



WESLEYAN

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Student Handbook

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2024-2025



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## WELCOME

Fall 2024,

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

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

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

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

Kind Regards,

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



## MISSION STATEMENT OF WEST VIRGINIA WESLEYAN COLLEGE

West Virginia Wesleyan College challenges its students to a life-long commitment to develop their intellectual, ethical, spiritual, and leadership potential and to set and uphold standards of excellence.

Firmly rooted in the liberal arts tradition and closely related to The United Methodist Church, the College is a community of learning based on fundamental principles formed at the intersection of Christian faith and liberal education: intellectual rigor, self-discovery, human dignity, mutual support, social justice, self-discipline, mental and physical wellness, the appreciation of diversity and the natural world, and the judicious use of resources.

The College recognizes and affirms its interdependence with the external communities-local, regional, national, and global-and its covenant with the people of West Virginia to share its educational and cultural resources.

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

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

## LEARNING ENVIRONMENT

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

Key academic buildings of the College include Christopher Hall of Science and the Reemsnyder Research Center, which house Wesleyan's stellar programs in biology, chemistry, computer science, engineering, physics, environmental science, mathematics, physics, and psychology. Modern, well-equipped laboratories complement the building's planetarium, herbarium, and greenhouse. McCuskey Hall, housing the art department, has studios for painting, drawing, ceramics, photography and printmaking, as well as a computer lab for graphic design. McCuskey also houses Sleeth Gallery, which regularly sponsors visiting artists'



workshops and curated exhibitions. The Loar Memorial Building provides classrooms, practice rooms, and private studios for vocal and instrumental faculty and students in the Department of Music. Its recital hall seats audiences of 165 for performances and serves as rehearsal space for the department's many ensembles. Its memorial lounge provides an attractive setting for formal gatherings. In keeping with Wesleyan's commitment to educational technology, Loar Memorial Building has a computer music lab integrating personal computers with instrumental keyboards for music composition, sequencing, analysis, and performance in an interactive group setting. The College recognizes the importance of quality facilities to support our students' academic pursuits.

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

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

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

## ADMINISTRATIVE AUTHORITY

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

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

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



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

## COMMUNITY EXPECTATIONS AND SOCIAL RESPONSIBILITY

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

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

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

West Virginia Wesleyan College will not tolerate any form of harassment or intimidation including, but not limited to, sexual, racial, religious, handicap, or age discrimination. Using the telephone, mail, electronic mail or social media to intimidate or interfere with a person's basic rights is also a form of harassment. Attitudes of condescension, hostility, role-stereotyping, and sexual or racial innuendo weaken the health of the community and are considered harassment as well.

Wesleyan will not tolerate acts of hazing or the exploitation of individuals or groups. At the same time, the College affirms the principle of academic freedom and prohibits discrimination against individuals or groups because they express different points of view. However, the College affirms that freedom of expression does not justify violating human dignity.

### *Non-Discrimination Statement*

West Virginia Wesleyan College does not discriminate on the basis of race, sex, color, national or ethnic origin, creed, ancestry, marital/family status, veteran status, sexual orientation, gender, gender identity, gender expression, pregnancy, religion, age, disability or blindness, or any other characteristic protected by local, state or federal law, to include Title VI, Title IX, Section 504, and the Age Discrimination Act, in the administration of its admission policies, scholarship and loan programs, educational programs, employment, athletic programs, co-curricular activities, or other College administered programs. For inquiries about the application of these laws in Wesleyan's programs or to file a report, contact the Title IX Coordinator at 59 College Ave, Buckhannon WV, [titleix@wwc.edu](mailto:titleix@wwc.edu), or 304-621-1316.

### *LGBTQIA+ Statement*

West Virginia Wesleyan College is committed to providing a safe, supportive and nondiscriminatory learning and living environment for students, faculty, staff and campus guests. WVWC strives to create and sustain a



campus environment that supports and values all members of the campus community regardless of their sexual orientation or gender identity, as full participants in the campus community. To affirm these beliefs WVWC will:

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

### *Institutional Diversity & Inclusion*

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

If a student feels that they have been unfairly or inappropriately treated by any member of the Wesleyan community, it is suggested that the student do one or more of the following- without fear of reprisal:

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

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

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

### *Title IX Oversight*

The College's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination, and misconduct policy. The Coordinator reports directly to the President of West Virginia Wesleyan College. West Virginia Wesleyan College's Policy and Procedure on Discrimination, Harassment, and Title IX Sexual Harassment is available in its entirety in Appendix Four. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the College Title IX Coordinator.

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



## *Reporting Resources*

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

### *Confidential Reporting Options*

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with one of the below individuals. All these employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor.

#### *On-Campus*

- College Counselor: Shauna Jones
  - Center for Counseling and Well-Being: (304) 473-8803
  - Email: [counseling@wwvc.edu](mailto:counseling@wwvc.edu)
- College Chaplain: Jonathon Acord
  - Martin Religious Center, Room 201: (304) 473-8372
  - Email: [accord.j@wwvc.edu](mailto:accord.j@wwvc.edu)
- Director of The Center for Cultural and International Affairs: Laurie Goux
  - Benedum Campus Center, 2nd Floor: (304) 473-8163
  - Email: [goux.l@wwvc.edu](mailto:goux.l@wwvc.edu)
- Associate Professor of Religious Students: Debra Dean Murphy
  - Martin Religious Center, Room 305: (304) 473-8362
  - Email: [murphy\\_d@wwvc.edu](mailto:murphy_d@wwvc.edu)

#### *Off-Campus*

- Licensed professional counselors (including on-campus Community Care counselors)
- Pastoral counselors recognized by a religion or denomination
- Local rape crisis counselors/domestic violence resources
- Centers Against Violence 24-Hour Hotline: 304-636-8433

### *Formal Reporting Options*

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

#### *On-Campus*

- Title IX Coordinator: Amy Kittle
  - 304-621-1316 / [titleix@wwvc.edu](mailto:titleix@wwvc.edu)
  - Location: Student Development Suite, Benedum Campus Center
- Deputy Title IX Coordinator / Dean of Students: Alisa Lively
  - 304-473-8431 / [lively\\_a@wwvc.edu](mailto:lively_a@wwvc.edu)
- Deputy Title IX Coordinator / Director of Human Resources: Vickie Crowder
  - 304-473-8032 / [crowder\\_v@wwvc.edu](mailto:crowder_v@wwvc.edu)
- Deputy Title IX Coordinator / Director of Athletics Compliance: Jackie Hinton
  - 304-473-8507 / [hinton.j@wwvc.edu](mailto:hinton.j@wwvc.edu)
- Deputy Title IX Coordinator / Provost: Dr. Lynn Linder
  - 304-473-8042 / [linder\\_l@wwvc.edu](mailto:linder_l@wwvc.edu)





- Campus Security
  - 304-473-8011 / Administration Building Basement

#### *Off-Campus*

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

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

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

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

#### ***Federal Statistical Reporting Obligations***

The Clery Act requires that certain institutional officials have a duty to report the follow for federal statistical reporting purposes and inclusion in our daily crime logs Annual Security and Fire Safety Report.

- All "primary crimes" which includes criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidate, or destruction/damage/vandalism to property
- Violence Against Women Act crimes which include sexual assault, domestic violence, dating violence, and stalking
- Arrests and referrals for disciplinary action for weapon law violations, liquor law violations, and drug violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on or off campus or surrounding area) will be included.

#### ***Prevention Education***

All new students are required to complete prevention programming through the Vector Solutions online module system upon matriculation as a requirement of the First Year Experience course.

## **ACADEMIC GUIDELINES AND PROCEDURES**

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

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



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

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

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

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

- Final grade reports are available to students and their faculty advisors through their online Self-Service accounts.
- Certain types of information are classified as public or "directory" information and may be disclosed without a student's written consent. These are name, home address, telephone numbers (home and cell), campus email address, campus box number, major(s)/minor(s), class level, participation in officially recognized activities and sports, height/weight of athletic team members, dates of attendance, and degrees and awards received. Students wishing to prevent disclosure of any aspect of directory information must file a request with the Office of the Registrar. The College does not provide mailing lists to any third party for either commercial use or for solicitation of any product or service.

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

### *Communication with Parents*

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



## *Academic Integrity*

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

### *Violations*

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

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

### *Notification of Suspected Violation*

In the event that an academic integrity violation is suspected, the course instructor must communicate to the student, in writing, that they are suspected of a violation and that the student has 5 business days to respond in writing, accepting or contesting the allegation. This notification must be sent within 5 business days of identifying the suspected violation. Following this notification, the instructor collects relevant data to support their claim that an academic integrity violation has occurred and submits a report using the online reporting system, Guardian, with a recommended academic sanction (e.g., failing grade, re-submission of assignment).

### *Student Response*

Students must respond to the instructor, in writing, to accept or contest the allegation within 5 business days. Failure of the student to offer a written response within the 5-day period will be viewed as the student's acceptance, admission of the allegation, and their acceptance of the academic penalty.

If a student accepts both the charge and the sanctions related to the charge (e.g., failing grade, re-submission of assignment), the instructor sends written confirmation to the Academic Affairs Office, who in turn confirms the infraction and penalty in Guardian.



### ***Resolution of Unintentional Violations***

If the instructor, after communication with the student, believes that the suspected violation is without merit or constitutes unintentional plagiarism (e.g., improper citation due to lack of understanding), the instructor sends a written request to the Academic Affairs Office to update the report in Guardian, to confirm that the violation was resolved with no cause and no sanction or academic penalty issued.

### ***Appeal Process***

If the student chooses to contest the charges or sanctions, the Associate Provost meets with the instructor and the student to discuss the allegation, evidence, and proposed sanction. If this meeting does not resolve the issue, both the instructor and the student will be given the opportunity to present additional evidence to the Associate Provost. The Associate Provost will review all evidence before rendering a decision. Both parties will receive written notification of the decision within 10 business days.

Students who believe the decision of the Associate Provost is unjust may appeal, in writing, to the Provost. The Provost will review all materials before rendering a final decision. All parties will be notified of the decision in writing within 10 business days.

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

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

The Provost or Associate Provost may refer serious or serial violations of academic integrity (e.g., repeated offenses, violations involving significant dishonesty) to the College Student Code of Conduct Board to consider whether or not additional sanctions are warranted.

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

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

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

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

Excessive or chronic class absences may result in failure in the course(s), withholding from athletic, co-curricular, or other campus activities, required withdrawal from the course(s), or dismissal from the College.

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

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



Cell phones must be turned off during class periods.

### *Commercialization of Lecture Notes*

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

### *Student Grade Appeal Process*

1. In cases of alleged arbitrary, capricious, or discriminatory grading, this appeal process will be followed:
2. The student requests a meeting with the instructor to review the basis for the final grade in the course.
3. If, after this meeting, the student is not satisfied that the grade was fairly determined, the student may appeal to the instructor's Academic Unit Leader. (If the instructor who issued the grade in question is the academic unit leader, the appeal will go directly to the Office of Academic Affairs). The academic unit leader will seek to mediate the issue between the student and the instructor. The academic unit leader will then make a determination based on the information provided by the student and the instructor and share their decision in writing with both. If the student remains dissatisfied with the academic unit leader's decision, the student may appeal to the Office of Academic Affairs.

Appeals of a final grade must be submitted no later than 30 business days after the final grade is posted.

The process for handling the Grade Appeal after it reaches the Office of Academic Affairs is as follows:

1. The student meets with the Associate Provost or their designee. The policy and procedures for Grade Appeals are reviewed.
2. If the student decides to pursue the Grade Appeal, they must submit a statement in writing with any relevant supporting materials.
3. The student's statement and any supporting materials are then copied and sent to the instructor who also submits a statement in writing and supplies any relevant materials, (e.g., syllabus, class attendance, grades).
4. The instructor's statement and materials are made available to the student for review. The student then has an opportunity to provide a final written response.
5. Upon the conclusion of these steps, the Associate Provost or their designee reviews the various reports and documentation and renders a decision. The decision is provided in writing to the student, with a copy sent to the instructor.
6. Students who wish to appeal the decision of the Associate Provost, must submit a notice of appeal, in writing, to the Provost along with documentation supporting their claim that the grade issued was done so in an arbitrary, capricious, or discriminatory manner.
7. Following a review of all documentation from the student, faculty, and Associate Provost, the Provost will render a final decision and notify the student and the faculty member in writing. All decisions by the Provost are final.

