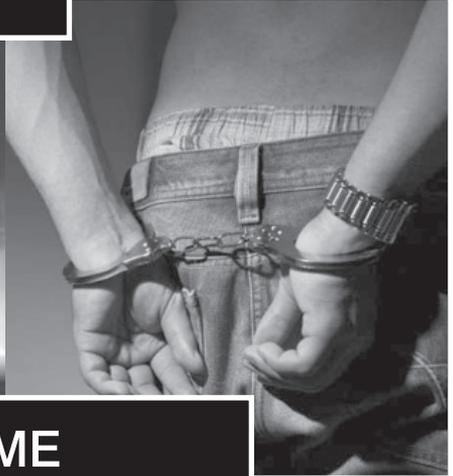


1891  
WEST VIRGINIA STATE  
UNIVERSITY



Department of Public Safety



**CAMPUS CRIME  
FIRE & SAFETY**  
REPORT 2013

Department of Public Safety  
Administrative Office  
114 Wallace Hall  
(304) 766-3353

Emergency  
(304) 766-3181 or 911

**CAMPUS CRIME**

**FIRE AND SAFETY REPORT**

**2013**

This information is being provided to you as part of the commitment to your safety and security on the campus of West Virginia State University and is in compliance with the Crime Awareness and Campus Security Act of 1990 and the 1998 amendment to the Higher Education Act of 1965.

You can view this pamphlet and other relevant safety and security materials by accessing our website:

<http://www.wvstateu.edu/administration/public-safety>

# CRIME AWARENESS REPORT 2013

**Security Statement:** The protection of property and personnel at West Virginia State University (WVSU) is provided by the Department of Public Safety, which consists of five certified and sworn officers having law enforcement and arrest powers. The campus is patrolled 24 hours-a-day; 7 days-a-week; 365 days per year. The department is augmented by personnel who assist in building and property protection and act as additional “eyes and ears” by reporting suspicious activity and/or potentially hazardous situations. In addition, staff, faculty and students, with assistance of the officers, form a “Partnership in Crime Prevention.”

The Department of Public Safety maintains liaison with and has an excellent, cooperative working relationship with local, state, and federal law enforcement agencies. The department, aside from having its own campus-wide radio network, is also linked to outside law enforcement agencies via METRO (centralized dispatch for Police/Emergency Personnel).

Department personnel are actively involved, as committee members, panelists, presenters, etc., in the various WVSU educational awareness programs dealing with alcohol/drug abuse, self-protection and safety and the protection of personal property and property belonging to the institution.

**Definitions of Terms:** To insure consistency, uniformity, and the use of “a common language and meaning,” the following standardized definitions come from the (FBI) - Uniform Crime Report) and are reported herein.

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

**Rape:** The carnal knowledge of a person forcibly and/or against the person’s will, or not forcibly or against that person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity; or an attempt to commit rape by force or threat of force.

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

**Aggravated Assault:** An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or 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. Note that an unsuccessful attempt to commit murder would be classified as an aggravated assault.

**Burglary (Breaking and Entering):** The unlawful entry into a building or other structure with the intent to commit a crime. Note that forced entry is not a required element of the offense; so long as the entry is unlawful (constituting a trespass), it may be accomplished via an unlocked door or window. Included are unsuccessful attempts where force is employed, or where a perpetrator is frightened off while entering an unlocked door or climbing through an open window.

**Hate Crime:** A crime that manifests evidence that the victim was intentionally selected because of the perpetrators bias. The applicable categories of bias are race, gender, religion, sexual orientation, ethnicity, national orientation, and or disability.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**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.

**Manslaughter:** The killing of another person through gross negligence.

**Liquor Law Violations:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages (with the exception of “driving under the influence” or “drunkenness”).

**Drug Abuse Violations:** Violations of laws prohibiting the possession, production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation or use.

**Weapons Possessions:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or deadly weapons.

**Arrest:** When a law enforcement officer has detained an individual with the intention of seeking charges against the person for a specific offense(s) and a record is made of the detention.

**Manifested Prejudice:** The crimes involving bodily injury that show evidence of prejudice based on race, gender, sexual orientation, ethnicity, or disability.

The Amendment of 1998 to the Higher Education Act of 1965 established that henceforth the portion of this law addressing campus security issues, previously known as Campus Security Act, now being known as the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Amendment adds arson and manslaughter to the list of reportable crimes and requires reporting manifestation of prejudice where evidence of such is found. It also requires that the location of reportable crime be included..i.e. (1) on campus, (2) non-campus building or property, or (3) on public property. Additionally the Amendment requires statistical data on crimes where evidence of prejudice is manifested and that timely warning be provided on crimes representing a continuing threat to the campus population.

**Timely Warning:** Requirement for the University to issue timely warning to campus community of any occurrence of the listed crimes that are considered to represent a continuing threat to students or employees.

