs and/or Directors) in question may request to review the images realized from surveillance. As circumstances require, the Director of Campus Safety and Security may authorize others to review images. A log will be kept of all instances of access to, and use of, recorded material.

### *Installation*

1. Individual college departments, programs, or campus organizations seeking installation of video surveillance equipment shall first submit a written request to their appropriate supervisor describing the proposed location of surveillance devices, justifying the proposed installation, providing a cost estimate, and identifying the funding source or sources for purchase and ongoing maintenance.
2. The Directors of Campus Safety and IT will review all requests and collectively will be responsible for reviewing and approving or denying all proposals for security camera equipment installation. The president of the college or designee shall render a final decision if necessary.
3. IT shall oversee the installation of all approved security camera systems with the assistance of Physical Plant personnel.

### *Storage and Retention of Recordings*

1. No attempt shall be made to alter any part of any surveillance recording. Surveillance centers and monitors will be configured to prevent camera operators from tampering with or duplicating recorded information.
2. All surveillance records shall be stored in a secure location for the academic year and will then be erased or written over unless retained as part of a criminal investigation, court proceeding (criminal or civil), student conduct file, or other bona fide use as approved by the Director of Campus Safety and Security. Individual departments shall not store video surveillance recordings.
3. A log shall be maintained of all instances of access to or use of surveillance records. The log shall include the date and identification of the person or persons to whom access was granted.

### *Applicability*

This policy applies to all college administrators, faculty, staff, students, and guests.

### *Camera Acceptable Use Policy*

1. This policy does not address the use of student/employee personal cameras, and/or webcams, videotaping events or live streaming for general use by the college.
2. This policy also does not apply to the use of video equipment for the recording of public performances or events, interviews, or other use for broadcast or educational purposes. Examples of such excluded



activities would include videotaping of athletic events for post-game review; videotaping of concerts, plays, and lectures; live stream activity; or videotaped interviews of persons.

3. Automated teller machines (ATMs), which may utilize cameras, are also exempt from this policy.
4. This policy does not apply to cameras used for academic purposes. Cameras that are used for research, communications, class assignments or projects conducted by college sponsored educational organizations shall be governed by other policies involving instructional activities and are therefore excluded from this policy.

In closing, our College believes in providing quality services in a professional manner. We are service-driven, partnership-oriented, and we strive for excellence. We endeavor to provide services in a fair, friendly, and respectful manner, genuinely caring for the welfare of people. We recognize that change is constant and we must actively seek new and better ways to fulfill our mission. We encourage innovation and the contribution of ideas to improve the department and the quality of services.

## HEALTH AND WELLNESS

### *In Case of An Emergency*

In case of an emergency when the Health Center is closed, contact Campus Security at 304-473-8011 for immediate assistance. Security has the ability to reach all other on-call personnel.

Residence Life staff are on duty in each building with professional staff on call 24/7. Security or the on-duty staff person will contact a counselor, 911, or other resources as needed depending on the situation.

For crisis intervention you can also call:

Appalachian Health Center's 24-hour hotline at 304-472-2022

Women's Aid in Crisis at 304-473-0106

St. Joseph's Hospital at 304-473-2000.

### *Acquired Immune Deficiency Syndrome (Aids) And STD'S*

Acquired Immune Deficiency Syndrome (AIDS) is a serious medical and social concern that has reached epidemic proportions. It is a disease that can affect any individual or group. West Virginia Wesleyan College will handle issues related to AIDS on an individual, case-by-case basis in accordance with medical advice, guidelines of the American College Health Association and Federal Law and will ensure that the response to individuals with AIDS will be consistent with response to others with serious diseases or disabilities.

The following guidelines clarify Wesleyan's institutional response to HIV infection and AIDS and include essential features of the American College Association's General Institutional Response to AIDS.

Current medical knowledge indicates that students or employees with AIDS, or HIV infection, do not pose a health risk to other students or employees in an academic or residential setting.

If a student or employee is diagnosed as having AIDS or HIV infection, decisions regarding classroom attendance, housing, and continuation of work will be made on a case-by-case basis. The institution will rely on available medical advice, and will fully consider the rights of all individuals, especially those with handicapping conditions, when making related decisions. In addition, these decision-making processes will



adhere to/follow the established College governance structure and process, including the standards contained in student, faculty, and staff handbooks.

Information concerning the existence and identity of students or employees with HIV infection or AIDS will be kept strictly confidential and will not be shared with faculty, staff, or family without the written permission of the patient. Members of the institution who have access to such information will be kept to a minimum and only those with a legitimate "need to know" will be aware of the existence of AIDS or HIV infection.

The College will adopt and follow safety guidelines as established by the United States Public Health Service for health care clinics and teaching laboratories and will follow Federal Law.

The voluntary reporting of AIDS or HIV infection will not be a factor in initial student admission decisions or in employment status decisions.

### *Counseling Services*

The objective of the Counseling Center is to assist students in resolving personal and educational concerns, developing self-management and interpersonal skills, and learning to improve individual well-being, in a short-term, brief, solution-focused model. A variety of services are offered, including individual counseling, education programs, and resource materials on a variety of important issues. These services are confidential.

### *Policy and Protocol for Suicidal Behavior*

The College recognizes that a student's physical, behavioral, and emotional health is an integral component of a student's academic success at the College. The purpose of the protocol is to protect the health and well-being of all students by having procedures in place to identify, assess the risk of, intervene in, and respond to suicidal behavior. The policy is activated when the College has actual knowledge that a student is actively engaged in suicidal behavior, has previously engaged in suicidal behavior while enrolled at the College or recently before matriculation, or has stated plans or intentions to complete suicide. A student who engages in any of these behaviors may be required to meet with the Dean of Students before being permitted to resume classes. The Student Suicide Prevention Protocol is administered by the Dean of Student's Office.

#### *Purpose*

The purpose of this protocol is to provide education and guidance to faculty, staff, students, and other members of the College community to help prevent student suicide. All suicidal behavior or threats should be taken seriously and immediately referred in accordance with this protocol. In the case of an emergency, please dial 911 then contact Campus Security at 304-473-8011.

This Protocol shall be followed in the event a College employee has actual knowledge that a student:

- Is actively engaged in suicidal behavior psychological crisis, or
- Has engaged in suicidal behavior previously while enrolled at the College or recently before matriculation; or
- Has stated plans or intentions to commit suicide, including active suicidal ideation with specific plan and intent to act or active suicidal ideation with some intent to act, without a specific plan. Or,
- Where the College has actual knowledge that a student has engaged in suicidal behavior and is currently hospitalized, these protocols shall be activated (under procedures for Previous Suicidal Behavior) in the event the student seeks to return to the College.

### ***Emergency Protocol***

Any member of the College community who has actual knowledge that a student is suicidal or in psychological crisis to any degree will:

1. Immediately contact 911
2. Call Campus Security at 304-473-8011 or X8011 (all hours).
3. Contact the Dean of Students immediately at 304-473-8443 (college business hours). If the Dean of Students is not available, Campus Security will provide proper notification.
4. The Dean of Students (or designee) shall attempt to contact the student's emergency contact of record or another emergency contact identified by the student.

A student who has expressed suicidal ideation to any degree shall be required to be assessed by a licensed mental health professional independent of West Virginia Wesleyan and provide documentation to the Dean of Students office upon return prior to returning to classes, residence halls, or co-curricular activities. Documentation will be reviewed by the Dean of Students (or designee) and/or the College's BIT Team. In accordance with the West Virginia Wesleyan College Student Handbook, the Behavior Intervention Team can recommend an administrative withdrawal for students that engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others.

### ***Non-Emergent or Previous Suicidal Behavior Procedure***

Any member of the College community who has actual knowledge that a student has engaged in suicidal behavior while enrolled at the College or recently before matriculating shall submit an early alert.

Based on the information received, the BIT shall determine whether the protocol should be activated. In doing so a designee of the BIT may attempt to meet with the student. The BIT may also consult with other offices/resources to determine an appropriate medical referral, help identify support strategies, and/or develop a follow-up action plan for the student.

If the Emergency Protocol is activated, the Dean of Students (or designee) shall attempt to contact the student's emergency contact of record or another emergency contact identified by the student.

A student who has expressed suicidal ideation to any degree shall be required to be assessed by a licensed mental health professional independent of West Virginia Wesleyan and provide documentation to the Dean of Students office upon return prior to returning to classes, residence halls, or co-curricular activities. Documentation will be reviewed by the Dean of Students (or designee) and/or the College's BIT Team. In accordance with the West Virginia Wesleyan College Student Handbook, the Behavior Intervention Team can recommend an administrative withdrawal for students that engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others.

### ***Health Center***

Community Care of West Virginia provides medical services in the Health Center. The following services are offered:

- Vaccinations and Immunizations
- Acute Illness Treatment
- Annual Wellness Exams
- Chronic Illnesses Monitoring and Treatment (ie: asthma, allergies, diabetes, obesity, sickle cell anemia, seizures)



- Allergy Injections
- Accident and Injury Treatment
- Nutritional Counseling
- School and Sports Physicals
- Vision and Hearing Screenings
- Family Planning Services

For hours of operation and billing questions, please contact Community Care of West Virginia. Community Care of West Virginia maintains medical records in accordance with their internal policies as an independent medical provider.

