



WEST VIRGINIA STATE UNIVERSITY

NOTICE OF NON-DISCRIMINATION

West Virginia State University, as an equal opportunity – affirmative action institution, is committed to providing equal opportunities to all qualified prospective and current members of the West Virginia State University community - students, faculty, staff, and partners. Our institution complies with all Federal and State mandates in our educational and extra-curricular programs, employment, financial, and business affairs activities without regard to race, color, age, sex, marital status, religion, sexual orientation, gender identity, national origin, disability, or veteran status.

Additionally, West Virginia State University does not tolerate discrimination, harassment, or retaliation on these bases and takes steps to ensure that students, employees, and third parties are not subject to a hostile environment in University programs or activities.

The university responds promptly and effectively to allegations of discrimination, harassment, and retaliation. It promptly conducts investigations and takes appropriate action, including disciplinary action, against individuals found to have violated its policies, as well as provides appropriate remedies to complainants and the campus community. The university takes immediate action to end a hostile environment if one has been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community.

The following person has been designated to handle inquiries regarding the University's non-discrimination policies, to receive discrimination/ harassment complaints from members of the University community, and to monitor the institution's compliance with state and federal non-discrimination laws and regulations:

Carolyn Stuart, Ph.D.
EEO Compliance Officer/Title IX Coordinator
P.O. Box 1000/105 Ferrell Hall
Institute, WV 25112
(P) 304-204-4018
carolyn.stuart@wvstateu.edu



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CLERY ACT 2013 ANNUAL SECURITY REPORT AND 2013 ANNUAL FIRE SAFETY REPORT

The Clery Act requires institutions to disclose statistics for reported crimes based on where the crimes occurred, to whom the crimes were reported, the types of crimes that were reported, and the year in which the crimes were reported.

Institutions must disclose crime statistics for Clery-reportable offenses that occur on its so-called “Clery Geography.” Clery Geography includes three general categories:

- **Campus:** Any building or property that an institution owns or controls within a reasonably contiguous area that directly supports or relates to the institution’s educational purposes. On campus also includes residence halls and properties the institution owns and students use for educational purposes that are controlled by another person (such as a food or retail vendor). The definition of “controlled” includes all such properties that are leased or borrowed and used for educational purposes. 20 U.S.C. §1092(f)(6)(ii)
- **Non-campus building or property:** Any building or property that is owned or controlled by a recognized student organization. And, any building or property that is owned or controlled by the institution that is used in support of its educational purposes but is not located within a reasonably contiguous area to the campus. 20 U.S.C. §1092(f)(6)(iii).
- **Public property:** All public property within the reasonably contiguous geographic area of the institution that is adjacent to or accessible from a facility the institution owns or controls and that is used for educational purposes. Examples include sidewalks, streets, and parking facilities. 20 U.S.C. §1092(f)(6)(iv).

Under the Clery Act, a crime is “reported” when it is brought to the attention of a campus security authority (CSA), the institution’s police department or campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender. It doesn’t matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution.

CSA is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution.



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- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

There are two types of individuals who, although they may have significant responsibility for student and campus activities, are not campus security authorities under the Clery Act:

- Pastoral counselor: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- Professional counselor: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors.

It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made to include the reported crime in the institution's crime statistics.



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Any CSA who has witnessed or been informed of an alleged incident that constitutes a crime for the purpose of the Clery Act including but not limited to a forcible or non-forcible sex offense or a hate crime, whether a criminal or administrative complaint has been filed, must:

- a. follow West Virginia State University procedures for making a report for the annual crime statistics report; and
- b. if the conduct constitutes sexual misconduct per WVSU BOG Policy 14, notify the Title IX/AA/EEO Coordinator so that any applicable administrative, investigative or other resolution procedures may be initiated.

Employees may be obligated to report to law enforcement the fact that an alleged Clery Act Crime has been reported, but the name or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or otherwise permitted by law.

Clery Act crimes and their definitions are included on the West Virginia State University Clery Act Crime Statistics Reporting Form

The Clery Act 2013 Annual Security Report and the 2013 Annual Fire Safety Report are now available in print and online at <http://www.wvstateu.edu/administration/public-safety>. The report includes institutional policies concerning security and safety prevention, education and training and procedures for addressing and reporting criminal activity and other matters. A printed copy of the Annual Security Report is available, upon request, from the Office of Public Safety, Division of Business & Finance, Human Resources, and University Relations or by calling 304-766-3353.



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AFFORDABLE CARE ACT

The Patient Protection and Affordable Care Act (also known as the “ACA” or “Obamacare”) requires employers to provide notice to all employees (whether benefit-eligible or not) regarding the availability of the new Health Insurance Marketplace. Enclosed/Attached is the formal notice prepared by the federal government that we are required to distribute. We have tailored the second page of the document to include specific information about the availability of health insurance coverage to employees of this institution. This notice does not require any additional action on your part nor does it require that you contact us about the availability of coverage in the Marketplace.

If you are interested in pursuing additional information about the Health Insurance Marketplace, you should follow the direction of this notice and go to HealthCare.gov. If you visit that website, additional information you may need to determine your eligibility to participate in the Marketplace includes the following:

- There is no waiting period for health insurance in our system so if you are not eligible now, you will not be eligible within the next three months unless your employment status changes to meet the definition of “eligible employees” contained in the notice.
- Our health plans do meet the minimum value standard.
- Premiums to participate in our health plans are based on salary levels and information regarding the cost to you is available at PEIA.wv.gov.
- There are no major changes affecting eligibility that are anticipated in the coming plan year.

We, as your employer, do not maintain information about the availability of or access to the Health Insurance Marketplace so please do not contact us in response to this notice. Again, please visit HealthCare.gov for any additional information.