- a. Campus: Any building or property owned or controlled by a school, to include residence halls within the same reasonably contiguous geographic area and used by the school in direct support of or in a manner related to its educational purposes, and property within the same reasonably contiguous geographic area that is owned by the school but controlled by another person, if it is used by students and supports the school's purposes (such as a food or other retail vendor).
- b. Non-campus building/property: Any building or property owned or controlled by student organizations recognized by the school, and, any building or property (other than a branch campus owned or controlled by the school, that is NOT within the same reasonable, contiguous area, is used in relation to the school's educational purpose, and is used by the students (this portion was added by the Amendments).

- c. **Public property:** Means all public property that is within the same reasonable contiguous geographic area of the school that is adjacent to a facility owned or controlled by the school, and the facility, is used by the school in a manner related to the institution's educational purposes. For example: a sidewalk, a street, other thoroughfare, or parking facility.

**Campus Security Authorities:** Individuals or organization identified by the institution as those to whom students and employees should report crimes; officials of the institution who have significant responsibility for student and campus activities.

- a) Students should report incidents to
  1. Department of Public Safety Personnel
  2. Student Affairs Office/Judicial Affairs
  3. Counseling Center
  4. Residence Life Office/Residence Hall Director
  5. Military Science Office (ROTC)
  
- b) WVSU employees should report incidents to
  1. Department of Public Safety Personnel
  2. Human Resources Office
  3. Supervisor

**Crime Statistics:** The criminal activity statistics presented herein are the results of data gathered by the WVSU Department of Public Safety and are based on complaints/reports made to the department by victims, witnesses, received from the University officials or outside law enforcement agencies. The time frame represented by the statistics is the calendar year (January 1 through December 31) of year(s) noted.

The statistics represent criminal activity made known to and officially recorded by the Department of Public Safety pertaining to *crimes against persons* (murder, rape, manslaughter and aggravated assaults); *crimes against property* (robbery, burglary, arson and motor vehicle theft) and arrests or referrals to campus disciplinary system for (1) liquor law violations; (2) drug abuse violations, and (3) weapon law violations.

In addition, statistics are provided on off-campus crimes reported to and handled by outside local law enforcement agencies, but coordinated with the University.

**Access/Security of Grounds & Facilities:** WVSU, as a “public and open institution,” has no physical barriers delineating its property boundaries. Access to grounds and buildings is “controlled” by Department of Public Safety personnel through constant patrol activity and the immediate response to reports of suspicious person(s) or activity.

**Access/Security of Residence Halls:** Live-in Residence Hall Directors enforce University policies, rules and regulations, pertaining to accessibility; control of visitors and vendors; acceptable occupant behavior and visitation hours. Additionally, Department of Public Safety personnel conduct frequent walk-through patrols of residence halls.

### **Prohibited Activity**

1. Federal, State, Local laws, and WVSU rules and regulations prohibit the use, possession, distribution, sale and/or manufacturing of illicit drugs. The Department of Public Safety and local law enforcement agencies freely exchange information and cooperatively work to maintain a drug-free environment at the University and surrounding community.
2. WVSU rules and regulations and State laws prohibit the use and possession of alcoholic beverages, wine, and beer on University owned or controlled property. Legal age for purchasing alcoholic liquor, wine, or beer in the State of West Virginia is 21.
3. Federal, State, Local laws and WVSU rules and regulations prohibit the possession of firearms or other dangerous weapons on University owned or controlled property, to include residence halls.

**Missing Person Procedure:** If anyone has reason to believe that a member of the University community is missing they should immediately notify the Department of Public Safety whether that student is a resident or non resident. All possible efforts will be made to locate the student, to determine his or her state of health and well being.

If the student is a campus resident Public Safety along with Residence Life will conduct a safety and wellness check of the student’s room, to ascertain any information as to the student’s whereabouts. If the student is an off campus student, Public Safety will formally enlist the aid of the police agency having jurisdiction.

Concurrently University officials will endeavor to determine the student's whereabouts through contact with friends, associates and/or employers of the student. Public Safety will determine if the student has been attending class labs, recitals, and scheduled organizational or academic meetings. If located, verification of the student's health and well-being will be determined. When and where appropriate, a referral will be made to the University health center for evaluation.

If not located, notification of the family and possibly other law enforcement agencies will be initiated via the initial report to determine if they may know the whereabouts of the person in question. If the student is an off campus student, appropriate family members or associates will be encouraged to make an official missing person report to the law enforcement with the pending jurisdiction. If the person is under the age of 18 and is not an emancipated individual the Public Safety Department will notify the student's parent or legal guardian immediately after the Public Safety Department has determined the student is missing.

