

# University Police Department



## Campus Crime, Fire & Safety Report 2022 - 2023



Revised October 2022

### Emergency

(304) 766-3353 or 911



Department University Police

Ferrell House

(304) 766-3353



# **CAMPUS CRIME**

## **FIRE AND SAFETY REPORT**

### **2022 - 2023**

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>

## TABLE OF CONTENTS

Security Statement.....	5
Definition Of Terms.....	5
Liquor Law Violations.....	6
Campus Security Authorities .....	8
Crime Prevention Programs.....	10
Dating Violence .....	13
Stalking Policy-WVSU.....	15
Geography Definitions From The Clery Act .....	16
Number Of Occurrences Of Selected Crimes .....	18
Non Campus Locations – Economic Development Center.....	27
WVSU Extension Service Offices .....	36
Domestic Violence (Assault) Policy .....	37
Sex Offense Reporting Procedure.....	40
Title IX.....	44
On Campus Residential Housing .....	45
Fire Alert Systems And Detection .....	47
Evacuation Procedures.....	49
Quarantine And Isolation Policy Spring 2021.....	56
Student Code Of Conduct.....	62

# CRIME AWARENESS REPORT

## 2022 - 2023

**Security Statement:** The protection of property and personnel at West Virginia State University (WVSU) is provided by the University Police, which consists of two certified and sworn officers having law enforcement and arrest powers. The campus is patrolled 24 hours-a-day; 7days-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 University Police 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, safety protection of personal and institute property and property belonging to the institution.

**Definitions of Tensure:** 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 perpetrator's perpetrators bias. The applicable categories of bias are race, gender, religion, sexual orientation, ethnicity, national orientation, and 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, previous the 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.

**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.

**Title IX:** The U.S. Department of Education’s Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX of the Education Amendments of 1972 states that {20 U.S.C. § 1681(a)}:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

**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. University Police Personnel
  2. Student Affairs Office/Judicial Affairs
  3. Counseling Center
  4. Residence Life Office/Residence Hall Director
  5. Military Science Office (ROTC)
  6. Title IX
- b) WVSU employees should report incidents to
  1. University Police Personnel
  2. Human Resources Office
  3. Supervisor
  4. Title IX

**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 University Police 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, University Police 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 University Police 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 University Police 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 University Police 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 offcampus student, UPD 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. University Police 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 University Police will notify the student's parent or legal guardian immediately after the University Police has determined the student is missing.

The University Police will assist the primary investigative agency in all ways prescribed by law, if the student is an on-campus student the University Police 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 University Police 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 University Police by dialing extension 3353 or 911

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 University Police.

**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, email, 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

**Peer Education Classes:**

Date	Title of Program	# Students/Staff Attended
03/30/21	Thompson Hospitality TIX training .....	3
06/26/21	New Student orientation .....	167
07/17/21	New Student orientation .....	131
08/3/21	Residence life RAs TIX training .....	10
08/6/21	New student orientation .....	123
08/09/21	Ice Cream Social .....	48
08/19/21	State Stride-info Table .....	50
09/08/21	Step Up! Table (Wallace hall) .....	54
09/09/21	World Suicide Prevention Day .....	72
09/14/21	You & Blue .....	5
09/15/21	Goodwill Cleaning TIX training .....	17
09/17/21	Naloxone Training .....	4
09/20/21	NCAA Speaker Bobby Patricelli .....	212
09/22/21	Sex Jeopardy .....	44
09/23/21	Stalking/ Sexual Assault Table .....	76
10/07/21	National Depression Screening Day .....	23
10/11/21	National Coming Out Day .....	128
10/18/21	Sex Jeopardy .....	24
10/19/21	Sex Jeopardy .....	27
10/19/21	National Alcohol Screening Day .....	33
10/21/21	DUI Reenactment .....	68
11/01/21	Shine A Light On Domestic Violence .....	48
11/03/21	Health Jeopardy .....	44

12/01/21      World AIDS Day..... 102

The university also provides Monthly safety skills training for all university employees.

Website: [www.wvsu.inclassnow.com](http://www.wvsu.inclassnow.com)

**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

Family Care Health Center

004 Wilson Student Union

304-766-3323

**Stacey D. Sowell**

Vice President of Student Affairs and

Enrollment Officer # 304-766-5116

[stacey.sowell@wvstateu.edu](mailto:stacey.sowell@wvstateu.edu)

**West Virginia State University Campus Police**

Location: Ferrell House

Phone # 304-766-3353

Emergency # 304-766-3353 or 911

Coverage 24/7

**Carolyn L. Stuart, PhD**

EEO & Title IX Coordinator

416 Wallace Hall

PO Box 1000

Institute, WV 25112

304.204.4018

[carolyn.stuart@wvstateu.edu](mailto:carolyn.stuart@wvstateu.edu)

# 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

- (University Police)
- Office of Enrollment Management and Student Affairs
- University 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.

**Crime Statistics:** The criminal activity statistics presented herein are the results of data gathered by the WVSU University Police 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 University Police pertaining to *crimes against persons* (murder, rape, manslaughter and aggravated assaults); *crimes against property* (robbery, burglary, arson, larcenies, 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.

## Geography definitions from the Clery Act

**On-Campus-Defined as:**

- (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
- (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property-Defined as:**

- (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or



(2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

*Public Property*-Defined as:

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

**West Virginia State University Main Camps  
Number of Occurrences of Selected Crimes**

	2019	2020	2021
<b>Homicide</b>	<b>0</b>	<b>0</b>	<b>0</b>
Murder/Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Sex Offenses</b>	<b>1</b>	<b>1</b>	<b>2</b>
Forcible	1	0	0
Forcible rape	0	0	0
Forcible sodomy	0	0	0
Sexual offense w/object	0	0	0
Fondling	1	1	2
Incest	0	0	0
Statutory rape	0	0	
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	2
Academic Area	0	0	0
Administrative Area	1	1	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Robbery</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0

Non-campus building/property	0	0	0
Public property	0	0	0

<b>Aggravated Assault</b>	<b>1</b>	<b>0</b>	<b>3</b>
<b>Location of Incident</b>			
On campus	1	0	
Dormitory	1	0	
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	3
Public property	0	0	0
<b>Burglary</b>	<b>3</b>	<b>3</b>	<b>1</b>
Burglary Dwelling	0	0	0
Breaking & Entering	3	3	1
<b>Location of Incident</b>			
On campus	3	0	0
Dormitory/Residential	2	0	1
Academic Area	0	0	0
Administrative Area	1	3	0
Grounds	0	0	0
Non-campus building/property	1	0	0
Public property	0	0	0
<b>Arson</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Motor Vehicle Theft</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Location of Incident</b>			
On Campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0

Non-campus building/property	0	0	0
Public property	0	0	0

<b>Larcenies</b>	<b>3</b>	<b>6</b>	<b>4</b>
<b>Location of Incident</b>			
On Campus	3	6	0
Dormitory/Residence	1	1	0
Academic Area	1	0	0
Administrative Area	1	5	4
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Liquor Law Violation</b>	<b>0</b>	<b>0</b>	<b>1</b>
Arrests	0	0	0
Campus Disciplinary Action	0	0	0
<b>Location of Incident</b>			
On Campus	0	0	1
Dormitory	0	0	0
Academic Area	0	0	0
Administrative area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Drug Abuse Violation</b>	<b>7</b>	<b>0</b>	<b>2</b>
Arrests	1	0	0
Campus Disciplinary Action	6	0	0
<b>Location of Incident</b>			
On Campus	6	0	0
Dormitory	4	0	0
Academic Area	0	0	0
Administrative Area	1	0	0
Grounds	1	0	1
Non-campus building/property	0	0	1
Public property	1	0	0
<b>Weapons Violations</b>	<b>0</b>	<b>2</b>	<b>0</b>
Arrests	0	0	0
Campus Disciplinary Action	0	0	0
<b>Location of Incident</b>			
On campus	0	1	0

Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0

Grounds	0	0	0
Non-campus building/property	1	0	0
Public property	0	0	0

<b>Stalking</b>	<b>3</b>	<b>0</b>	<b>0</b>
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Arrests	0	0	0
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Campus Disciplinary Action	0	0	0
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<b>Location of Incident</b>			
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On campus	3	0	0
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Dormitory	0	0	0
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Academic Area	2	0	0
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Administrative Area	0	0	0
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Grounds	0	0	0
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Non-campus building/property	0	0	0
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Public property	0	0	0
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<b>Domestic Assault</b>	<b>3</b>	<b>3</b>	<b>4</b>
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Arrests	0	0	0
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Campus Disciplinary Action	3	0	0
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<b>Location of Incident</b>		2	2
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On Campus	3	0	0
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Dormitory	2	0	0
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Academic Area	0	0	1
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Administrative Area	0	0	0
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Grounds	1	0	0
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Non-campus building/property	0	0	0
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Public property	0	1	1
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<b>Dating Violence</b>	<b>3</b>	<b>0</b>	<b>1</b>
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Arrests	0	0	0
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Campus Disciplinary Action	3	0	1
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<b>Location of Incident</b>			
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On Campus	3	0	0
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Dormitory	3	0	0
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Academic Area	0	0	1
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Administrative Area	0	0	0
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Grounds	0	0	0
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Non-campus building/property	0	0	0
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Public property	0	0	0
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<b>Unfounded Offenses</b>	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
<hr/>			
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0

West Virginia State University Main Campus  
Hate Crimes - Race 2021

	2019				2020				2021			
	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0
Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault (Battery)	0	0	0	0	0	0	0	0	0	0	0	0
Thefts (Larceny)	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0





West Virginia State University Main Campus  
 Hate Crimes - Religion 2021

	2019				2020				2021			
	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0
Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault (Battery)	0	0	0	0	0	0	0	0	0	0	0	0
Thefts (Larceny)	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0

West Virginia State University Main Campus  
Hate Crimes - Ethnicity 2021

	2019				2020				2021			
	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0
Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault (Battery)	0	0	0	0	0	0	0	0	0	0	0	0
Thefts (Larceny)	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0

Non- Campus Locations  
West Virginia State University

West Virginia State University offers classes at three other locations that could be considered non-campus locations.

**EDC (Economic Development Center)**

The West Virginia State University Economic Development Center is located at 1506 Kanawha Blvd West. Charleston West Virginia 25287

There is not normally a WVSU Police Officer on duty at this facility. If a crime needs to be reported they may do so by contacting UPD at 304-766-3353 or dialing 911. Normal business hours are posted on site. Students taking classes at the Economic Development Center will receive “timely warnings,” of serious incidents by utilization of the published “timely warning,” process.

**Number of Occurrences of Selected Crimes**

	2019	2020	2021
<b>Homicide</b>	<b>0</b>	<b>0</b>	<b>0</b>
Murder/Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Sex Offenses</b>	<b>0</b>	<b>0</b>	<b>0</b>
Forcible	0	0	0
Forcible rape	0	0	0
Forcible sodomy	0	0	0
Sexual offense w/object	0	0	0
Forcible fondling	0	0	0
Non forcible	0	0	0

Incest	0	0	0
Statutory rape	0	0	0
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Robbery</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Aggravated Assault</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Burglary</b>	<b>0</b>	<b>0</b>	<b>0</b>
Burglary Dwelling	0	0	0
Breaking & Entering	0	0	0
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory/Residential	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0

<b>Arson</b>			
	<b>0</b>	<b>0</b>	<b>0</b>
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Motor Vehicle Theft</b>			
	<b>0</b>	<b>0</b>	<b>0</b>
<b>Location of Incident</b>			
On Campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Larcenies</b>			
	<b>2</b>	<b>1</b>	<b>0</b>
<b>Location of Incident</b>			
On Campus	1	1	0
Dormitory/Residence	0	0	0
Academic Area	1	0	0
Administrative Area	0	1	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	1	0	0
<b>Liquor Law Violation</b>			
	<b>0</b>	<b>0</b>	<b>0</b>
Arrests	0	0	0
Campus Disciplinary Action	0	0	0
<b>Location of Incident</b>			
On Campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0

<b>Drug Abuse Violation</b>			
	<b>0</b>	<b>0</b>	<b>0</b>
Arrests	0	0	0
Campus Disciplinary Action	0	0	0
<b>Location of Incident</b>			
On Campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Weapons Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>
Arrests	0	0	0
Campus Disciplinary Action	0	0	0
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Stalking</b>	<b>0</b>	<b>0</b>	<b>0</b>
Arrests	0	0	0
Campus Disciplinary Action	0	0	0
<b>Location of Incident</b>			
On campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Domestic Assault</b>	<b>0</b>	<b>0</b>	<b>0</b>
Arrests	0	0	0
Campus Disciplinary Action	0	0	0
<b>Location of Incident</b>			
On Campus	0	0	0
Dormitory	0	0	0

Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Dating Violence</b>	<b>0</b>	<b>0</b>	<b>0</b>
Arrests	0	0	0
Campus Disciplinary Action	0	0	0
<b>Location of Incident</b>			
On Campus	0	0	0
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0
<b>Unfounded Offenses</b>	<b>0</b>	<b>0</b>	<b>0</b>
Dormitory	0	0	0
Academic Area	0	0	0
Administrative Area	0	0	0
Grounds	0	0	0
Non-campus building/property	0	0	0
Public property	0	0	0





	2018				2019				2020			
	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property	On Campus	Student Residential Facilities	Non-Campus Building/Property	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0
Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault (Battery)	0	0	0	0	0	0	0	0	0	0	0	0
Thefts (Larceny)	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0





## **West Virginia State University Extension Service Offices.**

The primary purpose of these offices is to provide teaching, outreach, extension training classes, assistance, and administrative services in various locations throughout the State of West Virginia.

As most of these offices are administrative in nature a West Virginia State University Police Officer are not normally present at these locations. If an emergency occurs at the below-listed locations, the staff is urged to call 911 and to then contact the University Police at WVSU or the officer on duty.

- Crystal Bishop and Tiffany Ward-WVSU NASA SEMAA, PO Box 3370 Beckley, WV 25801 (Mailing Address), Pinecrest Plaza South, 201 Grey Flats Road, Suite 1 Beckley, WV 25802 (Physical Address)
- Tammy Hauldren, 3566 Teays Valley Rd. Hurricane, WV 25526
- Adam Hodges, Fayette County, Oak Hill City Hall, 100 Kelly Avenue Oak Hill, WV 25901
- Tiffany Ellis-Williams, EDC, 1506 Kanawha Blvd. West Charleston, WV 25387
- Christine Kinder, Raleigh County, The Attar Center, 200 Main Street Beckley, WV 25801
- Christopher Zeto, Logan County, PO Box 146 Man, WV 25635
- Nikki Honosky, Welch Armory, 600 Stewart St. Welch, WV 24801
- Vacant Position (pending new hire), Montgomery City Hall, 706 Third Ave. Montgomery WV25136

# 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 Police 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

- o Forcing partner into sexual activity against his or her will
- **Physical Abuse**
  - o Hitting, choking, kicking, pinching, pulling hair, poking, twisting arms, tripping, pushing, slapping, biting, restraining, or using weapons against partner
- **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 University Police.**

**Reginald Patterson, Chief**

**103 Ferrell House**

**304-766-3353**

**WVSU Counseling Center**

**Kellie Toledo, Director**

**Sullivan Hall East 1st floor**

**304-766-3168**

**Carolyn L. Stuart, PhD**

**EEO & Title IX Coordinator**

**416 Wallace Hall**

**PO Box 1000**

**Institute, WV 25112**

**304.204.4018**

**carolyn.stuart@wvstateu.edu**

President of Student Affairs  
Stacey D. Sowell  
Office 304-766-5116  
[stacey.sowell@wvstateu.edu](mailto:stacey.sowell@wvstateu.edu)

Family Care Center  
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:

University Police.....	3353, 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 University Police 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%FSexOffender](https://app.wv.gov/StatePolice/Sex_Offender/Disclaimer?continueToUrl=http%3A%2F%2Fapps.wv.gov%2FStatePolice%FSexOffender)

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;