### *Policy on Student Complaints*

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

### ***Registration Hold Policy***

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

Registration for future terms, class attendance, and/or residence hall move-in will only be granted upon satisfactory fulfillment of all outstanding obligations to the College. Students are required and expected to regularly monitor their WVWC email and student accounts for changes, notices of delinquency, or requests for important information.

### ***Outstanding Financial Obligation***

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

### ***Disciplinary Sanction***

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

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

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

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

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

### ***Academic Status***

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

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

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

Students who fail to maintain good standing at the end of any semester of their enrollment at the College, but who were in good standing the previous semester, will be placed on academic probation. At the end of the probationary semester, students will either (a) re-establish good standing, (b) be placed on continued



academic probation, provided their GPA for the probationary semester was at least 1.01, or (c) may be suspended for academic reasons.

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

Students who fail to achieve good standing at the end of a semester on academic probation, or who fail to achieve good standing and have been on academic probation two times or more during their careers at Wesleyan, or who fail to achieve good standing at the end of a semester on continued probation but earn a semester GPA of at least 2.2 on 12 credit hours, will be placed on continued academic probation. To continue enrollment after a semester on continued academic probation, students must (a) achieve good standing or (b) earn at least a 2.2 GPA on 12 or more earned hours. Students who fail to meet either of these standards may be suspended for academic reasons. Students suspended for academic reasons may appeal their dismissal; appeals will be judged on a case-by-case basis by the Admission & Academic Standing Council.

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

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

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

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

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

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

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

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

- Print and electronic resources are available to students, faculty, and staff of West Virginia Wesleyan College.





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

## *Chosen Name and Identity Policy*

### *About the Policy*

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

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

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

### *Definitions*

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

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

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

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

### *Chosen Name or Legal Name Usage*

Chosen Name will appear in the following places:

- Class Rosters
- Grade Rosters
- Degree Audits
- Registrar internally produced reports
- Campus Directory
- Blackboard, SafeColleges, Course Evaluations, Guardian, eCampus, Bobcat Connect, Compliance Assistant
- WVWC Email (upon request)
- Public Directory, unless a FERPA block has been requested
- ID Card (upon request)





- College Awards & Certificates
- Press releases/Website
- Diploma (upon request): International students should continue to use legal name on diploma since the diploma is considered a legal document internationally

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

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

Legal Name will be used by the following:

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

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

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

### ***Privacy***

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

### ***Procedures***

- Students may identify a chosen name in addition to the legal name of record by logging in to Colleague Self-Service and accessing user profile and the link to edit personal identity. Students may enter a chosen first name and/or select a preferred pronoun. Students may also use the Chosen Name/Pronoun Usage Request Form available online under Academic Services on the College website.
- Students who want to change their legal name must submit official, legal name change documentation directly to the Office of the Registrar and complete the request for legal name change form available on the College website under Academic Services/Academic Services/Legal



Name Change on the College website. Information on required documentation is outlined on the form.

- Students may change their sex designation in the College's records system by submitting legal documentation to the Office of the Registrar. Legal documentation may include a \*WV driver's license, birth certificate, or passport with the person's identified sex.

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

### ***Reporting***

Individuals experiencing discrimination on the basis of their gender, gender identity, or gender expression may report to the Title IX Coordinator or via the online reporting form found at <https://wwc.guardianconduct.com/incident-reporting>. Additional information regarding reporting is available in the Reporting Resources section of this Handbook.

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

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

## **SERVING STUDENTS WITH DISABILITIES**

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

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

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

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



The documentation will include:

- A statement identifying the disability and describing the current level of functioning;
- A description of the assessments, methods/criteria used, employing the DSM 5 TR when appropriate;
- A description of the current functional impact of the disability including a statement of any substantial limitations as they relate to the ability of the student to meet the various demands of college life, which may include, but not be limited to, specific test results and the examiner's narrative interpretation;
- Treatments, medications, or assistive devices/services currently prescribed or in use;
- Recommendations to assist the College in designing reasonable accommodations for the condition; and,
- The credentials of the diagnosing professional when not indicated on letterhead stationery.

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

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

### *Temporary Accommodations*

Students who require temporary accommodations due to injury or illness should reach out to the Director of the Learning Center and Accessibility Services. Common examples where temporary accommodations may be indicated include concussions, sprains, broken bones, surgery, and postsurgical recovery.

### *Dining Accommodations*

Students with food allergies or dietary conditions such as celiac disease, irritable bowel syndrome, etc. must contact Accessibility Services and the dining center for dining accommodations.

### *Housing Accommodations*

West Virginia Wesleyan is a residential campus with several options for housing. Students can access information regarding accommodations for housing through Accessibility Services.

### *Housing Accommodation Request Procedure*

Students must first follow all general housing procedures. Please refer to the Campus Life webpage and communication from the Campus Life Office for deadlines and other important information about these housing procedures. Students with documented disabilities must submit an accommodation form to Accessibility Services and provide appropriate documentation to support the accommodations to the office by the deadline, which is three weeks prior to the start of the housing lottery process. Submissions received after the deadline will be considered, but cannot be guaranteed. Students who have received



accommodations in the past must reapply by the deadline each year. Deadlines are established to give the committee enough time to process the request and find the appropriate housing before the beginning of the semester.

### ***Documentation***

Students who have disabilities such as mental/emotional disabilities, developmental disabilities, cancer, auto-immune deficiencies such as HIV, autism, cerebral palsy, multiple sclerosis, heart disease, diabetes, asthma, paraplegia, major depression, recovery from an addiction, and many long-term medical conditions that substantially limit one major life activity will need to provide documentation for the disability to receive housing accommodations. Documentation for housing accommodations must contain the diagnosis and the need for the accommodation. Documentation must be sufficient in providing a connection between the diagnosis and the needed accommodations. Students will be contacted if the documentation does not meet these requirements to discuss these insufficiencies. More information may be necessary. Incomplete applications or those without disability documentation will not be considered. West Virginia Wesleyan College may ask you to sign a waiver for release of information if more information is required.

### ***Committee Review***

Requests for accommodations for short- or long-term disabilities or requests related to pregnancy are considered by the Housing Accommodation Review Committee, which is comprised of staff from the offices of Accessibility Services, Campus Life and the Center for Counseling and Well-Being. The Committee determines, on a case-by-case basis, whether or not the student is eligible for a disability-based accommodation and whether or not there is a link between the request and the documented impairment. After the decision is reached, the student will be notified by college email of the decision of the committee and/or a housing offer.

### ***Support Animals***

West Virginia Wesleyan is committed to compliance with state and federal laws regarding individuals with disabilities. Members of the College community who seek reasonable accommodation for disabilities should contact the Director of the Learning Center and Accessibility Services. The following information includes various laws governing service or support animals, including definitions of service and support animals.

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

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



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

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

### ***Service Animals***

In general, a service animal is a dog trained to work or perform specific tasks for the benefit of an individual with a disability, such as guiding individuals with impaired vision, alerting individuals to an impending seizure, or pulling a wheelchair and fetching dropped items.

The provision of emotional support, well-being, comfort, or companionship is not considered within this definition.

Service animals will be permitted to accompany people with disabilities in all areas of the college where students, members of the public, and others who participate in services, programs or activities are allowed to go, including on-campus housing. No documentation is required for service dogs, but they must wear an owner identification tag (which includes the name and phone number of the owner) at all times. Disruptive and aggressive service animals may be removed from the premises immediately and permission to bring the animal on campus will be revoked.

In addition, students who reside on campus and require a service animal must adhere to the following guidelines:

- Students who require service animals to reside with them in college provided housing must register with the Learning Center and Accessibility Services and provide health information about their service dog. The Director of the Learning Center and Accessibility Services will work with staff in Campus Life Office to alert them of the need for the service dog. Advance notice of a service animal for on-campus housing allows for more flexibility in meeting student's specific requests for housing. If applicable, the handler's roommate(s) will be informed that a registered service animal will be residing in the shared space.
- All animals need to be immunized against rabies and other diseases common to that type of animal. All vaccinations must be current. Veterinarian records must be provided.
- A service animal must be housebroken.
- Service animals should be in the company of their handler at all times so that the dog can provide the service it is trained to perform. They should be harnessed, leashed, or kept under control by other means (when tethering is not physically possible for the handler or for the dog to perform its task) when they are in any public space.



- Service animals should not be cared for by anyone other than the handler.
- Service animals may not be left alone in their residential living space provided by Wesleyan at any time.
- Students with service animals will be financially responsible for the actions of the service/support animal including bodily injury or property damage, including but not limited to any replacement of furniture, carpet, paint, or necessary fumigation. The owner will be expected to pay these costs at time of repair, replacement, or fumigation.

### ***Emotional Support Animals***

Animals that do not meet the requirements stated by Title II and Title III of ADA legislation may meet requirements under the Fair Housing Act. Under the Fair Housing Act Amendments, students with disabilities may have the accommodation to have a support animal.

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

When a support animal or ESA is permitted on campus, WVWC may require enough information and documentation to determine whether the animal qualifies as an assistance animal under the legislation. West Virginia Wesleyan College may require any or all the following:

- Documentation from an appropriate licensed provider showing that the support animal is required for the student to be successful in completing their degree requirements, including how the animal assists the student.
- Documentation from a veterinarian that the animal is up to date on vaccinations and all veterinary care including flea and tick prevention. The veterinarian must also declare that the animal is appropriate for dormitory and communal environments.

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

- Support animals will be permitted only in the student's dwelling (their specific room or apartment). Support animals will not be permitted in academic buildings, administrative buildings, or in common areas of the residence halls.
- Support animals must be tethered to the handler or transported in a cage/carrier when outside of the "dwelling" to ensure the safety of others. Support animals must also be kept in a cage or carrier in the room when the student is not present.
- Students with support animals will be financially responsible for the actions of the service/support animal including bodily injury or property damage, including but not limited to any replacement of furniture, carpet, paint, or necessary fumigation. The owner will be expected to pay these costs at time of repair, replacement, or fumigation.
- Rooms that house support animals may be subject to more frequent health and safety inspections in their living spaces provided by Wesleyan.
- Students with support animals may be required to complete additional documentation to share with the Accessibility Services, Residence Life Staff and Campus Security in regards to proper treatment and interaction with the support animal.



### *Pregnant and Parenting Students*

West Virginia Wesleyan College seeks to treat all students equitably, regardless of their actual or potential parental or familial status. It is the policy of the College to provide appropriate, reasonable modifications and accommodations to educational programs and activities to support pregnant or parenting students. A student in seeking a reasonable modification or accommodation should consult with the Director of the Learning Center and Accessibility Services or the Title IX Coordinator for more information. The full policy on pregnant and parenting students is available in the appendix.

### *Reporting*

If an individual believes that the services or accommodations provided or recommended do not meet their needs, the student should promptly discuss the matter with the Director of the Learning Center and Accessibility Services, at 304-473-8558, who will seek to resolve the situation in a timely manner.

Individuals experiencing discrimination on the basis of their disability may report to the Title IX Coordinator or via the online reporting form found at <https://wwc.guardianconduct.com/incident-reporting>. Additional information regarding reporting is available in the Reporting Resources section of this Handbook.

## STUDENT CODE OF CONDUCT

### *Philosophy*

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

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

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





### *Off Campus Conduct*

Students are responsible for abiding by local, state, and federal law, including ordinances of the City of Buckhannon. City ordinances can be found at <https://buckhannonwv.org/about-the-city/ordinances/>.

Students must realize that jurisdiction of the Code of Student Conduct extends to alleged misconduct that occurs on College- owned or controlled property or on property close to the College, including Greek chapter houses; alleged misconduct that occurs at any College-sponsored event; and alleged misconduct that has a significant impact on the educational mission and well-being of the College community. Conduct that occurs off campus that is a violation of state, federal, or local law, or has a detrimental impact on the college may result in college Student Conduct action.