The Public Safety Department will assist the primary investigative agency in all ways prescribed by law, if the student is an on- campus student the Public Safety Department will open an official investigation, and retain status as the primary investigative unit. Upon closure of the missing person investigation all parties contacted will be notified of the status of the case.

All students, faculty, and staff have the option of providing information in a confidential manner the Public Safety Department at West Virginia State University. All information received will be treated in a confidential manner, and identity of the provider will not be made public.

**Reporting Criminal Activity:** WVSU personnel and students are strongly advised and encouraged to report crimes and suspicious behavior or activity directly to the Department of Public Safety by dialing extension 3353 or 3181 (Work Control Center - has 24 hour direct linkage with Campus Police via Radio Network).

Any person, to include members of the community, may also (a) report crimes by dialing 911; (b) report incidents to any University official (to include Resident Housing personnel); or (c) report incidents by personally contacting any member of the Department of Public Safety.

**Crime Prevention Programs:** WVSU has a variety of programs designed to enhance the safety and the protection of its population and to encourage a commitment to crime prevention. Pertinent subject matter is continuously

published and disseminated campus-wide and to the public at large through pamphlets, leaflets,

new releases, films and seminars, and during each Orientation.....i.e.:

1. Key Control
2. Property ID/protection
3. Emergency phones
4. Self-protection/safety
5. Room/vehicle protection

**Educational Programs:** The University offers a variety of Educational Awareness programs pertaining to drug/alcohol abuse, rape, safety consciousness, protection for women.....etc. Subject matter is available to students and employees through scheduled meetings/seminars, at orientation, and campus-wide distribution of pamphlets, leaflets, news releases, as well as pertinent articles published in the University's newspaper.....i.e.:

1. Sexual Assault
2. Drug abuse prevention
3. Alcohol abuse prevention
4. Domestic Violence
5. Violence Against Women

**Reported Crime Process:** Once a crime is reported to one of the Campus Security Authorities:

- a) Appropriate coordination is made and an investigation is initiated.
- b) Appropriate assistance to victim is offered/initiated.
- c) If appropriate, victim protective measures are activated.
- d) Perpetrator, once positively identified,
  1. May be subject to arrest and having appropriate charges preferred in civil court.
  2. May be sanctioned by University Disciplinary System, or,
  3. Both of the above....one does not preclude the other.

# DATING VIOLENCE

## WEST VIRGINIA STATE UNIVERSITY

West Virginia State University provides on campus police protection, education, and victim assistance to combat violence against all persons. “Dating violence,” is defined as 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 shall be determined based on the consideration of... the length of the relationship, type of relationship; and the frequency of interaction between the person involved in the relationship.” 20USC1152 (f) (1).

The West Virginia State University Counseling Center, Health Center, and Office of Student Retention offers support for those involved or have been involved with dating violence. Through these aforementioned offices, the University offers programs on dating relationships, domestic assault, and sexual assault.

The University Counseling Center and Office of Student Retention do not limit services to anyone. Rather, these offices are committed to offering services to all students through education, support and collaboration that allows students to make healthy, safe decisions. All services are available to students who may experience dating violence.

A student who has been a victim of dating violence has the right to file charges through the criminal justice system, and file a complaint through the University Judicial Affairs Office. It does not matter whether the offense occurred on campus or not, the University reserves the right to hold students accountable for certain off-campus behavior. Disciplinary action may result if the student is found to be violation of the Student Code of Conduct as outlined in the student manual (The Buzz).

All 50 states have laws against dating violence associated crimes; these include domestic violence, sexual assault, and stalking. However, the term “dating violence,” is rarely used in these laws.

Confidential Reporting of a crime may be reported to the following offices.

West Virginia State University Counseling and Academic Support Services  
Kellie Toledo, Director  
Sullivan Hall East 1st floor  
304-766-3168

West Virginia State University Health Care Center  
Ms. Gloria Tobias  
004 Wilson Student Union  
304-7663323

WVSU Office of Enrollment Management and Student Affairs  
Katherine McCarthy, Vice President  
138 Ferrell Hall  
304-766-3140

West Virginia State University Campus Police  
Location: Wallace Hall #112  
Phone # 304-766-3353  
Emergency # 304-766-3181 or 911  
Coverage 24/7

## **STALKING POLICY WEST VIRGINIA STATE UNIVERSITY**

This policy shall be applied to all of West Virginia State University, students, faculty, staff, contract workers and visitors. This policy is set to provide an atmosphere of learning, which is free of interference and harassment. West Virginia State University is committed to providing an atmosphere in which members of the campus community and visitors are provided with an environment that is conducive to enhancing academic endeavors.

Stalking will not be tolerated by West Virginia State University, such conduct has the effect of interfering with an individual's academic performance, and creating a hostile work or learning environment. Incidents occurring on and off campus are subject to the university disciplinary procedure, criminal charges or both.