## **Title IX**

### **I. Investigative Process**

a. Report to Title IX Coordinator - Reports of sexual misconduct are referred to the Title IX Coordinator for an investigation.

b. Outreach to Parties – (Intake) - The Title IX Coordinator or a deputy coordinator will meet with the complainant for an initial intake meeting. At this meeting the coordinator will provide the complainant with an understanding of the Sexual Misconduct reporting and investigation process, the resources available and answer any questions. The intake meeting may also involve a discussion of any accommodations/interim measures that may be appropriate concerning the complainant’s academics, University housing, and/or University employment arrangements.

c. Interim Measures - In all complaints of Sexual Misconduct the University will impose reasonable and appropriate interim measures designated to stop and prevent the recurrence of the Sexual Misconduct and protect the complainant and the accused party. The Title IX Coordinator or deputy coordinator will maintain consistent contact with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed.

d. Interview of Reporting Party and Responding Party (Investigation) – Once a formal complaint is filed, the Title IX Coordinator will appoint a deputy coordinator and the investigators to investigate the complaint. The investigation will be prompt, thorough, and impartial. The investigators are trained to complete Sexual Misconduct investigations. The investigators are neutral fact-finders, who, during the course of the investigation, typically conduct interviews with the complainant, the accused individual, and each third party witness; visit and take photographs at each relevant site; and, where applicable, coordinate with law enforcement agencies to collect and preserve evidence.

e. Conclusion of Investigation - The investigators will compile an investigation report that includes, among other things, summaries of interviews with all parties and witnesses, photographs, electronic evidence (i.e. text messages, emails) and a detailed written analysis of the events in question. After the Deputy Coordinator has reviewed and approved the investigative report that was prepared by the investigators, the investigative report will be shared with the Title IX Coordinator and the complainant and respondent will be given equal access to the report.

f. Issuance of Notice of Finding - After the Deputy Coordinator and investigators have submitted the investigative report to the Title IX Coordinator, the Title IX Coordinator reviews the report along with any evidence and makes their decision based upon the preponderance of the evidence. The Title IX Coordinator will then meet with the complainant and the accused individual separately. Each will be provided a letter that outlines the investigation, a copy of the notice of possible violation, the Title IX Coordinator’s decision, any remedies or sanctions that were issued, a list of rights of the parties, and a summary of the investigation which includes the rationale for the decision.

- 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.

## **On Campus Residential Housing**

### **Sullivan Hall**

This facility is an eight-story, 95,628 square foot dormitory facility. This facility was constructed in 1969 of a steel substructure with brick and block interior and exterior surfaces. The ceilings are of fire resistive drop in tiles. This facility is now equipped with a fully automatic sprinkler system, as well as the original Class I hose standpipe. The building is also protected by a fire alarm detection system which is centrally monitored 24 hours/day, seven days/week by the West Virginia State University Physical Facilities Department and the University Police.

### **Dawson Hall**

Constructed in 1918 and heavily renovated 1999 this three story 20,616 square foot dormitory is constructed of brick and block exterior and sheetrock interior with fire resistant drop in ceiling tiles. The building is also protected by a fire alarm detection system which is centrally monitored 24 hours/day, seven days/week by the West Virginia State University Physical Facilities Department and the University Police.

### **Judge Damon J. Keith Scholars Hall**

This 100,350 square foot dormitory facility was constructed in 2014. It has a fully automatic sprinkler system as well as a fire alarm detection system which is centrally monitored 24 hours/day, seven days/week by the West Virginia State University Physical Facilities Department and the University Police. It is constructed of wood and sheetrock.

### **Transitional Housing**

Transitional Housing consists of three structures. Both structures were built in 2002 and are constructed of brick and block exterior and drywall interior. The north single story structure is approximately 2,500 square feet and incorporates a fire alarm detection system and a fully automatic sprinkler system which is

centrally monitored 24 hours/day, seven days/week by the West Virginia State University Physical Facilities Department and the University Police. The south structure consist of approximately 2,800 square feet is divided into three apartments each having 120 volts stand-alone non monitored smoke detectors and hand held fire extinguishers.

**West Virginia State University Housing Facilities  
Life Safety Data 2020**

<b>DAWSON HALL</b>			
Fire Alarm Pull Station	Fire Alarm Horns	Fire Alarm Strobe Lights	Illuminated Exit Signs
Yes	Yes	Yes	Yes
Fire Alarm Smoke Detectors	Fire Alarm Duct Detectors	Emergency Lighting	Wet Sprinklers
Yes	No	Yes	No
Dry Sprinklers	Pre-action Sprinklers	Wet Standpipe	Dry Standpipe
No	No	No	No
Combination Standpipe	Emergency Generator	Smoke Management System	Fire Doors and Walls
No	No	No	Yes

<b>SCHOLARS HALL</b>			
Fire Alarm Pull Station	Fire Alarm Horns	Fire Alarm Strobe Lights	Illuminated Exit Signs
Yes	Yes	Yes	Yes
Fire Alarm Smoke Detectors	Fire Alarm Duct Detectors	Emergency Lighting	Wet Sprinklers
Yes	No	Yes	Yes
Dry Sprinklers	Pre-action Sprinklers	Wet Standpipe	Dry Standpipe
No	No	Yes	No
Combination Standpipe	Emergency Generator	Smoke Management System	Fire Doors and Walls
No	No	No	Yes

**West Virginia State University Housing Facilities  
Life Safety Data 2020 (CONTINUED)**

<b>SULLIVAN HALL</b>			
<b>Fire Alarm Pull Station</b>	<b>Fire Alarm Horns</b>	<b>Fire Alarm Strobe Lights</b>	<b>Illuminated Exit Signs</b>
<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Fire Alarm Smoke Detectors</b>	<b>Fire Alarm Duct Detectors</b>	<b>Emergency Lighting</b>	<b>Wet Sprinklers</b>
<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>
<b>Dry Sprinklers</b>	<b>Pre-action Sprinklers</b>	<b>Wet Standpipe</b>	<b>Dry Standpipe</b>
<b>No</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Combination Standpipe</b>	<b>Emergency Generator</b>	<b>Smoke Management System</b>	<b>Fire Doors and Walls</b>
<b>No</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>

<b>TRANSITIONAL HOUSE</b>			
<b>Fire Alarm Pull Station</b>	<b>Fire Alarm Horns</b>	<b>Fire Alarm Strobe Lights</b>	<b>Illuminated Exit Signs</b>
<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Fire Alarm Smoke Detectors</b>	<b>Fire Alarm Duct Detectors</b>	<b>Emergency Lighting</b>	<b>Wet Sprinklers</b>
<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>
<b>Dry Sprinklers</b>	<b>Pre-action Sprinklers</b>	<b>Wet Standpipe</b>	<b>Dry Standpipe</b>
<b>No</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Combination Standpipe</b>	<b>Emergency Generator</b>	<b>Smoke Management System</b>	<b>Fire Doors and Walls</b>
<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>



## 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 University Police office open to the public during normal business hours.

**Fire Safety:** The West Virginia State University Police 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 twice yearly 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**

A Shelter-In-Place exercise is coordinated periodically by the WVSU Police Dept. for all students and residential facilities. The students learn the location of emergency exits and are provided guidance concerning the direction of travel to and from each building during short- term evacuation WVSU does not inform students of designated evacuation locations as this may change due to the nature of the incident, time of day, number of individuals involved, or any other factors regarding the incident. WVSU PD and representatives from the university will provide updates to the developing situation and evacuation status.

The purpose of all drills to prepare students and building occupants for any organized evacuation in case of a fire or other emergency. At WVSU Shelter-In-Place and evacuation drills are a tool designed to educate all on the policies and procedures utilized to protect the entire campus community During the drill participants practice proper procedures and familiarize themselves with the locations of shelter-in-place locations, exits, fire alarm activation panels and pull stations.

Shelter-in-Place and evacuation drills are monitored by representatives of the President's cabinet and other campus officials to evaluate the implantation of the drill and behavioral patterns of those taking part in the exercise. Reports are then generated by observers and participating departments to identify deficiencies in the plan and to provide recommendations for improvements.