### *Conduct on Wesleyan Abroad Experiences*

Students are responsible for abiding by the Student Handbook while participating in Wesleyan Abroad experiences. Additionally, Wesleyan Abroad may provide additional requirements, expectations, and restrictions on behavior that will be provided to students in advance of travel.

### *Notification of Criminal Arrests*

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

### *Violations of Law and Disciplinary Regulation*

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

### *Working with Local Law Enforcement*

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





### *Important Definitions*

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

**Reckless:** conduct which one is reasonably expected to know could cause a substantial risk of harm to persons or property, or which would otherwise be likely to result in interference with normal College or College sponsored activities.

**College Premises:** buildings or grounds owned, leased, or operated by the College.

**College-Sponsored Activity:** any activity on campus; or any activity off campus which is expressly authorized or supervised by the College.

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

### *Prohibited Conduct*

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

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

**Climbing:** climbing trees or the outside of College-owned facilities is strictly prohibited. The use of rappelling equipment on College-owned property is also strictly prohibited.

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

**Complicity:** association with a violation of College policy (in contrast to direct involvement or perpetration), either by presence when the violation is committed or non-reporting of the act(s), can result in Student Conduct action. Students who anticipate or observe a violation of College policy are expected to, as a minimum action, remove themselves from the situation and are strongly encouraged to report the violation.

**Computer/Network Misuse:** See College Computing Policy.

**Damage to Property:** intentionally or recklessly destroying, damaging, or misusing the property of others, including the property of the College, on College premises or at College-sponsored activities.

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

**Disorderly Conduct:** any conduct which is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community or offends basic sensibilities.

**Disruption:** intentionally or recklessly interfering with normal College or College-sponsored activities, including but not limited to: studying, teaching, research, and the administration of college functions shall



not be tolerated. In addition, intentionally interfering with the functions of Campus Safety and Security personnel or fire, police or emergency medical officials is prohibited.

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

**Failure to Comply:** failure to comply with the directions of College officials, including residence hall staff or any other administrator, faculty person, or student acting in an official capacity (e.g.: Resident Assistant, Student Security Officer, etc.), in the performance of their duties.

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

**Fire Safety Issues:** including but not limited to:

- Intentionally/recklessly initiating, or causing to be initiated, any false report, warning, or threat of fire, explosion, or other emergency on College premises or at College-sponsored activities.
- Intentionally or recklessly misusing or damaging fire safety equipment.
- Unauthorized use or possession of fireworks on College premises.
- Failure to evacuate a building during a drill or an emergency situation.

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

**Forgery:** unauthorized alteration or unauthorized use of any College document or personal instrument of identification, including misrepresenting age for the purpose of obtaining alcoholic beverages.

**Freedom of Expression (Interference With):** intentionally or substantially interfering with the freedom of expression of others on College property or at College-sponsored activities.

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

**Hazing:** See Hazing Policy.

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

**Intrusion of Privacy:** unreasonably invading the private domain or seclusion of another by any means, including observation, videotaping, audiotaping, photographing or capturing the actions, image, audio or likeness of any other member of the College community without permission or knowledge, when there is a reasonable expectation of privacy.

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

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



- directing verbal abuse at another person; and/or,
- utilizing electronic messaging, texting, phone (cell or landline) or social media in ways that intimidate individuals and/or create a hostile living and learning environment for others.

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

**Retaliation:** an adverse action or other form of negative treatment, including but not limited to intimidation, threats, coercion, discrimination or harassment, carried out in response to a good-faith report of a conduct incident or an individual or group's participation in the conduct process. To be a policy violation, the actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting or participation.

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

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

**Solicitation:** See Solicitation Policy.

**Sports:** primarily for safety reasons, playing with or driving hard balls, including golf balls, on College-owned property outside of designated athletic facilities is prohibited. Skateboarding on College premises and rollerblading inside campus facilities is similarly prohibited. The use of scooters inside campus facilities is prohibited. Additionally, outdoor recreational sports may not be played inside of residential facilities where individuals and property could be harmed in the process.

**Stalking:** a course of conduct directed at a specific person that involves repeated visual or physical proximity, nonconsensual communication, or verbal, written or implied threats, or a combination thereof that would cause fear in a reasonable person.

**Theft:** theft of property or of services on College premises or at College-sponsored activities is prohibited. The use of stolen property and/or knowingly possessing stolen property on College premises or at College-sponsored activities is also a violation of College policies.

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

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



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

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

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

**Weapons:** the use, possession, or unauthorized storage of any weapon on College premises or at College-sponsored activities is prohibited. Weapons include, but are not limited to, rifles, shotguns, handguns, ammunition, gun powder, fireworks, nunchucks, air rifles, air pistols, knives, BB guns, bow and arrows, dart guns, paint guns, slingshots, axes or hatchets, metal stars for throwing, blow guns, tazers, pipes, chains and “look-a-like” weapons, orbeez or other similar guns, or anything used to inflict a wound or cause injury. All legal weapons must be registered and stored at the Office of Campus Safety and Security.

## ALCOHOL AND OTHER DRUG POLICIES

West Virginia Wesleyan College seeks to create an environment that promotes individual and community health and well-being. The illegal or abusive use of alcohol and other drugs jeopardizes this effort. Therefore, the College is committed to defining standards of behavior, enacting and enforcing policies, and complying with local, state, and federal laws.

The Drug-Free Workplace Act of 1988 requires recipients of federal grants and certain federal contracts to certify that they will provide a drug-free workplace. Employees (including Work Study students) who are engaged in projects relating to federal grant awards must abide by West Virginia Wesleyan College’s drug-free policy to avoid loss of the federal grant or contract. West Virginia Wesleyan College has complied with the Part 86 Regulations and the Higher Education Opportunity Act (“HEOA”) by adopting and implementing a Drug and Alcohol Abuse Prevention Program to prevent the unlawful possession, use or distribution of illicit drugs and the abuse of alcohol by employees and students.

West Virginia Wesleyan College has developed this policy not only in response to the federal drug-free legislation, but also to attempt to provide a healthy environment by preventing the use of illegal drugs or the abuse of alcohol within West Virginia Wesleyan College’s community.

West Virginia Wesleyan College is committed to protecting the safety, health and well-being of all members of its community. We recognize that alcohol abuse and illegal drug use pose a significant threat to our goals and individual’s wellbeing. We have established a Drug and Alcohol Abuse Prevention Program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. West Virginia Wesleyan College encourages individuals to voluntarily seek help with drug and alcohol problems.

### Scope

West Virginia Wesleyan College requires the cooperation of the entire campus community in its pursuit to maintain a drug-free environment. Any Board member, employee, independent contractor, vendor, alumni, volunteer, student or other individual who conducts business for West Virginia Wesleyan College, is applying for a position, or is conducting business on West Virginia Wesleyan College’s property (“Covered Individuals”) is covered by our Drug-Free Workplace Policy. This policy is distributed annually. This Drug-free Workplace Policy is intended to apply whenever anyone is representing or conducting business for West Virginia Wesleyan College.



### *Statement of Prohibited Activity*

West Virginia Wesleyan College prohibits the unlawful manufacture, distribution, dispensation, sale, purchase, transfer, possession, or use of controlled substances and alcohol by Covered Individuals on campus and West Virginia Wesleyan College's property or at any West Virginia Wesleyan College sponsored or West Virginia Wesleyan College-related function, whether on or off-campus. It is a violation of our Drug-Free Workplace Policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, or intoxicants. However, this policy does not prohibit the lawful and non-excessive consumption of alcohol by persons of legal age at West Virginia Wesleyan College-sponsored social events or when acting as the West Virginia Wesleyan College's representative at a third-party event or personal consumption unrelated to West Virginia Wesleyan College.

### *Enforcement*

Any member of the Wesleyan community may refer an employee or student alleged to have violated this, or any policy, to the Student Conduct Officer or Office of Human Resources. This policy will be strictly enforced by Campus Security Authorities and Residence Life staff members, who are required to report all incidents of violations, including underage possession and consumption which are considered crimes as defined by the Clery Act and local and Federal law. All student cases of alleged violations will be resolved in accordance with the disciplinary procedures described in the Student Handbook. All employee cases of alleged violations will be resolved in accordance with the drug free workplace requirements as outlined in the Administrative and Support Staff Employee Handbook or Faculty Handbook. All members of the College community are fully responsible for the alcohol/drug-related conduct of their guests.

### *Alcohol*

#### *Underage Use*

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

#### *Public Use of Alcohol*

The purchase, sale, or distribution of alcoholic beverages on College premises is prohibited. Alcoholic beverages may not be used in any office or public facility or space on College premises, including public areas of residence halls or at College-sponsored activities. The legal exercise of personal freedom within the privacy of one's own residence hall room and in accordance with College policy may not infringe upon the rights of others by creating an atmosphere objectionable to others who reside in the same room. Only individual residence hall rooms are considered private; an open door causes an individual's room to be considered a public area. Possession of an open container of alcohol in any public area of the campus is prohibited. An open container includes, but is not limited to, open or unsealed cans and bottles, cups, bagged wine, and squeeze bottles.

#### *Impairment or Public Intoxication*

Public intoxication or the state of being drunk that leads to aggressive or disruptive behavior, the significant distortion of memory, the significant dulling of responses, reduction in the capacity to make reasonable



judgments, or results in a violation of the Code of Conduct is prohibited, regardless of age, and will be considered an aggravating factor. Students who violate College policy while under the influence of alcohol or drugs will still be held responsible any other behavior that violates the student Code of Conduct; being under the influence of alcohol or other drugs is not a justification for engaging in prohibited conducted. Students who are perceived to be under the influence may asked to leave a classroom, office, or other campus event.

### ***Mass Quantity, Distribution/ Possession***

Kegs, beer balls, or other forms of a common supply of alcoholic beverages are strictly prohibited on College premises, including residence hall rooms and off-campus houses. A student of legal age who possesses more than a total of 192 ounces of alcoholic beverages or exceeds any one of the following, even in the privacy of their residence hall room or off-campus house room, will violate the mass quantity regulation: Twelve, 16-ounce containers of beer or equivalent; two liters of wine (2 half gallons); twelve, 12-ounce wine coolers and seltzers; or one liter of distilled alcohol (1 and ½ fifths of gin, vodka, whiskey, etc.). The maximum amount of allowed alcohol in a single room/apartment/off-campus house is determined by the number of residents and includes the number of guests.

### ***Alcohol Paraphernalia***

Alcohol paraphernalia is strictly prohibited in residence hall rooms unless all occupants of the room are of the legal age to consume alcohol. This includes, but is not limited to, empty alcohol containers, shot glasses, and beer pong tables. Alcohol paraphernalia that is discovered in a residence hall room will be treated as evidence of alcohol consumption by all occupants (present or not) and guests in the room.

### ***Drugs***

In addition to the prohibited drug-related activity listed above, the possession, use, or distribution of Delta 8 or THC products is prohibited on College premises. This includes, but is not limited to, gummies, edibles, vapes, pre-rolls, drink mixes, and sublingual films.

### ***Drug Paraphernalia***

Drug paraphernalia is strictly prohibited. Drug paraphernalia includes, but is not limited to, rolling papers, roach clips, water bong, pipes, etc. or anything fashioned for such use.

### ***Medical Marijuana***

Although state law may permit the use of medical marijuana (i.e., use by persons possessing lawfully issued medical marijuana cards), federal laws still prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed on any West Virginia Wesleyan College property; nor is it allowed at any West Virginia Wesleyan College-sponsored event or activity off campus.

### ***Drug or Alcohol Amnesty Policy***

Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs will





not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the student or student organization does all of the following:

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

This provision only applies to violations of this Code. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act.

### *Legal Sanctions*

State and federal laws prohibit the manufacture, possession, sale and trafficking of marijuana and other drugs. State laws also control the sale, distribution, possession and consumption of alcoholic beverages except in a licensed establishment.