### *EARS*

EARS is a system for early warnings intended to help identify student concerns, both academic and non-academic. The purpose is to identify those warning signs early enough so that appropriate support systems can be identified. Early alerts are not a part of the student's permanent record. Students who are early alerted will be contacted by a member of the EARS team or designated individual to discuss the referral and appropriate support systems available.

### *Health Risks of Drug and Alcohol Use*

Alcohol consumption causes several marked changes in behavior. Even low doses significantly impair judgment and coordination. Statistics show that alcohol use is involved in most violent behaviors on college campuses, including sexual assault, vandalism, physical and verbal fights, and incidents of drinking and driving. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effect just described. Alcohol combined with other drugs, even over-the-counter and prescribed medication, can cause a variety of effects including, but not limited to, respiratory depression, cardiac arrest, and death.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver.

Drug and Alcohol Awareness and Education will be sponsored from several program areas of the college. Our goal is to provide educational opportunities and activities that are designed to deliver information about the effects of alcohol and illicit drug use on the individual and on the life of the community. Personal responsibility and accountability as well as familiarity with West Virginia State law on alcohol and drug abuse is emphasized. Educational initiatives include invited speakers and lectures, movie screenings, interactive tabling, peer educator led discussions and programs, and bystander intervention training.

First and foremost, we care about your well-being; therefore, students found in violation of the Alcohol and Drug Policy may be required to meet with the Student Conduct Officer and/or Counseling Center staff to discuss the student's use and abuse of substances. Students are referred for the appropriate intervention.



### *Refusal to be Transported*

In any event when it has been determined by a present and attending medical provider, including EMS, that a student should be transported to the hospital as a result of some medical incident and that student then refuses to be transported to the hospital, a form will be completed and require signature of the student. College personnel will work diligently to maximize the protection of student privacy rights.

## ORGANIZATIONS AND INVOLVEMENT

### *Student Senate*

Student Senate is recognized as the official body for protecting student rights and interests, facilitating student participation in College policy-making, increasing the quality of students' educational and academic experience, upholding the core values of the College in all areas of student life, facilitating communication between students and faculty, and staff, recognizing and funding student organizations, acting as the active link between the concerns of the Student Body and the administration, representing the student body in College Council meetings and all official college business, and striving to improve the welfare of all students.

Membership consists of student representatives as well as representatives of campus organizations, faculty, and administration. Student Senate executive board meets weekly to facilitate campus communication and to provide leadership in dealing with campus problems and issues. Student Senate will host a general meeting once a month open to all who are interested and will be announced to all students by way of email from the Student Senate leadership. Students are also encouraged to get involved with student government via their individual Class Councils.

We want you to be a part of WVWC's outstanding student community and truly make it your own. Your experience here depends on you, but we will help you as much as we can to find your niche. Wesleyan will be what you make it. It is our goal to help make it the best and most memorable four years of your life.

So, please, come give us input or join our Senate team!

For more information please email:

- [studentsenate@wwwc.edu](mailto:studentsenate@wwwc.edu)
- Alisa Lively, Advisor, [lively\\_a@wwwc.edu](mailto:lively_a@wwwc.edu)

### *Religious and Spiritual Life*

West Virginia Wesleyan College understands that spiritual growth, theological exploration, moral development, and the growing expression of one's religious faith are central components to fulfilling the purposes of liberal arts education. The College is a community of learning based on fundamental principles formed at the intersection of Christian faith and liberal education: intellectual rigor, self-discovery, human dignity, mutual support, social justice, self-discipline, mental and physical wellness, the appreciation of diversity and the natural world, and the judicious use of resources.

The Director of Religious Life, along with a variety of student organizations, offers students, staff, and faculty an assortment of opportunities for religious study and practice. Though based in the Methodist Christian Tradition, Wesleyan welcomes believers of all religious and non-religious backgrounds and the accommodations needed. In line with the social responsibilities, core values, and mission statement of the College, students are expected to be respectful and inclusive of those with differing belief systems.

Wesleyan will not tolerate discrimination, hazing, or exploitation of any kind because of a person's religious beliefs, background, or affiliation. If any situation occurs it will be handled through the judicial system.

The United Methodist Church Liaison and Spiritual Life Coordinator is available to all students for spiritual guidance and discussion. The position is also a non-mandatory reporter for Title IX.

Students are invited to join in with any of the co-curricular religious and spiritual life organizations on campus listed here:

- Baha'i Believers Fellowship
- Bethel Campus Fellowship
- Catholic Campus Ministry
- Weekly Ecumenical Chapel
- Fellowship of Christian Athletes
- InterVarsity Christian Fellowship
- Interfaith Peace
- Delight Ministries
- Hurt By the Church

Contact the Spiritual and Religious Life Office for more information on these organizations at [acord.j@wcwv.edu](mailto:acord.j@wcwv.edu) or (304) 473-8372.

### ***Bobcat Entertainment***

Our campus programming board plans events and giveaways for students to enjoy. Bobcat Entertainment is run by students, for students. You can get involved by joining a committee, attending one of the many upcoming events, or providing them your ideas! New members are welcomed each semester who are interested in event planning, public relations, graphic design, budgeting, and more!

Follow us on social media to keep up to date with upcoming events.

Contact advisor Agee LeMasters in the Campus Life Office or for more information email [be@wwvc.edu](mailto:be@wwvc.edu).

### ***Greek Life***

#### ***Greek Organizations***

In 1998, the Board of Trustees approved guidelines for College interaction with Greek organizations reaffirm West Virginia Wesleyan College's traditional commitment to the development and support of the fraternity and sorority system as an integral aspect of the College community. This document also affirms the commitment of the fraternity and sorority system to high scholastic performance, community engagement, leadership development, and personal and chapter achievements.

The College recognizes the opportunities that fraternity and sorority affiliation offer to students for intellectual, cultural, and interpersonal growth. These opportunities constitute a positive and important complement to the College's formal academic program.

The fraternity and sorority system recognize that Greek organizations exist at West Virginia Wesleyan College with the College's consent and that each chapter has the obligation to provide chapter involvement and to be a positive influence on the College campus and the quality of life therein. Chapters also have the responsibility to respect the mission, goals, traditions, and policies of West Virginia Wesleyan College. The





two communities recognize a responsibility to promote the continued positive relationship between fraternities and sororities, their alumni, their national organizations and the College. These Guidelines outline the mutual expectations of both communities, and will be reviewed annually, and revised as required.

### ***Role of Greek Alumni/Alumnae***

Alumni/Alumnae of fraternities and sororities provide continuity, maturity, guidance, leadership, business, and financial experience and advice to their affiliated chapters and to the College. They often finance the renovations of student housing (fraternities) and suites (sororities). Fraternity and sorority alumni/alumnae often show greater loyalty to, and interest in, the College as a result of their involvement with their affiliated chapters. Chapter advisors, drawn from the ranks of the alumni/alumnae of West Virginia Wesleyan College and other Colleges at which chapters are chartered, become important partners in the process of developing individual student and chapter excellence.

### ***Establishment of New Chapters***

Policies and procedures regarding the expansion of the fraternity and sorority system are established by the Interfraternity Council (IFC) and the Panhellenic Association (PHA), and are subject to Student Senate approval. These policies are included in the constitutions of the IFC and PHA.

### ***Governance of Chapters***

The College recognizes the IFC as the governing board of the fraternity system and the Panhellenic Association as the governing board of the sorority system. The power and authority of the IFC and PHA, as outlined in their respective constitutions, are subject to all the rules and regulations promulgated by the College.

For a more detailed and complete overview of Greek Life at West Virginia Wesleyan College, please contact the Office of Greek Life at [bohman\\_j@wvwc.edu](mailto:bohman_j@wvwc.edu) or 304-473-8073

### ***Intramurals***

The Intramural and Recreation Program consists of both athletic and recreational activities and is open to all students and faculty/staff. Programs offered may include basketball, flag football, soccer, volleyball, white water rafting, and other outdoor adventure programs.

### ***Outdoor Recreation***

The Outdoor Recreation department offers WVWC students an opportunity to explore “Wild & Wonderful” West Virginia through a variety of activities and events. Trips range from extreme to serene and are designed to welcome all students regardless of experience. Some cost may be associated with certain trips, but all are kept at the lowest possible cost to students. To sign up for a trip, visit the Outdoor Recreation office located in the Wellness Center (Jenkins Hall) or email the staff! All trips have maximum capacity numbers so sign up early. Please be advised that there may be cancellation fees if proper notification is not given. All participants must sign a waiver prior to attending any trip.

Have more questions? Talk to an Outdoor Recreation GA at the Wellness Center (Office 106) or contact us and don’t forget to follow us on social media!

### ***Office of Diversity, Equity and Inclusion***

The Office of Diversity, Equity and Inclusion endeavors to provide campus-wide leadership, education, support and accountability on issues related to diversity, equity and inclusion at West Virginia Wesleyan



College. The office works towards fostering a campus culture where everyone can thrive and diversity is valued. Establishing an institutional culture that values and fully embraces members of the Wesleyan Community from diverse backgrounds, cultures, races, identities, life experiences, perspectives, beliefs, and values. The office provides support to student organizations campus-wide, serving in an advisory capacity to the Black Student Union, the International Student Organization, and PRISM. Making West Virginia Wesleyan College a leading institution in the creation of a welcoming, nurturing and inclusive community for all who study, learn, teach, and serve here is the primary goal of the office.

