



WEST VIRGINIA
WESLEYAN
COLLEGE

Annual Fire Safety and Security Report 2023

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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 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>

Transgender Community Inclusion Statement

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

College will:

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

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

The Following Person Has Been Designated as The Overall Coordinator for Purposes of Title IX Compliance:

Amy Kittle, Title IX Coordinator
Campus Center Building
59 College Ave,
Buckhannon, WV 26201
304-473-8472
titleix@wwwc.edu

The Deputy Title IX Coordinators:

Vickie Crowder, Director of Human Resources
Administration Building
59 College Ave
Buckhannon, WV 26201
304-473-8032
crowder_v@wwwc.edu

Lynn Linder, Vice President for Academic Affairs & Dean of the Faculty
Administration Building
59 College Ave
Buckhannon, WV, 26201
304-473-8042
Linder_l@wwwc.edu

Alisa Lively, Dean of Students & Director of Campus Life
Campus Center
59 College Ave
Buckhannon, WV 26201
304-473-8443
lively_a@wwwc.edu

Jackie Hinton, Associate Athletic Director for Compliance & Academic Advising
Rockefeller Center
59 College Ave.
Buckhannon WV, 26201
304-473-8507
hinton.j@wwwc.edu

The Following Person Has Been Designated to Handle Inquiries Regarding Non-Discrimination Policies:

Complaints of discrimination, harassment and retaliation. Complaints may also be filed with the Department of Education Office for Civil Rights, the Equal Employment Opportunity Commission, and the Department of Human Resources Management.

Amy Kittle, Title IX Coordinator
59 College Ave.
Buckhannon, WV 26201
304-473-8472
titleix@wvwc.edu

The Following Person Has Been Designated to Handle Inquiries Regarding the Americans with Disabilities Act, The Rehabilitation Act and Related Statutes and Regulations:

Anita Dib, Director of the Learning Center and ADA Compliance
Haymond Hall
59 College Ave
Buckhannon, WV 26201
304-473-8563
dib_a@wvwc.edu

Diversity And Inclusion

West Virginia Wesleyan College is committed to creating a safe, educational and growing environment for our students, staff and faculty. WVWC continues to foster diversity and inclusion programming in our residence halls, classrooms, offices, and co-curricular activities. As diversity at West Virginia Wesleyan College continues to rise and the need for services will continue to be a priority, the work of this effort is not done alone.

For more information and resources contact:

Amy Kittle, Title IX Coordinator
titleix@wvwc.edu
304-473-8472

Laurie Goux, Chief Diversity, Equity and Inclusion Officer
Campus Center Building
59 College Ave,
Buckhannon, WV 26201
goux.l@wvwc.edu
304-473-8163

Campus Safety and Security

John Bohman, Director of Campus Safety and Security
Campus Center Building
59 College Ave,
Buckhannon, WV 26201
bohman_j@wvwc.edu
304-473-8073

WVWC Annual Security Report - 2023

(Statistics for January 1 – December 31, 2022: filed by December 31, 2022)

ANNUAL DISCLOSURE OF CRIME STATISTICS

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

DEFINITIONS OF REPORTABLE CRIMES WITHIN THE CLERY ACT

OFFENSES:

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: the killing of another person through gross negligence.

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

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used, which could and probably would result in serious personal injury if the crime were successfully completed)

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

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

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

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

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for the person's safety or the safety of others; or (B) to suffer substantial emotional distress.

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

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

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

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

SEX OFFENSES:

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

- **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

HATE CRIME:

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

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

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

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

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

WHO PREPARES THIS REPORT AND WHERE DO THE STATISTICS COME FROM:

West Virginia Wesleyan College's Annual Security Report is prepared by the Director of Campus Safety and Security and the Director of Campus Life, with consultation by the local police department, the Title IX Coordinator and the Director of Greek Life. The statistics for this report are obtained from the student conduct records of the Office of Campus Safety and Security, the Office of Campus Life (Housing, Residence Life, and Student Conduct, the Office of Greek Life and reports from the Title IX Coordinator, with consultation and reports from the Buckhannon Police Department for the period of time, January 1 - December 31, 2022. All policies and procedures are updated annually over the summer, the last update was August 2023. The statistics for the Annual Security Report (Crime Statistics Report) were last updated on September 15, 2023.

ROLE AND AUTHORITY OF CAMPUS SAFETY AND SECURITY:

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

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

Security Officer Responsibilities Include:

- Monitoring and securing all campus- owned buildings, parking areas and walkways
- Campus crime deterrence through regular patrols of college property
- Enforcement of college policies
- Investigation and documentation of policy violation
- Cooperation with residence life staff in promoting a safe and secure environment
- Traffic regulation
- Escort service when requested
- Compiling information from daily incident logs, residence hall reports and police data for annual reporting of crime statistics
- Liaison with local police in crime prevention efforts, referral for crime investigation and general safety education
- Assisting students, faculty and staff with practices and procedures for their own security and the security of others, through collaboration with the residence life staff, the counseling staff, informative signage and campus emails.

Locking of buildings:

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

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

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

Emergency Phones:

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

Building Entry Terminals/Emergency Phones

- Holloway
- Benedum
- Fleming Agnes Howard
- Jenkins McCuskey

Emergency Phones – on campus property

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

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

- Gym 1st floor
- Campus Center 3rd Floor by Commuter Lounge
- Martin Religious Center by Chapel Office Middleton Hall 2nd floor
- Administration Building 3rd Floor

DAILY CRIME LOG AND DAILY FIRE LOG:

The Daily Crime and Fire Log is maintained by the Director of Campus Safety and Security. The crime log is kept in the Office of Campus Safety and Security, Administration Building, and is updated on a daily basis each academic year. The Daily Crime and Fire Log includes the incident type, date incident is reported, date and time of occurrence, and general location of each reported incident type, as well as the disposition of the incident, if this information is known.

EMERGENCY MANAGEMENT AND EVACUATION PLANS

CRITICAL INCIDENT RESPONSE TEAM – LEADERSHIP GROUP FOR 2022-2023

The Critical Incident Response Team (CIRT) is the group of individuals tasked with managing an emergency or disaster. The members of the CIRT are as follows: The President or Designee may invite others as needed.

EMERGENCY DIRECTOR

All emergency operations shall be directed by the President or designee and the Emergency Coordinator. In the absence of the President, the following line of succession will be put in place until the President is able to return to campus:

President - James Moore

Vice President of Student Development – Alison Whitehair

Vice President of Academic Affairs – Lynn Linder

Due to travel and off campus responsibilities, the President will make announcements who will be the emergency director designee at the weekly cabinet meeting if 2 and 3 are not available.

Responsibilities:

1. Direct comprehensive response to the emergency.
2. Works with Campus Security and others in assessing the emergency and preparing the College's response.
3. Notifies and conducts liaison activities with the administration and other public entities.
4. Coordinates with the Vice President for Enrollment Management on all messaging to campus and the public.
5. Declares and ends, when appropriate, a state of campus emergency.

EMERGENCY COORDINATOR - The operational control of efforts on the ground to address an emergency or disaster shall be the responsibility of the Emergency Coordinator. The Coordinator will be in consultation with the President or person directing the overall response.

The Director of Campus Safety - John Bohman

Coordinate major emergencies – Police, Fire, Natural disasters, etc.

The Director of Physical Plant – Stan White

Coordinates for a response to gas outages, water leaks, no power, and other infrastructure failure

The Director of Information Technology - Neil Roth

Coordinate all cyber threats in consultation with EIIA.

Responsibilities:

1. Coordinates a comprehensive response to the emergency at the scene.
2. Maintains Emergency Command Post in a state of constant readiness. (Director of Security)
3. Initiates contact with the President and the CIRT team to begin assessment of the issue of concern.
4. Notifies and utilizes police and, if necessary, student aides to maintain safety and order.
5. Notifies the building coordinators and advises them of the nature of the emergency. (Director of Security)
6. Notifies and conducts liaison activities with outside organizations such as fire, police, EMS, etc.
7. Oversees the preparation of a report to the President summarizing the management of the emergency.
8. Revisit reciprocal agreement with outside partners/stakeholders with cabinet approval.
9. Provides equipment and personnel to perform shutdown procedures, hazardous area control, barricade set-up, damage assessment, debris clearance, emergency repairs, and equipment protection. (Physical Plant)
10. Provides vehicles, equipment, and operators for moving personnel and supplies. (Security and Physical Plant)
11. Obtains the assistance of utility companies as needed. (Physical Plant)
12. Furnishes emergency power and lighting systems. (Physical Plant)
13. Surveys habitable space in case essential services must be relocated. (IT, Physical Plant, Security)
14. Provides for storage of vital records at an alternate site; coordinates with building and area coordinators for liaison and support. (IT, Physical Plant, Security)

COMMUNICATIONS COORDINATOR:

Vice President for Enrollment Management & Marketing Officer or designee - John Waltz

1. Coordinates messaging to faculty, staff, and students using text messaging, email, etc.
2. Liaison with the news media for dissemination of information as directed by the President.
3. Establishes liaison with local radio and TV services for public announcements.
4. Advises the President or designee of all news reports concerning the extent of the emergency.
5. Prepares news releases for approval and releases the same to the media.
6. Communications best practices on page (6) to assist with messaging and dissemination of information.

CAMPUS SAFETY AND SECURITY:

Director, Assistant Director, Officer on Duty, or designee - John Bohman or James Brown

1. Notifies Director of Campus Safety of emergencies.
2. Monitors campus emergency warning and evacuation systems
3. Takes steps necessary to protect life and property and to safeguard vital records
4. Summoning external law enforcement, EMS, and fire protection personnel if needed.
5. Obtains assistance from the city, county, and federal government for radio monitoring and first aid as required.
6. Traffic and access control, perimeter and internal security patrols, and fire prevention services as needed.
7. Maintains liaison with the emergency coordinator or designee for telecommunications support.

RESIDENCE LIFE AND STUDENT DEVELOPMENT OPERATIONS:

Director/Assistant Director of Campus Life - Dean of Students/Director of Campus Life – Alisa Lively

1. Maintains emergency operations for the residence halls.
2. Coordinates efforts of Housing staff
3. Maintains contact with Food Service and Custodial Services operations.
4. Maintains contact with student support services (i.e., Health Service, Counseling, Chapel)
5. Coordinates needed services with other Student Development personnel.

HEALTH SERVICE:

Vice President for Student Development or Designee

1. Maintains contact with the Emergency Director.
2. Identifies need for external health services and Liaison for Community Care of WV.

EVACUATION COORDINATOR:

Dean of Students/Director of HR – Alisa Lively and Vickie Crowder

Certain disasters will require relocation whether it's temporary or for an extended time due to an incident for the protection of community members and to allow assigned responders to mitigate and prepare for a return to normal operations.

1. Ready a list of alternate sights to relocate offices, dorm rooms, and multiply individuals based upon the type of Incident. Will make a recommendation to the emergency director of where to relocate individuals if needed.
2. Work with the communications coordinator to send notification once the Emergency Director issues the evacuation order. (Applies to the more serious incidents - look at flow chart of each disaster)
3. Assess and meet the basic needs of those at the evacuation areas.
4. Building coordinators will have training and are able to assist the Evacuation Coordinators at the evacuation sights.

INFORMATION TECHNOLOGY:

Director of Information Technology or IT staff designee - Neil Roth or Jonathon Andrews

1. Conducts risk analysis on a regular basis to protect the colleges infrastructure
2. Will be the emergency coordinator on all cyber-attacks and will advise the president of next steps
3. Due to sensitive security issues most of the plan will live outside of this document to protect the integrity of our IT operations.

ATHLETIC DEPARTMENT

Director of Athletics – Rae Emrick and Jackie Hinton

1. Maintains emergency operations readiness for athletic events through the game administrator.
2. Coordinates efforts of coaching and support staff of the athletic department throughout an emergency.
3. Liaison between Wesleyan and the MEC conference

* CIRT members should have the capability to be in constant communication with each other and with the Emergency Command Post.

SUPPORT ROLES TO THE CIRT TEAM

SCRIBE FOR THE EMERGENCY OPERATION CENTER: - Cabinet Appointment

The Scribe will document all decisions made in a clear and concise manner for later review (i.e., harvesting info for reports, potential recovery of financial losses, and protection during litigation).

1. Set up a power point projector for all in the Emergency operations Center to clearly see.
2. Project a word or google document on the wall for all that are working in the Emergency Operations Center to see and review in real time. This will assist the leadership team with decision making as the emergency unfolds. Place a timestamp on each action item such as when did the emergency start, when 911 was called, and communications sent to and from the command center.
3. Preserve all notes for an after-action review with the CIRT team and General Counsel of the college.

CHEMICAL AND BIO HYGIENE COORDINATOR: - Cabinet appointment

1. Reports to the Dean of the Faculty
2. Maintains open communication with Damage Control regarding status of hazardous chemicals on campus.
3. Responds to all fires on campus to assist the fire department with mitigation strategies to extinguish the fire

BUILDING COORDINATORS:

The Academic Dean, Vice President for Student Development, and Director of Security

Appoint a specific person as Building/Facility Coordinator for activities under their control. Such persons may have the following general responsibilities prior to and during any emergency:

1. Emergency Preparedness for Building Coordinators
 - a. Building evacuation information may be distributed to all employees with follow-up discussions and on-the-job training or explanation.
 - b. Time may be allowed for training employees in emergency techniques such as fire extinguisher usage, Stop the Bleed, Narcan, first aid, CPR, and building evacuation procedures.