The students receive information about shelter-in-place and evacuation procedures during their dorm meetings and other educations sessions throughout the year. The Resident Director and Resident Assistants are trained in these procedures, and also act as an additional resource for students living in the resident halls.

**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 University Police 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 University Police 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.

**2019 Fire**

Residence Hall	Total Fires	Date/Time of Incident	Cause of Fire	
Dawson Hall	1	0	Overloaded Washer Drive Belt	—
Sullivan Hall	0	0	0	—
Transitional Housing	0	0	0	
Keith Honors Hall	0	0	0	

**2020 Fire**

Residence Hall	Total Fires	Date/Time of Incident	Cause of Fire	
Dawson Hall	1	0	0	
Sullivan Hall	0	0	0	
Transitional Housing	0	0	0	
Keith Honors Hall	0	0	0	

**2021 Fire**

Residence Hall	Total Fires	Date/Time of Incident	Cause of Fire	
Dawson Hall	0	0	0	
Sullivan Hall	0	0	0	
Transitional Housing	0	0	0	
Keith Honors Hall	0	0	0	

## Statistics

Number of injuries requiring medical treatment	Number of deaths related to fire	Value of property damage caused by fire	Fire Drills
0	0	150.00	2
0	0	0	2
0	0	0	2
0	0	0	2

## Statistics

Number of injuries requiring medical treatment	Number of deaths related to fire	Value of property damage caused by fire	Fire Drills
0	0	0	2
0	0	0	2
0	0	0	2
0	0	0	2

## Statistics

Number of injuries requiring medical treatment	Number of deaths related to fire	Value of property damage caused by fire	Fire Drills
0	0	0	1
0	0	0	1
0	0	0	1
0	0	0	1

The institute Volunteer Fire Department States for incidents they have responded to in our Clery geography is also attached.

The notification service utilized by West Virginia State University automatically subscribes to the Regroup Messaging System via cell phone or another 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 University Police 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 University Police 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 University Police 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  
University Police**

**Non-Emergency number**

**Dial**

**304-766-3353**

**Emergency's dial**

**911**

SPRING 2021  
**RETURN TO CAMPUS PLAN**



**WEST VIRGINIA STATE**  
UNIVERSITY

An 1890 Land-Grant Institution

**Isolation Policy**  
(According to CDC Guidelines)  
West Virginia State University



## General Isolate Information

If you have COVID-19, you can spread the virus to others. There are precautions you can take to prevent spreading it to others: isolation, masking, and avoiding contact with people who are at high risk of getting very sick. Isolation is used to separate people with confirmed or suspected COVID-19 from those without COVID-19.

These recommendations do not change based on COVID-19 Community Levels. If you have COVID-19, also see additional information on treatments that may be available to you.

For Healthcare Professionals: Ending Isolation and Precautions for People with COVID-19

### When to Isolate

Regardless of vaccination status, you should isolate from others when you have COVID-19. You should also isolate if you are sick and suspect that you have COVID-19 but do not yet have test results. If your results are positive, follow the full isolation recommendations below. If your results are negative, you can end your isolation.

Isolation is used to separate people infected with SARS-CoV-2, the virus that causes COVID-19, from people who are not infected. People who are in isolation should stay home until it is safe to be around others. In the home, anyone sick or infected should separate themselves from others by staying in a specific “sick room” or area and using a separate bathroom (if available).

Isolation should occur for at least 5 days after the date you tested positive. If you develop symptoms after testing positive, you should refrain from being around people for at least 5 days since symptoms first appeared and/or have gone at least 24 hours with no fever without fever reducing medications and your symptoms have improved. If you have a weakened immune system, you might need to stay home and isolate longer than 10 days. Those should consult their medical provider for more information.

Once the determination has been made to either quarantine or isolate by a West Virginia State University official, you are required and must adhere to the following rules:

## Isolation Regulations (SULLIVAN HALL EAST)

- Inform the WVSU Official if you will isolate at home or in Sullivan Hall in the designated room on the isolation floor.
- If you select to isolate in Sullivan Hall an official from the WVSU Public Safety Department will initiate campus protocols and help relocate you to your designated room.
- If you isolate in Sullivan Hall, all meals will be delivered to you to ensure the utmost safety and well-being of you and others.
- You are responsible for contacting your instructors and completing your class work online and contacting the WVSU COVID official.
- Once you isolate in Sullivan Hall West, you are confined to this building, and you are prohibited from leaving your designated room. The only exception to leave your room is to use the bathroom. When out of your room, you must wear a mask.
- Wipe down surfaces in the bathroom with cleaning wipes
- It is imperative that you use sanitizer wipes in shared spaces such as the bathroom and you must wipe all areas you use before and after use.
- If you violate your isolation mandate, you will be required to immediately leave Sullivan Hall and campus and finish the remainder of your isolation at home residence.
- When you isolate at your home residence, you must not congregate with your family to ensure you adhere to CDC guidelines.
  - o You must isolate the full 5 days unless otherwise notified by a WVSU official.
- If you have tested positive for COVID-19, you may show a positive result for up to 90 days
  - o When you have completed your Isolation and followed medical instructions, you will be released by the health department or your medical provider. You will not have to provide a negative test to reenter campus.
  - o You must make the WVSU official aware of your doctor's

release in order to be released back to campus.

### **Arriving at Sullivan Hall East**

- A staff member will provide you with your room assignment and keys to your room
- If you need a linen pack which will consist of sheets, let us know
- If you would like anything from your current room assignment, please plan to bring the item with you. This includes things like your own linens, toiletries, any clothes needed, computer, phone charger, etc.
- If you have forgotten something critical, please notify Housing and Residence Life staff upon arrival
- When going to your floor, please adhere to COVID-19 social distancing guidelines in the elevator
- Your room will have the same Wi-Fi and cable capabilities as your current residence hall room
- You are not permitted to go to other floors in the building, including the main lobby on the first floor
- If you have a maintenance need for the room, please call 304-766-3181
- **PARKING:** Please park in designated student parking spaces in Parking Lot L outside of Sullivan Hall. You will not be permitted to move your car until your quarantine or isolation period has been satisfied.

### **Failure or Refusal to adhere to any of these guidelines will result in:**

#### **Residential Students**

- Violation of your housing contract, ultimately voiding your contract
- Registrar Hold placed on the student account, preventing students from

1. Registering for class
2. Appearing on class roster

### **Non-Residential Students**

- Registrar Hold placed on student account, preventing students from
  1. Registering for class
  2. Appearing on class roster

### **Additional Resources**

- Institutions of Higher Education Risk Assessment
- How to Protect Yourself and Others
- Testing, Screening, and Outbreak Responses at Institutions of Higher Education
- Isolate If You Are Sick
- When to Quarantine
- When You Can be Around Others After You Had or Likely Had COVID-19
- Stress and Coping
- Stop the Spread of Rumors

# Student Code of Conduct



WEST VIRGINIA  
STATE  
UNIVERSITY

## **Revision Date:**

*West Virginia State University is an equal opportunity/affirmative action institution and does not discriminate against any person because of race, color, religion, sex/gender, national origin, ancestry, age, blindness, disability, pregnancy, genetic information, sexual orientation, gender identity, veteran or military status or other category that is protected under federal, State, or local anti-discrimination laws as protected characteristics.*

## STUDENT RIGHTS

The following is a summary of basic legal rights, state and local criminal laws, and legal terms about which students have frequently sought information. This summary is intended to provide a basic understanding of law, but this synopsis is no substitute for legal advice for a specific problem.

### STANDARD OF PROOF

In the event of a hearing, the hearing adjudicator's determination of responsibility shall be based on a preponderance of the evidence. "Preponderance of the evidence" means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which, as a whole, shows that the fact sought to be proved is more probable than not.

### SELECTED LEGAL RIGHTS OF STUDENTS

**Freedom of Religion and of the Press.** The first amendment to the United States Constitution provides that:

**Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.**

Rights guaranteed by the United States Constitution cannot be violated by the States, including any state university. This protection is provided for in Section One of the Fourteenth Amendment, which in part provides that:

**...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the**

equal protection of the laws.