### *Community Engagement & Leadership Development*

The Center for Community Engagement & Leadership Development seeks to provide opportunities for transformative learning and community engagement with the intent to promote positive social change. Students can serve the Wesleyan, Buckhannon, and broader communities through donation drives, fundraisers, and direct service projects. Campus organizations as well as courses, athletic teams, and residence life may at times encourage engagement and the Center for Community Engagement is able to connect the Wesleyan community with over 20 various community partner organizations. In addition, there are opportunities through the WE LEAD and LEAP programs for education and advocacy where students can further develop their leadership capacity for current and future success.

### *Assumption of Risk*

All participants in recognized co-curricular groups/organizations/athletic activities affiliated with the West Virginia Wesleyan College, either on or off any West Virginia Wesleyan College property will agree to the following:

I understand that direct supervision by West Virginia Wesleyan College staff may or may not be provided in the participation of co-curricular groups/organizations/athletic activities. However, the expectation will be that participants agree to follow the direction of event sponsors or organizers of the activity, which may include student leaders. Any issues of concern should be reported to the Student Senate advisor.

Participation in co-curricular groups/organizations/athletic activities, by its very nature, includes certain risks. The specific risks vary, but may involve minor injury, major injury, and serious injury. Participants agree to assume all risks involved in participating in, traveling to or from, or using West Virginia Wesleyan College programs, services, facilities, and equipment.

I also recognize that there are both foreseeable and unforeseeable risks of injury or death that may occur because of my participation in, traveling to or from, or use of West Virginia Wesleyan College services, facilities, and equipment that cannot be specifically listed. I also recognize that the actions of other users of West Virginia Wesleyan College services, facilities, and equipment may cause harm or loss to my person or property and agree to assume the risks of same.

All participants are strongly advised to have an annual medical examination and proper medical insurance coverage. We strongly encourage you to consult with a physician before participating in any physical activity to determine any potential conditions that may adversely affect your participation. We encourage those with preexisting conditions to wear a medical alert bracelet or neck tag indicating the appropriate medical information and follow your physician's recommendations in your participation.

I understand it is my responsibility to provide for my own medical and accident coverage. West Virginia Wesleyan College does not provide medical and accident coverage to students. While we strive to provide



safe activities and facilities, there is an inherent risk for physical injury and/or death in all sport activities. We strongly encourage you to consult with a physician before participating in any physical activity to determine any potential conditions that may adversely affect your participation. We encourage those with pre-existing conditions to wear a medical alert bracelet or neck tag indicating the appropriate medical information. We strongly recommend that all participants have a medical insurance policy that will cover injuries or illness that may occur due to participation in or use of Intramural Sports and West Virginia Wesleyan College Recreation programs, services, facilities, and equipment.

### *West Virginia Wesleyan Rock Rules*

“The rock” can ONLY be painted Sunday - Thursday (not Friday or Saturday). Contact John Bohman prior to painting of “the rock” to eliminate multiple groups from trying to paint on the same day. A notification will be sent to the Security office that a group has been scheduled to paint “the rock.” Please paint the rock between the hours of 10:00PM to 2:00AM to avoid other WVWC scheduled events.

- Any fraternity, sorority, club, or organization of West Virginia Wesleyan College may paint “the rock”.
- If pledges are painting “the rock” as a group, no more than two active members of the sorority or fraternity shall be present during the painting.
- If there are two or more groups that have a desire to paint “the rock” on a particular day, please contact John Bohman to mediate all disputes. Each group will be given an opportunity to paint the rock and will be assigned a day to avoid conflict.
- If a group is at “the rock”, they may not be removed from “the rock” by another organization. Please contact John Bohman to mediate any issue of concern. To avoid scheduling conflicts please make arrangements with the Office of Greek Life.
- Each group will be responsible for their trash and will be required to clean up all debris on or around “the rock” including the sidewalks before they leave.
- No throwing of any substance or material is allowed at “the rock.”
- No battles between organizations around “the rock.”
- Physical contact with others is prohibited.
- Painting of individuals is prohibited.
- No derogatory remarks about any other fraternity, sorority, club, school, or organization may be painted on the rock.
- Paint should be used for the rock and no other purpose to protect the surrounding environment.
- Oil base and enamel paint are not permitted to be used on “the rock.” These substances are hard to clean and are dangerous to the surrounding habitation of the rock area.
- Only paint and glitter will be permitted on “the rock.” No corrosive materials may be used.
- Use of “the rock” shall follow all IFC, Panhellenic, and West Virginia Wesleyan College code of conduct.

Any behavior outside of the above guidelines may result in a judicial response from IFC, Panhellenic, or any other governing body at West Virginia Wesleyan College as deemed necessary.

Any questions regarding the above policy and rules should be directed to John Bohman, Director of Greek Life.



## BREAK TRANSPORTATION POLICY

West Virginia Wesleyan College will offer limited shuttles to nearby transportation hubs during college breaks. Shuttles will be scheduled only on the days that residence halls open and close. Transportation will not be offered during the hours of 10pm and 6am, so please be sure to plan accordingly. Transportation must be requested a minimum of two business days in advance. The cost of shuttles is \$30 each way.

We will provide transportation to and from:

- Weston Bus Station (Greyhound)
- Clarksburg Bus Station (Greyhound)
- CKB Airport in Clarksburg (Allegiant and United flights)

These will take place only before and after the following breaks:

- Prior to fall term
- Thanksgiving
- End of fall term
- Prior to spring term
- Spring Break
- End of spring term

Transportation for international students will be arranged by the Director of Diversity, Equity and Inclusion.

## FACILITY USE POLICY

The complete policy regarding the use of facilities by external groups is available in the Student Development Office.

### *Purpose*

The intent of the policy is to ensure optimum use of facilities on the campus of West Virginia Wesleyan College and develop and maintain good public relations with organized groups wishing to use these facilities. These policies are applicable to use of College facilities by faculty, staff, students and visitors to WVWC, with the expectation that while on College property all are required to adhere to the standards of conduct applicable to WVWC and abide by all pertinent policies and College regulations.

### *Direct Costs*

Organizations may be responsible for any direct costs incurred in facility use. "Direct Costs" are defined as all fees incurred by the College as a result of hosting the program in College facilities and are in addition to the actual facility rental rates. Direct expenses include, but are not limited to, costs incurred as a result of occupancy beyond regular business hours, audio-visual requirements, housekeeping, personnel required to service an event, set-ups, tear-downs, special equipment, Campus Security, fogging of the facility as a COVID-19 Preventative Measure, and technical support.

### *Priority*

The use of College academic facilities, classrooms, seminar spaces, laboratories, outdoor spaces, and auditoriums for scheduled academic instructional and research purposes shall take precedence over all other uses of such space and will not be displaced without the expressed approval of the President or the President's



authorized designee. Internal College organizations are not permitted to directly negotiate the use of College facilities with external organizations. Conflicts arising from a College organization requesting use of a space after it has been reserved by an external organization will be handled on a case-by-case basis.

### *Use of Facilities*

#### ***By Internal College Organizations***

Requests for the use of facilities, other than academic classes and athletic contests and practices, must be made using the College's scheduling system available on the Intranet.

All event requests must be approved by the Calendar Coordinator or other authorized approver. Campus personnel may not reserve space using the campus reservation system for external organizations or for private use.

#### ***Political Candidates/Organizations***

West Virginia Wesleyan College, a private liberal arts college, is committed to the democratic process and to providing opportunities for our students to witness, participate in, and engage with the election process and/or elected officials.

With this long-standing commitment, the College will work with any ballot-approved candidate for public office or individual who holds public office who desires to visit campus. The presence of an event on campus does not indicate West Virginia Wesleyan College's support of the candidate, public officer, or message included in the event. For an event to be held on the West Virginia Wesleyan campus, the following conditions must be met:

- The event must be open to anyone who wishes to attend. (Attendance cannot be restricted to known supporters of the candidate.)
- Event organizers are not permitted to remove peaceful protesters unless deemed necessary by WVWC Campus Security or Buckhannon Police Department Officers for the safety of event participants or others on campus.
- The College will designate space for protestors.
- Event organizers are not permitted to approach College students and employees but must wait to be approached before engaging in conversation, debate, and other communication.
- External organizations are responsible for facility costs and all associated direct costs as defined in the General Policies section.
- The organization must utilize the exclusive College Dining Service contractor. No food or beverages may be brought to the College except as provided under the Catering Policy. Aladdin catering services must have first right of refusal for any concession sales and West Virginia Wesleyan Colleges retains second right of refusal for concession sales.
- If the event occurs when classes are in session, guests cannot park in lots restricted to persons holding WVWC- issued parking permits.
- Nothing about the event will be permitted to interfere with the normal operations of the College, with particular concern for protecting the classroom environment and for allowing students to move freely along their normal pathways.
- The external organization or group must reimburse the College for any expenses accrued as a result of the event, including but not limited to facility rental, housekeeping, catering, and security expenses.



- The external organization or group is responsible for any damage to College property that is a direct result of its presence/event on campus.
- The external group or organization must provide general liability insurance that includes West Virginia Wesleyan as an “additional insured” for the date(s) its event takes place on campus. See insurance section for additional details.
- The external group must agree to hold West Virginia Wesleyan harmless of and free from any and all liability and loss that any individual may suffer for any reason, except that which is directly caused by the negligent acts or deliberate misconduct of the owner of the premises or its agents.
- The presence of event security, whether WVWC Campus Security and/or Buckhannon Police Department officers, can be required at the College’s discretion. Security consultations with WVWC Campus Security and/or Buckhannon Police Department officers may also be required.