2. Emergency Situations
 - a. Inform all employees under their direction of the emergency condition.
 - b. Evaluate the impact the emergency has on their activity and take appropriate action. This may include ceasing operations and initiating building evacuation.
 - c. Maintain emergency communications with CIRT Team members from their own locations (or from an alternate site if necessary). Will directly communicate with the Director of HR of situational conditions at their location and receive updates of next steps under the emergency condition.

FACULTY CHAIRS AND STAFF SUPERVISORS:

Each faculty member and staff supervisor may have the responsibility to:

1. Inform students and/or employees concerning emergency procedures, e.g., evacuation procedures for their building and/or activity at the beginning of each semester.
2. Survey and evaluate their assigned building facility or activity and determine the impact an emergency may have on their facility. Report all safety hazards to the Physical Plant and Campus Safety office. Submit work orders to reduce hazards and to minimize the risk of accidents.
3. Important: Advise all students, staff, and faculty to follow building evacuation procedures, e.g., reporting to a designated campus assembly area outside the building where a head count can be taken.

EMERGENCY OPERATIONS CENTER

West Virginia Wesleyan College has identified two on-campus Emergency Operations Centers (EOC). In the event that an EOC is activated, the center must be staffed 24/7 until the situation is resolved.

Both locations will be equipped with an emergency response kit that includes the following:

1. Hand-held radios
2. Floor plans for all buildings
3. Contact information for:
 - b. Critical Incident Response Team (CIRT) Members
 - c. Building Coordinators
 - d. Resident Directors
 - e. Local Emergency Services
4. A campus master key (Already issued to Emergency Director)
5. Scanner to monitor local emergency services communication

THE PRIMARY EMERGENCY OPERATIONS CENTER:

(Emergency Director will choose one of the following based upon safety concerns and the needs of managing the issue of concern to a return to normal operations.)

In Person - The Security office of the Administration Building. This location has been chosen because it has immediate access to campus security cameras, identification photos, maps of the campus, and there is access to a telephone and computers.

Virtual - As a second option, the President or Designee may decide to host the Emergency Operations Center on a Virtual platform to allow for maximum safety and the ability of team members to meet basic needs of the campus while in the field if deemed safe and necessary.

The Secondary Location for the Emergency Response Center: is the Erickson Alumni Center. Depending on the circumstances surrounding the emergency, operations may need to be conducted in a more isolated location than in the heart of campus. If this location is the EOC, media will be directed to a secure location on campus that will be determined by the communication coordinator or designated

MISSING STUDENT STATEMENT

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

- Director of Campus Safety and Security 473-8011

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

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

TIMELY WARNINGS

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

1. A Clery Act crime is reported to Campus Security Authorities or local police agencies.
2. The crime occurred in a Clery-reportable location.
3. The perpetrator has not been apprehended.
4. There is a serious or ongoing threat to the WVWC community because of this crime. The decision to issue a timely warning shall be decided on a case-by-case basis considering the following criteria:
 - Was the suspect identified?
 - Was the suspect apprehended?
 - If known, does the suspect have prior arrests, reports or complaints or any other history of violent behavior?
 - If known, does the suspect have a history of failure to comply with a College No-Contact Directive, other protective measures or judicial protective order?
 - Did the incident involve physical violence?
 - Has the suspect threatened to commit physical violence?
 - Did the incident involve multiple victims?
 - Does it appear to be an isolated incident involving a specifically "targeted" victim?
 - Does the report reveal a pattern of behavior (e.g., by suspect, by a particular group or organization, around a particular recurring event or activity, or at a particular location)?
 - Did the suspect use "date-rape" or similar drugs or intoxicants?
 - Did the incident occur while the victim was unconscious, physically helpless or unaware that it was occurring?
 - Was the victim under 18 years of age?
 - Were there other aggravating circumstances or signs of predatory behavior that may constitute a serious or ongoing threat?

To make a timely warning consideration, all Campus Security Authorities (CSAs) and local law enforcement agencies are directed to immediately report Clery crimes to WVWC Campus Security. If the timely warning criteria are met, a notice will be drafted and issued as soon as pertinent information is available. The College may not use all distribution methods for every incident.

The following information is typically included in a timely warning if available:

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

When issuing a timely warning, some specific information may be withheld if there is a possible risk of compromising law enforcement efforts to investigate and/or solve the crime. In certain circumstances, an incident may not meet the criteria of a Clery-reportable crime occurring in a Clery-reportable location, but may constitute a serious or ongoing threat to the WVWC community. For instances in which a timely warning is not required, the Director of Campus Life, Director of Campus Safety and Security, Vice President for Student Development, or Vice President for Enrollment and Marketing, may choose to issue a “community alert” notifying the College community of and issue of concern. The content of an alert may vary depending on the type of incident reported and the location in which it occurred.

POLICY AND PROCEDURES ON DISCRIMINATION, HARASSMENT, AND TITLE IX SEXUAL HARASSMENT

Purpose & Scope

West Virginia Wesleyan College is committed to fostering a diverse and inclusive culture by creating and maintaining living, learning, and working environments that are free from discrimination and harassment which is consistent with the stated mission of challenging its students to a life-long commitment to develop their intellectual, ethical, spiritual, and leadership potential and to set and uphold standards of excellence.

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.

This Policy sets forth how discrimination, harassment, sexual harassment, sexual misconduct, domestic misconduct, stalking, and retaliation will be addressed by West Virginia Wesleyan College. The Policy is intended to meet West Virginia Wesleyan College 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.

This policy applies to all West Virginia Wesleyan College students, faculty, staff, volunteers, visitors, contractors, consultants, vendors providing services to West Virginia Wesleyan College, and individuals who are participating in a West Virginia Wesleyan College Education Program or Activity. The procedures may vary, depending on the status of the individual.

TITLE IX OVERSIGHT

JURISDICTION, COORDINATION, & ENFORCEMENT

There are two types of jurisdictions covered by this policy: Title IX Jurisdiction and General Jurisdiction.

Title IX Jurisdiction

Formal Complaints of “Sexual Harassment (Quid Pro Quo)”, “Sexual Harassment (Hostile Environment)”, “Sexual Assault”, “Domestic Misconduct”, and “Stalking” that occur in a West Virginia Wesleyan College Education Program or Activity on the basis of sex and within the United States brought by a “Complainant” against a “Respondent” will be covered by Title IX jurisdiction and subject to the grievance procedures discussed below in Section XVI. Those instances are referred to as “Title IX Sexual Harassment.”

General Jurisdiction

For conduct that does not meet the Title IX jurisdiction, West Virginia Wesleyan College retains the discretion to determine that Prohibited Conduct, as defined in this policy, 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, may fall within the scope of this Policy. In making the determination of whether to exercise jurisdiction, the Title IX Coordinator will consider the severity of the alleged conduct, the risk of ongoing harm, whether both parties are members of the West Virginia Wesleyan College community, the impact on West Virginia Wesleyan College programs or activities, and whether off-campus conduct is part of a series of actions that occurred both on and off campus. This includes Prohibited Conduct like discrimination and harassment that do not meet the criteria for Title IX Sexual Harassment as defined in this Policy.

Alleged incidents of misconduct not covered by this Policy may be governed by other College policies, including but not limited to:

- Student Code of Conduct/Handbook
- Academic Handbooks
- Faculty Handbooks
- Employee Handbooks
- Institution specific policies

Even if after a Formal Resolution process, alleged misconduct may not be found to violate this Policy, the alleged misconduct may still be prohibited by the West Virginia Wesleyan College under a different Rule, policy, or standard of behavior. Accordingly, West Virginia Wesleyan College reserves the right to take additional action.

The College's Title IX Coordinator is responsible for administering the policy and related procedures. Any inquiries regarding this policy and related procedures should be referred to West Virginia Wesleyan College's Title IX Coordinator, Ms. Amy Kittle, who may be contacted as follows.

Amy Kittle
Title IX Coordinator
Student Development Suite, Benedum Campus Center
304-621-1316
titleix@wvwc.edu

Confidential 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.

ON-CAMPUS

- College Counselor: Shauna Jones
Center for Counseling and Well-Being: (304) 473-8803
Email: counseling@wvwc.edu
- Dean of the Chapel: Jonathon Acord
Martin Religious Center, Room 201: (304) 473-8372
Email: accord.j@wvwc.edu
- Director of Diversity, Equity, and Inclusion: Laurie Goux
Benedum Campus Center, 2nd Floor: (304) 473-8163
Email: goux.l@wvwc.edu
- Associate Professor of Religious Students: Debra Dean Murphy
Martin Religious Center, Room 305: (304) 473-8362
Email: murphy_d@wvwc.edu
- Community Care of West Virginia: School Based Health Center
Wesleyan's Barnhart Health Center
304-517-3774

The Providers at Community Care of West Virginia can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries, including by helping find a Sexual Assault Nurse Examiner, who is specifically trained to collect evidence. Taking these steps promptly after an incident can be very helpful in later criminal proceedings and/or in seeking a protective order. While the Providers at Community Care of West Virginia are obligated to maintain confidentiality and not report an individual's identity to the College, under West Virginia law, a medical provider may be required to notify law enforcement of a reported sexual assault involving minors and/or weapons. The individual, however, may decline to speak with a law enforcement officer or participate in a criminal prosecution.

OFF-CAMPUS RESOURCES

Off campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless requested and signs a consent or waiver form. Confidential off campus resources include:

Centers Against Violence

(www.centersagainstviolence.org)

P.O. Box 2062 Elkins, WV 26241

Phone: (304) 636-8433 Fax: (304) 636-5564

RAINN: Rape, Abuse & Incest National Network (<https://www.rainn.org/resources>)

Hotline: (800) 656-4673

National Domestic Violence Hotline

(<https://www.thehotline.org/>)

Hotline: (800) 799-SAFE (7233)

Employee Assistance Program (For Full-time Employees)

(www.healthadvocate.com/standard3)

Toll-Free: 1-888-293-6948 For TTY Users: Dial 711

St. Joseph's Hospital

1 Amalia Dr. Buckhannon, WV 26201

(304) 473-2000

West Virginia Wesleyan College encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident that may require medical attention. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Call 911, visit the Emergency Department, or contact your regular provider for off campus medical care. While these off-campus providers and advocates may agree not to share confidential information with West Virginia Wesleyan College, they may have reporting or other obligations under state law.

Reporting to Law Enforcement

Emergency medical assistance and law enforcement assistance are available 24 hours a day seven day a week. Members of the College community who believe their safety or the safety of others is threatened should call the Office of Campus Safety & Security at 304-473-8011 or call 911 to reach local law enforcement. Any member of the West Virginia Wesleyan College's community who has experienced Title IX Sexual Harassment or behaviors that are potentially criminal in nature has the option to report the conduct to law enforcement agency that has jurisdiction over the location where the incident occurred. If requested, West Virginia Wesleyan College will provide assistance in reporting to the law enforcement agency with appropriate jurisdiction.

Buckhannon City Police Department: (304) 472-5723

Upshur County Sherriff's Department: (304) 472-1180

Upshur County Detachment of the West Virginia State Police: (304) 473-4200

West Virginia Wesleyan College and the police/legal system work independently from one another. Individuals can file reports with the College, with law enforcement, with both systems, or with neither. Because the standards for finding a violation of criminal law are different from the standards in this Policy, neither the results of a criminal investigation nor the decision of law enforcement to investigate, or decline to investigate a matter, is determinative of whether a violation of this Policy has occurred.

Supportive Measures are available even if a student, employee or third-party elects not to pursue criminal charges or file a report or formal complaint with West Virginia Wesleyan College. Because Prohibited Conduct, in some instances, constitute both a violation of College policy and a criminal activity, and because the College resolution process is not a substitute for instituting legal action, West Virginia Wesleyan College will provide guidance and, if requested, assistance regarding how to report an incident to law enforcement authorities who have jurisdiction over the location where the incident occurred.

FORMAL REPORTING OPTIONS

Anyone West Virginia Wesleyan College who has witnessed or is aware of any of the Prohibited Conduct in West Virginia Wesleyan College's programs or activities is strongly encouraged to report any concern or Prohibited Conduct to the Coordinator. All Responsible Employees and Officials with Authority must report incidents of Prohibited Conduct to the Coordinator.