**Definitions of stalking:** Stalking. In general, stalking is one person's harassing, obsessive or threatening behavior towards another person. Any repetitive, unwanted contact between a stalker and a victim or any behavior that threatens or places fear in that person constitutes stalking. Each state defines stalking by its state criminal laws (statutes). Some behaviors and activities of stalking are listed below, however this is not necessarily a complete list.

- Repeated following or pursuing;
- Threatening or obscene gestures

- Non-consensual communication, including, but not limited to, face-to-face, telephone calls, voice messages, electronic mail, written letters, unwanted gifts, etc.;
- Trespassing;
- Vandalism;
- Non-consensual touching;

**Cyber stalking:** (also known as online harassment or electronic stalking) the persistent offensive, threatening communication through the Internet, via e-mail, chat rooms or instant messaging or through other electronic means.

**Reporting Procedures:** West Virginia State University encourages anyone to report suspected stalking situations to a law enforcement agency or university officials. The reporting of stalking situations is the most effective way action can be taken against a suspected stalker. The victims of a suspected stalking incident are encouraged to report it to one of the following offices

- Department of Public Safety (University Police)
- Office of Enrollment Management and Student Affairs
- Student Health Center
- University Counseling Center

**Penalties:** West Virginia State University will not tolerate stalking behavior. Anyone found guilty of violating this policy may face criminal charges as well as sanctions by the university. Sanctions that may be imposed by the university, may range from probation, to dismissal from the university as well as any other restrictions deemed appropriate by the University.

## **DOMESTIC VIOLENCE (ASSAULT ) POLICY WEST VIRGINIA STATE UNIVERSITY**

West Virginia State University makes strides to reduce the number of incidents of domestic violence through intervention and community support. It is the goal of the West Virginia State University Department of Public Safety to educate and empower victims of domestic violence and assault, to give them options to improve their quality of living and learning.

### **Did you know?**

- 1 in every 4 women will experience Domestic Violence in her lifetime
- 40% of all 911 calls are Domestic related

- 2 million women are injured in the United States every year as a result of Domestic Violence
- 2,000 women are killed in the United States every year as a result of Domestic Violence

### **Characteristics of Safe and Healthy Relationships**

- **Partnerships**
  - Joint decision making
  - Shared responsibilities
- **Economic Equality**
  - Freedom to decide issues of work, school, and money
- **Emotional Honesty**
  - Feel safe to admit and share fears and insecurities
- **Sexual Respect**
  - Accept that “no” means “no”
- **Physical Safety**
  - Respect partner’s physical space
  - Express self nonviolently
- **Supportive, Trusting**
  - Listen and understand
  - Value partner’s opinions
- **Respectful**
  - Respect right to differing feelings, friends, and activities
  - Support partner’s goals

### **Characteristics of Abusive Relationships**

- **Domination**
  - Abuser makes all decisions
  - Servant/master relationship
- **Economic Control**
  - Deny job freedom
  - Withhold money
- **Emotional Manipulation**
  - Use jealousy, passion, stress, and frustration to justify unacceptable actions
- **Sexual Abuse**
  - Force partner into sexual acts that are humiliating or degrading
  - Forcing partner into sexual activity against his or her will
- **Physical Abuse**
  - Hitting, choking, kicking, pinching, pulling hair, poking, twisting arms, tripping, pushing, slapping, biting, restraining, or using weapons against partner