### ***Holiday and Weekend Facility Use***

Facilities utilized on holidays, weekends, and other days when the College is officially closed, whether by internal or external organizations, will be assessed a surcharge to reflect the costs associated with supporting the program. Any costs incurred due to required support services will be additionally assessed. Such surcharges will be individually determined and clearly communicated at the time of scheduling. Facilities will not be available during scheduled campus closures, including during the Thanksgiving and Christmas holidays. Additionally, facilities will not be available during Orientation Weekend, Family Weekend, and on the day of Commencement.

### ***Insurance***

Private events with over 100 attendees and all organizations, regardless of the amount of attendees, are required, at their own expense, to provide \$1,000,000 of General Liability Insurance. You must provide a certificate of insurance that names West Virginia Wesleyan College as an “Additional Insured” to the Calendar Coordinator or Director of Conference Services at least seven days prior to the event. There are numerous insurance carriers that can provide this type of coverage, including some home insurance companies, at very low rates. The Conference Services office can offer options to those who need them on this topic. Events will not take place on the West Virginia Wesleyan College campus without this insurance requirement. You can fax certificates to 304-473-8816 or email to [lemasters.a@wwwc.edu](mailto:lemasters.a@wwwc.edu).

### ***Cancellation of Scheduled Events***

West Virginia Wesleyan reserves the right to reject or cancel any reservation for any reason. Cancellation by an outside group may be made by the requester 30 days prior for full refund of the rental fee, less a 25% non-refundable processing fee. If a cancellation is made between 7 and 29 days prior, 50% of the rental fee will be returned less the non-refundable processing fee. If a cancellation is made within one week prior to the event, 100% of the rental fee may be retained by the College. The \$100.00 deposit is non-refundable in any case.

### ***Payment: Internal Organizations***

Internal organizations that use College facilities are not responsible for facility use costs; however any damage or loss of property fees will be billed to the organization’s College budget account approximately 30 days after the event.

### ***Non-Use of Facility***

Failure by an individual or organization to cancel a reservation will result in all fees incurred being billed to the individual or organization. A second failure to cancel may result in the individual or organization being barred from future use of College facilities. Failure to pay for facility use within 60 days will result in the inability to reserve facilities in the future.

### ***Revoking Reservations***

Approval for the use of any College facility may be revoked when facilities are misused, previous amounts owed the College are past due, or any of the provisions of the reservation procedures are violated. Future applications, or facility reservations already scheduled, will not be approved if the organizations' scheduling privileges have been previously revoked for misuse.

### ***Damage to Property***

WVWC furniture or equipment may not be removed or altered during the use of the facility. Decorations must be removed and the facility left in unmarked condition when the reservation is completed. The individual or organization shall be responsible for reimbursement to WVWC for all repair and replacement costs arising from negligence or abuse.

### ***Employee Use of Facilities***

Permanent, full-time employees of the College may use limited College facilities at 50% of the regular facility rental fee. Events must be hosted by the employee for private, immediate family functions only and cannot interfere with or supersede academic programming. This benefit applies to facility rental fees only. Any direct costs incurred will be billed at the normal rates. All current Facility Use Policies, including scheduling requirements, must be followed. (WVWC's contracted employees are not eligible for this benefit.)

### ***Rental Equipment Expenses***

It is the responsibility of the sponsoring department or individual to acquire any necessary equipment that is not in WVWC's inventory. Use of any outside equipment should be approved in advance by Calendar Coordinator.

### ***Catering, Food, and Concessions***

West Virginia Wesleyan College's Catering Services, Aladdin Food Management, an Elior Company, has exclusive rights for catered events on campus that have food and beverage requirements. Contact Aladdin at 304-473-8060 or [aladdin@wvwc.edu](mailto:aladdin@wvwc.edu) for information on their full-service catering options.

Exceptions may be granted ONLY by the Director of Dining Services. The catering policy applies to both internal and external organizations. In no case will an exception be granted if a real danger exists in regard to health, sanitation, or good business practices. In no case will an exception be granted if previous exceptions have resulted in abuse of the spirit of this policy.

Aladdin Food Management also reserves first right of refusal for concessions at any event. West Virginia Wesleyan College reserves second right of refusal. If both parties opt to not sell concessions at an event, the external organization hosting the event may sell concessions with explicit permission from the College.

### ***Alcohol on Campus***

All academic buildings, administrative buildings, athletic fields, campus lawns and residence hall lounges and lobbies at West Virginia Wesleyan College are alcohol free. There is no exception to this policy.



### ***Tobacco Use***

West Virginia Wesleyan College's campus is tobacco free. The use of any tobacco product is strictly prohibited.

### ***Advertising and Promotion***

Externally distributed promotion and advertising literature of either internal or external programs must be approved by the Office of College Communications prior to publication. An external organization may not use the College name, seal, logo or other College identification in advertising or promotion literature that states or implies such sanction or sponsorship of the event, except to list the location of the program, without WVWC's Office of College Communications' written consent.

### ***Copyright/Ownership Rights***

The College's Copyright Policy covering the ownership of patents, copyrights, and other rights in invention and in written and recorded material shall govern the production and distribution of conference related speeches, proceedings, recorded materials, and other publications. All internal and external groups are responsible for following all applicable copyright policies.

### ***Fire and Safety***

A person or organization shall not utilize, or allow to be utilized on College premises, any open flame, burning candle or candles, in connection with any public meeting or gathering for purposes of amusement, deliberation, education, entertainment, instruction, recreation, worship, or similar purposes. The only exceptions are to schedule the use of the College's fire pit which must be made in advance with the Calendar Coordinator or Director of Conference Services or the use of altar candles for religious services in the Meditation Chapel or Wesley Chapel.

### ***Concealed Weapons Law***

The state of West Virginia allows qualified citizens to carry concealed weapons, but only if certain strict conditions are met. The Concealed Carry Law does not allow concealed weapons to be carried anywhere on the premises of a College unless the weapon is locked in an automobile or in the process of being locked in the automobile. It is against College policy to carry a firearm, deadly weapon, or dangerous ordnance, anywhere on the premises of WVWC.

### ***Commercial Sales and Sampling***

No commercial, profit making, or direct sales events are permitted on College property, except through vendors approved by the Calendar Coordinator or Director of Conference Services or without prior approval. College organizations cannot function as on-campus agents or representatives for commercial firms or enterprises. Sampling is the free distribution of a commercial product or souvenir for the purpose of promoting a product or service and must be pre-approved through the Calendar Coordinator or Director of Conference Services Office. Distribution of alcohol or tobacco products is expressly prohibited. The distributed item must be appropriate to the mission of the College, be procured through a safe method of distribution, and must not conflict with existing approved vendors currently under contract with WVWC.

### ***Computer Use***

Faculty, staff, students and internal organizations must follow the WVWC's Computing Services guide. The website: <http://helpdesk.wvwc.edu>, scroll down to the "Quick Links" section and click "Current WVWC Technology Handbook".

External groups may request an internet password from the Calendar Coordinator or Coordinator of Summer Conferences for use while on campus. Usage that violates any institutional, local, state, or federal rule, regulation, or law is prohibited by the College's Computer Use Policy. Users may not violate copyright law (Title 17, U.S. Code) through the unauthorized installation, distribution, or reproduction of any material that is defined by intellectual property rights. For more information, refer to the College's Copyright Policy. Personal information transmitted over the College network or stored on College-owned computers will be examined, with or without notice, only if the Director of Institutional Technology, in consultation with the CFO, believes that:

- The integrity and/or security of the campus network has been compromised in an unacceptable manner; or
- A violation of a local, state, or federal law or regulation has occurred; or
- A violation of West Virginia Wesleyan College's Computer Use Policy has occurred. Violators of this policy may be liable for civil and criminal prosecution, and it should be understood that nothing in this policy precludes enforcement under local, state, or federal laws or regulations.

Violators of this policy may be liable for civil and criminal prosecution, and it should be understood that nothing in this policy precludes enforcement under local, state, or federal laws or regulations.

### *Posting*

This policy is intended to cover the physical posting of any information in public space on the WVWC campus. WVWC Departments may have their own exclusive policies that may compliment or refine, but not supersede, this policy.

- Posters must include the 'who, what, where' information about the event.
- Posters or postings may not include the mention or advertising of alcohol or alcoholic beverages.
- Only one piece of literature from each event will be posted per bulletin board.
- External organizations may only post on the four public bulletin boards, two located in the Campus Center and two located in the Library. All postings must be approved and stamped.
- Any literature posted on surfaces other than designated bulletin boards and cinder block walls will be removed without exception. Posting on doors, painted drywall surfaces and glass is prohibited.
- Chalking of areas must be approved by the Calendar Coordinator. Chalking is only permitted on sidewalks. Chalking on brick walls or cement/brick seating areas is strictly prohibited.
- All literature must be taken down and properly disposed of immediately following the event.
- The organization will be responsible for incurred costs if labor is required for removal of postings.
- Posters cannot be larger than 11" x 17".
- Costs to repair any damage due to improperly posted materials will become the responsibility of the organization listed on the literature.
- Political campaign material supporting any federal, state, or local political party, or politician, may not be posted except by registered student organizations.
- Credit card promotional materials may not be posted.
- Literature may not be posted for more than one month.