On-Campus

Amy Kittle, Title IX Coordinator
Campus Center Building
59 College Ave,
Buckhannon, WV 26201
304-473-8472
titleix@wvwc.edu

Vickie Crowder, Director of Human Resources
Administration Building
59 College Ave
Buckhannon, WV 26201
304-473-8032
crowder_v@wvwc.edu

Lynn Linder, Vice President for Academic Affairs & Dean of the Faculty
Administration Building
59 College Ave
Buckhannon, WV, 26201
304-473-8042
Linder_l@wvwc.edu

Alisa Lively, Dean of Students & Director of Campus Life
Campus Center
59 College Ave
Buckhannon, WV 26201
304-473-8443
lively_a@wvwc.edu

Jackie Hinton, Associate Athletic Director for Compliance & Academic Advising
Rockefeller Center
59 College Ave.
Buckhannon WV, 26201
304-473-8507
hinton.j@wvwc.edu

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 or the reporting Campus Conduct hotline at 866-943-5787. Note that these anonymous reports may prompt a need for the institution to investigate. Report Form (<https://www.wvwc.edu/titleix/>). Depending on the level of information available about the incident or the individuals involved, West Virginia Wesleyan College's ability to respond to an anonymous report may be limited. West Virginia Wesleyan College will, however, take whatever steps it deems appropriate and in the best interests of the overall West Virginia Wesleyan 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 in accordance with West Virginia state law. In addition to West Virginia Wesleyan College's the internal remedies, members of the campus community should also be aware that the Office of Civil Rights investigates and prosecutes complaints of prohibited discrimination. This agency may be contacted as follows:

Office for Civil Rights (OCR), Headquarters
400 Maryland Avenue, SW Washington, DC 20202-1100
Customer Service Hotline: 800-421-3481 TDD: 877-521-2172 Facsimile: (202) 453-6012
Email: OCR@ed.gov Web: www.ed.gov/ocr

Office for Civil Rights, Philadelphia Office U.S. Department of Education
The Wanamaker Building 100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: (215) 656-8541 Facsimile: (215) 656-8605
Email: OCR.Philadelphia@ed.gov

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the reported victim believes was discriminatory. There is no time limit for making a report to the West Virginia Wesleyan College.

TIMEFRAME FOR REPORTING

West Virginia Wesleyan College does not limit the timeframe for filing a report of conduct prohibited by this policy. Reports can be submitted at any time following an incident. In order to maintain and support a community that is respectful and free from Prohibited Conduct and to maximize the College's ability to respond promptly and effectively, the College urges individuals to come forward with reports of Prohibited Conduct as soon as possible. The longer the period of time from the incident until the time when it is reported may make it more difficult for West Virginia Wesleyan College to take action as memory fades, people graduate, leave the campus community, or physical evidence, such as text messages or video camera footage, may no longer be available.

PARTICIPANT PRIVACY AND CONFIDENTIALITY

West Virginia Wesleyan College recognizes that privacy is important. West Virginia Wesleyan 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 West Virginia Wesleyan 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 West Virginia Wesleyan College is committed to respecting the confidentiality of all parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which absolute confidentiality cannot be maintained include, but are not limited to, the following:

- When West Virginia Wesleyan 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 resolution or investigation of the allegations.
- When confidentiality concerns are outweighed by West Virginia Wesleyan College interest in protecting the safety or rights of others.
- When a Formal Complaint is filed.

Advisors, whether West Virginia Wesleyan College appointed or not, are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Recipient. Advisors will be asked to sign Non-Disclosure Agreements (NDAs). West Virginia Wesleyan College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by privacy expectations.

Recordings

No unauthorized audio or video recording of any kind is permitted during any meeting or hearing that occurs in respect to this Policy and Procedures. Participants will be notified if a meeting or hearing is to be recorded by West Virginia Wesleyan College which is at the sole discretion of West Virginia Wesleyan College.

AMNESTY

Sometimes students are reluctant to seek help after experiencing Prohibited Conduct and may be reluctant to help others who may have experienced Prohibited Conduct because they fear being held responsible by the West Virginia Wesleyan College or law enforcement for drug use or underage alcohol consumption. While West Virginia Wesleyan College does not control the decisions of law enforcement, the College generally will not pursue disciplinary action against a student who makes a good faith report to the West Virginia Wesleyan College or who participates truthfully as a party or witness in the resolution process related to Prohibited Conduct, for personal consumption of alcohol or other drugs (underage or illegal) or other minor misconduct which would otherwise be a violation of the Student Code of Conduct, provided the misconduct did not endanger the health or safety of others. West Virginia Wesleyan College may, however, engage in an assessment or educational discussion or pursue other non-disciplinary options regarding the ancillary misconduct, including alcohol or other drug use.

INTAKE OF REPORTS OF PROHIBITED CONDUCT

Once a report of Prohibited Conduct, including Title IX Sexual Harassment, is received by the Title IX Coordinator, the Title IX Coordinator shall review the report to determine the appropriate next steps. After receiving a report of

conduct that, if true, would constitute a violation of this policy, the Title IX Coordinator will contact the Complainant, request to meet with Complainant to discuss the resources, rights, and options available and provide a copy of this policy which:

- Explains the availability of Supportive Measures;
- Explains that Supportive Measures are available with or without filing a Formal Complaint with West Virginia Wesleyan College or law enforcement;
- Informs the Complainant that even if they decide not to file a Formal Complaint, the Title IX Coordinator may do so by signing a Formal Complaint;
- Explains that they have the option to seek Supportive Measures regardless of whether they choose to participate in a West Virginia Wesleyan College related proceeding or investigation;
- Explains the option to seek medical treatment and information on preserving potentially key forensic and other evidence;
- Explains the process for filing a Formal Complaint of Prohibited Conduct, including Title IX Sexual Harassment;
- Includes West Virginia Wesleyan College's procedural options for Formal and Informal Resolutions;
- Explains the Complainant's right to and advisor of their choosing; and,
- Includes West Virginia Wesleyan College's prohibition of Retaliation against the Complainant, Respondent, the witnesses, reporting parties, and that West Virginia Wesleyan College will take prompt action when Retaliation is reported.

If the allegations reported, if true, would not constitute Prohibited Conduct as defined in this Policy, the Title IX Coordinator will not proceed under this Policy and its Procedures. Instead, if the allegations reported, if true, would not constitute Prohibited Conduct as defined in this Policy, the Title IX Coordinator may take one of the following actions: implement a remedy or an agreed resolution, refer the matter to the appropriate office for discussion, education or resolution under a different policy or process, or if the reported conduct would not constitute a violation of any West Virginia Wesleyan College Policy, take no further action. The Title IX Coordinator will notify the Complainant of any referral.

SUPPORTIVE MEASURES

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

Supportive Measures are available regardless of whether the matter was reported to West Virginia Wesleyan College for the purpose of initiating any formal resolution process 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 a report of possible Prohibited Conduct (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 West Virginia Wesleyan 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, West Virginia Wesleyan College will conduct an individualized assessment based on the unique facts and circumstances of a situation. The Title IX Coordinator may work with other administrators and offices when necessary to determine reasonable measures and accommodations. Whether a possible Supportive Measure would unreasonably burden the other party is a fact determination made by the West Virginia Wesleyan College in its discretion that takes into account the specific 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 West Virginia Wesleyan 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 interactions with one another);
- Placing limitations on an individual's access to certain West Virginia Wesleyan College facilities or activities;
- Work schedule or job assignment modifications, including suspending employment with or without pay consistent with any applicable written procedures (for West Virginia Wesleyan 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.

West Virginia Wesleyan 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.

ADVISORS

Throughout the resolution process for Title IX Sexual Harassment or other forms of Prohibited Conduct as defined in this policy, 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 as described in section XVI., 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.

During the hearing as described in section XVI, 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 in the Resolution of Title IX Sexual Harassment Reports, Section XVI. 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.

West Virginia Wesleyan College (including any official acting on behalf of West Virginia Wesleyan 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, West Virginia Wesleyan College will not tolerate an advisor questioning a witness in an abusive, intimidating, or disrespectful manner. Advisors who are disruptive, disrespectful, or refuse to follow this Policy will be removed. The West Virginia Wesleyan 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.

BIAS AND CONFLICT OF INTEREST

All Title IX Administrators participating in a resolution process 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 an acting Title IX Administrator has concerns that they cannot conduct a fair or unbiased process, they must report those concerns to the Title IX Coordinator. A Complainant and/or Respondent may challenge the participation of a specific Title IX Administrator because of perceived conflict of interest, bias, or prejudice. Such challenge, including the rationale must be made in writing to the Title IX

Coordinator as soon as possible or within 48 hours of notice of the name of the Title IX Administrator. At their discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether that Title IX Administrator should be replaced. Postponement of an investigation or hearing may occur if it determined that Title IX Administrator has bias or a conflict of interest and a replacement cannot be immediately identified.

TIMELINES

Throughout these Procedures, West Virginia Wesleyan 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. All days referenced in this Policy are business days.

PROHIBITED CONDUCT & DEFINITIONS

West Virginia Wesleyan College prohibits Discrimination; Harassment; Title IX Sexual Harassment, which includes Sexual Assault and Sexual Exploitation; Domestic Misconduct, which includes Dating and Domestic Violence; Stalking; and, Retaliation as defined below (collectively referred to as “Prohibited Conduct”) by or against any student, employees, alum, independent contractors, volunteers, trustees, etc. of the occurring within the West Virginia Wesleyan College Community and occurring or attempted in the Title IX or General Jurisdiction as defined in this Policy.

Discrimination: Discrimination is conduct that is based on an individual’s race, color, national origin ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression and excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a West Virginia Wesleyan College program or activities. This includes failure and refusal to provide reasonable accommodations, consistent with state and federal law, to persons with disabilities or who are pregnant.

Harassment: Harassment is conduct that creates a Hostile Environment, as defined by this Policy, and is based upon an individual’s race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression. Harassment may take various forms, including, but not limited to, name-calling, graphic or written statements (including the use of social media, text messages, email, or other similar forms), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not necessarily have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sex and gender-based harassment can include Sexual Harassment as specifically defined by this Policy and non-sexual harassment based on stereotypical notions of what is female/feminine versus male/masculine or failure to conform to those gender stereotypes. Sexual Harassment may occur between people of the same sex or people of different sexes. Examples of Sexual Harassment may include, but are not limited to, unsolicited, deliberate, or repeated touching, sexual flirtation, advances or propositions which are not welcomed and/or desired; unwelcome jokes, stories, comments, innuendos, or other sexually oriented statements which are specifically designed to embarrass or humiliate through their sexual subject matter content; unwelcome sexual communication such as graphic or degrading comments about one’s gender related to personal appearance; unwelcome display of sexually explicit materials, objects, or pictures in an individual’s place of work or study, such as viewing material on computers or other electronic devices where others can see. All conduct must meet the applicable definitions and create a Hostile Environment before rising to the level of prohibited conduct under this Policy.

Title IX Sexual Harassment: Title IX Sexual Harassment means Sexual Harassment (Quid Pro Quo), Sexual Harassment (Hostile Environment), Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation as defined by this Policy that occurs in the Title IX Jurisdiction.

Sexual Harassment: Harassment that creates a Hostile Environment (as defined in this Policy) based on sex, which includes, but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Quid Pro Quo Sexual Harassment: occurs when a West Virginia Wesleyan College employee conditioning the provision of an aid, benefit, or service of the College/College on an individual’s participation in unwelcome sexual conduct.

Hostile Environment: A hostile environment is created when a person is subjected to Harassment, Sexual Harassment, and Title IX Sexual Harassment and that conduct determined by a reasonable person, is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a West Virginia Wesleyan College program or activity.

A Hostile Environment can be created by anyone involved in a College program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a Hostile Environment.

In determining whether a Hostile Environment exists, consideration will be made not only as to whether the conduct was unwelcomed to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as severe, pervasive, and objectively offensive. Also, the following factors will be considered: the degree to which the conduct affected one or more students' education or individual's employment; the nature, scope, frequency, duration, and location of incident or incidents; and the identity, number, and relationships of persons involved.

Sexual Assault: any sexual act directed against another person, without the consent of the victim, including instances where the victim lacks the ability to Consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. Sexual Assault includes the following:

Non-Consensual Penetration: Actual or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim. This includes penetration forcibly and/or against the person's will in instances where the victim is incapable of giving affirmative consent because of their youth or because of their 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;

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.

Sexual Exploitation: is an act or a failure to act that involved a member of the West Virginia Wesleyan College community taking non-consensual, unjust, humiliating, or abusive sexual advantage of another, either for the individual's own advantage or to benefit anyone other than the person being exploited. Sexual advantage may include, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; engaging in voyeurism, and intentionally exposing another to a sexually transmitted infection.

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

Stalking: Stalking means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to: fear for their safety or the safety of others; or suffer Substantial Emotional Distress.

- Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Substantial Emotional Distress for purposes of this definition, means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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 other forms of Prohibited Conduct; an individual's or group's participation, including testifying or assisting in the West Virginia Wesleyan College Title IX Procedures; an individual's or group's refusal to participate in the West Virginia Wesleyan College Title IX Procedures; or other form of good faith opposition to what an individual reasonably believes to be Title IX Sexual Harassment or Prohibited Conduct under this Policy. Individuals are also protected from retaliation for making good faith requests for accommodations on the basis of religion, pregnancy, or disability. To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from reporting, participation, or opposing. Individuals who feel they are experiencing retaliation should report to the Title IX Coordinator immediately. This may be done online, in person, or by email to the Title IX Coordinator. Charging an individual with a Policy violation for making a materially false statement in bad faith in the course of the resolution of a Title IX Sexual Harassment or other Prohibited Conduct complaint does not constitute Retaliation. The exercise of rights protected under the First Amendment also does not constitute Retaliation.