	2011	2012	2013		2011	2012	2013		2011	2012	2013
<b>I. Homicide</b>				<b>III. Robbery</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>VI. Arson</b>	<b>0</b>	<b>0</b>	<b>0</b>
a. Murder/non-negligent manslaughter	<b>0</b>	<b>0</b>	<b>0</b>	Manifested prejudice				Manifested prejudice			
b. Negligent manslaughter				Location of Incident				Location of Incident			
Manifested prejudice				a. On campus				a. On campus			
Location of Incident				1. Dormitory				1. Dormitory			
a. On campus				2. Academic Area	<b>1</b>			2. Academic area			
1. Dormitory				3. Administrative Area				3. Administrative area			
2. Academic Area				4. Grounds		<b>1</b>	<b>1</b>	4. Grounds			
3. Administrative Area				b. Non campus building/property				b. Non campus building/property			
4. Grounds				c. Public property				c. Public property			
b. Non campus building/property											
c. Public property				<b>IV. Aggravated Assault</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>VII. Motor Vehicle Theft</b>	<b>0</b>	<b>2</b>	<b>1</b>
				Manifested prejudice				Manifested prejudice			
<b>II. Sex Offenses</b>	<b>1</b>	<b>1</b>	<b>1</b>	Location of Incident				Location of Incident			
a. Forcible				a. On campus				a. On campus			
1. Forcible rape	<b>1</b>			1. Dormitory	<b>3</b>		<b>1</b>	1. Dormitory			
2. Forcible sodomy				2. Academic area				2. Academic area			
3. Sexual offense w/object				3. Administrative area				3. Administrative area			
4. Forcible fondling		<b>1</b>	<b>1</b>	4. Grounds	<b>1</b>		<b>1</b>	4. Grounds		<b>2</b>	<b>1</b>
b. Non forcible				b. Non campus building/property				b. Noncampus building/property			
1. Incest				c. Public property				c. Public property			
2. Statutory rape											
Manifested prejudice				<b>V. Burglary</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>VIII. Liquor Law Violation</b>	<b>1</b>	<b>2</b>	<b>2</b>
Location of Incident				a. Burglary Dwelling	<b>2</b>	<b>2</b>	<b>3</b>	Arrests			
a. On campus				b. Breaking & Entering	<b>4</b>	<b>5</b>	<b>5</b>	Campus Disciplinary Action	<b>4</b>	<b>2</b>	<b>2</b>
1. Dormitory	<b>1</b>			Manifested prejudice				Location of Incident			
2. Academic area		<b>1</b>	<b>1</b>	Location of Incident				a. On campus			
3. Administrative area				a. On campus				1. Dormitory	<b>4</b>		<b>1</b>
4. Grounds				1. Dormitory	<b>2</b>	<b>2</b>	<b>2</b>	2. Academic area		<b>2</b>	<b>1</b>
b. Non campus building/property				2. Academic area	<b>1</b>	<b>4</b>	<b>3</b>	3. Administrative area			
c. Public property				3. Administrative area				4. Grounds			
				4. Grounds/faculty home		<b>1</b>	<b>1</b>	b. Non campus building/property			
				b. Non campus building/property			<b>2</b>	c. Public property		<b>1</b>	
				c. Public property							

	2011	2012	2013		2011	2012	2013			
<b>IX. Drug Abuse Violation</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>XII Stalking</b>	<b>1</b>	<b>1</b>	<b>0</b>			
Arrests	4	1	4	Location of Incident						
Campus Disciplinary Action	6	2	1	1. Dormitory						
Location of Incident				2. Academic Area	1					
a. On campus				3. Administrative Area						
1. Dormitory	6	2	5	4. Grounds						
2. Academic area		1		5. Non-Campus Building Property						
3. Administrative area	4			6. Public Property		1				
4. Grounds										
b. Non campus building/property										
c. Public property										
<b>X. Weapons Violations</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>XIII Domestic Assault</b>	<b>8</b>	<b>1</b>	<b>6</b>			
Arrests				Location of Incident						
Campus Disciplinary Action	1	2	2	a. On campus						
Location of Incident				1. Dormitory	7		3			
a. On campus				2. Academic Area			2			
1. Dormitory	1			3. Administrative Area		1				
2. Academic area				4. Grounds/Faculty Homes	1					
3. Administrative area				b. Non-campus building property						
4. Grounds		1	1	c. Public Property			1			
b. Non campus building/property										
c. Public property		1	1							
<b>XI. Hate Crimes Violation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>XIV Dating Violence</b>	<b>0</b>	<b>0</b>	<b>0</b>			
				Location of Incident						
				a/ On Campus						
				1/ Doimitory						
				2. Academic area						
				3. Administrative area						
				4. Grounds						
				b. Non campus building property						
				c. Public Property						

- **Controlling**
  - o Name calling, engaging in “mind games”
  - o Isolating partner from friends and loved ones – “I just want you all to myself”
- **Intimidating**
  - o Charming in public, menacing in private
  - o Destroying property, harming pets
  - o Making light of abuse – “You’re just too sensitive”

## Domestic Violence FAQs

### What is the legal definition of Domestic Violence?

Domestic violence means the occurrence of one or more of the following criminal offenses upon a person protected under the Prevention of Domestic Violence Act:

- Homicide
- Assault
- Terroristic threats
- Kidnapping
- Criminal Restraint
- False imprisonment
- Sexual assault
- Lewdness
- Criminal sexual contact
- Criminal mischief
- Burglary
- Criminal trespass
- Harassment

### Should I call the police if I am experiencing Domestic Violence? YES!

The West Virginia State University Police Department takes Domestic Violence very seriously. Our officers will respond immediately to any incident regarding Domestic Violence; it is the primary duty of our responding officers to enforce the law and to protect the victim in any Domestic Violence situation.

**If you are the victim of a domestic violence or sexual assault consider the following:** Seek support from family, friends or people you trust. Ask that person or persons to stay with you. You may also contact the West Virginia State University Counseling Center and Academic Support Services for access to victim support services.

University Police Officers are trained responders. Reporting, the incident is important for your protection and to pursue any legal remedy such as prosecution and the issuance of a Domestic Violence Petition. Reporting

the incident will also assist in regaining a sense of personal power and control as well as possible protecting any other possible victims.