**Right to Vote.** A student enrolled at West Virginia State University has the right to register and vote in Kanawha County, if he/she has reached the age of eighteen and is a citizen of the United States. Register at:

Voters Registration Office (Kanawha County Clerk's Office)  
409 Virginia Street, Charleston, WV  
Phone 357-0110

**Right to Privacy.** The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;



- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

A student may elect to withhold directory information by contacting the Office of Registration and Records (101 Ferrell Hall). The hold will: prevent the release of attendance, withdrawal or graduation information, even after the student leaves the university (unless the student submits a written authorization to release it); and prevent the university from releasing contact information.

For students who withhold directory information, University officials are prohibited from releasing any form of information without a written release from the student. The University requires this release before it will verify employment, enrollment or the status of students who make applications for employment, auto loans, good student discounts, apartment leases, etc.

Eligible students need to sign a FERPA Consent Release Form if they consent to the release of personally identifiable information to their parents.

**Security from Unwarranted Search and Seizure.** The Fourth Amendment to the United States Constitution provides that:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The protection given by this Amendment are applicable to the entry of University residence hall rooms as well as private homes and to searches of student's person by police, security, and other government officials. (Under state law, University public safety officers are given the same powers and authority as county deputy sheriffs.)

Students should be aware that administrative actions by colleges and/or universities do not preempt criminal charges, which may be issued from state and city law enforcement agencies.

Students should be aware that, in addition to being in violation of the administrative sanctions provided in the Standard of Conduct Code and other pertinent portions of the Student Handbook, they may also be subject to criminal charges, penalties, and fines under city ordinances and State laws. A student at West Virginia State University is expected to conduct him/herself in a manner consistent with the city ordinances of the surrounding cities and the State of West Virginia.

### **Student Violations Involving Dual Jurisdiction**

Students' actions on campus that violate both civil law and campus regulations give rise to the possibility of dual jurisdiction and are dealt with in one of the following ways:

The student is turned over to civil authority and subjected only to the sanctions imposed by that authority; or

The student may, in the case of minor infractions, be subjected only to sanctions imposed by campus authority. The exercise of campus authority, however, does not mean the Institution seeks to put itself and its students above the law; or

The student may be subjected to sanctions imposed by both civil authority AND campus authority. This is not considered double jeopardy.

## **Off-Campus Violations**

Students apprehended for off-campus violations are clearly within the jurisdiction of civil authority. The Institution's concern does not ordinarily extend to off-campus activities except in exceedingly rare cases such as when a student uses the Institution's name to falsify its position or associate it with a cause not approved by the Institution; when a student interferes with a person entering or leaving the campus or interferes with classroom instruction or other essential functions of the institution even though he is not actually on campus at the time of such action: WHEN A STUDENT'S ACTION IS CLEARLY AND DISTINCTLY DAMAGING TO THE INSTITUTION'S SPECIAL INTERESTS AS AN ACADEMIC COMMUNITY.

## **The Student and the Law**

When a student has been apprehended for violation of law, campus authorities cannot request special consideration for the student because of his/her status as a student. Such action promotes disrespect for the law, retards the growth of responsibility and tends to create the erroneous impression that the campus sees itself as a sanctuary for lawbreakers. Although the institution may want to ensure that its students are accorded their full civil and legal rights, neither civil nor campus authorities should unequally favor those citizens who are students.

The student is subject to the criminal sanctions administered within the judicial system and to penalties ranging from small fines to imprisonment. In his/her role as student, he/she is subject to the regulations of the Institution and to penalties ranging from probation to expulsion.

## GLOSSARY OF LEGAL TERMS

**Civil action** - an action brought to enforce or protect private rights. If the action (lawsuit) is successful, it usually results in the defendant paying money damages or being ordered to do or not to do something.

**Complaint** - Filing original papers, which begin a court action.

**Criminal action** - an action in which the government charges a person with a crime; penalties are a fine and/or jail.

**Defendant** - the party who is sued.

**Felony** - a serious crime, punishable by a year or more of confinement in a state penitentiary.

**Lease** - any agreement concerning real property that gives rise to the relationship of landlord and tenant.

**Magistrate Court** - a court that is generally limited to cases involving misdemeanors or where the damages at stake are \$1500 or less.

**Misdemeanor** - a criminal offense lower than a felony which is generally punishable by a fine of no more than \$1000 and/or imprisonment for up to a year in a county or municipal jail.

**Municipal Court** - a city court that hears cases of those persons accused of violating municipal ordinances.

**Ordinance** - the equivalent of a municipal statute, passed by the city council.

**Plaintiff** - a party (person or entity) who sues another.

**Warranty** - a promise; a guarantee.

In landlord/tenant law, the **warranty of habitability** means that the landlord must deliver the premises in a fit and habitable condition at the commencement of the tenancy, and thereafter maintain the leased property in such condition.

In consumer law, the **warranty of merchantability** refers to the merchant's promise that the goods he is selling conform to legal standards and are fit for ordinary purposes and that in the case of automobiles and household appliances; for example, the goods are in good working order and will operate properly in normal usage for a reasonable period of time. Under the West Virginia Consumer Credit and Protection Act, no merchant can negate or limit this warranty.

## **STUDENT RESPONSIBILITY**

### **Disciplinary Proceedings**

If a student is accused of committing conduct violations, disciplinary proceedings must be consistent with constitutional provisions guaranteeing due process of law. Institutional disciplinary procedures shall guarantee a student adequate notice of the charges, notification of the time of adjudication, a fair and impartial hearing of those charges, the opportunity to present his/her own defense (including witnesses at the hearing), the right to question his/her accusers, and the right to appeal the decision to a higher authority.

At no time shall a presumption of guilt be attached to the accused party. Only when there is clear evidence that continued presence in the academic community may prove detrimental to others is the privilege of attendance to be suspended prior to adjudication - and then without unwarranted penalty.

## **STANDARDS OF CONDUCT CODE**

Every student is responsible for understanding and acting in accordance with established regulations.

Any conduct or behavior which is in violation of Institution Regulations, the West Virginia State University Student Code, city, county, state, or federal ordinances, statutes or laws; to include any act which is considered detrimental to the safety and welfare of the campus community or which tends to bring disgrace or discredit upon West Virginia State University may be termed "misconduct."

The following specific examples of acts of misconduct warranting the educational sanctions of probation, suspension, or expulsion should be interpreted as being severe in nature, and if any court of competent jurisdiction finds any of these rules to be unauthorized, or unauthorized within the context in which it is enforced, it is the expressed intention of the Institution that all of the remaining rules shall remain in full force and effect.

\*The code of student conduct is established to foster and protect the core missions of the university; to foster the scholarly and civic development of the university's students in a safe and secure learning

environment and to protect the people, properties and processes that support the university and its missions. The core missions of the university are research, teaching and learning, and service. Preservation of academic freedom and free and open exchange of ideas and opinions for all members of the university are central to these missions.

**\*Jurisdiction.**

The code applies to the on-campus conduct of all students and registered student organizations, including conduct using university computing or network resources. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

(A) Academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad or student teaching;

(B) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;

(C) Any activity sponsored, conducted, or authorized by the university or by registered student organizations;

(D) Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community, or creates or could reasonably create a hostile environment on campus as defined in the sexual misconduct policy; or

(E) Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

The code governs all campuses of the university. However, students attending regional campuses, centers, or institutes are advised to consult their local resources for additional information or rules pertaining to those locations, which may create hearing bodies or processes for the locations, consistent with these rules.

The university reserves the right to administer the code and pro-

ceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

Students continue to be subject to federal, state, and local laws while at the university, and violations of those laws may also constitute violations of the code. In such instances, the university may proceed with university disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.

**\*Definitions.**

As used in the code:

(A) "University premises" includes all lands, buildings, facilities, and resources owned, leased, managed, or operated by the university.

(B) "Student" includes an individual who has been admitted to the university, paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction.

(1) It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the university;

(2) Student status lasts until an individual graduates, is dismissed, or is not in attendance for two complete, consecutive terms;

(3) "Student" also includes registered student organizations.

(C) "Members of the university community" includes, but are not limited to, students, faculty, staff, and visitors to the campus.