False Statements: Making a materially false statement in bad faith in the course of a resolution proceeding under this Policy is prohibited and does not constitute Retaliation as defined in this Policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Materially false statements or intentional misrepresentation will be resolved through the Student Code of Conduct process or through Human Resources.

ADDITIONAL DEFINITIONS

Assigned Title IX Coordinator: The Title IX Coordinator may, at their discretion or in the case of a bias or a conflict of interest, designate one of the Deputy Title IX Coordinators as the Assigned Title IX Coordinator for resolution of a given complaint. This person will be referred to as the Assigned Title IX Coordinator. This may include an internal employee or an external professional retained for this purpose.

Title IX Administrator: A title that collectively refers to the roles that are needed to implement these policy and procedures. It includes Title IX Coordinator, Deputy Coordinators, Investigators, Hearing Officers, Appeal Officers, and advisors appointed by West Virginia Wesleyan College. This may include an internal employee or an external professional retained for this purpose.

Advisor: An individual that a Complainant or Respondent chooses to accompany them to meetings and/hearings that occur as part of the Resolution Process for Reports of Prohibited Conduct. Advisors can be a friend, parent, family member, or attorney, or any other person. In the Formal Resolution of Title IX Sexual Harassment Reports, advisors will be required to conduct cross examination during a hearing.

Preponderance of the Evidence: A standard of proof used to determine whether or not the evidence provided indicates that a policy violation was more likely to have occurred than to not have occurred in order to find a respondent responsible for violating a policy.

Hearing: A term to describe a meeting or a proceeding that is held to consider evidence that will be used to determine whether or not this Policy was violated. This policy references two types of hearings: live hearings and administrative hearings as described in sections XVI and XVII.

Complainant: An individual who was reported to have experienced conduct that could constitute Title IX Sexual Harassment or other forms of Prohibited Conduct as defined in this Policy.

Respondent: An individual enrolled or employed, group, office program, or department who has been reported to have engaged in conduct could constitute Title IX Sexual Harassment or other forms of Prohibited Conduct as defined in this Policy and is a member of West Virginia Wesleyan College. In some cases, at the Title IX Coordinator's discretion, Respondents may also be individuals providing services as a Volunteer, Vendor, Official Guest or Contractor for West Virginia Wesleyan College.

Third Party Reporter: An individual who is not a Complainant or a Respondent who reported instances of conduct that could constitute Title IX Sexual Harassment or other forms of Prohibited Conduct as defined in this Policy.

West Virginia Wesleyan College Program or Activity: All operations of West Virginia Wesleyan College, including those locations, events, and circumstances where West Virginia Wesleyan College exercises substantial control and any building owned or controlled by a student organization recognized by West Virginia Wesleyan College.

Report: Information received by Title IX Coordinator provided by a Responsible Employee, Official with Authority, Third Party Reporter, or a Complainant that alleges Title IX Sexual Harassment or other forms of Prohibited Conduct has occurred within the Title IX Jurisdiction or General Jurisdiction as defined in this Policy.

Responsible Employees are those employees in a leadership or supervisory position or who have significant responsibility for the welfare of students or employees. Responsible Employees include faculty, staff, coaches, directors, resident assistances, and advisors.

Officials with Authority is an official of West Virginia Wesleyan College with the authority to institute corrective action on behalf of the West Virginia Wesleyan College and notice to whom causes West Virginia Wesleyan College to respond to Title IX Sexual Harassment. Officials with Authority include the following: Title IX Coordinator, Title IX Deputy Coordinators, President, Vice Presidents, Cabinet Members, and Dean of Students. A list of Officials with Authority at West Virginia Wesleyan College is located in Appendix C of this Policy.

Formal Complaint: A document, including an electronic submission, filed by a Complainant or the Title IX Coordinator that alleges Title IX Sexual Harassment or other Prohibited Conduct and requests an investigation or initiation of the resolution of the complaint as described in this Policy.

Consent: An agreement, approval, or permission as to some act or purpose that is given knowingly, willingly, and voluntarily by a competent person. Silence, by itself, cannot constitute Consent. Consent to one sexual act does not constitute or imply consent to a different act. Previous consent cannot imply consent to future acts, and Consent is required regardless of any current or previous relationship status or sexual history together. Consent can be withdrawn at any time. A person is not competent and lacks the ability to consent when coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotion harm, undue pressure, isolation, or confinement. Individuals who are incapacitated cannot give consent.

Incapacitation: A state beyond drunkenness or intoxication in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress or undress without assistance, extreme clumsiness, slurred speech, vomiting, emotional volatility, difficulty in walking without assistance, loss of coordination, or inability to perform other physical or cognitive tasks without assistance. States of incapacitation may also include sleep, unconsciousness, or any other state where the individual is unaware that sexual activity may be occurring.

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, 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.

Student: Any individual who is not an employee of the West Virginia Wesleyan College and who is either: (1) admitted as a student to the College and has been moved to deposited status (2) an enrolled student (includes students auditing courses); (3) a West Virginia Wesleyan College student between academic terms or on a Leave of Absence; or, (4) a graduate awaiting a degree (note: students are classified as such until they receive their degree; students who petition the College to complete their degree via distance or some other arrangement forfeit their student status if they do not complete their degree during the period of time specified in their agreement with the College). A student ceases to be a student when they graduate; in the event that they are expelled for academic or conduct reasons; or in the event that the student formally withdraws from West Virginia Wesleyan College. For purposes of this definition, the term “employee of the College” does not include students who are employed by the College through a work-study or similar program.

Reasonable Person: means a reasonable person under similar circumstances and with similar identities.

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.

Campus Security Authorities (CSA)

Campus Security Authorities have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus safety and security regarding the type of incident and its general location (on or off campus or in the general area with no specific addresses given) for publication in the College’s Annual Security Report.

Mandated CSA’s at WVWC include:

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

FORMAL RESOLUTION OF REPORTS OF TITLE IX SEXUAL HARASSMENT

Formal Complaints of Title IX Sexual Harassment

After a report has been received by the Title IX Coordinator, a Complainant has the option to file a Formal Complaint against a Respondent alleging Title IX Sexual Harassment and requesting that West Virginia Wesleyan College investigate those allegations. In order to file a Formal Complaint, the Complainant should contact the Title IX Coordinator and sign West Virginia Wesleyan College’s Complaint form. This may be done online, in person, or by email to 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 deciding to File a Formal Complaint, the Title IX Coordinator will consider the risk that the Respondent might commit additional acts of Prohibited Conduct; whether or not there have been additional reports against the same Respondent for the same or similar conduct; whether or not the Prohibited Conduct was committed by multiple Respondents; the seriousness of the alleged misconduct; and, whether or not the Complainant is a minor. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a complainant or otherwise a party to the resolution process. While the Complainant may choose not to participate in the resolution process initiated by the Title IX Coordinator signing a Formal Complaint, 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. For reports of Title IX Sexual Harassment, a Formal Complaint **must** be filed before West Virginia Wesleyan College can commence the investigation or the Informal Resolution process.

Mandatory Dismissal of Formal Complaints of Title IX Sexual Harassment

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;
- 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 West Virginia Wesleyan College's programs or activities.

If the Title IX Coordinator determines that **all** of the above conditions are satisfied, West Virginia Wesleyan College will address under these procedures for Formal Resolution of Reports of Title IX Sexual Harassment. If the Title IX Coordinator determines that the allegations in the Formal Complaint do not meet the definitions of Title IX Sexual Harassment or that not all of the conditions above are satisfied, the Title IX Coordinator will dismiss the Formal Complaint for Title IX purposes. However, if the Title IX Coordinator dismisses the Formal Complaint for Title IX purposes, it may resolve the Formal Complaint under this policy as Prohibited Conduct that is not Title IX Sexual Harassment or other West Virginia Wesleyan College policy and procedures as appropriate. Additionally, if the Title IX Coordinator initiates the investigative process as a Title IX Sexual Harassment matter 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 Title IX Coordinator will dismiss the Formal Complaint for Title IX purposes and instead pursue the matter under this policy as Prohibited Conduct that is not Sexual Harassment, other West Virginia Wesleyan College policy and procedures as appropriate, or as appropriate and applicable, dismiss the Formal Complaint in its entirety. If the Title IX Coordinator determines that Formal Complaint of Title IX Sexual Harassment will not be adjudicated under the Formal Resolution of Reports of Title IX Sexual Harassment for one or more of the reasons outlined above, either at the outset after reviewing the Formal Complaint or during the course of the investigation, the parties will receive written notice of the dismissal and the reasons for that dismissal. Complainants and Respondents may appeal the decision to dismiss a Formal Complaint.

Discretionary Dismissals of Formal Complaints of Title IX Sexual Harassment

In addition, the reasons discussed above under Mandatory Dismissals, West Virginia Wesleyan College may, in its discretion, choose to dismiss a Formal Complaint or any allegations therein, if at any time during the Formal Resolution of Title IX Sexual Harassment Report, if:

- 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 West Virginia Wesleyan College; or,
- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

The Title IX Coordinator 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 that the Title IX Coordinator will automatically dismiss the Formal Complaint; instead, the Title IX Coordinator will determine is appropriate under the circumstances. The parties will receive simultaneous written notice of the dismissal and the reasons for that dismissal. Complainants and Respondents may appeal the decision to dismiss a Formal Complaint.

Consolidation of Formal Complaints of Title IX Sexual Harassment

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). The decision to consolidate Formal Complaints is not subject to appeal.

Counterclaims

West Virginia Wesleyan College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. West Virginia Wesleyan College permits the filing of counterclaims but will assess to ensure that the allegations in the counterclaim are made in good faith. Counterclaims may also be resolved through the same investigation as the underlying complaint or investigated separately, 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.

Notice of Allegations

If a Complainant files, or the Title IX Coordinator signs, a Formal Complaint of Title IX Sexual Harassment within the scope of this Policy, the Title IX Coordinator will simultaneously send both parties a written Notice of Allegations that contains the following:

- Notice that the Informal and Formal Resolution processes comply with the requirements of Title IX;
- Notice of the allegations potentially constituting Title IX Sexual Harassment, providing sufficient detail for a response to be prepared before any initial interview, including (1) identities of the parties, if known; (2) the

conduct allegedly constituting Title IX Sexual Harassment; and (3) the date and location of the alleged incident, if known;

- A statement that the Respondent is presumed not responsible for the alleged Title IX Sexual Harassment and a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney and who may inspect and review evidence;
- Information regarding the availability of support and assistance through College resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options;
- Notice of the College's prohibition of Retaliation of the Complainant, the Respondent, and witnesses; that the College will take prompt action when Retaliation is reported; and how to report acts of Retaliation; and
- Notice that the Student Handbook prohibits knowingly making false statements and knowingly submitting false information 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.

Investigation of Title IX Sexual Harassment Allegations

Once a Formal Complaint has been signed, and there is no Informal Resolution, an investigation will be conducted. An investigation affords Complainants and Respondents 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 West Virginia Wesleyan College. When the Formal Resolution process is initiated, the Title IX Coordinator will designate an investigator or an investigative team who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Title IX Sexual Harassment.

A Notice of a Title IX Sexual Harassment Investigation

If there is no Informal Resolution, a Notice of Investigation will be issued simultaneously to Complainants and Respondents. That correspondence will include the following:

- An overview of the Investigation/Formal Resolution process;
- A reminder that Informal Resolution process is available until which time a finding of responsibility is rendered;
- Information about Complainants and Respondents Rights, which includes a right to an Advisor;
- A reminder that the burden of proof and burden of evidence gathering sufficient to reach a determination regarding responsibility rests on West Virginia Wesleyan College and not on the parties;
- That West Virginia Wesleyan College cannot access, consider, disclose, or otherwise use a Complainant's or Respondent's records that are made or maintained under legal privilege without voluntary written consent from the person who is protected by that privilege;
- That Complainants and Respondents will have equal opportunity to present witnesses, including fact and expert witnesses, and other evidence;
- Notice that while parties are expected to respect the private and serious nature of the Resolution Process and to refrain from engaging in behavior that could be seen as Retaliation, neither Complainants or Respondents are restricted from discussing the allegations or gathering or presenting evidence; and,
- The Investigator (s) name and contact information.

Notice of Allegations and Notice of Investigation may be combined as appropriate at the discretion of the Title IX Coordinator.

Investigation Timeframe for Formal Complaints of Title IX Sexual Harassment

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

Interviews and Gathering Evidence in a Title IX Sexual Harassment Investigation

Interviews. The Investigator(s) will interview the parties and relevant witnesses 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(s).

Evidence. During the interview, and while gathering evidence, Complainants and Respondents will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and other evidence. Although West Virginia Wesleyan 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(s). Such information shared by the parties with the Investigator(s) may include both inculpatory and exculpatory evidence. The Investigator(s) 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 more fully below.

All evidence must be provided to the investigator during the scope of the investigation.