Per West Virginia State Code §11-16-19(a)(1), “Any person under the age of twenty-one years, who purchases, consumes, sells, possesses or serves nonintoxicating beer is guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not to exceed \$500 or shall be confined in jail, or, in the case of a juvenile, a detention facility, for a period not to exceed seventy-two hours, or both fined and confined or, in lieu of such fine and confinement, may, for the first offense, be placed on probation for a period not to exceed one year. Any person convicted under this section may be sentenced pursuant to the provisions of section one-a, article eleven-a, chapter sixty-two of this code.” The complete West Virginia State Code §11-16-19 can be found at <https://code.wvlegislature.gov/11-16-19/>.

Further, West Virginia State Code §60A-4-401 states “(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. Any person who violates this subsection with respect to: (i) A controlled substance classified in Schedule I or II, which is a narcotic drug or which is methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned: *Provided*, That any person who violates this section knowing that the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000, or be imprisoned in a state correctional facility for not less than 3 nor more than 15 years, or both fined and imprisoned; (ii) Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or



fined not more than \$15,000, or both fined and imprisoned; (iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned; (iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.” The complete West Virginia State Code §60A-4-401 can be found at <https://code.wvlegislature.gov/60A-4-401/>.

### Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 15 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Not less than 25 years Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	





DRUG/SCHEDULE	QUANTITY	PENALTIES
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

DRUG	QUANTITY	1ST OFFENSE	2ND OFFENSE
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 15 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.

Marijuana (Schedule I)	More than 10 kg hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kg marijuana (except 50 or more marijuana plants regardless of weight); 1 to 49 marijuana plants	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish Oil (Schedule I)	1 kg or less	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual

The complete Federal Trafficking Penalties chart is also available at:

[https://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal\\_Trafficking\\_Penalties\\_Chart\\_6-23-22.pdf](https://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

### *Disciplinary Sanctions*

In all instances of violations of policy regarding alcohol and other drug use, sanctions will be imposed.

#### *Student Sanctions*

- **Disciplinary Dismissal:** the permanent separation of the student from the College. Notification will appear on the student's transcripts. The student will also be barred from College premises. A copy of the notice is sent to the parent or guardian of all dependent students and to appropriate College personnel.
- **Suspension:** the separation of the student from the College for a specified number of semesters, after which the student may apply for readmission to the College. Permanent notification may appear on the student's transcript at the discretion of the Student Conduct Board. During the term of the suspension, the student shall not participate in any College-sponsored activities and shall be barred from College premises. A copy of the notice of suspension is sent to the parent or guardian of dependent students and to appropriate College personnel.
- **Interim Suspension:** The Dean of Students or designee may suspend a student for an interim period pending disciplinary proceedings or medical evaluation. Such interim suspension is to become immediately effective without prior notice whenever there is evidence that the continued presence of the student on the College campus poses a substantial threat to self or others, or to the stability and continuance of normal College functions, or to the basic ideals and standards, the College seeks to maintain. A student suspended on an interim basis shall be given an opportunity to return to campus at a given time for a hearing before the College Student Conduct Board within



three (3) class days, if possible, from the effective date of the interim suspension. The hearing shall then be held on the following issues:

- The reliability of the information concerning the student's conduct, including the matter of the student's identity.
- Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to the student or others or to the stability and continuance of normal College functions, or to the basic ideals and standards the College seeks to maintain.
- If a continued separation from the college is not warranted, what sanctions, if any, are most appropriate.
- **Disciplinary Probation:** A student is provided written notice that they have been found in violation of a standard contained in College regulations that warrants significant corrective action. Further violation will subject the student to more severe Student Conduct action. Probation shall be for a specified time, and may involve conditions or restrictions, identified at the time the probation is assigned. Depending on the violation, disciplinary probation might include ineligibility to publicly represent the College in co-curricular activities, including (but not limited to) athletics, chorale, and theater; loss of student employment; restrictions from participation in clubs, organizations, and activities including (but not limited to) Student Senate, Greek life, intramurals, athletics, and social events. Disciplinary probation might also include the removal from residential facilities and restrictions from entering non-academic buildings. An individual currently on academic or Student Conduct probation may not pledge a Greek organization.
- **Written Reprimand:** The student is given written warning that any further misconduct may result in more severe disciplinary action. The Chief Student Conduct Officer or designee may initiate letters of reprimand.
- **Restitution:** The student is required to make payment to the College or to other persons, groups, or organizations for damages incurred because of a violation of College regulations. Restitution charges are reimbursements to the College persons and should not be confused with fines.
- **Active Sanctions:** Policy violations may result in referral to the Center for Counseling and Well-Being for assessment and follow-up. These assessments can be mental, physical, behavioral, or developmental in nature. Students may also be required to complete other active sanctions, including but not limited to, attending life skills workshops, participating in community service projects, and completing educational and reflective projects.
- **Fines:** Fines will not be issued as initial sanctions except for violations of fire safety and check-in/out procedures. Fines may be issued for failure to complete an active sanction. Fines will range from \$5-\$500 depending on the nature of the violation and/or the severity.

Other sanctions may be imposed instead of, or in addition to, those specified above. Students may be subject to dismissal from College housing for violations that occur in the residence halls or elsewhere. In cases where this sanction is imposed, the student will receive a refund of board charges prorated to the date of removal from College housing. Room charges will not be refunded. Termination of student employment, restrictions on participation in fraternity/sorority pledging/membership activities, restricted access to College facilities or equipment, and/or loss of College recognition or institutional means of support (for student organizations) are examples of sanctions which may be imposed.



### *Employee Sanctions*

Employees violating College policy and state or federal law will be subject to disciplinary action, up to and including termination of employment. Because of the institution's standards of conduct, disciplinary action can result regardless of whether there is criminal prosecution for such violations in the courts. Specific information concerning employee rights and responsibilities is described in the employee discipline section of this handbook.

As a condition of employment, any individual being prosecuted for a criminal drug violation occurring in the workplace must notify his or her direct supervisor or a college administrator within five (5) days after the commencement of charges being filed. In accordance with the regulation of the Drug Free Workplace Act of 1988, the College must notify the appropriate government agency within ten (10) days after receiving notice of any employee conviction. The institution will take personnel action against such employee within thirty (30) days of notice of employee conviction. This action can result in termination or satisfactory participation in an approved drug abuse program arranged through the Center for Counseling and Well-Being or other appropriate agency.

West Virginia Wesleyan College will make on-going, good faith efforts at maintaining a drug free workplace through policy enforcement and drug prevention program efforts.

### *Health Risks*

Psychoactive drugs can be classified by the effects they have on the Central Nervous System. The most common classifications are: stimulants (uppers), depressants (downers), and hallucinogens (all-arounders). All psychoactive drugs (legal or illegal), including alcohol and prescription medications, have potential side effects. The risk for negative consequences increases with misuse, abuse, or dependence. Because of the College's commitment to employee health and well-being, the staff of the Center for Counseling and Well-Being periodically provide education and prevention programs.

*Stimulants:* cocaine, amphetamines, Ritalin, caffeine, Redux, Herbal Ecstasy

- Effects and Side Effects of Stimulants: increased heart rate, body temperature, and blood pressure, increased energy, dilation of bronchial vessels, appetite suppression, mild to intense euphoria, irritability, anxiety, paranoia, mental confusion, poor judgment and hallucinations. Long term use can cause sleep deprivation, heart and blood vessel toxicity, and severe malnutrition. Overdose can result in convulsions, hypothermia, cardiovascular complications and even death. Tolerance develops and withdrawal can be extremely difficult. The amount of time it takes the brain chemistry and other body systems to rebalance and recover varies.

*Depressants:* Opiates and opioids (heroin, morphine, codeine, Darvon, Percodan), Sedative-hypnotics (Phenobarbital, Seconal, Valium, Xanax, Ativan), Alcohol, Inhalants (gasoline, glue, aerosols)

- Effects and Side Effects of Opiates: pain control, cough suppressant, anti-diarrheal, euphoria, mental confusion, drowsiness, dizziness, nausea, low blood pressure, decreased heart rate, low body temperature, muscle constriction, cyanosis (lack of oxygen in blood), and respiratory depression. Prolonged use results in impaired vision, menstrual irregularity, higher risk of pulmonary complications, nightmares, hallucinations, and mood swings. Tolerance develops with regular use and severe withdrawal is a risk. Overdose is life-threatening.



- **Effects and Side Effects of Sedative Hypnotics:** induce relaxation and sleep, lower inhibitions, reduce intensity of physical sensations and muscular coordination, depress respiratory process. Prolonged use results in tolerance and withdrawal which can be severe. Symptoms include anxiety, sweating, cramps, vomiting, increased heart rate, and tremulousness. The risk of overdose is high and includes such symptoms as cold, clammy skin, shallow breathing, low blood pressure, weak and rapid pulse, and even coma or death.
- **Effects and Side Effects of Alcohol:** induces relaxation, reduces inhibitions and sensitivity to pain, impairs vision, judgment, attention, and memory. Prolonged use can lead to cancer of the tongue, mouth, colon and other organs. Other serious symptoms include gastritis, alcohol hepatitis, liver damage, ulcers, pancreatitis, hypertension, increased susceptibility to infectious diseases, and accelerate the progression of those susceptible to Alzheimer's disease. Regular use results in increased tolerance. Individuals with a family history of alcoholism are at increased risk of developing addiction. However, anyone can become addicted given a certain quantity and frequency of use. Withdrawal from alcohol can be mild to life-threatening. Given consumption levels of many college students the risk of overdose is high
- **Effects and Side effects of Inhalants:** inhalants include solvents, aerosols, gasses, and volatile nitrites. Of course, many of the ingredients in inhalants are highly toxic. Most are depressants and often users may appear to be intoxicated without the smell of alcohol. The effects and side effects include disorientation, euphoria, lightheadedness, excitation sensory and perceptual distortions, delusions, and depression. Loss of memory after use is not uncommon. Tolerance and dependence develop and the risk of death is very high given the toxicity of the substances and the method of administration. Long term effects for regular users, or large amount of single use, can include damage to the lungs, kidneys, liver, chromosomes and brain. The risk of overdose is very high and can result in death.

*Hallucinogens:* LSD, psilocybin(mushrooms), MDMA (Ecstasy), marijuana

- **Effects and Side Effects Hallucinogens:** Hallucinogens are known as "all-arounders" because they can have stimulatory and depressant properties. In addition, perceptual distortions can be an effect. Hallucinogens can also have strong effects on emotions. More than the other categories of drugs the short term effects of hallucinogens are influenced by the setting, personality, emotional state, expectations, and previous experiences of use. The risk of adulteration with hallucinogens is great because of the lack of regulation. Specific reactions include: increased heart rate, blood pressure, body temperature, illusions, hallucinations, delusions, numbness, depersonalization, memory loss, and a lack of coordination. In a small percent of individuals hallucinogens may precipitate psychotic episodes. Frequent users of hallucinogens, particularly LSD, may experience "flashbacks" long after the time they stopped using the drug. Tolerance develops, however, withdrawal is not likely. The greater risk of harm results from the distorted perceptions and impaired judgment that can lead to high risk behavior.
- **Marijuana,** the most frequently used illegal drug in America, warrants special comment. Low to moderate doses of marijuana can produce relaxation or mild euphoria. Like other hallucinogens perceptions become distorted. Short term memory, reaction time and coordination are impaired. Damage to the respiratory system is highly likely for regular users. Marijuana use is particularly risky for individuals with epilepsy, respiratory problems and a family history of depression, anxiety, bipolar disorder, or schizophrenia. Tolerance does develop with regular



use. Psychological dependence and withdrawal symptoms are a reality for some regular, heavy users. Overdose is not a concern, but serious injury and death have resulted from impaired judgment and distorted perceptions particularly while driving under the influence. Although we recognize that many students permanently live in states where recreational use is legal, it is not legal in West Virginia.