(D) "Complaint" includes information alleging a violation of the code of student conduct or other published rule, policy, standard, or guideline applicable to students at the university, provided to an authorized university official, per paragraph (A) of rule of the Administrative Code.

(E) "Crime of violence" includes the offenses stated in "The Buzz."

## **PROHIBITED STUDENT CONDUCT and listed behavior levels**

### **I. Type One Behavior**

A student who has been found in violation of any provisions of this section and in the opinion of the appropriate authority does not merit a more severe sanction may receive an **official oral or written warning or reprimand**. A repetition of or any further violation may result in a more severe sanction(s). A copy of any warning letter or letter of reprimand will be kept in the Office of Student Affairs and remains active for the specified time stated in the letter.

### **II. Type Two Behavior**

The following behavior may result in a maximum sanction of conduct **probation**, or any lesser sanction authorized by this code.

**A. Alcoholic Beverages. (Alcoholic liquor, wine, or non-intoxicating beer.)** The legal age in West Virginia for purchasing alcoholic liquor, wine or beer is 21. An individual who is less than 21 years of age cannot purchase alcoholic liquor, wine, or beer. Any student who is disruptive while under the influence of alcoholic beverages is considered in violation of Institutional regulations. Possession or use of alcoholic beverages on state property is prohibited.

**B. Placing Banners, Posters, and Stickers on Institution Property without Proper Authorization.**

**C. Bringing Dogs or Other Pets onto the Campus.** For health and safety reasons, dogs and other pets (except service animals and approved emotional support animals) are not permitted in Institution buildings or on Institution property.

**D. Gambling.** Gambling by organizations or individuals is prohibited.

**E. Solicitation.** The term “solicitation” is used to describe



the sale of products, the taking of orders, or the seeking of funds, services, signatures, or merchandise. Solicitation of any kind is not permitted on Institution property except by contract with the West Virginia Higher Education Policy Commission, or as a regular process that is necessary to support an administrative or academic service of West Virginia State University. All solicitation activities must be consistent with the educational and operational objectives of the sponsoring department. West Virginia State University will audit all solicitation activities.

**F. Smoking/Vaping (Tobacco).** For health and safety reasons, state law prohibits smoking in certain Institution owned buildings. Instructors are required to enforce this law in classrooms. Smoking is prohibited in all Institution facilities. Smoking is permitted outdoors farther than twenty (20) feet from all entrances and exits to buildings.

**G. Failure to Appear on Official Request before a Duly Constituted Judicial Body.**

**H. Public Use of Abusive or Obscene Language.**

**I. Disrespect toward an Institution Faculty or Staff Member or Administrator.** Treats a faculty, staff, or administrator with contempt or is disrespectful in language or deportment.

**J. Disturbing the Peace.** Disruption of peace on campus by fighting, disorderly conduct, etc. Includes violation of Institutional policies concerning demonstrations and use of sound amplifying equipment.

**K. Failure to Maintain a Current Address with the College.**

### III. **Type Three Behavior**

The following behavior may result in a maximum sanction of suspension from the Institution for a period not to exceed one year or any lesser sanction authorized by the Code.

**A. Misuse of Institution Documents.** Forging, transferring, altering or otherwise misusing any student identification card or registration form or any other official student or Institution document.

**B. Misuse of Institution Telephones.** Placing long-distance telephone calls by using fictitious and unauthorized billing numbers, and/or obtaining unauthorized access of telephone for long-distance calls.

**C. Negligent Destruction of Institutional or Personal Property.** Failure to exercise care, thereby damaging, defacing, or destroying Institutional property or property of any person while on Institution premises or Institution related premises.

**D. Negligent Infliction or Threat of Bodily Harm, including but not limited to:**

1. Failure to exercise care, thereby causing bodily harm to any person while on Institution property or related Institution premises;
2. Failure to exercise care, or willfully creating a risk or apprehension of bodily harm to any person on Institution property or related Institution premises.

**E. Misbehavior at Sporting Events, Concerts, & Social/Cultural Events, including but not limited to:**

1. Bringing onto the field, court, stage, or other venue any banners, flags, bottles, cans, or thermos jugs;

2. Throwing of any article into a crowd or onto a playing field, a court, or a stage.

**F. Use or Illegal Drugs.** Possession or use of any drug that is illegal by municipal, state, or federal law.

**G. Unauthorized Use of Institutional Keys.** Causing the unauthorized duplication, attempted duplication, use, loan, or possession of any key to any building, room property, or facility owned or controlled by the Institution.

**H. Bad Checks.** The passing of worthless check(s) or failure to redeem promptly a worthless check.

**I. Violations of Housing Contract General Conditions.** Otherwise covered in this Code, all general conditions of the housing contract.

**J. Violation of Residence Life or Dining Service Regulations.** Except as may be superseded by regulations previously set forth in this Code, this includes any and all rules, regulations, and policies established for student use of residence hall and dining service facilities.

**K. Drunken or Reckless Driving.** Operation of any vehicle on the campus while drunk, high on illegal drugs, or in a reckless or wanton manner.

**L. Under the Influence of Alcohol or Illegal Drugs in Class or on a Campus Job.** Found to be under the influence of alcohol or illegal drugs in class or on a campus job.

**M. Unauthorized Possession of Institutional Property.**

**N. Perjury.** In a hearing, willfully and knowingly giving any false testimony material to the issue of matter of inquiry.

#### IV. **Type Four Behavior**

The following behavior is considered of the utmost gravity by the Institution and may result in a maximum sanction of **expulsion** from the Institution or any other sanction authorized by this code. Expulsion is the cessation of all educational services.

##### **A. Dishonesty** including, but not limited to:

1. Stealing, forgery, alteration of documents or records, tampering with machines or misappropriation of Institutional or organizational funds.
2. False statements in an Institution disciplinary hearing or to Institution officials conducting investigations.

**B. Disruptive Conduct.** Disruptive picketing, protesting, or demonstrating on Institution owned or controlled property or at any place in use for an Institution sponsored or supervised function. Such disruptive activity includes but is not limited to:

1. Unauthorized occupancy of Institution facilities or buildings;
2. Interference with the rights of students, faculty, staff, and/or administration to gain access to any Institution facility for the purpose of attending classes, going to work, participating in interviews and conferences, or any other authorized purpose;
3. Interference with the orderly operations of the Institution by destruction of property, breach of the peace, physical obstruction or coercion, or by noise, tumult, or other forms of disturbance;
4. Deliberate interference with Institution pedestrian or

vehicular traffic;

5. Disorderly conduct or lewd, indecent, or obscene conduct or expression on Institution owned or controlled property or at Institution sponsored or supervised functions;

6. Failure to comply with the directions of Institution officials, police, and other law enforcement officers acting in performance of their duties.

**C. Weapons and/or Explosive Devices.** A student shall not supply, possess, handle, use, threaten to use, or transmit any weapon or any other tool or instrument capable of inflicting bodily injury as a weapon. The only exception to this rule is in an academic program where these activities are part of completion of the degree, program and/or course requirements. In these cases, the student must be under the direct supervision of the course instructor who must be present at the time the student engages in these activities. If the instructor is not present, then the student may not engage in these activities. The terms “weapons,” “tools,” or “instruments” shall include by way of illustration, but are not limited to, the following items:

1. any loaded or unloaded firearm (pistol, blank pistol, signal pistol, revolver, rifle, shotgun, stun gun, pellet gun, BB gun, bows and arrows, etc.)
2. any knife (Bowie, Dirk, lockblade, hunting, pen, pocket, X-Acto knives, dissection tools, switchblade, utility, etc.)
3. any martial arts device (Chinese Star, nunchaku, dart, etc.)
4. any razor (straight, regular, retractable, etc.)
5. any defensive device (gas repellent, mace, stun gun,

chemical sprays, chemical acids, etc.)

6. any tool or instrument which school staff could reasonably conclude as being a violation of the intent of this offense section, which by way of illustration, shall include, but is not limited to:

- a) blackjack
- b) chains
- c) clubs
- d) metal, brass, or any artificial knuckles
- e) nightstick
- f) rings
- g) pipe
- h) studded or pointed bracelets
- i) ax handles
- j) etc.