Draft Investigation Report and Opportunity to Inspect and Review Evidence of Title IX Sexual Harassment

After all the evidence is gathered, and the Investigator has completed witness interviews, the Investigator will prepare a draft investigative report. The Investigator(s) will send each party, and the party's advisor, if any, the draft investigative report. The Investigator(s) 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(s) 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. Parties and their advisors may not disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. Disseminating evidence in such a way could be considered Retaliation under this policy.

The parties will have ten (10) days to review the draft investigative report and evidence and to submit a written response. The parties' written responses must include any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigation. Any party providing new evidence in their written response should identify whether that evidence was previously available to them, and if so, why it was not previously provided. The parties' feedback will be attached to the final investigation report.

Generally, only information that is provided to, or otherwise obtained by, the Investigator(s) 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(s) prior to the final investigation report and will not be allowed during the hearing unless it can be clearly demonstrated that such information was not reasonably available to the parties at the time of the investigation or that the evidence has significant relevance to a material fact at issue in the investigation. If, after the final investigation report is issued, a party provides or identifies evidence that they did not previously provide or identify despite that evidence being reasonably available to them during the investigation process, the Hearing Officer may, at their discretion, draw a negative inference from the party's delay in providing or identifying the evidence. At the Title IX Coordinator's discretion, new evidence submitted after the Draft Investigation Report is issued, may result in additional investigation. The Investigator(s) will review the feedback to the report, interview additional relevant witnesses (as deemed appropriate).

Final Investigation 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(s) complete(s) any additional investigation, the Investigator(s) will complete a final investigative report. The Investigator(s) 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(s) 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 voluntarily consents.

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

After the ten-business-day deadline, the Complainant and Respondent may not provide any additional written information for the hearing, unless that information was not reasonably available prior to the closing of the ten-business-day window. The Hearing Officer determines whether to grant exceptions to this ten-business-day deadline. The Title IX Coordinator will determine what, if any, final changes or additions are made to the final investigative report based upon its review of the report and feedback as described above from the Complainant and Respondent. The matter will then be referred to a Hearing Officer

Hearings on Title IX Sexual Harassment Allegations

Hearings that occur for the purpose of formally resolving Formal Complaints of Title IX Sexual Harassment will be live and occur in real time. Complainants, Respondents, and Witnesses will answer questions posed by the Hearing Officer and Advisors in front of the Hearing Panel. Questions regarding Prohibited Conduct that does not constitute Title IX Sexual Harassment but is also being heard by the Hearing Panel during the same hearing will be handled at the discretion of the Hearing Officer.

Hearing Panel

The Hearing Officer Panel will be formed by the Title IX Deputy Coordinators minus the Deputy Coordinator who is designated as the Appeal Officer.

The Title IX Deputy Coordinators at West Virginia Wesleyan College are:

Alisa Lively

Deputy Title IX Coordinator
Dean of Students
Student Development Office: Benedum Center for Campus Life
304-473-8443
Lively_a@wwwc.edu

Lynn Linder

Deputy Title IX Coordinator
Vice President for Academic Affairs
Academic Affairs Office: 1st Floor, Administration Building
304-472-8042
linder_l@wwwc.edu

Vickie Crowder

Deputy Title IX Coordinator
Director of Human Resources
Human Resources Office: 1st Floor, Administration Building
304-473-8032
Crowder_v@wwwc.edu

Jackie Hinton

Deputy Title IX Coordinator
Director of Compliance and Academic Advising
Room 115: Rockefeller Center
304-473-8507
Hinton.j@wwwc.edu

The Chair will be determined by the following:

- If the Respondent is a student: The Chair will be the Dean of Students.
- If the Respondent is an employee: The Chair will be the Director of Human Resources.
- If the Respondent is a member of Faculty: The Chair will be the Vice President for Academic Affairs.

The Deputy Coordinator that will serve the designated appellate decision-maker will not participate in the hearing.

Notice of Title IX Sexual Harassment Hearing

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

Pre-hearing Procedures and Ground Rules for Title IX Sexual Harassment Hearing

The Hearing Officer and/or the Title IX Coordinator may establish pre-hearing procedures relating to issues such as scheduling, hearing structure and process, witness and advisor participation and identification, and advance determination of the relevance of certain topics. The Hearing Officer will communicate with the parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for party participation/input. The Hearing Officer also has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum

Participation of Advisors in a Title IX Sexual Harassment Hearing

Both parties must be accompanied by an advisor to the hearing. If a party does not have an advisor for the hearing, the West Virginia Wesleyan College will provide an advisor of West Virginia Wesleyan College's choice for that party. Each party's advisor must conduct any cross-examination of the other party and any witnesses. Apart from conducting cross-examination, the parties' advisors do not have a speaking role at the hearing; an advisors' participation is limited to conferring with the party at intervals set by the Hearing Officer.

Participation of Parties and Witnesses in a Title IX Sexual Harassment Hearing

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, West Virginia Wesleyan College will appoint an advisor to participate in the hearing for the purpose of asking questions of the other party on behalf of the nonparticipating 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. The Hearing Officer may, at their discretion, exclude witnesses or witness testimony the Hearing Officer considers irrelevant or duplicative. The Hearing Officer will explain any decision to exclude a witness or testimony as not relevant.

Recording the Title IX Sexual Harassment Hearing

A Respondent, Complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the Hearing Officer. The Title IX Coordinator will arrange for there to be an audio recording, or audiovisual recording, or transcript (or combination) of the hearing, which will be made available to the parties for review and kept on file by West Virginia Wesleyan College for seven years. Reasonable care will be taken to create a quality recording or transcript and if making recording 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 in a Title IX Sexual Harassment Hearing

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

Title IX Sexual Harassment Hearing Structure

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

- Introductions;
- Respondent's statement accepting or denying responsibility;
- Opening Statement from the Complainant (optional);
- Opening Statement from the Respondent (optional);
- Questioning of the Complainant by the Hearing Officer;
- Cross-examination of the Complainant by the Respondent's advisor;
- Questioning of the Respondent by the Hearing Officer;
- Cross-examination of the Respondent by the Complainant's advisor;
- Hearing Officer questioning of other witnesses (if applicable);
- Cross-examination of other witnesses by the parties' advisors;

- Additional question of the Complainant and Respondent by the Hearing Officer at their discretion;
- Closing comments from the Complainant (optional); and,
- Closing comments from the Respondent (optional).

A Complainant or Respondent may not question each other or other witnesses directly; they must conduct the cross-examination through their advisors. Before a party or witness answers a cross-examination or other question, the Hearing Officer will first determine whether the question is relevant. The Hearing Officer may exclude irrelevant information and/or questions. The Hearing Officer will explain any decision to exclude a question or information as not relevant. The evidence collected as part of the investigative process will be made available at the hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove someone other than the respondent committed the alleged conduct, 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. Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege are not admissible, unless the person holding the privilege has waived the privilege.

Determination Following a Title IX Sexual Harassment Hearing

Following the Hearing, the Hearing Panel, by way of a majority vote will consider all relevant evidence and make a determination, by Preponderance of Evidence standard, whether the Respondent has violated the Policy. While the Title IX Coordinator will be present, they are not a decision-maker.

Written Notice Regarding an Outcome of a Title IX Sexual Harassment Hearing

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, Complainants and Respondents 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 supporting the determination using a preponderance of the evidence standard;
- Conclusions regarding the application of West Virginia Wesleyan College policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions West Virginia Wesleyan 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 West Virginia Wesleyan College to the Complainant; and
- West Virginia Wesleyan College's permissible basis for the Complainants and Respondents to appeal, and instructions on how to do so. The written notification of outcome becomes final seven days after it is sent to the Parties, unless an appeal is filed on or before that day.

Formal Resolution of Reports Of Prohibited Conduct That Is Not Title IX Sexual Harassment

Formal Complaints of Prohibited Conduct

Once a report of Prohibited Conduct has been received by the Title IX Coordinator, a Complainant has the option to file a Formal Complaint against a Respondent alleging Prohibited Conduct and requesting that West Virginia Wesleyan College resolve those allegations through an investigation. To file a Formal Complaint, the Complainant should contact the Title IX Coordinator and sign West Virginia Wesleyan College's complaint form. This may be done online, in person, or by email to the Title IX Coordinator. If the 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 deciding to File a Formal Complaint, the Title IX Coordinator will consider the risk that the Respondent might commit additional acts of Prohibited Conduct; whether or not there have been additional reports against the same Respondent for the same or similar conduct; whether or not the Prohibited Conduct was committed by multiple Respondents; the seriousness of the alleged misconduct; and, whether or not the Complainant is a minor.

When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the resolution process. When the Complainant may choose not to participate in the resolution initiated by the Title IX Coordinator, 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 West Virginia Wesleyan College retaliate against a Complainant to participate in the grievance process.

Dismissal

If a complainant files a Formal Complaint, West Virginia Wesleyan College may, in its discretion, choose to dismiss a Formal Complainant of Prohibited Conduct or any allegations therein, if at any time during the Resolution Process:

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

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 Prohibited Conduct). The decision to consolidate Formal Complaints is not subject to appeal.

Counterclaims

West Virginia Wesleyan College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. West Virginia Wesleyan College permits the filing of counterclaims but will assess to ensure that the allegations in the counterclaim are made in good faith. Counterclaims may also be resolved through the same investigation as the underlying complaint or investigated separately, 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.

Notice of Allegations

If a Complainant files, or the Title IX Coordinator signs, a Formal Complaint of Prohibited Conduct 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 of the allegations potentially constituting Prohibited Conduct 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 Prohibited Conduct; and (3) the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct 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 review and inspect evidence;
- Information regarding the availability of support and assistance through West Virginia Wesleyan College resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options; and,
- Notice of West Virginia Wesleyan College's prohibition of Retaliation of the Complainant, the Respondent, and witnesses; that West Virginia Wesleyan College will take prompt action when Retaliation is reported; and how to report acts of Retaliation.

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.

Investigation

Once a Formal Complaint has been signed, and there is no Informal Resolution, an investigation will be conducted. An investigation affords Complainants and Respondents 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 West Virginia Wesleyan College. When the Formal Resolution process is initiated, the Title IX Coordinator will designate an Investigator or an investigative team who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Prohibited Conduct.

Investigation Timeframe

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

Interviews and Gathering Evidence

Interviews. The Investigator(s) will interview the parties and relevant witnesses 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(s).

Evidence. During the interview, and while gathering evidence, parties will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and other evidence. Although West Virginia Wesleyan 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(s). Such information shared by the parties with the Investigator(s) may include both inculpatory and exculpatory evidence.

The Investigator(s) 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. All evidence must be provided to the investigator during the scope of the investigation.

Draft Investigation 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(s) will send each party, and the party's advisor, if any, the draft investigative report.

The Investigator(s) will also provide the parties, and their advisors, if any, with copies or descriptions of all evidence directly related to the allegations of the Formal Complaint that was gathered during the investigation. Before doing so, the Investigator(s) 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. Complainants, Respondents, and their advisors may not disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the formal resolution process as described in this policy. Disseminating evidence in such a way could be considered Retaliation under this policy.

The parties will have ten (10) days to review the draft investigative report and evidence and to submit a written response. The parties' written responses must include any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigation. Any party providing new evidence in their written response should identify whether that evidence was previously available to them, and if so, why it was not previously provided. The parties' feedback will be attached to the final investigation report.

After the ten (10) day window has closed and all feedback is received, the investigator will prepare a final investigation report.

Generally, only information that is provided to, or otherwise obtained by, the Investigator(s) 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(s) 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. At the Title IX Coordinator's discretion, new evidence submitted after the Draft Investigation Report is issued, may result in additional investigation.

Administrative Hearing

After the time has run for both parties to provide any written response to the draft investigative report and evidence, and after the Investigator(s) complete(s) any additional investigation, the Investigator(s) will complete a final investigative report. The Investigator(s) 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 Administrative Hearing Panel.

After the Title IX Coordinator reviews the report and any further investigation, if necessary, is completed, the final report will be provided to the Administrative Hearing Panel which is comprised of the Deputy Coordinators (minus the Deputy Coordinator who will serve as the Appeal Officer). The lead investigator will present the report to the Title IX Coordinator and Hearing Panel. While Complainants and Respondents will be notified in advance of the Administrative Hearing, they will not be present.

The Hearing Panel, by way of a majority vote will consider all relevant evidence and make a determination, by preponderance of evidence standard, whether the Respondent has violated the Policy. The Title IX Coordinator is not a decision-maker in the Administrative Hearing. If it is determined that the preponderance of evidence standard cannot be met, the matter will be closed subject to a final appeal.

Written Notice Regarding an Outcome

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, Complainants and Respondents 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 Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the Formal Complaint of Prohibited Conduct, with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings supporting the determination using a preponderance of the evidence;
- Conclusions regarding the application of this Policy to the evidence;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions West Virginia Wesleyan College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to West Virginia Wesleyan College's Education Program or Activity will be provided by West Virginia Wesleyan College to the Complainant; and
- West Virginia Wesleyan College's procedures and permissible bases for the Complainants and Respondents to appeal. The written notification of outcome becomes final five days after it is sent to the Complainants and Respondents, unless an appeal is filed on or before that day.