### *Education and Treatment Resources*

The Center for Counseling and Well-Being provides educational, assessment, counseling, consultation, and support services for individuals and groups interested in the prevention and treatment of various addictions. Specific educational and assessment services for students are offered on both a voluntary and mandatory basis. In addition, West Virginia Wesleyan College requires courses through Vector Solutions, an online educational program, of all first-year students through the First Year Experience course, as well as all employees. Programs on alcohol and other drugs are also offered throughout the year in our residential living areas.

### *Off-Campus Resources*

- Appalachian Community Health Center: (304) 472-2022
- WVU Medicine/United Summit Center: (304) 623-5666 • HELP4WV: (844) HELP4WV (call, chat, or text)
- Alcoholics Anonymous meetings: <https://aa.org/>
- Gamblers Anonymous: <https://www.gamblersanonymous.org/ga/>
- Narcotics Anonymous meetings: <https://www.na.org/meetingsearch/>

### *Drug and Alcohol Abuse Prevention Program*

#### *Statement of Compliance with the Higher Education Opportunity Act*

The HEOA requires institutions that are recipients of federal funds to certify to the United States Secretary of Education that they have adopted and implemented programs to prevent the use of illicit drugs and the abuse of alcohol by employees and students. As part of this policy, West Virginia Wesleyan College has adopted a Drug and Alcohol Abuse Prevention Program, as noted below.

#### *Annual Notification Procedures*

The Drug-Free Schools and Campuses Regulations require institutions of higher education to develop prevention programs that address the use and abuse of alcohol and other drugs. West Virginia Wesleyan College must provide an annual notification to students and employees that contains standards of conduct, legal sanctions for violation of federal, state, and local laws, health risks of alcohol and other drugs, drug and alcohol treatment programs, and disciplinary sanctions for violation of West Virginia Wesleyan policy in relation to alcohol or other drug use.

The Annual Notification is compiled annually by the DAAPP Committee. The committee is chaired by the Vice President for Student Affairs. The Title IX Coordinator, Director of Human Resources, Dean of Students, and Director of Counseling Services also sit on the committee.

The Annual Notification is sent in September and February of each year via email to all students and employees of West Virginia Wesleyan College.



### *Biennial Review*

As required by Drug-Free Schools and Campuses Regulations, West Virginia Wesleyan College conducts a Biennial Review of its drug and alcohol abuse program. This review is conducted in even-numbered calendar years.

## **HAZING AND ORGANIZATION MISCONDUCT POLICY**

West Virginia Wesleyan College seeks to promote and provide a safe environment where students may participate in activities and organizations without compromising their emotional or physical health, safety, or welfare. Each organization, as well as each individual, must uphold the basic community values of being just, civil, and respectful of the rights of others. A respect of College policies, procedures and community expectations is also critical to the health and wellbeing of our community.

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

### *Hazing*

Hazing will not be tolerated at West Virginia Wesleyan College. All West Virginia Wesleyan College student organizations and individual students are prohibited from hazing. The impact of hazing activities can result in irrevocable harm to its victims, their families, and the College community, undermining the value of these experiences for many individuals. Prevention of hazing is the responsibility of every member of the College community.

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

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

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

Examples of hazing include, but are not limited to, the following: humiliating, intimidating, or demeaning





treatment; the destruction or removal of public or private property; behavior involving the coercive consumption of alcohol, other drugs, or other substances; or rituals or systems that encourage the violation of any College policies or procedures or local laws and statutes.

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

**Alcohol Consumption and Hazing:** Any consumption of alcohol, other drugs, or other substances that is “an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization” is also considered hazing and subject to discipline under this policy.

### *Other Organization Misconduct*

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

### ***Additional Definitions***

**Organization:** an athletic team, association, order, society, cooperative, club, student organization, fraternity, sorority or other similar group that is affiliated with the College and whose membership consists primarily of students enrolled at the College. “Organization” includes a local chapter, unit or other local division consisting primarily of students, regardless of the nature of the membership of the larger public or private organization. “Organization” also includes groups of students affiliated with any College activity or program, including Residence Halls, WVWC Off-Campus Housing, class, or any other group.



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

### *Jurisdiction*

The Hazing and Organization Misconduct Policy applies to the conduct of student organizations. Student organizations have the ability and are encouraged to address behavior within their organization according to their own existing and defined policies and procedures (i.e.: Panhellenic/IFC, Athletic Department/Team Policy, etc.). In addition to organizational-specific conduct processes, the College reserves the right to address student organization behavior according to this policy when deemed appropriate and necessary by the Hazing and Organization Misconduct Committee. Any action taken through organization-specific processes will be considered by the Hazing and Organization Misconduct Committee in the decision to proceed under this policy as well as in any potential sanctioning by the Hazing and Organization Misconduct Committee.

Student organizations that have lost College recognition may still be subject to provisions in this code.

Individual students who are members of a student organization are still subject as individuals to the Student Code of Conduct and may be held individually accountable for behaviors also attributed to the student organization.

The Hazing and Organization Misconduct Policy applies to behaviors that take place on the campus of West Virginia Wesleyan College, at College or student organization-sponsored events, or off-campus.

The Code of Student Organization Conduct may be applied to behavior conducted online, via email or other electronic medium.

### *Reporting*

#### *Expectations of Reporting*

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

#### *How to Report*

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

#### *Rights of Those Who Report*

Individuals who are victims of hazing or organization misconduct and who truthfully report the activities

shall not be individually charged with a violation of this regulation.

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

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

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

### *Policy and Disciplinary Oversight of Reported Incidents*

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

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

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



committee. The use of an internal or external investigator will be determined at the discretion of the Hazing and Organization Misconduct Committee.

As part of the investigation, the College will:

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



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

### *Sanctions*

Organization sanctions may include, but are not limited to:

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

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

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

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

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



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

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

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

### *Appeals*

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

The following are acceptable grounds for appeal:

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

Organizations requesting an appeal must submit a letter to the Dean of Students within three (3) business days from receipt of the written decision. All information to be considered with the appeal must be included at this time. Failure to request an appeal within the designated time will render the original decision final and conclusive.

Appeals shall be decided upon findings of fact and upon written briefs submitted by the parties. If a key point is in contention, the Appellate may call witnesses or seek other processes/methods through which to determine the facts.

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

The Appellate may:

- Deny the appeal;
- Affirm the finding and the sanction imposed by the Hazing and Organization Misconduct Committee; or



- Decide on a different sanction based on the information presented. It should be noted that the Appellate may impose any of the sanctions listed in the Hazing and Organization Conduct Policy, including a more severe sanction than was originally rendered.

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

## TOBACCO FREE POLICY

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

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

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

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

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

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

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

## COLLEGE COMPUTING POLICY

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

Users of Computing Services should keep in mind the limited nature of the resources it provides and act accordingly. The Computer Center should be notified about violations of computer laws and policies, as well as about potential loopholes in the security of its operation of computer systems and networks. The





community is expected to cooperate with the Computer Center in its operation of computer systems and networks, as well as in the investigation of misuse or abuse.

### *Computer Use Policy*

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

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

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

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

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

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

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

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

### *Public Computer Use Policy*

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



allowed in any College computer lab. If there are questions regarding the operation of equipment, users should consult a Computing Services employee for assistance.

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

## SOLICITATION POLICY

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

Recognized campus groups entering a project which involves raising money or selling items on campus must have the approval of the Dean of Students. Door-to-door solicitation is not permitted in residence halls (unless approved by the Dean of Students). On campus groups receiving permission to solicit may do so in-residence hall lounges and other public areas in campus buildings, as long as this solicitation is consistent with the educational purposes and policies of the College.

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

### *Student/Organization Publication Guidelines*

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

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

## MOTOR VEHICLE POLICIES AND PROCEDURES

### *Registration of Motor Vehicles on Campus*

All students, faculty, staff, and employees of WVWC who park in College-owned parking lots must register their vehicles by purchasing a numbered parking hang tag. This contract serves as the binding document for motor vehicle policies and procedures, taking precedence over all other references to motor vehicle use on the WVWC campus.



Please visit the following link to register your vehicle: <http://parking.wvwc.edu>.

A WVWC hang tag must always be displayed on the inside rearview mirror when the vehicle is parked on campus. It should be clearly visible from the front and not obstructed by other items hanging from the rearview mirror. The hang tag should be displayed with the tag number facing the front of the vehicle and should not be placed on the console or seats.

If a hang tag is lost or stolen, it must be reported immediately to the Office of Campus Safety and Security. A new hang tag can be purchased from the Director of Campus Safety. The individual registered for the vehicle and/or hang tag will be held responsible for all parking and traffic violations. Second-semester transfer students will be charged \$50.00.

WVWC hang tags are purchased annually and expire each year on August 31. Residential student hang tags (for students living in campus residence halls) are sequentially numbered beginning with an "S" and are color-coded. Faculty and Staff hang tags are also color-coded and begin with the letter "F." Physical Plant employees' hang tags are color-coded and begin with the letter "P." The fee for registering a vehicle and obtaining a parking hang tag for students is \$100.00.

### *Parking Regulations*

- The responsibility of finding a legal parking space rests solely with the vehicle operator. The lack of what the vehicle operator deems to be an adequate parking space is not an acceptable excuse for violating any parking regulations. The large lot next to Dunn Hall has ample parking for all faculty, staff, and students.
- Handicapped parking spaces are identified by the official handicapped emblem, and the adjacent curbs and stripes are painted light blue. These spaces are restricted from general use 24 hours a day. Vehicles parked in handicapped spaces must display an official handicapped license plate or a WVWC-issued handicapped hang tag. Faculty, staff, and students who require a WVWC handicap parking space must submit proper documentation to support their need. Faculty and staff will park in a designated faculty/staff parking lot, while students must park in a designated student lot. The Director of Campus Safety will review all requests for handicapped parking, including temporary handicap hang tags for temporary injuries. These hang tags will be valid for a specified time and authorized for use only in WVWC parking lots. Misuse of a handicap hang tag will be subject to WVWC's disciplinary process, in consultation with the Dean of Students as necessary.
- Fire lanes are designated by red curbs and/or red stripes and are clearly marked to indicate a prohibited area.
- No parking is permitted on the lawn or sidewalks, including during student move-in or move-out periods. Faculty and staff may request unloading privileges from the campus safety office. Physical plant supervisors will monitor their employees for projects that need attention to maintain our facilities.
- Prohibited zones are marked with yellow lines and/or yellow curbs and are sometimes designated by "No Parking" signs. These areas include, but are not limited to, loading/unloading zones and parking zones for maintenance vehicles.
- During the academic year, student parking in designated faculty/staff-only areas and faculty/staff parking in student-designated areas is strictly prohibited. Parking in a reserved parking spot, as noted on spot signage, is also strictly prohibited. These regulations are in effect 24 hours a day.



- The streets surrounding the College campus (Camden Ave., College Ave., Meade St., Railroad Ave., Randolph St, etc.) are under the jurisdiction of the City of Buckhannon. Local law enforcement will ticket and tow cars as necessary.
- No weapons of any kind may be stored in a vehicle while on campus at any time. All legal weapons must be stored at the Office of Campus Safety and Security.

### *Visitors Parking*

All visitors must have a valid Temporary Pass displayed in their windshield, available at the Security Office. Visitors are permitted to park in the “Camden/Randolph” lot, where twenty (20) spaces are reserved for guests of the college. Overnight visitors must first obtain an overnight visitor pass from the Office of Campus Safety and Security, which must be displayed on the vehicle dash and visible through the windshield.