### *Decorations*

All decorations used must be removed from the rented facility. Failure to clean-up or remove decorations will result in a \$25 cleaning fee. Painter's tape is the only approved method for hanging items on walls. Costs to



repair any damage due to improperly hung decor will become the responsibility of the organization listed on the facility rental.

## CONCLUDING REMARKS

If you have any questions regarding the policies, procedures, services and/or opportunities contained in this handbook, please feel free to stop by the Office of Student Development to ask any questions you might have—or to provide feedback. We welcome your suggestions and insights. In fact, we invite you to come visit without an issue, question or agenda—just to visit—and look forward to getting to know you during your time here. Always remember: this is YOUR COLLEGE. You and your experience matter to us. We hope you have a rich and memorable learning experience at our ‘home among the hills;’ and, we are here to help you make the most of it all!

## APPENDIX ONE: A Brief History of West Virginia Wesleyan

The mission of West Virginia Wesleyan College is reflected in good measure in its name. Its founding in 1890 by the West Virginia Annual Conference of the Methodist Episcopal Church was the culmination of a sixteen year effort to establish a center of learning in the then-young state that would reflect the values of the Methodist community, meet the church's need for an educated leadership, and provide an educational resource for the general citizenry of the state and region.

Although the founders were always loyal to these overarching principles, the immediate catalyst for the College's establishment was perhaps less lofty: by 1882, Methodists believed they had "lost control" of West Virginia University in Morgantown. The University's first two presidents were Methodist clergymen, but its third was not, and his espousal of a more non-sectarian educational model led to an exodus of Methodist students from the state university who sought an educational alternative.

Originally known as the West Virginia Conference Seminary (WVCS), the new school opened on September 3, 1890, in a splendid new three-story brick building located on the present site of the Lynch-Raine Administration Building. The original building was destroyed by fire in 1905 and replaced the following year by the current structure.

In keeping with the tradition of seminaries or academies of the day, WVCS offered largely college preparatory instruction. Students graduated with diplomas in literary, scientific, or classical courses of study, but had the option of also studying music, art, and commercial sciences. At the age of 31, Bennett W. Hutchinson, a graduate of Ohio Wesleyan and Boston University School of Theology and an ordained minister, came from Rhode Island to accept the presidency. Mr. Roy Reger of Buckhannon was the first of 201 students to enroll that first year.

College-level course work was initiated in 1900 and gradually expanded until the first baccalaureate degrees were awarded in 1905. After one year as Wesleyan University of West Virginia (1905-1906), the name was officially changed in 1906 to West Virginia Wesleyan College, in honor of Methodism's founder, John Wesley. Pre-college work continued through 1922-23, at which point it was deemed no longer necessary due to the growth of high schools in the state.

The early beginnings of the College were modest, and the fledgling school was frequently plagued by debt, which became particularly threatening during the Great Depression of the 1930s. But the shortage of fiscal resources never dampened the vision of the College community and its supporters. By 1939, when the three major Methodist bodies united to become the Methodist Church, leaders of the College dreamed of making Wesleyan the outstanding liberal arts college in the state—a challenging vision for a financially struggling college of fewer than 500 students.

Historians of the College credit Thomas W. Haught, an 1894 graduate of the Seminary, twenty-year academic dean (1909-1929), long-time faculty member, and three-time acting president, as one of Wesleyan's most influential champions of academic excellence. In addition to strengthening the faculty and the emphasis on academics, he led efforts to achieve initial accreditation by the North Central Association of Colleges and Secondary Schools in 1927. Dr. Roy McCuskey, a Methodist clergyman from Wheeling and a graduate of both the seminary and the college, served as Wesleyan's president from 1931-1941, deftly leading the college through the difficult and austere years of the Great Depression.

The years following the Second World War were characterized by expansion of enrollment, facilities, and academic programs as the GI Bill of Rights enabled many more students to access a college education.



President William Scarborough laid much of the groundwork for the dramatic expansion of the campus in the following decades. Most notably, his interactions with New York philanthropist Annie Merner Pfeiffer led to a gift that facilitated the construction of Wesleyan's first freestanding library, its first dedicated residence hall for men, and a new music building in the early 1950s.

For many, the presidency of Dr. Stanley H. Martin (1957-1972) marks the period of the College's most dramatic growth, measured in student enrollments, increasing academic stature, and an expanding physical plant. It was largely his vision that gave the campus its present Georgian character. Benedum Campus Center, Benedum Residence Hall, Christopher Hall of Science, Doney Residence Hall, Jenkins Residence Hall, Holloway Residence Hall, Martin Religious Center, Middleton Hall, McCuskey Residence Hall, and Wesley Chapel are tangible expressions of the expansion that characterized President Martin's tenure.

Following the successful tenure of Dr. Martin, John D. Rockefeller IV served as Wesleyan's president from 1973 to 1975. The current athletic complex was completed during his tenure. For a period of time, it was referred to on campus as "The New Gym," but was renamed the John D. Rockefeller IV Physical Education Center after his departure in 1975. Immediately following his tenure at Wesleyan, Rockefeller served as Governor of West Virginia from 1977 to 1985 and went on to serve as junior, and later senior senator from West Virginia in the United States Congress until his retirement in 2015.

The late 1970s and 1980s saw Wesleyan expand into the realm of graduate education, offering master's degrees in education, and later business administration. Camden Residence Hall Complex was constructed in 1982 and served the campus for over 35 years, offering suite and apartment-style living arrangements. The French A. See Dining Center was constructed in the mid 1990's to provide a centralized location for students to dine and socialize each day, replacing two separate dining halls located in residence halls across campus. During this decade, extensive financial resources were also invested in information technology, with an emphasis on cutting edge academic instruction and intentional learning outcomes. In fact, the College became one of the first institutions in the nation to require students to have laptop computers, and to make computing ubiquitous for both students and faculty.

Many features of modern campus life at Wesleyan have long traditions. An example is football, which was introduced in the pre-college seminary in 1899. The school colors of orange and black go back to that very first game, when fullback and team captain, Frank Thompson, wore a turtleneck sweater in Princeton University's orange and black to honor two football greats of that university. A more comprehensive athletic program was formally organized at the collegiate level in 1902. Early sports included intercollegiate football, baseball, basketball for men, while women participated in intramural sports such as tennis, gymnastics, and basketball. The advent of Title IX in 1972, along with the expansion of gymnasium facilities that next year, led to a dramatic expansion of intercollegiate women's sports. In 1996, Wesleyan received the Sears and Roebuck Award for the most successful athletic program in the nation. From 1992 to 2005, Wesleyan captured the West Virginia Intercollegiate Athletic Conference's Commissioner's Cup as the most successful athletic program in the conference. This esteemed honor was also awarded to WVWC from 2008 through 2013, at which time the West Virginia Intercollegiate Athletic Conference was disbanded and many of its members, including West Virginia Wesleyan, joined to form the Mountain East Conference.

Music has also been an important part of campus life, beginning in 1890 when two pianos and an organ were installed in the seminary's new building. In 1902, the current Annex Building was constructed as the Conservatory of Music, the College's first building dedicated solely to academic purposes. The school's "unofficial" anthem "My Home Among the Hills," written by former trustee E.W. "Bill" James, is sung at



many school ceremonies and events. The song has been used at special functions throughout the state, including the governor's inaugural ceremonies. Theatre productions have also played an important role in the cultural landscape of the College, starting with the Wesleyan Playshop in the early 1920s and extending through to its theatre and dance program of today. Wesleyan's performing arts programs continue to be recognized throughout the state and region for their excellence, and Wesleyan demonstrated its ongoing commitment through the construction of the state-of-the-art Virginia Thomas Law Center for the Performing Arts, which opened in spring 2009.

The Greek system was initiated on campus in 1925 when the Board of Trustees authorized the establishment of two sororities and three fraternities. Greek life has expanded over the years to include four sororities and five fraternities, all of which demonstrate an obvious and growing commitment to leadership and philanthropy/service.

An awareness of social justice issues and a commitment to serving others are key goals of a Wesleyan education today, just as they are part of our United Methodist heritage. As early as 1910, the Wesleyan Volunteer Band, followed in 1930 by the Student Volunteer Movement, established a tradition of service among Wesleyan students, concentrating in those early years on foreign missions of the Christian church, but also maintaining strong ties to the local community. Community engagement programs have been greatly expanded to become an integral part of the College's student life program. The Center for Community Engagement and Leadership Development, which is located on the second floor of the Benedum Campus Center, was officially opened on Founder's Day of 2009. Our students continue to serve at the local, national and international level, earning honors and awards for their significant contributions and advocacy efforts.

Under Dr. Pamela Balch's presidential leadership between 2006 and 2016, the College experienced more construction and campus growth than in any other decade since the 1960s. In addition to the new performing arts center, the creation of a new 9,000 square foot wellness center, and the construction of a new welcome center that houses admissions and financial aid, the College also celebrated the completion of the David E. Reemsnyder Research Center, which opened in the spring of 2010. This state-of-the-art facility supports the many scientific research opportunities in which our students and faculty collaborate each academic year and often throughout the summer months, as well. This building and the programs therein serve as an excellent example of our students' full and active engagement in their educational experience.