INFORMAL RESOLUTIONS OF TITLE IX SEXUAL HARASSMENT AND PROHIBITED CONDUCT

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 West Virginia Wesleyan College community. Informal Resolutions can include, but are not limited to, Education, Mediation (including shuttled mediation or dialogue), and Restorative Practice. Informal Resolution may be administered by the Title IX Coordinator or their designee.

Admission of responsibility for a policy violation is not required for participation in Informal Resolution processes, but parties must agree to end the behavior, prevent its recurrence, and address its effects through Informal Resolution. When the reported allegations are of Title IX Sexual Harassment, Informal Resolution process may not begin unless and until a Formal Complaint of Title IX Sexual Harassment is filed and Informal Resolution is not available in cases involving a Student-Complainant and Employee-Respondent. Informal Resolution may be available, under appropriate circumstances, at any time prior to reaching a determination regarding responsibility through a Formal Resolution process.

The Title IX Coordinator reserves the right to determine whether Informal Resolution is appropriate in a specific case. Before the Title IX Coordinator begins 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 appropriate Formal Resolution process. The Complainant may also request that a Formal Complaint be dismissed. 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 applicable formal grievance process related to specific misconduct that was alleged. Any breach of the terms of an Informal Resolution agreement may result in disciplinary action.

REMEDIES AND SANCTIONS FOR POLICY VIOLATIONS

In the event the Hearing Panel finds the Respondent responsible for a violation of West Virginia Wesleyan College's policies, appropriate remedies and sanctions will be determined by the Deputy Title IX Coordinator as listed below in conjunction with the Title IX Coordinator. Remedies are designed to restore or preserve equal access to the College's Education Program or Activity and may be disciplinary or punitive. Should a respondent accept responsibility for a Policy violation, or if it is determined that the preponderance of evidence establishes that it is more likely than not that the respondent violated the Policy, the Title IX Coordinator will determine an appropriate sanction in conjunction with the

- Deputy Title IX Coordinator as indicated below.
- If the Respondent is a student: The sanction will be administered by the Dean of Students.
- If the Respondent is an employee: The sanction will be administered by the Director of Human Resources.
- If the Respondent is a member of Faculty: The sanction will be administered by the Vice President for Academic Affairs.

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, any of the sanctions outlined in the Student Handbook, education, growth plans, referral to counseling, warnings, probation, suspension, suspension from participation in activities or privileges, suspension from the College or the residence halls, or expulsion. In determining (a) sanction(s), the designated Deputy Coordinator will consider whether the nature of the conduct at issue warrants removal from the College, either permanent (expulsion) or temporary (suspension). Sanctions for findings of responsibility for Employee and Faculty Respondents include, but are not limited to, education, referral to counseling, warnings, probation, reprimands, suspensions, withholding of a promotion or pay increase, reassignment, restriction in activities or privileges, temporary suspension without pay, compensation adjustments, or termination. 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, previous West Virginia Wesleyan College response to similar conduct, and West Virginia Wesleyan College interests (e.g., in providing a safe environment for all).

Third parties, such as visitors, contractors, consultants, vendors providing services to West Virginia Wesleyan College, who are found responsible for violating this Policy may be subject to appropriate corrective action, including, but not limited to, issuance of a no trespass order or cancellation of relationship with the Wesleyan College

APPEALS

A Complainant and Respondent 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) decisions regarding responsibility for policy violation or outcome.

Appeals may only be made by Complainants and Respondents and not advisors or other third-parties. 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 decision regarding responsibility or outcome must file a written appeal statement within five business days of the date the written decision is sent to the parties.

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 that could affect the outcome of the matter;
- The Title IX Coordinator or other Title IX Administrator 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.

West Virginia Wesleyan College may summarily deny an appeal if it is not based on one of the enumerated grounds for appeal.

Appellate Officer

- If the Respondent is a student: The written appeal shall be submitted to the Vice President for Academic Affairs.
- If the Respondent is an employee: The written appeal shall be submitted to the Dean of Students.
- If the Respondent is a faculty member: The written appeal shall be submitted to the Director of Human Resources.

The Appeal Officer'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")

Response to Appeal

The Appeal Officer 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 two business days from the date West Virginia Wesleyan College provides written notice of the appeal to the Appellee. West Virginia Wesleyan College will provide the Appellant an opportunity to review the non-Appelling Party's response but no further submissions are permitted.

Written Decision

The Appeal Officer will provide written notification of the final decision to the Appellant and Appellee simultaneously. The Appeal Officer 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 Appeal Officer will be final, and no subsequent appeals are permitted.

RECORD RETENTION

West Virginia Wesleyan College shall retain for a period of seven years after the date of case closure: the official file relating to a formal resolution or informal resolution, including any investigation hearing, sanctioning, and/or appeals processes involving allegations of Prohibited Conduct as defined in this Policy. In cases in which a Respondent was found to have violated the Policy and was expelled or terminated, West Virginia Wesleyan College may retain such official case files indefinitely.

TRAINING OF TITLE IX ADMINISTRATORS

All Title IX Administrators will be trained on definitions of Title IX Sexual Harassment and other forms of Prohibited Conduct, scope of West Virginia Wesleyan College's Education Program and Activities and Title IX Jurisdiction, the investigation process; Hearing process and procedures, Appeals, Informal Resolution; and how to serve impartially to avoid Bias and Conflicts of Interest. 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. Hearing Officers will also be trained on any technology that might be used during a hearing. Investigator(s) will be trained annually 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.

COMPLAINANT & RESPONDENT PARTIES BILL OF RIGHTS

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

Complainant's Rights

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

Respondent's Bill of Rights

- To be treated with respect, dignity, and sensitivity throughout the process;
- To seek and receive appropriate support services at West Virginia Wesleyan College;
- To have the presence of an advisor throughout the process;
- To confidentiality and protection under the Family Education Rights and Privacy Act (FERPA);
- To be informed of West Virginia Wesleyan College's Policy on Discrimination, Harassment, and Title IX Sexual Harassment;
- To have Formal Complaints investigated and resolved within the time frames establish in West Virginia Wesleyan College's Policy on Discrimination, Harassment, and IX Sexual Harassment;
- To challenge any Title IX Administrator taking part in the Resolution of Reports of Title IX Sexual Harassment and Resolution of Reports of Prohibited Conduct that is not Title IX Sexual Harassment due to a conflict of interest or bias;
- To participate or decline to participate in West Virginia Wesleyan College's Resolution Processes; however, West Virginia Wesleyan College may move forward resolving the report with or without your participation in accordance with this policy which could still result in a finding of responsibility;
- To refrain from making self-incriminating statements;
- To report incidents of criminal misconduct to law enforcement if they wish to do so;
- To discuss this matter with your advisor and others so long as these discussions do not result in retaliation; and,
- To understand that information collected under this Policy may be subpoenaed in criminal or civil proceedings.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

In compliance with Violence Against Women Reauthorization Act of 2013, the local definitions of the crimes of sexual assault, domestic violence and stalking, as well as the definition of consent, are set forth below. **The decision to investigate and sanction an incident under the University's Policy does not constitute a determination that the incident is a criminal offense. The decision to criminally charge an incident as a "sexual assault" or "domestic violence" is determined by local law enforcement authorities.**

Sexual Assault

In the State of West Virginia, Sexual Assault is legally referred to as a Sexual Offense and law enforcement will utilize the legal definitions set forth below to determine whether criminal charges will be pursued. See W.V.S. §61-8B (Sexual Offenses). Below is a listing of Sexual Offenses crimes in the State of West Virginia.

§61-8B-3. Sexual assault in the first degree.

- (a) A person is guilty of sexual assault in the first degree when:
- (1) The person engages in sexual intercourse or sexual intrusion with another person and, in so doing:
 - (i) Inflicts serious bodily injury upon anyone; or
 - (ii) Employs a deadly weapon in the commission of the act; or
 - (2) The person, being fourteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is younger than twelve years old and is not married to that person.

(b) Any person violating the provisions of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than fifteen nor more than thirty-five years, or fined not less than one thousand dollars nor more than ten thousand dollars and imprisoned in a state correctional facility not less than fifteen nor more than thirty-five years.

(c) Notwithstanding the provisions of subsection (b) of this section, the penalty for any person violating the provisions of subsection (a) of this section who is eighteen years of age or older and whose victim is younger than twelve years of age, shall be imprisonment in a state correctional facility for not less than twenty-five nor more than one hundred years and a fine of not less than five thousand dollars nor more than twenty-five thousand dollars.

§61-8B-4. Sexual assault in the second degree.

(a) A person is guilty of sexual assault in the second degree when:

- (1) Such person engages in sexual intercourse or sexual intrusion with another person without the person's consent, and the lack of consent results from forcible compulsion; or
- (2) Such person engages in sexual intercourse or sexual intrusion with another person who is physically helpless.

(b) Any person who violates the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than ten nor more than twenty-five years, or fined not less than one thousand dollars nor more than ten thousand dollars and imprisoned in the penitentiary not less than ten nor more than twenty-five years.

§61-8B-5. Sexual assault in the third degree.

(a) A person is guilty of sexual assault in the third degree when:

- (1) The person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated; or
- (2) The person, being sixteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is less than sixteen years old and who is at least four years younger than the defendant and is not married to the defendant.

(b) Any person violating the provisions of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one year nor more than five years, or fined not more than ten thousand dollars and imprisoned in a state correctional facility not less than one year nor more than five years.

§61-8B-7. Sexual abuse in the first degree.

(a) A person is guilty of sexual abuse in the first degree when:

- (1) Such person subjects another person to sexual contact without their consent, and the lack of consent results from forcible compulsion; or
- (2) Such person subjects another person to sexual contact who is physically helpless; or
- (3) Such person, being fourteen years old or more, subjects another person to sexual contact who is younger than twelve years old.

(b) Any person who violates the provisions of this section shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one year nor more than five years, or fined not more than ten thousand dollars and imprisoned in a state correctional facility not less than one year nor more than five years.

(c) Notwithstanding the provisions of subsection (b) of this section, the penalty for any person violating the provisions of subsection (a) of this section who is eighteen years of age or older and whose victim is younger than twelve years of age, shall be imprisonment for not less than five nor more than twenty-five years and fined not less than one thousand dollars nor more than five thousand dollars.

§61-8B-8. Sexual abuse in the second degree.

(a) A person is guilty of sexual abuse in the second degree when such person subjects another person to sexual contact who is mentally defective or mentally incapacitated.

(b) Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail not more than twelve months, or fined not more than five hundred dollars and confined in the county jail not more than twelve months.

§61-8B-9. Sexual abuse in the third degree.

(a) A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent, when such lack of consent is due to the victim's incapacity to consent by reason of being less than sixteen years old.

(b) In any prosecution under this section it is a defense that:

- (1) The defendant was less than sixteen years old; or
- (2) The defendant was less than four years older than the victim.

(c) Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail not more than ninety days, or fined not more than five hundred dollars and confined in the county jail not more than ninety days.

Domestic Violence

Please note that the state of West Virginia does not legally define Dating Violence.

W.V.S. §48-27-202 defines Domestic Violence as: §48-27-202. "Domestic violence" or "abuse" means the occurrence of one or more of the following acts between family or household members, as that term is defined in section two hundred four of this article:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing physical harm to another with or without dangerous or deadly weapons;
- (2) Placing another in reasonable apprehension of physical harm;
- (3) Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts;
- (4) Committing either sexual assault or sexual abuse as those terms are defined in articles eight-b and eight-d, chapter sixty-one of this code; and
- (5) Holding, confining, detaining or abducting another person against that person's will. West Virginia law enforcement agencies will utilize the above in determining whether to pursue criminal Domestic Violence charges.

Prevention: Awareness, Risk Reduction and Bystander Intervention

The Counselling Center and the Office of Greek Life uses a combination of Awareness, Risk Reduction and Bystander Intervention trainings and resources to provide comprehensive prevention programming. Awareness Programs include activities that increase understanding of sexual violence that can help build support for primary prevention efforts. Risk reduction focuses on helping students recognize high risk behaviors to avoid to decrease the chances that they or a peer could be sexually assaulted or to stop an attack in progress (campaigns to inform the public about drug-facilitated sexual assault and how to reduce the likelihood of being drugged at a party or bar, etc.). Whereas risk reduction programs assume that sexual violence itself is the issue to be addressed, primary prevention seeks to change a variety of conditions that influence someone's decision to perpetrate the actions. Bystander Intervention is a philosophy and strategy to prevent various types of interpersonal violence. It is based on the fact that people make decisions and continue behaviors based on reactions they get from others. A primary component involves enhancing the responsibility of men and women to intervene with their peers to deter potential abusive incidents.

Wesleyan College provides online training and awareness courses for incoming students every semester. The course descriptions listed below are sourced from the Safe Colleges training platform. Certain courses are mandatory on an annual basis for faculty, staff, and students to ensure they maintain and update their readiness and skill sets.