### *Violations, Fines and Fees*

The most common parking violations and their associated fines are as follows:

- Speeding/reckless driving\*: Referral to College Student Conduct System
- Driving/parking on grass\*: \$50.00 and referral to College Student Conduct System
- Parking in handicapped spaces\*: \$200.00
- Parking in a reserved lot\*: \$25.00
- Parking in a prohibited area\*: \$25.00
- Double parking: \$25.00
- Parking in two spaces: \$25.00
- No hang tag displayed: \$75.00 plus reserved lot parking fine (Issued after September 1). First-time offense may appeal with proof of hang tag purchase to remove ticket.
- Expired hang tag: \$25.00 (Issued after September 1)
- Improper display of hang tag: \$25.00 (Place on dash or mirror - must be able to read writing on tag)
- Installation/removal of a parking boot: \$100.00 plus past violations from other tickets

*A parking boot may be utilized to temporarily immobilize any vehicle found in the violation categories mentioned above. Additionally, a parking boot may be applied to temporarily immobilize any vehicle that has accumulated five (5) or more parking tickets during the academic year or has any outstanding parking tickets with unpaid fines. To have the boot removed, a fee of \$100.00, along with the original fine, must be paid. It is important to note that all the violations indicated above can also result in the vehicle in question being towed at the owner's expense. The vehicle owner bears full responsibility for any damages resulting from towing or booting. Unauthorized removal or tampering with a College boot by the vehicle operator is strictly prohibited. Any vehicle operator found removing, dismantling, confiscating, or damaging a parking boot will be subject to a fine, referred to the College Student Conduct System, and reported to law enforcement at the discretion of WVWC.*

### *Payment of Fines and Fees*

All fines for parking violations must be paid at the Office of Student Accounts in the Administration Building during regular business hours, Monday through Friday, and must be paid within 30 days. Fines and fees apply to all employees, guests, and students (both graduates and undergraduates). Registration fees for faculty and staff must be paid at the Office of Student Accounts upon receipt of the Vehicle Registration Hang Tag. Student accounts will be billed for the registration fee.



Acceptable forms of payment for fines and fees include cash, cashier's check, personal check, credit card, or money order. Checks should be made payable to WVWC. Parking violation fines and fees will be billed to the student account. If the driver completes the parking ticket appeal process and the board grants the appeal, the charge will be removed from the student account.

A student who receives five or more unpaid parking tickets will be called into the Student Conduct Office to discuss the flagrant violation of the Student Handbook. All such fines and fees are valid financial obligations due and payable to West Virginia Wesleyan College. Delinquent fines for faculty and staff are reported directly to the Human Resources office for corrective action. Any individual who refuses to pay delinquent fines will have their parking privileges revoked, and their vehicle may be towed when found on WVWC property.

### *Parking Ticket Appeal Process*

The appeal board for ticket reviews will consist of a three-person panel, including one student member. The Director of Campus Safety will facilitate the appeal process and communicate the board's decision to those who submitted the online appeal form. [Link to online form]

Parking tickets can be appealed to the Appeal Board within twenty working days from the date of the ticket. The parking appeal form is available online on the Wesleyan Intranet page. Once a parking ticket is properly appealed, the requirement to pay within ten working days is suspended until the appeal committee reaches a decision.

Upon receiving an appeal within the specified timeframe, the appeal board will convene to evaluate the merits of the appeal and issue a verdict. If the appeal is granted, the ticket will be dismissed, and the fine will be removed from the student's account. However, if the appeal is denied, the student will be responsible for paying the fine within ten working days from the date of denial.

### *Traffic Regulations*

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

### *College Owned and Operated Parking Lots*

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



The lots are identified and located as follows:

- **Middleton** – Area behind Middleton Hall. Fleet Vehicle parking and Middleton Faculty/Staff spaces only.
- **Jenkins/Loar** – Area between Jenkins and Loar Halls. This lot is reserved for student parking. Four spaces available for Loar Hall faculty/staff. (31 spots and 2 H)
- **Agnes Howard** – Rear of Jenkins and Agnes Howard Halls. This lot is reserved for Residential Students only. (64 spots and 2 H)
- **Ad Building Loop** – Located in front of the Administration Building. No parking at the top of the oval, on any crosswalk, or with any portion of vehicle adjacent to any area marked with yellow or red curbs. No backing into spaces. This lot is reserved for faculty/staff/invited guests of the college. (56 spots and 3 H)
- **Quad Parking** – Rear of McCuskey, Doney, Fleming and Haymond Halls up to the Health Center driveway on both sides. This lot is reserved for student parking. (152 spots and 3 H)
- **Health Center** – Area between the Health Center driveway and Christopher Hall of Science on both Sides. This lot is reserved for faculty/staff only. (31 spots and 3 H)
- **Library** – located between the Library and Haymond Halls. This lot is reserved for faculty/staff Only. (20 spots and 2 H)
- **Haymond** – Located between Haymond and Fleming Halls. This lot is reserved for faculty/staff only. (20 spots and 3 H)
- **CDC** – Located adjacent to the Child Development Center. The non-reserved spaces of this lot provide parking opportunities for faculty/staff. The reserved spaces contain bumpers or signs with designated reserved spaces painted on them. (51 spots, 7 visitor, 2 H)
- **Camden/Randolph** – Located in front of the Band practice lot off of Randolph St. and the Old Camden Complex. This lot is to be used as “open parking” for any vehicle displaying a valid WVWC hang tag, either faculty/staff, or students. Twenty (20) spots are designated for visitor parking with proper visitor pass. (217 spots, 20 visitor, 2 H)
- **Tennis/Band** – Located on the south side of Randolph St. and behind the Old Camden Complex. This lot is to be used only for special events parking and mainly used for the marching band practice.
- **Erickson** – Located adjacent to the Erickson Alumni Center. This lot is reserved for faculty/staff and alumni visitors only. (16 spots and 1 H)
- **Meade St. Student Housing** – Located behind 57 Meade St. and 59 Meade St. This lot is reserved for faculty/staff. (9 spots)
- **PAC/Welcome Center (PAC)** – Located beside the Performing Arts Center. This lot is reserved for faculty/staff/students between the hours of 7AM and 5PM Monday thru Friday. A valid Faculty/Staff/student hang tag must be displayed while parked in this lot during these times. The lot is reserved for Performing Arts Center guests from 5PM until 12:00 AM. (51 spots and 3 H)
- **BSU/Holloway** – Located adjacent to the Black Student Union at the corner of Meade St. and Camden Ave. This lot is reserved for residential student parking only. (26 spots and 1 H)
- **Dunn** – Located directly behind Dunn Residence hall. This lot is reserved for student parking. (20 spots and 2 H)
- **Guest House** – Located behind the guest house. Adjacent to the PAC. Students and overnight guests (10 spots)
- **Baxter Street Student Housing** – Student Hang Tag only for 18 Baxter house residents.





- **College Avenue Lot** – Located next to KA Fraternity house. Student Hang Tags.
- **College Avenue Student Housing** – Located behind the two houses. Student Hang Tag only for 51 and 53 College Ave. house residents.
- **Braxton St. Student Housing** – Student Hang Tag only for 72 Braxton St. house residents.
- **Barbour Street Student Housing** – Student Hang Tag only for 84 Barbour St. house residents.

Municipal ordinances of the City of Buckhannon, WV do not allow parking on either side, or in the median of Camden Avenue, east of Meade Street. All individuals who use campus parking lots are responsible for reading and abiding by the motor vehicle policy as stated in this contract. If you have questions, please contact the Office of Campus Safety and Security at Ext. 8011.

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

### *Forging or Altering Hangtag*

Any individual found altering, duplicating, or defacing any hangtag or parking pass with the intention of defrauding West Virginia Wesleyan College by obtaining unauthorized parking benefits shall be immediately referred for Student Conduct discipline. West Virginia Wesleyan College reserves the right to pursue criminal charges, including felony forgery, felony uttering, and obtaining services under false pretenses, against any person violating this policy. Violators will incur a minimum fine of \$100. This policy applies to both the individual who forges the hangtag and any accomplice involved in the forgery.

### *Overnight or Visitor Passes*

West Virginia Wesleyan College recognizes that faculty, students, and staff may have guests, speakers, friends, etc., visiting the campus for a short duration. If a parking pass is required for such visits, please contact the Office of Campus Safety and Security at extension 8011.

Visitor parking areas are designated in section seven of this code. It is the responsibility of the person requesting the pass to inform their visitor about the designated parking location. Guest parking passes are valid for a maximum of two days, unless alternative arrangements have been made with the Director of Campus Safety and Security.

### *Temporary Handicap Passes*

West Virginia Wesleyan College recognizes that faculty, students, and staff may have guests, speakers, friends, etc., visiting the campus for a short duration. If a parking pass is required for such visits, please contact the Office of Campus Safety and Security at extension 8011. It is the responsibility of the person requesting the pass to inform their visitor about the designated parking location. Guest parking passes are valid for a maximum of two days, unless alternative arrangements have been made with the Director of Campus Safety and Security.

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

West Virginia Wesleyan College acknowledges the importance of providing handicap accessibility on campus, but these accommodations are reserved for individuals who are legitimately issued handicap placards. Any faculty, staff, or student who misuses, forges, or fraudulently represents a handicap placard





will receive a ticket and be subject to Student Conduct proceedings. WVWC also reserves the right to involve law enforcement for criminal prosecution related to this matter.

### *Refunds*

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

### *Change of Student Status*

In the event that a student changes their status from Resident to Commuter or Commuter to Resident, the student can bring their hangtag to the Security Office to exchange it for the appropriate pass at no additional cost.

### *Registering Vehicle without Hangtags*

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

The West Virginia Wesleyan College Student Handbook applies to all students enrolled at the College. By purchasing a hangtag from West Virginia Wesleyan College, you agree to abide by all motor vehicle laws of West Virginia and all rules and regulations set forth by West Virginia Wesleyan College. Furthermore, you agree to pay any fines or penalties imposed by WVWC for policy violations in a timely manner.

## **THE STUDENT CONDUCT SYSTEM**

The Dean of Students serves as the Chief Student Conduct Officer and delegates the daily management of the Student Conduct system to the Assistant Director of Campus life that is designated as the Student Conduct Officer. The Chief Student Conduct Officer has the authority to review and alter all findings of the Student Conduct Officer.

The Student Conduct Officer Duties:

- Assign cases of alleged violation of regulations to the appropriate hearing body based upon the severity of the infraction, the nature of the regulation and the residence of the student(s) involved
- Determine the disciplinary charges to be filed;
- Interview and advise parties involved in disciplinary proceedings;
- Select, supervise, train, and advise all College Student Conduct Board members and student advocates; and,
- Maintain all student disciplinary records.

### *College Student Conduct Board*

The College Student Conduct Board is composed of students selected by the Executive Committee of Student Senate and the Dean of Students, faculty members chosen by Faculty Senate, and administrative/staff members recommended by Staff Council. For each hearing, there shall be a hearing panel consisting of two (2) students, one (1) administrative staff, and two (2) faculty members, one of which will serve as chair. A panel member should disqualify themselves or may be disqualified from hearing a case if they are personally involved or biased, or has prior knowledge of the case to be heard. If academic calendar restrictions impact the ability to form a conduct panel as outlined above, the Vice President of Student Affairs or Dean of



Students have the ability to populate the conduct panel as necessary to proceed. The hearing panel must deliberate until a decision is reached. When consensus is not possible, a majority vote will decide the case. The College Student Conduct Board may impose any sanction contained in the Code of Conduct.

### *Student Conduct Officer*

The Assistant Director of Campus Life, or designated members of the Student Development Staff, may conduct Disciplinary Conferences involving students charged with minor violations of the Code of Conduct or Residence Hall Policies. Disciplinary Conferences may be held in person or virtually.

### *Case Referrals*

Any member of the West Virginia Wesleyan College Community may refer to the Student Conduct Officer, a student, student group, or organization suspected of violating the Code of Conduct. Persons making such referrals are required to provide information pertinent to the case and may be expected to appear before a College Student Conduct Board as the complainant. The statement of information will be used in disciplinary proceedings. Additionally, the Behavior Intervention Team may make referrals to the Student Conduct Officer.

### *Hearing Referrals*

The Student Conduct Officer will review case referrals to determine whether the alleged misconduct might result in student conduct action. Students subject to those sanctions may be afforded a hearing before the College Student Conduct Board. Other cases may be resolved in informal Disciplinary Conferences as referred/determined by the Student Conduct Officer. Admission of responsibility generally results in a Disciplinary Conference rather than a Student Conduct Hearing. The full range of sanctions authorized by this Code may be imposed in such instances, and the right to appeal will be applicable as specified in the related section of this handbook. During certain times of the year (e.g., early in the semester, during final examinations, summer), when it is difficult for the College Student Conduct Board or an Appeals Committee to convene because of scheduling, students subject to disciplinary action may participate in a conference conducted by the Assistant Director of Campus Life or other member of the Student Development Staff. The full range of sanctions authorized by this Code may be imposed in such instances, and the right of appeal will be applicable as described in the appeal section of this handbook.