7. A student shall not supply, possess, handle, use, threaten to use, or transmit any explosive device or item that ejects or releases a spray, foam, gas, spark, fire, smoke, odor, etc. By way of illustration, such devices or items shall include, but are not limited to:

- a) bullets
- b) ammunition of any type
- c) fireworks of any type and size
- d) smoke or stink bomb
- e) any type of homemade bomb
- f) or item which by virtue of its shape or design give the appearance of any of the aforementioned (e.g., fake bombs, fireworks fuse, explosive devices, detonators, etc.)
- g) chemical acids

A student is deemed to be in possession of an illegal and/or banned item(s) under this section when such item(s) is found on the person of the student, in his/her possession, in his/her locker, in a student's vehicle on Institution property, or in any vehicle a student

brings on Institution property being used by the Institution, at any Institution function or activity, or any Institution event held away from the Institution.

The responsible administrator shall prosecute any violation of this policy that may constitute a violation of state and/or of federal criminal statutes in the form of a juvenile petition of a criminal complaint.

The use, possession, or transmittal on Institution property or at any Institution function or activity of non-facsimile water pistols or matches is not permitted. However, if such water pistols or matches are not used offensively, then the penalty for violation of this rule shall range from a conference with the student to suspension.

**D. Infliction or Threat of Bodily Harm.** Assault, battery, abuse of or threat to any person, or conduct that threatens or endangers the health, safety, or well-being of other persons on Institution owned or controlled property or at an Institution sponsored or supervised function.

**E. Theft or Unauthorized Possession of Property.** Theft, commandeering, or misuse of or to Institution owned or controlled property or to a member of the West Virginia State University community or any person on Institution owned or controlled property. Unauthorized possession of keys to Institution owned or controlled property.

**F. Destruction of Institution Property.** Malicious destruction, misuse of, or damage to Institution owned or controlled property or to a member of the West Virginia State University community or any person on Institution owned or controlled property.

**G. Unauthorized use of Emergency or Safety Equipment.** Tampering with or unnecessary use of Institution fire alarm systems and firefighting equipment, and or any other Institution equipment of an emergency or safety nature.

**H. False Reporting of Emergency.** False reporting of a fire

or that a bomb or other explosive has been placed in any Institution building or on Institution owned or controlled property.

**I. Distribution or Sale of Illegal Drugs.** The distribution or sale of any drug of which is illegal by municipal, state, or federal law on the campus or in West Virginia State University owned or controlled property.

## STUDENT CONDUCT PROCEEDINGS

Any West Virginia State University student shall be subject to disciplinary action by the Institution if that person is found to be in violation of any Board of Governor's Policies, Rules, and Regulations or the Institutional Code, notwithstanding the fact that at the time the student may also be an employee of the Board of Governors. In taking disciplinary action against a student, as defined herein, the Institution may act to remove any status of such a person or to revoke or remove any right or privilege of such person as a student or to withhold, remove, or cancel any benefit, recognition, or certification, including the conferring of a degree which such a person might yet have received from the Institution. The Institution will collect restitution for damages to, destruction of, or misappropriation of property.

### **Charges**

Any member of the West Virginia State University community may file charges with the designated Campus official against any student for conduct or activities in violation of the Conduct Code. Either a security report or a personal letter is an appropriate means by which referrals may be made. In every case, the report or information submitted should contain the name(s) of the student(s) charged; nature and circumstances of the incident, including specific dates, times, and locations; and name(s) and address(es) of the person(s) filing the report.



## **Preliminary Review/Hearing**

In the event a student is reported to be in violation of the statute or rules enumerated in this section, the following shall prevail unless the student signs a waiver of the procedural requirements.

The Vice-President of Student Affairs, or his/her designee', shall conduct the preliminary review/hearing. Upon completion of preliminary review/hearing, the Vice-president or his/her designee' may:

Dismiss the charges; or Take administrative disciplinary action not to include expulsion or suspension, after hearing the case, if it is determined that the conduct is in violation of the Institution Code; or

Take administrative disciplinary action of immediate suspension pending a hearing before the All University Hearing Council at the earliest practical date if the Vice-President of Student Affairs finds the individual to be a danger to the West Virginia State University, him/herself, or others; or Make referral to the appropriate Institution review/hearing body or committee.

## **Hearing Bodies**

The following hearing bodies have been formed to hear cases based on the location of the violation, the severity of the violation, and the professional judgment of the Vice-President of Student Affairs or his/her designee'.

Administrative Hearing Panel – Consists of the dean of students, or his/her designee, and two other university administrators designated by the vice president for student affairs and/or the dean of students.

Residence Hall Disciplinary Council - Each residence hall shall have two residents, appointed by the Director of Residence Life to serve on this committee which includes one Resident Assistant from each residence hall. It will hear those cases involving violations of hall rules and regulations occurring in residence halls other than the hall in which the accused student resides.

One of the Residence Hall Directors or a Residence Life Graduate Assistant serves as advisor to the committee and the disciplinary action recommended to the Director of Residence Life and Services may be any combination of actions listed under the sanctions sec-

tion except suspension or expulsion, which must be recommended to the Vice-President of Student Affairs or his/her designee for appropriate action.

All University Hearing Council - The All University Hearing Council is composed of students from the student body and faculty/staff appointed by the Vice President for Student Affairs. The All University Hearing Council hears those cases where suspension or expulsion may be the sanction as outlined by the student code of conduct. After hearing the case, the Council may recommend all disciplinary actions outlined under the Sanctions section. Final approval for the expulsion sanction is the University President.

*Note: In some incidents involving two or more people in conflict with each other, mediation, an alternative method of dispute resolution, may be employed with the voluntary consent of those involved and a university mediator, who serves as a neutral facilitator of the problem-solving process.*

### **Hearing Notification**

All charges of misconduct referred to a hearing body are heard as promptly as circumstances permit. Conduct proceedings will be imitated as follows:

A student or organization shall be informed of charges, in writing, by mail or hand delivery by a university official and notified of the time, date and place to appear before a specific conduct board. Notification for conduct hearings are delivered at least five days prior to the hearing. Notice must include the possible sanctions and a brief recitation of factual allegations supporting the charge. If expulsion is being contemplated for any violation, a notice that expulsion precludes matriculation at WVSU shall be included. A student may choose to waive the student's rights to a hearing. If so the case will still be adjudicated and the outcome and the decision will be final.

In the case of the student conduct regulations, based on the type of charge(s) and the information available, the Assistant Vice President for Student Affairs or his/her designee may decide to have a pre-hearing conference, in which case the student shall be notified by telephone or a hand delivered letter.

In the case of serious violations, the student shall be given the op-

portunity to review any written evidence to be used at the hearing and to obtain a list of the witnesses before the hearing. Further, a student facing a serious violation must be given the opportunity to challenge a committee member or hearing official on the grounds of conflict, bias or interest in the case.

### **Pre-Hearing Procedures**

To insure due process of discipline cases, the various hearing bodies will follow the following procedures:

The Chairperson of the hearing body hearing the case is notified. The Chairperson appoints, at random, a member of his/her hearing body to become familiar with the case. The Chairperson will insure that the accused is informed in writing, of the meeting time and date of the hearing and the charges against the accused. The accused will be informed of the procedures that the hearing will follow, of his/her rights, and that his/her right to have an advisor and the right to bring witnesses in his/her behalf. The accused will be allowed five days to prepare his/her defense.

### **Hearing Procedures**

The Chairperson will administer the oath to all members. The Chairperson will introduce everyone (Hearing Body, Advisor, Counselor, and accused). The hearing will be confined and closed to the general public. The Chairperson will read or have the Counselor (if one has been appointed) read the alleged violations of Student Conduct Code. The Chairperson will ask the accused whether he/she has committed the alleged violation. The Chairperson will have the Counselor present witness. The Chairperson will ask the accused to present any evidence pertaining to the case and to present any witnesses.