Alcohol Awareness

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

Diversity Awareness

Through a series of educational initiatives, events, and workshops, we aim to promote understanding, respect, and appreciation for the rich tapestry of cultures, backgrounds, and perspectives that define our college. By actively participating in Diversity Awareness activities, our students, faculty, and staff contribute to a more inclusive and harmonious campus environment, aligned with our core values of equity and unity.

Drug Awareness and Abuse

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

Run-Hide-Fight (Active Shooter)

This initiative equips our college community with vital knowledge and strategies for responding effectively to potential threats or active violence situations. By participating in 'Run, Hide, Fight,' students, faculty, and staff gain the skills and confidence needed to enhance their personal safety and contribute to the overall security of our campus.

Sexual Violence Awareness (Campus SaVE Act)

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

Title IX Rights and Protections

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

Title IX and Sexual Harassment Prevention for Employees

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

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

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

STUDENT 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 their 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.

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.

Notification of Criminal Arrests

Students are responsible for notifying the Dean of Students of any off-campus arrest. When the Dean of Students is informed of the arrest of a student, the student will be required to meet with the Dean of Students or designee. During this interview, the facts involved in the student's arrest, the student's obligation to keep the College informed of the progress of the possible criminal charge(s), and the student's obligation to advise the College of the final disposition of the criminal charge(s) will be discussed. The Dean of Students will bring all incidents of student arrests to the Behavior Intervention Team, who will review the information available regarding the arrest and, at their discretion, conduct a threat assessment or referral to Student Conduct.

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. 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.

Working with Local Law Enforcement

Local law enforcement routinely work and communicate with West Virginia Wesleyan College Safety and Security Officers on any serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding campus. The Office of Safety and Security have a close working relationship with local law enforcement when violations of federal, state or local laws surface. This cooperative team approach addresses criminal situations as they arise, as well as future concerns. Additionally, the College will report serious student misconduct to local enforcement at our discretion.

Important Definitions

Student: Any individual who is not an employee of West Virginia Wesleyan College and who is either: (1) admitted as a student to the College and has been moved to deposited status (2) an enrolled student (includes students auditing courses); (3) a West Virginia Wesleyan College student between academic terms or on a Leave of Absence; or, (4) a graduate awaiting a degree (note: students are classified as such until they receive their degree; students who petition the College to complete their degree via distance or some other arrangement forfeit their student status if they do not complete their degree during the period of time specified in their agreement with the College). A student ceases to be a student when they graduate; in the event that they are expelled for academic or conduct reasons; or in the event that the student formally withdraws from West Virginia Wesleyan College. For purposes of this definition, the term "employee of the College" does not include students who are employed by the College through a work-study or similar program.

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.

Alcohol and Other Drugs: See Alcohol and Other Drugs Policy.

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.

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.

Computer/Network Misuse: See College Computing Policy.

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.

False Statements: knowingly making false statements and/or knowingly submitting false information to College personnel.

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.

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

Hazing: See Hazing Policy.

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

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.

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.

Physical Assault: the act of intentionally or recklessly causing physical harm to any person, intentionally or recklessly causing reasonable apprehension of such harm, or using physical violence causing injury to another person's body.

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: See Solicitation Policy.

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.

- *Library Marketplace Theft:* removing any merchandise from the James Vending Marketplace located in the library is prohibited. Such removal is shoplifting, and may be prosecuted by James Vending. Security footage is monitored constantly by James Vending. Security footage of theft offenses provided by James Vending to the College will be reviewed by both the Security Office and Dean of Students office in an attempt to identify the individual(s) in the footage. If identified, the individuals will be subject to the Student Code of Conduct process. Students found in violation of theft from the Library Marketplace will be subject to a \$125 administrative fine plus the cost of the items per incident.

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.

Violations of College Policies: Violating, attempting to violate, or assisting in the violation of any other College policy, contract, rule, bylaw and/or regulation of the College.

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, Tasers, pipes, chains and “look-a-like” weapons, orbeez or other similar guns, 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 or 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 or drugs 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/drug-related conduct of their guests. Driving under the influence, 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 includes 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 of 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 Conduct Officer. 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 Conduct Officer 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.

In addition, West Virginia Wesleyan College participates in SafeColleges, an online 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
- WVU Medicine/United Summit Center: (304) 623-5666
- HELP4WV: (844) HELP4WV (call, chat, or text)
- Alcoholics Anonymous meetings: <https://aa.org/>
- Gamblers Anonymous: <https://www.gamblersanonymous.org/ga/>
- Narcotics Anonymous meetings: <https://www.na.org/meetingsearch/>

HAZING AND ORGANIZATION MISCONDUCT 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. 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.

An act of hazing or organization misconduct covered under this policy may also intersect with other institutional policies, including, but not limited to the Student Code of Conduct or Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment. The College reserves the right to refer reported incidents of Hazing or Organization Misconduct for adjudication under other policies or procedures where applicable.

Hazing

Hazing will not be tolerated at West Virginia Wesleyan College. All West Virginia Wesleyan College student organizations and individual students are prohibited from hazing. 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.

Hazing: any action or situation created by a member of the College community against another member of the College community for the purpose of initiation, affiliation, or membership with a group or organization that:

- a. Is negligent, reckless, or humiliating in nature;
- b. Recklessly or intentionally endangers or adversely affects the mental or physical health or safety of an individual or individuals;
- c. Causes another individual or individuals to destroy or remove public or private property; or
- d. Unreasonably interferes with scholastic or employment activities

Hazing may occur regardless of the individual's willingness to participate. It is not a defense to a charge of hazing that the express or implied consent of the individual was obtained, the conduct or activity was not part of an official organizational event or was not otherwise sanctioned or approved by the organization, or the conduct or activity was not a condition of membership or affiliation with the organization. Hazing is prohibited in any form both on campus and off campus.

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.

Any acts of hazing, as defined in the West Virginia Anti-Hazing Law, will also constitute hazing per this policy. A violation of this policy may also amount to a violation of state law, which considers hazing a misdemeanor subject to penalties of jailtime, a fine up to \$1000, or both.

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 also considered hazing and subject to discipline under this policy.

Other Organization Misconduct

The behaviors listed below are specifically applied to the behaviors of student organizations by virtue of the conduct of the members of the student organization.

Aiding in Academic Misconduct: The student organization aids, abets, organizes, approves or otherwise participates in behaviors that would constitute cheating, plagiarism, misrepresentation (e.g. having another student organization member check into a class or take an exam) and/or other forms of Academic Misconduct. Evidence of a violation of this policy must demonstrate systemic participation and or knowledge of misconduct beyond 1-2 student organization members participating in the violation.

Alcohol: The student organization aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the College alcohol policy.

Arrest Policy: The student organization leadership fails to notify the Dean of Students within 48 hours if a member of the student organization is arrested and detained as a result of any actions or behaviors taking place at or arising out of a student organization-sponsored event.

Bullying/Cyberbullying: The student organization aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute bullying and/or cyberbullying, which are defined as repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

Civil Rights-Based Harassment/Discrimination or Sexual Misconduct: The student organization aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the West Virginia Wesleyan College Policy and Procedure on Discrimination, Harassment, and Title IX Sexual Harassment.

Damage/Destruction of Property: The student organization aids, abets, incites, organizes, approves or otherwise participates in any behavior that causes damage/destruction of property.

Disruptive Activity/Disorderly Conduct: The student organization aids, abets, incites, organizes, approves or otherwise participates in any behavior that is a disruptive activity/disorderly conduct.

Drugs or Other Controlled Substances: The student organization aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of the College drug policy.

Endangerment: The student organization aids, abets, incites, organizes, approves or otherwise participates in any activity that would constitute physical abuse or would endanger the safety, health or well-being of other individuals or groups or would cause reasonable apprehension of such harm. For the purposes of this policy, endangerment would include observation of activities that might endanger the safety, health, or well-being of individuals by student organization members in a position to intervene but who fail to intervene.

Failure to Comply: The student organization or its representatives fail to comply with the reasonable directives of College officials or designees or law enforcement officers during the performance of their duties. This would include failure to comply with any interim measures instituted during any investigation/adjudication process, or failure to comply with any outcomes assigned to a student organization at the completion of the conduct process.

Financial Obligations: Failure to promptly meet financial responsibilities to the College, including, but not limited to; knowingly passing a fraudulent check or money order in payment to the College or to an official of the College acting in an official capacity or misusing funds obtained through the College (i.e. student activity fees).

Harassment: The student organization aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute a violation of any of the College harassment policies.

Retaliation: The student organization aids, abets, incites, organizes, approves or otherwise participates in any behavior that would constitute retaliation under this policy. Retaliation includes, but is not limited to, verbal or implied threats, physical or psychological abuse, intimidation, harassment (verbal or written), or any other action intended to create a hostile environment for the intended target of the retaliation.

Violations of College Policies: Violating, attempting to violate, or assisting in the violation of any other College policy, contract, rule, bylaw and/or regulation of the College may constitute a violation of the Code of Student Organization Conduct.

Additional Definitions

Organization: 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. "Organization" also includes groups of students affiliated with any College activity or program, including Residence Halls, WVWC Off-Campus Housing, class, or any other group.

Organizational Leadership: the leadership of an organization, including, but not limited to: coach, advisor, associated employee, organization president, captain, or other individuals in leadership roles based on the organizational structure.

Jurisdiction

The Hazing and Organization Misconduct Policy applies to the conduct of student organizations. Student organizations have the ability and are encouraged to address behavior within their organization according to their own existing and defined policies and procedures (i.e.: Panhellenic/IFC, Athletic Department/Team Policy, etc.). In addition to organizational-specific conduct processes, the College reserves the right to address student organization behavior according to this policy when deemed appropriate and necessary by the Hazing and Organization Misconduct Committee.

Any action taken through organization-specific processes will be considered by the Hazing and Organization Misconduct Committee in the decision to proceed under this policy as well as in any potential sanctioning by the Hazing and Organization Misconduct Committee.

Student organizations that have lost College recognition may still be subject to provisions in this code. Individual students who are members of a student organization are still subject as individuals to the Student Code of Conduct and may be held individually accountable for behaviors also attributed to the student organization.

The Hazing and Organization Misconduct Policy applies to behaviors that take place on the campus of West Virginia Wesleyan College, at College or student organization-sponsored events, or off-campus. The Code of Student Organization Conduct may be applied to behavior conducted online, via email or other electronic medium.

Reporting

Expectations of Reporting

Any faculty, staff, student, or volunteer of West Virginia Wesleyan College, with knowledge or suspicion of hazing or other organization misconduct is expected to report the activity to appropriate officials as indicated below or complete the Hazing and Organization Misconduct Report Form.

How to Report

Complaints or reports of activities believed to be hazing or organization misconduct should be reported to the Dean of Students, Campus Security, or by completing the Hazing and Organization Misconduct Report Form.

Rights of Those Who Report

Individuals who are victims of hazing or organization misconduct and who truthfully report the activities shall not be individually charged with a violation of this regulation.

Individuals who have knowledge of a hazing or organization misconduct incident, but who did not participate, and truthfully report the activities shall not be individually charged with a violation of this regulation in relation to that particular incident.

An organization that seeks assistance in preventing hazing or organization misconduct from occurring within the organization, even if past behaviors have included hazing or other organization misconduct, shall not be charged with a past violation of this regulation.

Any organization that self-reports a hazing or organization misconduct behavior to an appropriate College official shall be given the opportunity to change those behaviors without immediate threat of being charged with a violation of this regulation. An organization that self-reports shall identify those individuals responsible for the hazing or organization misconduct behaviors. If evidence is presented in subsequent semesters that hazing or organization misconduct behaviors have continued within the organization, that organization may be held responsible for past behaviors.

Policy and Disciplinary Oversight of Reported Incidents

The Hazing and Organization Misconduct Committee will oversee the investigation of reports concerning alleged hazing or organization misconduct activities. The Hazing and Organization Misconduct Committee will consist of the following: Dean of Students (Chair), Title IX Coordinator, Director of Greek Life, Director of Athletics, and one faculty member. The President of the College makes all appointments to this committee annually. In instances when the alleged incident occurs in an organization advised/administered by a member of the Hazing and Organization Misconduct Committee, that member will be recused from the process. Although, the Hazing and Organization Misconduct Committee may call on the advisor/administrator to provide additional information to be determined on a case-by-case basis. If a member of the Hazing and Organization Misconduct Committee is recused, the committee will proceed with the remaining members and no additional individuals will be added.

Upon receiving a report of alleged hazing or organization misconduct, the Dean of Students or designee will notify the Hazing and Organization Misconduct Committee. The Committee will review the report of the alleged incident and conduct a preliminary inquiry to determine if a formal investigation should commence. During the preliminary inquiry, the Committee will consider any organization processes that have occurred, as well as organization sanctioning that may have already been imposed. Additionally, the Hazing and Organization Misconduct Committee may, at their discretion, assign interim actions. The Committee may refer reported incidents of Hazing or Organization Misconduct for adjudication under other policies or procedures where applicable, for example under the West Virginia Wesleyan College Policy and Procedure on Discrimination, Harassment, and Title IX Sexual Harassment.