This era in Wesleyan's history also exemplified and reinforced its proud heritage as a residential college. Fleming Hall was fully renovated as a suite-style living area in 2009, followed by the construction of the first new residence hall to be built on campus in the 21st century. Dunn Hall, named for two of the College's generous benefactors and alumni, Tom and Carol Jean Dunn, is also comprised of four-person suites like Fleming Hall, and was designed (externally) to emulate the architectural style of Agnes Howard Hall, which is one of the oldest residence halls in the United States in continuous use. Dunn Hall opened in the fall of 2011. In addition, Doney Hall was fully renovated and opened in the fall of 2013, primarily offering upper-class students the opportunity to reside in single, air-conditioned rooms, while enjoying the traditional community atmosphere of our older residential living areas.

A transformative \$10 million Title III Strengthening Institutions grant from the U.S. Department of Education was awarded to Wesleyan in 2014. The grant allowed Wesleyan to heavily invest in its classroom infrastructure, facilitated the renovation of the Annie Merner Pfeiffer Library in 2019 to become a 21st century learning and collaboration space, provided support for faculty professional development opportunities, and established the Center for Teaching and Learning (CTL). The CTL coordinates student



success and retention initiatives, including career services, internships, academic advising, and first-generation student mentoring.

Although much has changed in higher education and in the state of West Virginia since the days of the West Virginia Conference Seminary in 1890, the College has remained true to its heritage and mission to provide quality liberal arts education to the students of Appalachia and well beyond. Despite these many changes, Wesleyan's founders would definitely recognize much of today's curriculum and many of the campus traditions as worthy continuations of their early efforts, contributions, and vision.





## APPENDIX TWO: Campus Map





## APPENDIX THREE: City Ordinances

As a courtesy, we provide the following summary of city regulations that are most relevant to our students. We consider West Virginia Wesleyan College to be an important part of the Buckhannon community and are proud of the partnership we share.

- The open container law prohibits alcoholic beverages on the streets.
- Pedestrians have the right of way in marked crosswalks. Drivers must stop for pedestrians in these areas. Jaywalkers are subject to ticketing.
- Bicyclists are subject to and must obey various City ordinances and traffic control signals. Riding on sidewalks and going the wrong way on one-way streets is prohibited.
- Parking of motor vehicles on lawns or areas not designated as driveways is prohibited.
- There are regulations against loud noises, P.A. systems, and amplifying systems.
- No open fires, except barbecue grills, are permitted within City limits. Violators will be arrested.
- The courts take a stern view of cases involving stolen street signs and traffic control devices, and vandalism of any nature.
- No person shall discharge any firearm, gun, air rifle, spring gun or any gun so constructed as to discharge pellets by compressed air or compressed gas within this municipality, except that this article shall not apply to police officers or other persons in the discharge of their official duties nor to any firing squad at a military funeral or ceremony nor to any properly constructed range approved by the Chief of Police.
- Skateboards are not permitted on city sidewalks or streets.
- There is no parking on Main Street between 3 a.m. – 5 a.m. so the street sweeper can clean streets. All vehicles will be ticketed or towed at owner's expense.
- The speed limit on city streets, unless otherwise posted, is 25 mph. Violators will be ticketed. The Police Department uses radar within City limits.
- Stop signs and all traffic control devices are to be obeyed. Violators will be ticketed.
- Parking meters are to be paid when parking downtown. All yellow zones and other prohibited zones are to be obeyed. Violators will be ticketed. If tickets are not paid, violators will be picked up on warrant.
- Loud and excessive noise of any kind will not be tolerated. Violators can be arrested under City Ordinance No. 100 or State Code 61-6-1b for disorderly conduct.
- Students are to obey the directives of a police officer, if requested. Any student having a problem with an arrest or charge can have, upon request, a day in court through the municipal judge.
- City Ordinance No. 100 also addresses public intoxication, alcohol consumption in a public place and public urination.



## APPENDIX FOUR: Academic Calendar

### West Virginia Wesleyan College 2022-2023 ACADEMIC CALENDAR

<b>2022 Fall Semester</b>			
August	15-16	Mon-Tues	New Faculty Orientation
	18	Thursday	Community Day
	20	Saturday	Orientation for new students
	20	Saturday	Residence halls open for returning students (2 p.m.)
	21	Sunday	Registration
	22	Monday	Classes begin (8 a.m.)
	26	Friday	<b>Deadline:</b> Schedule change and late registration; Deadline: Pass/Fail application
	5	Monday	Labor Day Recess
September	15	Thursday	<b>Deadline:</b> Withdrawing from first quarter classes
	16-17	Fri-Sun	Family Weekend
	30	Friday	Founders Day (3 p.m. classes canceled, all other classes meet)
	30	Friday	Homecoming
October	1	Sat	Homecoming
	3	Monday	Incomplete grades from summer & spring semester due in Registrar's Office by 3 p.m.
	5	Wednesday	Progress reports due in Registrar's Office by 3 p.m.
	7	Friday	First quarter classes end
	10	Monday	Second quarter classes begin
	13-14	Thu-Fri	Fall Recess (classes dismissed)
	18	Tuesday	<b>Deadline:</b> Adding/dropping Second quarter classes
	24	Monday	<b>Deadline:</b> Withdrawing from full-semester classes
November	4	Friday	<b>Deadline:</b> Withdrawing from second quarter classes
	18	Friday	Thanksgiving Break begins (5 p.m.)
	27	Sunday	Residence halls open (12 p.m.)
	28	Monday	Classes resume (8 a.m.)
December	7	Wednesday	Last day of classes
	8	Thursday	Reading Day
	9-10	Fri-Sat	Final examinations
	12-13	Mon-Tues	Final examinations
	13	Tuesday	Residence halls close (7 p.m.)
	15	Thursday	Final grades due in Registrar's Office by 3 p.m.
	16	Friday	College tentatively scheduled to close for holidays (4:30 p.m.)
<b>2023 Spring Semester</b>			
January	3	Tuesday	College reopens at 8 a.m.
	8	Sunday	Residence halls open (8 a.m.)
	8	Sunday	Registration
	9	Monday	Classes begin (8 a.m.)
	16	Monday	Dr. Martin Luther King, Jr. Day (Observed)
	17	Tuesday	<b>Deadline:</b> Schedule change and late registration; Deadline: Pass/Fail application
February	3	Friday	<b>Deadline:</b> Withdrawing from first quarter classes
	15	Wednesday	Incomplete grades from fall semester due in Registrar's Office by 3 p.m.
	17	Friday	Progress reports due in Registrar's Office by 3 p.m.
	24	Friday	First quarter classes end
	27	Monday	Second quarter classes begin
	3	Friday	<b>Deadline:</b> Adding/dropping Second quarter classes
March	3	Friday	Spring Break begins (5 p.m.)
	12	Sunday	Residence Halls open (12 p.m.)
	13	Monday	Classes resume (8 a.m.)
	16	Thursday	<b>Deadline:</b> Withdrawing from full-semester classes
	29	Wednesday	<b>Deadline:</b> Withdrawing from second quarter classes
	6-7	Thurs-Fri	Easter Recess (classes dismissed)
April	15-16	Sat-Sun	Spring Weekend
	22	Saturday	Admissions Open House
	23	Sunday	Academic Leadership Awards Convocation, 2 p.m.
	26	Wednesday	Last day of classes
	27	Thursday	Reading Day
	28-29	Fri-Sat	Final examinations
May	1-2	Mon-Tues	Final examinations
	2	Wednesday	Residence halls close for non-graduating students (12 p.m.)
	5	Friday	Baccalaureate
	6	Saturday	Commencement (Residence halls close for graduating seniors by 5 p.m.)
	8	Monday	Final grades due in Registrar's Office for 2 <sup>nd</sup> semester by 3 p.m.
<b>2023 Summer Session I (4 weeks for on-campus courses; 3 weeks for international travel courses)</b>			
May	10	Wednesday	Registration; residence halls open (2 p.m.)
	10	Wednesday	Graduate and undergraduate classes begin
	29	Monday	Memorial Day Recess
	6	Tuesday	Final examinations
<b>2023 Summer Session II (4 weeks)</b>			
June	8	Thursday	Registration; classes begin
July	4	Tuesday	July 4 <sup>th</sup> Recess
	6	Thursday	Final examinations

\*Calendar subject to modification in the interest of the total College program.



## APPENDIX FIVE: Title IX Sexual Harassment and Non-Discrimination Policy

### I. POLICY STATEMENT

West Virginia Wesleyan College (“the College”) is committed to creating and maintaining a learning and work environment that is free from discrimination.

This Title IX Sexual Harassment and Non-Discrimination Policy (the “Policy”) prohibits sex-based discrimination, including sex-based harassment, in all operations of the College, as well as discrimination of all protected classes as outlined in West Virginia Wesleyan College’s Non-Discrimination Statement. The Policy is intended to meet the College’s obligations under Title IX of the Education Amendments of 1972 (“Title IX”); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”), with respect to its application to sex-based misconduct; and other applicable law and regulations.

The College is committed to the principles of academic freedom and freedom of expression and the Policy should be interpreted, and will be applied, consistent with both of these principles.

The Policy also prohibits retaliation against an individual: (1) who makes a report or files a Formal Complaint of Title IX Sexual Harassment or Discrimination; (2) about whom a report is made or against whom a Formal Complaint is filed; (3) who participates in the reporting, investigation, or adjudication of possible violations of this Policy; or (4) who engages in good faith opposition to what another individual reasonably believes to be Title IX Sexual Harassment or Discrimination under this Policy.