The Committee members, Counselor, and accused may ask questions at any time. The Chairperson will moderate order of questions but will not restrict questions relevant to the issues of the case under consideration. The Chairperson will invite any more comments from the Counselor and the accused. The Committee excuses the accused and the Counselor from the room to await recall. The Committee will discuss the case and decide if the accused is in violation

of the alleged conduct, behavior, or activity. If found in violation, then the committee will decide on the appropriate Sanction(s) to recommend.

The accused and the Counselor are recalled and the Chairperson discloses the findings of the Committee. The Chairperson also explains to the student, if found in violation, the next steps in the appeal procedure.

*NOTE: The accused and the Counselor are present for all open deliberations of the hearing body. Witnesses are present only for their testimony.*

### **Appellate Procedures**

The vice president for student affairs or his/her designee receives and reviews all initial appeals regarding conduct prohibited by the university. In cases that do not involve suspension or expulsion, the appeals process concludes with the vice president for student affairs regarding misconduct prohibited by the university and in cases of academic dishonesty violations, with the provost/vice president for academic affairs and based on that policy. The vice president for student affairs, or the provost/vice president for academic affairs, may call in appropriate parties necessary to assist in making a final decision.

In appeal cases involving suspension or expulsion, the vice president for student affairs (for violations of misconduct prohibited by the university), or the provost/vice president for academic affairs (for academic dishonesty violations) will forward the appeal to the president or his/her designee, who may call in appropriate parties necessary to assist in making a final decision.

***Important Note:*** *It is at the discretion of the vice president for student affairs and the president or his/her designee, as to whether, or not, a student remains under suspension pending the appeal outcome. Factors to be considered include the nature of the violation, interference with the university's education mission and the safety and welfare of other members of the university community.*

*Any student may appeal a non-academic sanction to the appropriate Institution official within fifteen calendar days of the date of notice*

*of the decision (a written statement of intent to file an appeal must be done within three working days of the notice of decision) except that, an appeal shall be limited to a review of the proceedings before the Institution adjudicatory body and any evidence which first became available after the adjudicatory proceedings; and*

*An appeal shall not result in a more severe sanction. The imposition of sanctions may be stayed pending appeal depending on the circumstances surrounding the case. Appeals are not automatic; the judicial body or Institution official appealed to will review the request for appeal on the three criteria listed below and may grant the appeal, or deny it, thus affirming the decision made by the original body or official.*

*An appeal of sanctions for non-academic cases may be made whenever: The original hearing was not conducted in conformity with established procedure; There is new evidence or fact not brought out in the original hearing; The sanction(s) imposed was inappropriate for the offense committed. The Vice-President of Student Affairs shall review the facts of each case appealed to them and take such action as may be appropriate under all the circumstances. The decision of the Vice President shall be final in all cases, except those involved in the sanction of expulsion. The Board of Governors is the final appellate body for the review of cases with the sanction of expulsion.*

**Review by the Board of Governors** - In non-academic disciplinary cases where the West Virginia State University sanction is expulsion, the Board of Governors, following its standard procedures, may grant an appeal from the disciplinary action of the President on the record of the case submitted.

Student(s) desiring to appeal the President's sanction of expulsion must, within three working days, indicate to the president in writing, their intent to appeal. A written petition of appeal must be filed with the Chair of the Board of Governors within fifteen calendar days of the decision. If the Board of Governors determines that the petition will not be heard, the decision is affirmed and sanctions imposed shall be effective upon the receipt of the initial statement of denial.

If the appeal is granted, the sanction imposed by the President's decision shall be stayed until the Board of Governors makes a final

decision after a review of the case. In the event the decision of the President is affirmed after such review, the person appealing and the President shall be notified by mail, and the sanction imposed by the President shall be effective immediately upon receipt of the decision rendered by the Board of Governors.

In reviewing student appeals involving sanctions of expulsion, the Board of Governors will review all relevant information and records of applicable West Virginia State University disciplinary proceedings to ensure that the due process has been afforded. In any case of any review of disciplinary action, the Board of Governors may take such action as it deems reasonable and proper in all the circumstances and in answer to all its responsibilities under the law.

## **SANCTIONS**

The purpose of a sanction, in addition to protecting others, is primarily to educate an individual by increasing his/her awareness of the consequences of conduct violations and the importance of responsibility to the Institution's community for one's actions. This will ordinarily be the guiding force behind imposition of sanctions. In some instances, however, the community's need to function properly outweighs the Institution's ability to educate an individual. In such a case, for the benefit of both the student and the community, suspension or expulsion from the Institution may result. The following sanctions may be imposed for violations of this Code:

### **Expulsion**

Termination of all student status, including any remaining rights or privileges to receive some benefit or recognition or certification.

### **Suspension**

This action involves separation of the student from the Institution for a period not to exceed one full academic year (any restriction of a condition of activities, if any.) A suspended student may apply for readmission to the Institution through the Office of Student Affairs at the end of the suspension period specified by the judicial action. During suspension, a student may not participate in any Institution activity, nor come onto properties owned, leased, or rented by West

Virginia State University without express written permission from the Vice-President of Student Affairs or his/her designee. (Violators will be charged with trespassing.)

If a suspended student violated these provisions, or any other Institution regulation while on Institution property, the student may, after the opportunity for a hearing, be subject to expulsion as provided above. Three alternative forms of suspension are also authorized:

**Probationary Suspension** - Actual suspension is withheld pending careful evaluation of the student's behavior a probationary period not to exceed one year. If the student is involved in any further offense, or if otherwise warranted, the Vice-President of Student Affairs may summarily revoke the probation and the full sanction of suspension enforced.

**Deferred Suspension** - This type of suspension becomes effective at a specified future date. It is normally used near the end of the semester to avoid the financial and academic penalties of immediate suspension. During this period, probationary status as described in Probationary Suspension above will exist.

**Immediate Suspension** - This suspension is used when, in the opinion of the President or Vice-President for Student Affairs in the absence of the President, the evidence in a case indicates a student's continued presence on campus constitutes a serious danger to the orderly operation of the Institution or the safety or welfare of members of the West Virginia State University community, including the student himself/herself.

**Dismissal from Institution Housing, Class Activity, or Facility**

In the event of violations of West Virginia State University regulations, policy, or conduct standards, a student may be dismissed for a specified length of time. Such dismissal may result in percentage refund of fees in accordance with the Institution refund policy. The student may apply for reconsideration of the dismissal following the period of dismissal or when it is clear the reason for the dismissal has been corrected in accordance with Institution procedures.

**Conduct Probation** - This action results in the student being excluded from participating in certain Institution activities, or

from



visiting certain Institution facilities for a definite stated period of time, not to exceed one year, and may be conditioned upon compliance with specified required activities in which a student is expected to show a positive change in behavior.

Any conditions imposed for developmental experiences will be under the supervision of the Vice-President of Enrollment Management & Student Affairs or his/her designee. A violation of conduct probation may be the basis for more severe disciplinary action, resulting in the reconsideration of violations to which the probation status was originally applied.

**Warning or Reprimand** - A warning may be an oral or written notification from an Institution official to a student stating that repeated infractions of regulations, rules, or policies may result in more severe disciplinary record. A reprimand may be an oral or written notification from an Institution official to a student condemning the student's action in violation of an Institutional regulation, rule, or policy. Written reprimands become a part of a student's disciplinary record.

**Restitution** - A student may be required to make payment or re- turn to the Institution or to the involved person or group, for any property lost, damages (destroyed or stolen) as a result of a violation of an Institution regulation. Once ordered, restitution becomes an integral part of the student's sanction. Failure to make restitution constitutes a subsequent violation of sanction and may lead to more serious disciplinary action.

## **Organizational Sanctions**

Sanctions that may be imposed in cases of student organization offenses are:

Denial of use of Institution facilities;

Denial of recognition of the group as an organization;

Forfeiture of right to representation in other institutional organizations;

Forfeiture of right to representation in Institutional publications;

Denial of privilege of some or all social activities for a definite period;

The Institution reserves the right to establish contact with the organization's regional or national office and to recommend that the organization forfeit its right to function as a group-including forfeiture of its charter;

The organization's officers and its members may also be subject to the individual sanctions, dependent upon the nature of the violation.









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