If the preliminary inquiry results in the Hazing and Organization Misconduct Committee launching a formal investigation, the Committee will then assign the case to an independent investigator. The investigator will be appointed by the Hazing and Organization Misconduct Committee and will not be a member of the committee. The use of an internal or external investigator will be determined at the discretion of the Hazing and Organization Misconduct Committee.

As part of the investigation, the College will:

1. Notify the organization leadership.
2. Make contact (if possible) with the individual(s) bringing forward the allegations;
3. Make contact with the individual(s) alleged to have perpetrated the incident.
4. Conduct interviews with all parties, including victims, the accused student(s) and any witnesses. The investigator may, at their discretion, provide updates to the Hazing and Organization Misconduct Committee and/or recommend interim actions to the Committee at any point during the investigation. All members of the campus community shall cooperate in an investigation of hazing or organization misconduct.
5. The investigator may, at their discretion, require students, or a select group of students (i.e. all new members of an organization) to participate in an investigatory meeting at a pre-determined time and location and may exercise discretion regarding the communication of students during the investigation process.
6. The investigator will provide a written investigative report to the Hazing and Organization Misconduct Committee. Upon receipt of this report, the Hazing and Organization Misconduct Committee will determine if a violation of policy has occurred.
7. The Hazing and Organization Misconduct Committee will, on a case-by-case basis, determine whether any policy violations are individual or organizational in nature and whether, as a result, sanctions are warranted on an individual or organizational level. In determining whether a violation is organizational or individual in nature, the Committee will consider the following:
 - a. How many members were present when the alleged violation occurred or had specific knowledge of the alleged violation?
 - b. What knowledge did the appropriate organizational leadership have of the alleged violation?
 - c. What action did the appropriate organizational leadership take in addressing/preventing the alleged violation?
 - d. Were members acting in concert, or did the individual's membership in the organization serve as an impetus for the alleged violation?
 - e. Did the violation arise out of a organization sponsored, financed or endorsed event?
 - f. Is there a pattern of individual violations that have occurred without proper action by the organization?
8. If after completing the procedures outlined herein and finding that individual sanctions are warranted, the Hazing and Organization Misconduct Committee will refer the case to the Student Conduct Officer, who will determine and implement appropriate sanctions on the individual student(s). For more information about possible individual sanctions, review the Student Code of Conduct in the Student Handbook. If after completing the procedures outlined herein and finding that individual sanctions against an employee of the College are warranted, the Hazing and Organization Misconduct Committee will refer the case to Human Resources who will determine and implement appropriate sanctions on the individual employee. For more information about possible individual sanctions, please contact the Director of Human Resources.

9. Sanctions for violations of this regulation by a group or organization shall be administered by the Hazing and Organization Misconduct Committee. The Committee will request, if available, additional information for sanctioning purposes from individuals outside of the Committee structure, including, but not limited to, previous records of group misconduct, current organization standing, organization processes that have occurred, organizational-specific sanctioning that may have already been imposed. etc.

Sanctions

Organization sanctions may include, but are not limited to:

Warning: A Warning is given to notify a student organization that the behavior and conduct has been inconsistent with the expectations of the College. A warning has no immediate effect upon a student organization's status at the College and may be specified for a period of time. However, once given a warning, a student organization should expect different outcomes or sanctions to result from any subsequent violations, especially while on a current warning status when/if similar behaviors occur.

Restriction of Privileges: Restriction of Privileges precludes a student organization from participating in certain activities or may require an student organization to forfeit specific privileges. A student organization under a status of Restriction of Privileges is not in good standing with the College. Restriction of Privileges may include, but is not limited to, loss or limitation of social events or limitation of ability to participate in College events or activities.

Disciplinary Probation: Disciplinary Probation serves to notify a student organization that it must avoid any further violations for a specified period of time in order to avoid additional disciplinary action. Student organizations on probation are not in good standing with the College. A student organization may be prohibited from participating in certain activities or forfeit specific privileges while on probation. If a student organization on probation is found responsible for any subsequent violations, the outcomes may escalate. Disciplinary Probation may include Restriction of Privileges.

Deferred Suspension: Deferred Suspension is a status for a specified period of time during which any subsequent finding of Responsibility for a violation of the Hazing and Organization Misconduct Policy or any other College policy shall result in the Outcome of Suspension for the student organization. Deferred Suspension may include Restriction of Privileges.

Suspension: Suspension is a status for a specified period of time that includes, but is not limited to, the revocation of the College's registration of the student organization for a stated or an indeterminate period of time, cessation of College funding, restriction of all operations at the College, and restriction of use of College resources. If the student organization also holds a charter from a inter/national organizational governing body, the College may also request that the inter/national organizational governing body, revoke the charter of the student organization.

A student organization placed on Suspension is prohibited from sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus. A suspended student organization may not solicit or initiate any new members. Suspension may also include the forfeiture of other specifically listed privileges. Suspension should be for a specific and determined period of time, and will include a written return agreement outlining specific conditions for return. The Suspension may be delayed at the discretion of the Dean of Students or designee.

Educational Outcomes: Educational Outcomes may include, but are not limited to, educational programming, community service, interventions, restrictions, workshops, or other Outcomes determined to help develop the culture and community of the student organization.

Structural Outcomes: Structural Outcomes are related to the structure, membership or governance of the organization. Structural outcomes, developed in collaboration with the organizational governing body or department (if applicable), may include, but are not limited to, changes to student organization operating procedures, a review of student organization membership/leadership, an external student organization review, and changes to student organization advisor support.

Appeals

Any outcome of the Hazing or Organization Misconduct process may be appealed.

The following are acceptable grounds for appeal:

- Insufficient evidence to warrant the outcome;
- Evidence of prejudicial error;
- Discovery of new evidence which could affect the decision;
- Excessive penalty; and/or,
- Substantial violation of procedures.

Organizations requesting an appeal must submit a letter to the Dean of Students within three (3) business days from receipt of the written decision. 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 Appellate may call witnesses or seek other processes/methods through which to determine the facts.

The Appellate will be the Vice President of Student Affairs or designee.

The Appellate may:

- Deny the appeal;
- Affirm the finding and the sanction imposed by the Hazing and Organization Misconduct Committee; or
- Decide on a different sanction based on the information presented. It should be noted that the Appellate may impose any of the sanctions listed in the Hazing and Organization Conduct Policy, including a more severe sanction than was originally rendered.

Once an appeal has been submitted, the imposition of sanctions will be deferred pending the outcome of the appeal unless the Dean of Students determines that it is against the best interest or safety of the campus community.

THE STUDENT CONDUCT SYSTEM

The Dean of Students 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; and,
- 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 Dean of Students, 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, one (1) administrative staff, and two (2) faculty members, one of which will serve as chair. 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. Disciplinary Conferences may be held in person or virtually.

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. Additionally, the Behavior Intervention Team may make referrals to the Student Conduct Officer.

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 may 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 conference conducted by 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 email 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 Student Conduct Officer. 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 email, 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 Behavior Intervention 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 their 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 their 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 their 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: The Dean of Students or 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 Dean of Students.

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 Dean of Students within three (3) school days from receipt of the written decision. This letter must be submitted by the student in person or via email. 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 Dean of Students 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 their 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 Dean of Students. 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 Dean of Students, 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.

EMPLOYEE DISCIPLINE

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

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

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

ANNUAL REVIEW/ANNUAL SECURITY REPORT

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



West Virginia Wesleyan College
Crime Statistics 2022
(January 1 - December 31, 2022, reported in 2023)

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

Criminal Offenses - On-campus	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses - Forcible			
Rape	0	0	1
Fondling	0	0	1
Sex Offenses - Non-Forcible			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	1
Motor-vehicle theft	0	0	0
Arson	0	0	0

Criminal Offenses - On-campus Student Housing Facilities	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses - Forcible			
Rape	0	0	1
Fondling	0	0	1
Sex offenses - Nonforcible			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor-vehicle theft	0	0	0
Arson	0	0	0

Criminal Offenses - Public Property	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses - Forcible			
Rape	0	0	0
Fondling	0	0	0

Sex offenses - Nonforcible			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor-vehicle theft	0	0	0
Arson	0	0	0

Criminal Offenses – Non-campus	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses - Forcible			
Rape	0	0	0
Fondling	0	0	0
Sex offenses - Nonforcible			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor-vehicle theft	0	0	0
Arson	0	0	0

HATE CRIMES	2020	2021	2022
	0	0	0
Where applicable, there will be a breakdown by category of bias: Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability, Ethnicity, and National Origin			
2020 - There were no Hate Crimes reported	0	0	0
2021 - There were no Hate Crimes reported	0	0	0
2022 - There were no Hate Crimes reported	0	0	0

VAWA Offenses - On Campus	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	1	0	0
Stalking	1	0	1

VAWA Offenses - On Campus Residence Halls	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	1	0	0
Stalking	0	0	0

VAWA Offenses – Non-campus	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

VAWA Offenses - Public Property	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests - On- campus	2020	2021	2022
Liquor Laws	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

Arrests - On-campus Residence Halls	2020	2021	2022
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

Arrests - Public Property	2020	2021	2022
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

Arrests -Non-campus	2020	2021	2022
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

Disciplinary Actions/Judicial Referrals - On-campus	2020*	2021	2022
Liquor law violations	5	4	14
Drug law violations	7	3	2
Illegal weapons possession	0	0	0

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

Disciplinary Actions/Judicial Referrals - On-campus Student Housing Facilities	2020*	2021	2022
Liquor law violations	5	14	14
Drug law violations	7	7	2
Illegal weapons possession	0	0	0

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

Disciplinary Actions/Judicial Referrals - Public Property	2020	2021	2022
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

Disciplinary Actions/Judicial Referrals -Non-campus	2020	2021	2022
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possession	0	0	0

Annual Fire Safety Report - 2022

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

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

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

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

Evacuation Routes and Assembly Points

Responsibilities of Residents:

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

Emergency Evacuation Procedures

Evacuation drills are coordinated in the following manner:

Residence Halls:

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

Academic and Office Buildings:

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

Evacuation floor plans are located in each classroom/office.

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

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

Fire Incident Reporting

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

For non-emergency notification, call:

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

Procedures for Student Housing Evacuation

For your safety and protection, remember, in case of fire, get out as quickly as possible, and leave the firefighting to the professionals. All residents and guests **MUST** evacuate when the building fire alarm systems sound.

What to do in case of a fire

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

Feel your door knob before opening it:

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

If you **CAN** leave the room

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

If you **CANNOT** leave the room

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

If you discover a fire, do not endanger yourself

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

Electrical Appliance Usages

- Power strips and surge protectors (including bed risers with built-in power extenders) must have a U.L. rating and must be fused with a reset switch. WVWC prohibits fused power strips used in series to create a longer cord.
- Extension cords are not permitted.
- All electrical cords must be out of the way of foot traffic. No electrical cords across the middle of the floors, hallways, doorways, etc
- Do not place any electrical cords underneath area rugs or clothing. WVWC only allows Ethernet (computer network) and coaxial (TV) cables placed under rugs, or taped down with duct tape to keep people from tripping over them.
- No halogen lamps are allowed.
- No open flame or open burner or open coil appliances of any kind may be used; this includes George Foreman-type grills, toasters and toaster ovens and space heaters.
- Each room may have one microwave no greater than 1200 watts and one or two small refrigerator(s) not exceeding 3.3 cubic feet total capacity
- The following appliances are approved for use in residence halls: – television sets – hair dryers – electrical curling irons/heating curlers with enclosed heating coil – computer equipment – sound system entertainment – lamps (except those prohibited above) – fans. These appliances are permitted as long as they have an automatic shut off: coffee maker, iron, and rice cooker.

Fire Systems in On-Campus Housing

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

Fire Evacuation for On-Campus Housing

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

West Virginia Wesleyan College

2021 Campus Safety and Security Fire Summary

(Reports for January 1, 2022 through December 31, 2022, filed in 2023)

Residential Facilities	2020			2021			2022		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Agnes Howard Hall	0	0	0	0	0	0	0	0	0
Benedum Hall	0	0	0	0	0	0	0	0	0
Doney Hall	0	0	0	0	0	0	0	0	0
Dunn (New) Hall	0	0	0	0	0	0	0	0	0
Fleming Hall	0	0	0	0	0	0	0	0	0
Holloway Hall	0	0	0	0	0	0	0	0	0
Jenkins Hall	0	0	0	0	0	0	0	0	0
McCuskey Hall	0	0	0	0	0	0	0	0	0
52 Randolph	0	0	0	0	0	0	0	0	0
60 Randolph	0	0	0	0	0	0	0	0	0
72 Randolph	0	0	0	0	0	0	0	0	0
48 Meade	0	0	0	0	0	0	0	0	0
57 Meade	0	0	0	0	0	0	0	0	0
59 Meade	0	0	0	0	0	0	0	0	0
75 Meade	0	0	0	0	0	0	0	0	0
82 Barbour	0	0	0	0	0	0	0	0	0
84 Barbour	0	0	0	0	0	0	0	0	0
51 College	0	0	0	0	0	0	0	0	0
53 College	0	0	0	0	0	0	0	0	0
18 Baxter	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	0	0	0