The College’s Title IX Coordinator is responsible for administering the Policy and related procedures. Any inquiries about the Policy or procedures should be referred to the College’s Title IX Coordinator, Amy Kittle, who may be contacted as follows:

Student Development Suite  
Benedum Campus Center  
304-621-1316  
titleix@wwvc.edu

### II. NON-DISCRIMINATION 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.

### III. APPLICABILITY AND SCOPE

This Policy applies to all members of the College community. This includes, but is not limited to, full and part-time students; full and part-time employees, including faculty members, staff, student employees, and temporary and contract employees; and certain third parties, including applicants for admission and employment, visitors, employees of College contractors, and individuals who are participating in a College Education Program or Activity, but who are neither enrolled in an academic program/course at the College nor employed by the College (e.g. individuals participating in a College summer camp or attending a





College Education Program or Activity by invitation or that is open to the public). The Policy applies regardless of the gender, gender identity, or sexual orientation of the parties.

This Policy prohibits Title IX Sexual Harassment committed against any member of the College community in the United States and within a College Education Program or Activity.

The College retains the discretion to determine that conduct that occurs outside of the United States or outside of a College Education Program or Activity, including online conduct that is not part of a College Education Program or Activity, is within the scope of this Policy. In making this determination, the College will consider the severity of the alleged conduct, the risk of ongoing harm, whether both parties are members of the College community, the impact on College programs or activities, and whether off-campus conduct is part of a series of actions that occurred both on and off campus.

This Policy supersedes any conflicting information in any other College policy with respect to the definitions and procedures applicable to alleged Title IX Sexual Harassment. This Policy and the related procedures provide the exclusive remedy for alleged Title IX Sexual Harassment or Discrimination.

#### IV. DEFINITIONS

Definitions of Conduct Prohibited by this Policy

**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/their 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/their 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/their 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/their age or because of his/her/their 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:** any felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of West Virginia and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—
    - is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
    - is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
    - shares a child in common with the victim; or
    - commits acts against a minor or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction
  - **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.
  - **Abuse in Later Life:** neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and does not include self-neglect.
  - **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.
  - **Economic Abuse:** in the context of domestic violence, dating violence, and abuse in later life; behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—
    - restrict a person's access to money, assets, credit, or financial information;
    - unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
    - exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.
  - **Technological Abuse:** an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled



devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

**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 or Discrimination; 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 or Discrimination 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**

**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 or Discrimination. For a full list of College officials that meet this definition, see Appendix A attached to this Policy.

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

### **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 or Discrimination against a Respondent and requesting that the College investigate the allegation of Title IX Sexual Harassment or Discrimination. 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.

**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 or Discrimination 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 or Discrimination.

**Responsible Employee:** an individual designated by College policy who is required to report information regarding Title IX Sexual Harassment or Discrimination to the Title IX Coordinator. These employees 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.

**Restorative Practice:** practice relating to a specific harm that:

- is community-based and unaffiliated with any civil or criminal legal process;
- is initiated by a victim of the harm;
- involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual:
  - One or more individuals who committed the harm;
  - One or more victims of the harm; and
  - the community affected by the harm through one or more representatives of the community;
- shall include and has the goal of:
  - collectively seeking accountability from one or more individuals who committed the harm;
  - developing a written process whereby one or more individuals who committed the harm will take responsibility for the actions that caused harm to one or more victims of the harm; and
  - developing a written course of action plan
- shall include and has the goal of:
  - that is responsive to the needs of one or more victims of the harm; and
  - upon which one or more victims, one or more individuals who committed the harm, and the community can agree; and
- is conducted in a victim services framework that protects the safety and supports the autonomy of one or more victims of the harm and the community.

## V. REPORTING AND RESOURCE OPTIONS

### Reporting Title IX Sexual Harassment or Discrimination to the College

The College encourages all individuals to report allegations of Title IX Sexual Harassment or Discrimination 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 or Discrimination to the Title IX Coordinator or Deputy Coordinators.

Reporting an incident of Title IX Sexual Harassment or Discrimination 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 Kittle: Student Development Suite, Benedum Campus Center
  - [titleix@wvwc.edu](mailto:titleix@wvwc.edu), 304-621-1316
- Vickie Crowder (Deputy): Personnel Office, Admin Building
  - [Crowder\\_v@wvwc.edu](mailto:Crowder_v@wvwc.edu), 304-473-8431
- Alisa Lively (Deputy): Office of Campus Life, Benedum Campus Center
  - [Lively\\_a@wvwc.edu](mailto:Lively_a@wvwc.edu), 304-473-8443
- Jackie Hinton (Deputy): Athletics, Rockefeller Center
  - [Hinton.j@wvwc.edu](mailto:Hinton.j@wvwc.edu), 304-473-8507

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, as well as all coaching and athletic training staff
- Campus Life student employees, including Resident Assistants, Resident Directors and Community Directors

A Responsible Employee'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 or Discrimination 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.

### ***Medical Attention***

Community Care of West Virginia

Nurse on duty: Monday-Friday 8:00am-4pm

304-517-3774

St. Joseph's Hospital

1 Amalia Drive, Buckhannon, WV

(304) 473-2000

### ***Emotional Care, Counseling, and Crisis Response***

WVWC Counseling Center

Open Mon-Fri 8am-4:30pm

304-473-8803

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

### **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:

- Director of Religious and Spiritual Life
- Debra Dean Murphy, Associate Professor of Religious Studies
- WVWC Director of Counseling Services

### **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.

## **VI. AMNESTY**

Sometimes students are reluctant to seek help after experiencing Title IX Sexual Harassment 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.

## **VII. 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.

#### **VIII. INTAKE PROCESS FOR REPORTS OF TITLE IX SEXUAL HARASSMENT OR DISCRIMINATION**

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

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.

If other Policy violations are invoked, such as protected class harassment or discrimination, please see Appendix B for a description of the procedures applicable to the resolution of such offenses, known as "Process B." Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.



## **IX. 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 or Discrimination 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 or Discrimination, 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.

## **X. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE**

### **Emergency Removal of a Student-Respondent**

Where there is an immediate threat to the physical health or safety of any students or other individuals arising from reported Title IX Sexual Harassment or Discrimination, the College can remove a Student-Respondent from the College's education Program or Activity and issue any necessary related no-trespass and no-contact orders. The College will make the decision to remove a Student-Respondent from the College's Education Program or Activity based on an individualized assessment and risk analysis completed by the Behavior Intervention Team. If the College makes such a decision, the Student-Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

### **Administrative Leave of an Employee/Faculty-Respondent**

The College may place an Employee/Faculty-Respondent on administrative leave during the pendency of a Formal Complaint. An employee alleged to have committed Title IX Sexual Harassment or Discrimination will not be placed on administrative leave unless and until a Formal Complaint has been filed with the College. The College, in its discretion and based on the circumstances, will determine whether any administrative leave imposed is to be imposed with or without pay or benefits.



# Title IX Sexual Harassment Grievance Procedures

## I. 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 in person, or via 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 as explained below in Section XVI. The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrators, or faculty members.

If other Policy violations are invoked, such as protected class harassment or discrimination, please see Appendix B for a description of the procedures applicable to the resolution of such offenses, known as "Process B." Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

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

In addition to the reasons discussed above in Section XI(B) 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.

## **II. 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 by 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.



### **III. 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.

### **IV. 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.

### **V. 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.

## **VI. 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(s) who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Title IX Sexual Harassment. The investigator(s) must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. Specifically, the investigator(s) 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(s) 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 typically conclude within 90 business days of the filing of the Formal Complaint. Any time the general timeframes for resolution will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **Interviews and Gathering Evidence**

### ***Interviews***

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.

### ***Evidence***

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) business 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 Panel 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 Panel 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 Panel Chair 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 Panel.



## **VII. HEARING PROCEDURE**

### **The Hearing Panel**

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.

### ***Bias and Conflict of Interest***

The Hearing Officers 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 a 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 a 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.

### **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 Officers at least five business days in advance of the hearing, with the hearing to occur no fewer than ten business days after the parties are provided with the final investigative report. The Hearing Officers will receive the names of the Complainant and the Respondent at the same time.

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

The Hearing Panel Chair 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 Panel Chair 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 Panel 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 Panel.

### **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 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.

Please see Appendix C for the August 24, 2021 letter from United States Department of Education Office for Civil Rights regarding participation of parties and witnesses.

*Note: This section of the policy was amended on October 27, 2021 in response to the August 24, 2021 United States Department of Education Office for Civil Rights letter regarding participation of parties and witnesses (Cardona case), per the recommendation from ATIXA and with approval of West Virginia Wesleyan College General Legal Counsel. See Appendix C for OCR reference to the Cardona case.*

### **Witnesses**

The Hearing Panel may, at their discretion, exclude witnesses or witness testimony the Hearing Panel considers irrelevant or duplicative. The Hearing Panel 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 Panel.

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 Panel 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 Panel are able to hear and see one another in real time.

### **Hearing Structure**

The Hearing Panel has general authority and wide discretion over the conduct of the hearing. Although the Hearing Panel 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 Panel;
- Questioning of the Complainant by Complainant's advisor;
- Cross-examination of the Complainant by the Respondent's advisor;
- Questioning of the Respondent by the Hearing Panel;
- Questioning of the Respondent by the Respondent's advisor;
- Cross-examination of the Respondent by the Complainant's advisor;
- Hearing Panel 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 Panel will first determine whether the question is relevant. The Hearing Panel may exclude irrelevant information and/or questions. The Hearing Panel 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.