**At the moment in time of the incident you should:**

Do not disturb the area of the incident. Whether it be a room, outdoor area or vehicle. If you are the victim of a sexual assault do not shower, bathe, brush your teeth, eat or drink.

**In West Virginia if you are the victim of a domestic incident you may obtain a Domestic Violence Petition:** This document provides you with parameters for protection from your abuser, child custody, restricting contact by the abuser, as well as protection for your extended family. If a situation arises that is deemed an emergency after normal office hours, a magistrate will be called out to assist you.

**Contact information to obtain a domestic violence petition**

**Kanawha County Magistrate Court**

**111 Court St.**

**Charleston W. Va. 25301**

**Kanawha Co Magistrate Clerk Office 304-357-0400**

**Day Court 304-357-0436**

**West Virginia State University offers many outreach services through the following office.**

**WVSU Department of Public Safety.**

**Joseph Saunders, Chief**

**113 Wallace Hall**

**304-766-3353**

**WVSU Counseling Center**

**Kellie Toledo, Director**

**Sullivan Hall East 1st floor**

**304-766-3168**

**WVSU Office of Enrollment Management and Student Affairs**

**Katherine McCarthy, Vice President**

**138 Ferrell Hall**

**304-766-3140**

**WVSU Health Care Center**

**Ms. Gloria Tobias**

**004 Wilson Student Union**

**304-766-3323**

# SEX OFFENSE REPORTING PROCEDURE

**A. Reporting the Offense:** Victims of sex offenses are strongly encouraged to immediately report the incident to one of the below listed Security Authorities at the indicated telephone extensions:

Department of Public Safety . . . . .	3353, 3181 or 911
Student Affairs Office/Judicial Affairs . . . . .	3140, 5149
Residents Life Office/Residence Hall Director . . . . .	3037
Human Resources Office (employees) . . . . .	3155
Counseling Center . . . . .	3168
Military Science (ROTC) . . . . .	3108
Athletic Director . . . . .	3238

**B. Preservation of Evidence:** The preservation of evidence is the key to the successful prosecution of sex offenses either on or off campus. It is therefore imperative that the victim:

1. Cooperate fully by providing specific details of the incident, to include identification of perpetrator, if known, and/or a full description of the suspect.
2. Do not shower or change articles of clothing.
3. Maintain the crime scene intact by not touching or removing any articles or items.
4. Cooperate fully by having a medical examination by a physician at a local hospital.

**C. Counseling:** Once a sex offense is reported to a security authority, immediate coordination with Collegiate Support and Counseling Center is established. A counselor makes contact with the victim and provides and/or coordinates required counseling needs, to include aid from outside agencies.

**D. Sex Offense Prosecuted-Off Campus:** Should the victim elect to press civil charges against the perpetrator, the WVSU Department of Public Safety coordinates the results of the investigation with the Kanawha County Prosecuting Attorney's Office, appropriate charges are filed at Kanawha County Magistrate Court, and the matter is resolved through due process of the magistrate court.

**E. Sex Offense Prosecution-On Campus:** Irregardless of whether or not civil charges are preferred, the University has a legal right to initiate disciplinary action, if the perpetrator is a student or employee of the

institution. Due process, as established by University policy and procedures, is under the auspices of an appropriate Hearing Board. The Hearing Board recommends disciplinary sanctions, which may include suspension or expulsion for a student or up to termination for an employee.

**F. University Commitment:** West Virginia State University is committed to ensuring that:

1. Victim's academic and living situations will be changed upon request if reasonably available.
2. Accuser and accused have the same rights (if any) to have representatives present during disciplinary hearing.
3. Accuser and accused shall be notified of the outcome of a campus disciplinary proceeding.

**G. Sex Offender Registry:** The West Virginia State Police maintains the Sex Offender Registry website which can be accessed as reflected below:

◆ [https://app.wv.gov/StatePolice/Sex Offender/Disclaimer?continueToUrl=http%3A%2F%2Fapps.wv.gov%2FStatePolice%2FSexOffender](https://app.wv.gov/StatePolice/Sex%20Offender/Disclaimer?continueToUrl=http%3A%2F%2Fapps.wv.gov%2FStatePolice%2FSexOffender)

or

◆ <http://www.wvstatepolice.com> then scroll to Sex Offenders and click

# **Rights of the Victim of the Reported Sexual Assault**

A victim of sexual assault and/or sexual misconduct that is reported to WVSU officials will have:

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to WVSU administrators;
- The right to be treated with respect by WVSU officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus disciplinary hearing;
- The right not to be discouraged by WVSU officials from reporting an assault to both on-campus and off-campus authorities;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within 24 hours of the end of the conduct hearing;
- The right to be informed by WVSU officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on-campus and in the community;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;