### *Notification Process*

Students will be notified through the College email system of disciplinary conferences, Student Conduct hearings, sanctions and other important information. Students are expected to check their email regularly in order to ensure that they receive information in a timely manner.

### *Procedural Standards*

The focus of inquiry in disciplinary proceedings shall be to determine the responsibility of those accused of violating disciplinary regulations. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding. Students will be notified regarding the College policies they are alleged to have violated prior to a conference or a hearing. However, during interviews with the student and/or witnesses, information may surface regarding additional policies that may have been violated. For this reason, additional policy violations may be considered, adjudicated upon, and sanctioned, as necessary. The student will be afforded the opportunity to provide a statement regarding any policy violations that are reported before or during a conference or hearing.



Campus Student Conduct Cases are based on a Preponderance of the Evidence Standard, meaning it is more likely than not that the accused student violated the College's policies.

### *Disciplinary Conference Procedures*

Disciplinary Conferences will be conducted by the Student Conduct Officer. A Disciplinary Conference normally consists of an informal, non-adversarial meeting between a student and the Assistant Director of Campus Life. Those bringing charges of violation are not required to participate unless their personal testimony is essential to the resolution of a factual issue in the case.

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

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

As is indicated in the notification sent to students via email, students must contact the Office of Campus Life within 48 hours to schedule a disciplinary conference. If this is not done, the conference will be held in the student's absence. Absence from the disciplinary conference will not be grounds for appeal.

### *College Student Conduct Board Hearing Procedures*

- Pending action on charges of violation of College regulations, a student has the right to continue to live on campus, attend classes, and participate in their co-curricular activities unless the student is deemed a threat to others and self. The Behavior Intervention Team will be consulted to determine whether privileges are suspended pending a Student Conduct hearing.
- Students will be given formal electronic notice of the hearing date and the specific charges at least three (3) days in advance and will be given reasonable access to the case file, which will be retained by the Student Conduct Officer.
- Students will be assigned a Student Advocate who will meet with the student prior to the Student Conduct Board Hearing and advise the student on their rights, as well as the hearing procedures. The Student Advocate cannot serve as the student's Advisor during the Student Conduct Board Hearing.
- Students will be afforded a hearing before members of the College Student Conduct Board within seven (7) class days from the date of notice of the hearing. Students shall have the right to an advisor of their choice to assist and advise in presenting their case. Such advisors shall be members of the West Virginia Wesleyan College community (i.e. any student in good standing, faculty, staff or administrator). Advisors shall be present to observe and advise the student, but may not participate in the proceedings. Advisors may not also serve as a witness, even as character witnesses, during the proceedings.
- Outside legal counsel will not be permitted unless there is pending criminal or civil action or the reasonable expectation that criminal charges shall be filed. In that case, the student's attorney may be present to observe and advise the student but may not participate in the proceedings. The determination of the pendency of actions and participation guidelines will be outlined by the Student Conduct Officer.
- If the student chooses not to attend their hearing, the proceeding will take place in the student's absence. The student's absence from this proceeding will not constitute a reason for appeal.
- Hearings shall be closed to the public.



- All hearings of the College Student Conduct Board shall be audio-taped from the beginning of the hearing through deliberations and the issuing of the final decision. These tapes will be erased and/or destroyed upon completion of the appeal process or at a time when students may no longer appeal the decision of the Student Conduct Board, based on time limitations set forth in the appeal process.
- Students shall have the right to present information on their own behalf, including the ability to present a reasonable number of witnesses, as well as to refrain from presenting information against self. The College Student Conduct Board may take note of the refrainment from testimony.
- The College Student Conduct Board will render a decision solely on the information presented during the hearing and, in its review of the case, is not required to follow formal rules of evidence.
- The College Student Conduct Board, at its discretion, may exclude repetitious or irrelevant information. Participants are expected to treat each other with courtesy and respect. Any person who disrupts a hearing may be dismissed from the hearing by the College Student Conduct Board and the hearing would then continue in their absence.
- Witnesses shall provide true and correct information and may be subject to charges of violation of College regulations upon providing false information.
- Prospective witnesses shall be excluded from the hearing except during their own testimony.
- In cases involving more than one accused student, either party may request separate hearings. The Student Conduct Officer will determine if the request will be granted.
- An accused student shall have the right to question, through the Student Conduct Board, adverse witnesses, as determined by the Student Conduct Officer.
- The burden of proof shall be upon those bringing charges who must establish the responsibility of the accused student by a preponderance of evidence.
- All parties shall be excluded from the deliberations of the College Student Conduct Board.
- Decisions of the College Student Conduct Board will be by majority vote.
- After considering the facts and reaching a decision, the College Student Conduct Board will consult the student's discipline file prior to determining the sanction.
- When determining sanctions, the College Student Conduct Board may consult with the Chief Student Conduct Officer and/or the Student Conduct Officer regarding the scope and implementation of sanctions under consideration, if necessary.
- The decision of the College Student Conduct Board must include a written summary of the testimony which will be sufficiently detailed to permit review in the appeal process.
- The decision of the College Student Conduct Board shall be accompanied by a brief written opinion.
- The decision will be conveyed to the accused student by the Student Conduct Hearing Board directly following deliberations and will then be forwarded in writing to the student and other appropriate persons within two (2) class days after the close of the hearing.
- The alcohol and other drug amnesty policy can be found in its entirety in the Alcohol and Other Drug Policy located within the Student Handbook.

### *Sanctions*

**Disciplinary Dismissal:** the permanent separation of the student from the College. Notification will appear on the student's transcripts. The student will also be barred from College premises. A copy of the notice is sent to the parent or guardian of all dependent students and to appropriate College personnel.

**Suspension:** the separation of the student from the College for a specified number of semesters, after which the student may apply for readmission to the College. Permanent notification may appear on the student's



transcript at the discretion of the Student Conduct Board. During the term of the suspension, the student shall not participate in any College-sponsored activities and shall be barred from College premises. A copy of the notice of suspension is sent to the parent or guardian of dependent students and to appropriate College personnel.

**Interim Suspension:** The Dean of Students or designee may suspend a student for an interim period pending disciplinary proceedings or medical evaluation. Such interim suspension is to become immediately effective without prior notice whenever there is evidence that the continued presence of the student on the College campus poses a substantial threat to self or others, or to the stability and continuance of normal College functions, or to the basic ideals and standards, the College seeks to maintain. A student suspended on an interim basis shall be given an opportunity to return to campus at a given time for a hearing before the College Student Conduct Board within three (3) class days, if possible, from the effective date of the interim suspension.

The hearing shall then be held on the following issues:

- The reliability of the information concerning the student's conduct, including the matter of the student's identity.
- Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to the student or others or to the stability and continuance of normal College functions, or to the basic ideals and standards the College seeks to maintain.
- If a continued separation from the college is not warranted, what sanctions, if any, are most appropriate.

**Disciplinary Probation:** A student is provided written notice that they have been found in violation of a standard contained in College regulations that warrants significant corrective action. Further violation will subject the student to more severe Student Conduct action. Probation shall be for a specified time, and may involve conditions or restrictions, identified at the time the probation is assigned. Depending on the violation, disciplinary probation might include ineligibility to publicly represent the College in co-curricular activities, including (but not limited to) athletics, chorale, and theatre; loss of student employment; restrictions from participation in clubs, organizations, and activities including (but not limited to) Student Senate, Greek life, intramurals, athletics, and social events. Disciplinary probation might also include the removal from residential facilities and restrictions from entering non-academic buildings. An individual currently on academic or Student Conduct probation may not pledge a Greek organization.

**Written Reprimand:** The student is given written warning that any further misconduct may result in more severe disciplinary action. The Chief Student Conduct Officer or designee may initiate letters of reprimand.

**Restitution:** The student is required to make payment to the College or to other persons, groups, or organizations for damages incurred because of a violation of College regulations. Restitution charges are reimbursements to the College persons and should not be confused with fines.

**Active Sanctions:** Policy violations may result in referral to the Counseling and Health Center for assessment and follow-up. These assessments can be mental, physical, behavioral, or developmental in nature. Students may also be required to complete other active sanctions, including but not limited to, attending life skills workshops, participating in community service projects, and completing educational and reflective projects.



**Fines:** Fines will not be issued as initial sanctions except for violations of fire safety and check-in/out procedures. Fines may be issued for failure to complete an active sanction. Fines will range from \$5-\$500 depending on the nature of the violation and/or the severity.

Other sanctions may be imposed instead of, or in addition to, those specified above. Students may be subject to dismissal from College housing for violations that occur in the residence halls or elsewhere. In cases where this sanction is imposed, the student will receive a refund of board charges prorated to the date of removal from College housing. Room charges will not be refunded.

Termination of student employment, restrictions on participation in fraternity/sorority pledging/membership activities, restricted access to College facilities or equipment, and/or loss of College recognition or institutional means of support (for student organizations) are examples of sanctions which may be imposed.

**Structured Mediation Procedure:** The Student Conduct Officer may refer to structured mediation those cases involving interpersonal conflicts if the misconduct does not warrant suspension or dismissal, and if the conflicting parties agree to voluntary participation in all sessions outlined by the mediator. Educational sanctions, intended to foster individual or community development, may be imposed by the Student Conduct Officer. These sanctions become an addendum to the final agreement.

Non-compliance with the terms of the agreement or addendum will result in immediate referral to the College Student Conduct Board. The charge of non-compliance will be added to the existing charges.

### *Appeals of College Student Conduct Board*

Any proceeding of the College Student Conduct Board may be reviewed by the Dean of Students.

The following are acceptable grounds for appeal:

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

Students requesting an appeal must submit a letter to the Dean of Students within three (3) school days from receipt of the written decision. This letter must be submitted by the student in person or via email. All information to be considered with the appeal must be included at this time. Failure to request an appeal within the designated time will render the original decision final and conclusive.

Appeals shall be decided upon findings of fact and upon written briefs submitted by the parties. If a key point is in contention, the Appeal Council may call witnesses or seek other processes/methods through which to determine the facts. The Appeal Council will render a decision within five (5) working days of receipt of the appeal letter.

The Dean of Students or the Appeal Committee may:

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



- Decide on a different sanction based on the information presented. It should be noted that the Appeal Council may impose any of the sanctions listed in the Code of Student Conduct, including a more severe sanction than was originally rendered.

Decisions of the Appeals Process, which result in dismissal or suspension from the College, may be appealed to the President of the College or their designee.

A written brief in support of the appeal must be submitted to the Office of the Dean of Students three (3) class days from the date of the letter notifying the student of the decision rendered by the Appeal Council. The President or designee will render a decision within five (5) working days of receipt of the appeal letter.

Once an appeal has been submitted, the imposition of sanctions will be deferred pending the outcome of the appeal unless the Chief Student Conduct Officer determines that it is against the best interest of the campus community.

### *Disciplinary Records*

A file on each student involved in a disciplinary action will be kept in the office of the Student Conduct Officer. This file will contain a copy of all material relevant to the case and its disposition. This file will be cumulative in nature.

The file will be maintained in the Student Development Office until the student graduates from the College and then it shall be archived. For students who withdraw from the College, disciplinary records will be retained in the file through the end of the year in which the student was initially expected to graduate and then be destroyed. If the student is readmitted to the College, such records will be maintained through the adjusted graduation date and will then be archived. Regular Student Conduct files are archived for seven years; files of students who are dismissed from the College are kept permanently.

This file may be viewed by the Dean of Students, Student Conduct Officer or a designee. It may not be viewed by anyone outside the administrative or Student Conduct system. This file may be examined during normal office hours by the student and requests to correct any alleged errors will be submitted to the Student Conduct Officer. With the permission of the student, this file may be shared with a professor or administrator who is recommending the student for a grant, award, internship, etc. The file may also be shared with an advisor who is working with the student on an appeal or subsequent hearing.