### **VIII. DETERMINATION REGARDING RESPONSIBILITY**

Following the hearing, the Hearing Panel 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 Panel. 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 Panel 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 business days after it is sent to the Parties, unless an appeal is filed on or before that day.

### **Withdrawal or Resignation Before Complaint Resolution**

#### ***Students***

Should a student Respondent withdraw from the College, the resolution process typically ends with a dismissal, as the College has lost primary disciplinary jurisdiction over the withdrawn student. However, West Virginia Wesleyan College may continue the resolution process when, at the discretion of the Title



IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion, West Virginia Wesleyan College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The student respondent who withdraws or leaves while the process is pending may not return to the College in any capacity. Admissions and Human Resources will be notified, accordingly.

### **Employees**

Should an employee Respondent resign with unresolved allegations pending, the resolution process typically ends with dismissal, as the College has lost primary disciplinary jurisdiction over the resigned employee. However, the College may continue the resolution process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the matter is dismissed or pursued to completion of the resolution process, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire at the College, and the records retained by the Title IX Coordinator will reflect that status.

All responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

## **IX. 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 Panel'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 Panel'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 Panel 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.

## **X. 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.

## **XI. RECORD RETENTION**

The College shall retain for a period of seven years after the date of case closure: the official file relating to a formal resolution, including any investigation hearing, sanctioning, and/or appeals processes





involving allegations of Title IX Sexual Harassment. In cases in which a Respondent was found to have violated the Policy and was expelled or terminated, the College may retain such official case files indefinitely.

*Note: This policy was drafted in response to the Final Rule on Title IX issued by the Department of Education, and was formally adopted by the College for use following August 14, 2020. The policy is updated annually. The last update was on August 1, 2021.*



## APPENDIX A

The following is a list of College officials designated as “Officials with Authority.” An Official with Authority, as defined in this Policy, refers to 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.

- Title IX Coordinator
- Title IX Deputy Coordinator(s)
- College President
- Vice President for Academic Affairs
- Vice President for Enrollment Management
- Vice President for Student Affairs
- Vice President for Institutional Advancement and Development
- Dean of Students
- Director of Greek Life
- Director of Diversity, Equity, and Inclusion
- Director of Campus Safety and Security
- Athletic Director



## APPENDIX B

- Process B is applicable when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.

### **RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON NONDISCRIMINATION**

West Virginia Wesleyan College will act on any formal or informal allegation or notice of violation of the policy on Nondiscrimination that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above.

The procedures described below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected class status involving students, staff, faculty members, or third parties. All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

All references herein to a Title IX Coordinator also include a designee(s) of the Title IX Coordinator.

#### **I. INITIAL ASSESSMENT**

Following intake, receipt of notice, or a complaint of an alleged violation of the West Virginia Wesleyan College's nondiscrimination Policy, the Title IX Coordinator engages in an initial assessment. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine which of three options to pursue: A Supportive Response, an Informal Resolution, or an Administrative Resolution.
  - If a Supportive Response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. An Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
    - Incident, and/or
    - A potential pattern of misconduct, and/or
    - A culture/climate issue.
- Based on the initial assessment, the College will initiate one of these responses:
  - Supportive Response -- measures to help restore the Complainant's education access, as described in the Policy.



- Informal Resolution – typically used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by a Hearing Panel and the opportunity to appeal to an Appeal Decision-maker.

The investigation and the subsequent Administrative Resolution determine whether the nondiscrimination policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

## **II. COUNTERCLAIMS**

Counterclaims by the Respondent may be made in good faith or may instead be motivated by a retaliatory intent. The College is obligated to ensure that any process is not abused for retaliatory purposes.

The College permits the filing of counterclaims, but uses the initial assessment, described above in the Policy section, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation. Counterclaims made with retaliatory intent will not be permitted.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

## **III. ADVISORS**

Throughout the resolution process, 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. Further information regarding advisors is available in the above Title IX Sexual Harassment Grievance Procedures.

## **IV. RESOLUTION OPTIONS**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings. While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.



### **Informal Resolution**

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternative Resolution or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the resolution is finalized, Administrative Resolution may be pursued.

### ***Alternative Resolution***

Alternative Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternative Resolution.

The Title IX Coordinator determines if Alternative Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternative Resolution.

### ***Respondent Accepts Responsibility for Alleged Violations***

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of the College's Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented for those violations, then the remaining allegations will continue to be investigated and resolved through Administrative Resolution. The parties will be informed of this outcome. The parties are still able to seek Alternative Resolution on the remaining allegations, subject to the stipulations above.

### **Administrative Resolution via an Investigation and Hearing**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Nondiscrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given in



advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Once the decision is made to commence an investigation, the Title IX Coordinator will designate an investigator(s) who will be responsible for gathering evidence directly related to the allegations.

Investigations are completed as expeditiously as possible. The College will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

## **V. INVESTIGATION**

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result



- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide the parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within 10 business days and incorporate that response, if any, into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop

## **VI. DETERMINATION**

Upon receiving the Investigator's report, a Panel of three Decision Makers reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Panel may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The recommendation of the investigation, if any, should be strongly considered but is not binding on the Panel. The Panel may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

## **VII. ADDITIONAL DETAILS OF THE INVESTIGATION PROCESS**

### **Evidence**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct, subject to the limitation below. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

### **Sexual History/Patterns**

Unless the Panel determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the irrelevant





sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); (3) irrelevant character evidence.

### **Previous Allegations/Violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Panel with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s), if the Recipient uses a progressive discipline system.

Character witnesses or evidence may be offered. The investigation and hearing will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

### **Notification of Outcome**

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator informs the parties of the determination of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which the College is permitted to share pursuant to state or federal law, and the rationale supporting the findings to the extent the College is permitted to share under state or federal law.

The notice will detail when the determination is considered final. Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found below.

## **VIII. SANCTIONS**

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation



- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator/Panel

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities. Sample sanctions are available in the above Title IX Sexual Harassment Grievance Procedures.

## **IX. APPEALS**

All requests for appeal consideration will follow the procedures outlined in the above Title IX Sexual Harassment Grievance Procedures.



## Appendix C



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 24, 2021

Dear Students, Educators, and other Stakeholders,

I write with an important update regarding the Department of Education's regulations implementing Title IX of the Education Amendments of 1972, as amended in 2020. On July 28, 2021, a federal district court in Massachusetts issued a decision in *Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-11104, 2021 WL 3185743 (D. Mass. July 28, 2021). This case was brought by several organizations and individuals challenging the 2020 amendments to the Title IX regulations.

The court upheld most of the provisions of the 2020 amendments that the plaintiffs challenged, but it found one part of 34 C.F.R. § 106.45(b)(6)(i) (live hearing requirement for the Title IX grievance process at postsecondary institutions only) to be arbitrary and capricious, vacated that part of the provision, and remanded it to the Department for further consideration. In a subsequent order issued on August 10, 2021, the court clarified that its decision applied nationwide. The court vacated the part of 34 C.F.R. § 106.45(b)(6)(i) that prohibits a decision-maker from relying on statements that are not subject to cross-examination during the hearing: "If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility...." Please note that all other provisions in the 2020 amendments, including all other parts of 34 C.F.R. § 106.45(b)(6)(i), remain in effect. The affected provision at 34 C.F.R. § 106.45(b)(6)(i) is only applicable to postsecondary institutions and does not apply to elementary or secondary schools, which are not required to provide for a live hearing with cross-examination.

In accordance with the court's order, the Department will immediately cease enforcement of the part of § 106.45(b)(6)(i) regarding the prohibition against statements not subject to cross-examination. Postsecondary institutions are no longer subject to this portion of the provision.

In practical terms, a decision-maker at a postsecondary institution may now consider statements made by parties or witnesses that are otherwise permitted under the regulations, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility in a Title IX grievance process.

For example, a decision-maker at a postsecondary institution may now consider statements made by the parties and witnesses during the investigation, emails or text exchanges between the parties leading up to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy the regulation's relevance rules, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. A decision-maker at a postsecondary institution may also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other



Page 2—Dear Students, Educators, and Other Stakeholders Letter re *Victim Rights Law Center et al. v. Cardona*

documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing.

The Office for Civil Rights is in the process of identifying all documents on our website that discuss this vacated provision and will make updates to those documents as appropriate in the coming weeks. Any statements in an OCR document about the vacated part of § 106.45(b)(6)(i) should not be relied upon.

As OCR announced in an April 6, 2021, letter to students, educators, and other stakeholders, OCR is undertaking a comprehensive review of the Department's existing Title IX regulations, orders, guidance, policies, and other similar agency actions to fulfill the policy set out in President Biden's Executive Order, dated March 8, 2021, on *Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*. This process is ongoing, and OCR anticipates publishing a notice of proposed rulemaking to amend the Department's Title IX regulations.

OCR also recently issued a question-and-answer resource to clarify how OCR interprets schools' obligations under the 2020 amendments and a related appendix, which provides examples of Title IX procedures that schools may find helpful in implementing the 2020 amendments. The resource will be updated to reflect the court's decision in *VRLC v. Cardona*, and we hope it will continue to be a valuable tool to assist schools in carrying out their obligations under Title IX.

Thank you for your efforts to ensure equal educational opportunities for all of our nation's students.

Sincerely,

Suzanne B. Goldberg  
Acting Assistant Secretary for Civil Rights