- ❖ The right to a campus restraining order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
- ❖ The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus law enforcement;
- ❖ The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- ❖ The right to review all documentary evidence available regarding the complaint, subject to the confidentiality limitations imposed by state and federal law, at least 48 hours prior to the hearing;
- ❖ The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- ❖ The right to preservation of confidentiality, to the extent possible and allowed by law;
- ❖ The right to a hearing closed to the public;
- ❖ The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;
- ❖ The right to bring a victim advocate or advisor to all phases of the investigation and campus conduct proceeding;
- ❖ The right to give testimony in a campus hearing by means other than being in the same room with the accused student (closed circuit live audio/video is the recommended method);
- ❖ The right to present relevant witnesses to the campus conduct body, including expert witnesses;
- ❖ The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;

- ❑ The right to have WVSU compel the presence of student, faculty and staff witnesses, and the right to ask questions, directly or indirectly, of witnesses (including the accused), and the right to challenge documentary evidence;
- ❑ The right to be present for all testimony given and evidence presented before the conduct body;
- ❑ The right to have complaints heard by conduct officers who have received annual sexual misconduct adjudication training;
- ❑ The right to a conduct panel comprised of representatives of both genders;
- ❑ The right to have WVSU policies and procedures followed without material deviation;
- ❑ The right to be informed in advance of any public release of information regarding the complaint;
- ❑ The right not to have released to the public any personal information about the complainant, without his or her consent; and
- ❑ The right to notification of and offering options for avoiding contact with the alleged perpetrator by changing academic, campus employment, dining and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available (no formal campus or criminal complaint or investigation need occur before this option is available). Accommodations may include:
  - Change of an on-campus student's housing to a different on-campus location;
  - Assistance from WVSU support staff in completing the relocation;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal; and
  - Alternative course completion options such as free tutoring, exam flexibility and other assistance to make it as easy as possible for the complainant to keep attending classes.
- ❑ Provide campus law enforcement monitoring at on campus extracurricular activities and events if requested by the victim.

# FIRE ALERT SYSTEMS AND DETECTION

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

**Fire Related Injury:** Any instance in which a person is injured as a result of a fire including an injury sustained from a natural or accidental cause while involved in fire control, attempting to rescue, or escaping from the danger of the fire. The term person may include students, faculty, staff, firefighters, or any other individual.

**Fire Related Death:** Any instance in which a person is killed as a result of a fire including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, escaping from the dangers of a fire, or deaths that occur within one year of injuries sustained as a result of the fire.

**Fire Safety System:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including: Sprinkler system or other fire extinguishing systems. Fire detection devices, stand alone smoke alarms, devices that alert one to the presence of a fire such as horn bells, or strobe lights, smoke control and reduction mechanisms, fire doors, and walls that reduce the spread of a fire.

**Value of Property Damage:** The estimated value of the loss of the structure, and contents in terms of the cost of replacement in like kind and quantity, including contents damaged by fire, related damages caused by smoke, water and overhaul, however it does not include loss such as business interruption.

**Fire Log:** A fire log kept at the Public Safety Department open to the public during normal business hours.

**Fire Safety:** The West Virginia State University Public Safety and Maintenance Staff will annually review the fire systems across the campus, recommend upgrades if needed, and conduct repairs if problems are identified.

**Residence Hall Fire Drills:** Fire Drills are held monthly for each residence hall, and a mandatory supervised evacuation is conducted. Evacuation route maps are posted in strategic locations throughout each residence hall.

**Fire Safety Education:** Residence Life policy on fire safety prohibits the burning of incense, and candles in individual rooms. All open flames are prohibited in residence halls. There are no limits to the number of electrical appliances allowed in each room. The Residence Hall policy on evacuation is located in the student handbook, and is discussed in Residence Hall meetings.

In case of fire please sound the nearest fire alarm and evacuate the building as soon as possible.

**Evacuation procedures** are as follows.

Know the emergency routes from your room and hall.

Check to see if your door is hot or has smoke around it, if so stay in your room and wait to be evacuated by firefighters.

Shut your door tightly when you leave.

Exit the building and follow the directions of staff members.

Do not remain in courtyards or in close proximity to the building. A minimum of 300 feet is recommended. Stay away from the building until the all clear is given.

If you can use a fire extinguisher without endangering yourself, do so. However if you have concerns about your safety, exit the area. Do not engage the fire in any way if you have concerns for your personal safety.

**Fire Safety Inspections:** All fire extinguishers are checked on a monthly basis. Various areas of the campus are inspected daily for potential fire hazards. Health and safety inspections are done each semester by the maintenance staff and the Residence Life office.

Below is a list of commonly encountered issues:

- Items stored closer than 18 inches from a sprinkler head.
- Blocking of electrical panels.
- Blocking of egress (exit) pathways.
- Evidence of burning candles, incense, or tobacco products.
- Covering a door with paper or other combustible material.
- Use of electrical wiring, devices, appliances which are modified or damaged.
- Use of a portable heater.
- Use of halogen lamp/lighting.
- Any other situation deemed unsafe by staff.

### **Mass Notification System**

The Mass Notification System used at West Virginia State University broadcasts immediate e-mail, text, and voice mail messages to those who have chosen to

be participate in the program. Without delay, the Public Safety Department will immediately notify the campus community upon confirmation of a significant emergency event or dangerous situation involving an immediate threat to the health, safety, and security occurring on the campus. Notification will also be forth coming if it is determined there is a significant threat to campus from an outside source. Taking into account the safety of the community, the University will determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond or otherwise mitigate the emergency. After initial notification follow ups will be given on a periodical basis until the situation is resolved.

### **Policy Statement on Mass Notification**

Policy Statement: West Virginia State University has established guidelines to be used in the mass distribution of emergency alerts to students, faculty, and staff that would be affected directly by a critical incident which poses an imminent threat to the health, and safety of the campus community.

The Department of Public Safety at West Virginia State University maintains a subscription to a third party voice, e-mail, text, website, and social media messaging service that enables the University administrators to create their messages for emergency alerts to members of the campus community and send them to a list of subscribed phone or wireless device users, as well as e-mail accounts and the University's website and social media accounts.

Voice, e-mail, text, social media, University website message alerts are one of the elements of the West Virginia State University's comprehensive emergency response protocol that provides for rapid notification to students, faculty, staff and community representatives about situations or events that are occurring on campus and its surrounding areas.

The notification service utilized by West Virginia State University automatically subscribes to the Regroup Messaging System via cell phone or other wireless device if that number is provided. This information is automatically updated as this information is updated through their MyState account.

### **Notifications**

Immediately after sending an emergency alert message the designee who created the message shall notify officials of the University that the message has been sent and shall describe the rationale for activating the REGROUP system. The purpose of this communication is to ensure that all offices are sharing consistent information and not sending any duplicate messages. The Public

### 2011 Fire Statistics

Residence Hall	Total Fires	Date/Time of Incident		Cause of Fire	Number of injuries requiring medical treatment	Number of deaths related to fire	Value of property damage caused by fire
Dawson Hall	0						
Gore Hall	1	12-5-2011	0900 HRS	Accidental/ Electrical	0	0	\$100 - \$400
Prillerman Hall (Apartments)	0						
Sullivan Hall	0						
Transitional Housing	0						

### 2012 Fire Statistics

Residence Hall	Total Fires	Date/Time of Incident		Cause of Fire	Number of injuries requiring medical treatment	Number of deaths related to fire	Value of property damage caused by fire
Dawson Hall	0						
Gore Hall	0						
Prillerman Hall (Apartments)	2	9-8-2012	1221 HRS	Accidental	0	0	\$1000 - \$5000
		9-30-2012	2200 HRS	Accidental	0	0	\$0 - \$99
Sullivan Hall	1	11-22-2012	1455 HRS	Accidental	0	0	\$0 - \$99
Transitional Housing	0						

### 2013 Fire Statistics

Residence Hall	Total Fires	Date/Time of Incident		Cause of Fire	Number of injuries requiring medical treatment	Number of deaths related to fire	Value of property damage caused by fire
Dawson Hall	0						
Gore Hall	0						
Prillerman Hall (Apartments)	0						
Sullivan Hall	0						
Transitional Housing	0				0	0	\$0 - \$99

Safety Department will subsequently coordinate with the appropriate agencies and institutional departments in accordance with Emergency Operations Plan.

Once the all clear has been given and the situation is resolved, then a formal message will again be sent to advise all of the status of the incident.

An electronic record will be maintained via the REGROUP messaging system concerning each activation. Copies of these messages can be made available through proper channels.

**Partnership in Crime Prevention:** The Department of Public Safety recognizes the need for and strongly encourages “public involvement” in crime prevention within campus property areas and the surrounding community. It is through the participation and involvement of each person on campus that the goal of “providing a safe and tranquil campus” can be achieved.

Each member of the “University Community” can assist the Department of Public Safety to maintain a safe environment by committing to a “partnership in Crime Prevention” and accepting a responsibility for practicing personal safety on a daily basis by not taking unnecessary risks, securing personal property, locking doors and securing facilities, and by the immediate reporting of crime and/ or suspicious activity.

Your personal commitment and active participation in Crime Prevention assures that WVSU continues to maintain a safe and tranquil environment conducive to learning, allowing each individual the opportunity to experience and achieve his/her full potential, being worry-free to *“find their passion”* at West Virginia State University

## **Partnership in Crime Prevention**

**Immediately report illicit and suspicious activity to the  
Department of Public Safety**

**304-766-3353**

**304-766-3181**



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WEST VIRGINIA STATE  
UNIVERSITY