This record will be confidential and will only be released to a valid subpoena from the court.

### *Annual Review/Annual Security Report*

The Office of Student Development is charged with the responsibility of conducting an annual review of the Code of Conduct and Student Handbook. This review will include any suggested revisions approved by Student Senate and other relevant offices/staff members. Ultimate approval of any revisions will be the responsibility of the Vice President for Student Affairs in consultation with the President of the College.

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





### *Administrative Withdrawal*

The Student Code of Conduct contains policies and procedures necessary for establishing reasonable standards to maintain order, support the educational purposes of the institution, promote the rights and responsibilities of the individual, and protect the safety and well-being of community members. Consistent with these endeavors, the Administrative Withdrawal Policy provides an avenue for the involuntary withdrawal of a student given certain criteria.

The Administrative Withdrawal Policy is not a substitute for appropriate disciplinary action as outlined in the Code of Conduct; however, it may be used as an alternative when a student exhibits acute or persistent psychological/medical problems or harmful behavior.

### *Standards for Administrative Withdrawal*

A student may be involuntarily withdrawn from the College and/or College Housing if it is determined that the student:

- Engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others;
- Engages, or threatens to engage, in behavior that substantially impedes the lawful activities of others, and/or substantially interferes with the educational or residential environment of members of the College community;
- Demonstrates the inability to self-monitor and/or regulate personal behavior and/or expression, resulting in a reasonable possibility that serious physical harm (to oneself or others) might occur within a short period of time;
- Commits a violation of the Code of Conduct and lacks the physical or mental capacity to comprehend and participate in the College's disciplinary process;
- Commits a violation of the Code of Conduct and did not understand the nature of the wrongfulness of the conduct at the time of the offense; and/or
- Fails to satisfy financial obligations to the institution.

### *The Process*

The Behavioral Intervention Team initiates the Administrative Withdrawal Policy for the student when any member of the College community who reasonably believes that a student may meet one of the involuntary withdrawal standards contacts the Early Alert Response Team, and/or the student is referred for a possible Code of Conduct violation, and the conduct is such that it may meet one or more of the involuntary withdrawal standards.

After this notification, the Behavior Intervention Team conducts a preliminary review of the information, including any documentation of relevant behavior or incidents. The Behavior Intervention team may conduct an informational meeting and interview with the student at their discretion.

After the review, a determination will be made considering the following options:

- The student does not meet the standard for involuntary administrative withdrawal; however, given the circumstances, a referral for a disciplinary hearing may be warranted and initiated.
- The student does not meet the standard for involuntary administrative withdrawal; however, sufficient concern warrants a referral to the Counseling Center or other mental health professionals



for an assessment. In addition, a letter of understanding indicating that future persistent or escalating behavior will result in administrative action.

- The student meets the conditions for an involuntary administrative withdrawal but voluntarily withdraws from the institution. If future enrollment is an option, the Behavior Intervention Team outlines the conditions necessary for consideration of re-admission.
- The student meets the conditions for an involuntary administrative withdrawal and a referral to the Provost is made. The Provost will review the referral from the Behavior Intervention Team and render a final decision. If the severity of the student's behavior warrants, an interim suspension (as outlined in the Student Code of Conduct) will be enacted and an evaluation by a mental health or medical professional may be required. The Provost will notify the student in writing within two days of the decision. A formal letter, specifying the decision and any contingencies, will be sent to the student's campus mailbox, residence hall room, and email. A copy of this letter will also be sent to the student's parent(s)/legal guardian(s).

### *Appeal Process*

The student has the right to appeal a decision involving separation from the College. The President or their designee will hear the appeal and render a decision. This decision will be final.

### *Conditions for Readmission*

Any student who voluntarily or involuntarily withdraws from the College may be subject to specific conditions for re-admission. These conditions are decided on a case-by-case basis and may include, but are not limited to the following:

- Submission of a psychological assessment by a qualified mental health professional. The assessment must include a decision about the individual's readiness to return to school and any treatment or other recommendations that are in the best interest of the individual.
- Restriction from residing in or entering residential facilities.
- Successful completion of coursework at another institution or verification of successful employment.
- Review by the Behavior Intervention Team in consultation with the Director of Counseling Services.

### *Failure to Comply*

A student's failure to attend, comply, or adhere to any aspect of this process or the conditions stipulated will result in an involuntary withdrawal or suspension from the College.

### *Center for Restorative Justice*

Restorative Justice is a set of convictions and practices for addressing harm, asking questions like:

- What needs are created when harm occurs in a community?
- What kinds of obligations emerge?
- How can wrongdoers be held accountable and brokenness repaired?

It is also an ethos—an intentional way of being—in which trust, friendship, equity, vulnerability, joy, and the flourishing of all are its visible features. The Center for Restorative Justice at WVWC is active on campus and across the state in settings as diverse as K-12 education, addiction recovery, and juvenile justice.



## RESIDENTIAL LIVING

The Residence Hall Accommodations and Policy Agreement is available at <https://www.wvwc.edu/wp-content/uploads/2024/03/Res-Hall-Accommodations-and-Policies-Agreement-2024-2025-1.pdf>.

### *Residency Requirement*

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

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

### *Exceptions to the Residency Requirement*

Exceptions to the residency requirement include:

- Non-traditional age - reaching 23 years of age prior to the beginning of the fall semester.
- Married - verified with a marriage license.
- Living at home (or with a grandparent or legal guardian) and graduated from, (or was home schooled in) Barbour, Lewis, Randolph or Upshur Counties - a notarized letter from parent(s) or legal guardian(s) verifying who the student is living with and verifying the address is required. The Campus Life Office reserves the right to require further verification, if warranted.
- Fifth year seniors are allowed to live off campus but must complete the appropriate forms prior to the beginning of the academic year (of the fifth year of attendance). Fifth year status verification is required by the Registrar.

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

### *Abandonment Policy*

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

## CAMPUS SAFETY AND SECURITY

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

As required by federal law, through the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, campus crime statistics are published annually during October. Current statistics for West Virginia Wesleyan College are included at the Crime Statistics link below or may be requested from the Office



of Student Development by calling 304-473-8441. (<https://www.wvwc.edu/campus-life/campus-safety-security/>)

In compliance with the Campus Sex Crimes Prevention Act, the sex offender registry for the state of West Virginia or for any county in the state can be found at West Virginia State Police website: [www.wvsp.gov](http://www.wvsp.gov). There you can find a list by county and photo of each person registered, with additional background information.

### *Campus Safety Tips*

- Be Aware! Recognize that crime can happen, even on a campus as safe as ours.
- Sign up for the Emergency Alert service.
- Report suspicious persons or activities to Campus Security at 304-473-8011.
- Use the buddy system and watch out for others.
- Do not prop open residence hall doors – not even for food deliveries or late arriving friends.
- Avoid walking alone at night.
- Use the campus escort service.
- Always lock your door and your car.

### *Officer Authorities & Responsibilities*

Wesleyan security officers do not have police authority or carry weapons, but do cooperate with local law enforcement agencies in response to on and off-campus incidents. Off-campus conduct is subject to College judicial action. Police reports and written documentations are regularly cross-referenced for appropriate follow up of off-campus behavior.

Standard duties include:

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

### *Timely Warning*

When reported situations are considered to be a threat to students or staff, either due to the seriousness of the activity or immediacy, a Timely Warning will be communicated to all faculty, staff, and students via the Omnilert System with appropriate follow-up via email. Timely warnings are issued by one of the following: the Dean of Students, Director of Campus Safety and Security, Vice President for Student Affairs, or Vice President for Enrollment and Marketing. Timely Warnings are generally issued for the following crimes: arson; aggravated assault; criminal homicide; robbery; burglary; rape, fondling, incest, statutory rape; and hate crimes. The purpose of a timely warning is to notify the WVWC community of the incident and to



provide information that may enable community members to better protect themselves from similar incidents. WVWC will issue a timely warning when the following criteria are met:

1. A Clery Act crime is reported to Campus Security Authorities or local police agencies.
2. The crime occurred in a Clery-reportable location.
3. There is a serious or ongoing threat to the WVWC community because of this crime. The decision to issue a timely warning shall be decided on a case-by-case basis considering the following criteria:
  - Was the suspect identified?
  - Was the suspect apprehended?
  - If known, does the suspect have prior arrests, reports or complaints or any other history of violent behavior?
  - If known, does the suspect have a history of failure to comply with a College No-Contact Directive, other protective measures or judicial protective order?
  - Did the incident involve physical violence?
  - Has the suspect threatened to commit physical violence?
  - Did the incident involve multiple victims?
  - Does it appear to be an isolated incident involving a specifically “targeted” victim?
  - Does the report reveal a pattern of behavior (e.g., by suspect, by a particular group or organization, around a particular recurring event or activity, or at a particular location)?
  - Did the suspect use “date-rape” or similar drugs or intoxicants?
  - Did the incident occur while the victim was unconscious, physically helpless or unaware that it was occurring?
  - Was the victim under 18 years of age?
  - Were there other aggravating circumstances or signs of predatory behavior that may constitute a serious or ongoing threat?

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

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

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

When issuing a timely warning, some specific information may be withheld if there is a possible risk of compromising law enforcement efforts to investigate and/or solve the crime. In certain circumstances, an incident may not meet the criteria of a Clery-reportable crime occurring in a Clery-reportable location, but may constitute a serious or ongoing threat to the WVWC community. For instances in which a timely warning is not required, the Director of Campus Life, Director of Campus Safety and Security, Vice



President for Student Affairs, or Vice President for Enrollment and Marketing, may choose to issue a “community alert” notifying the College community of an issue of concern. The content of an alert may vary depending on the type of incident reported and the location in which it occurred.

### *Missing Person Policy*

If an employee or member of the Wesleyan community has reason to believe that a student is missing for 24 hours or more, by policy, they must immediately relay any information regarding the missing student to one of the following:

- Director of Campus Safety and Security: (304)-473-8011, (304) 940-1518 or (304) 940-1561
- Campus Life Pro Staff on Duty: (304) 406-4606, who will relay the information to Campus Safety and Security
- Reports made to any other department must be immediately relayed to Campus Safety and Security

Following notification, Campus Safety and Security will generate a missing person report and initiate an investigation.

Residential students are required to provide their emergency contact during fall/spring check-in. Additionally, students may record their emergency contact in their Self-Service account. A student’s confidential contact information will be accessible only by authorized campus officials and will not be disclosed except to further a missing person investigation.

In addition to registering a general emergency contact, students residing in on-campus housing are asked to identify, confidentially, an individual to be contacted by WVWC in the event the student is determined to be missing. If a student has identified such an individual, WVWC will notify that individual no later than 24 hours after the student is determined to be missing. Additionally, if a student is under the age of 18 (unless an emancipated minor), their custodial parent will be notified in the event that the student is missing within 24 hours of the determination that the student is missing.

Residential students must provide emergency contacts but a secondary contact is required if the student is missing for more than 24 hours. Oftentimes the contacts provided are different from the general emergency contact.

Amber Alerts are issued by local authorities, with the cooperation of the College’s Campus Safety and Security Office, in the event a student is underage.

The Office of Campus Safety and Security will work closely with the local authorities to determine the location of the missing student and will keep the noted student’s emergency contact informed throughout the process.

### *Lithium-Ion Battery-Powered Personal Vehicles*

In light of safety concerns and potential risks associated with lithium-ion battery-powered personal vehicles, such as e-bikes and e-scooters, West Virginia Wesleyan College has implemented the following policy:

1. Prohibition of Personal Vehicle Storage: All e-scooters, hoverboards, and similar devices are strictly banned from being stored inside any housing buildings owned or operated by West Virginia Wesleyan College. This policy aims to mitigate the risk of fire incidents and ensure the safety of residents.



2. Prohibition of Charging in College Buildings: Charging lithium-ion powered personal vehicles is strictly prohibited in any Wesleyan-owned or operated building. This policy is implemented to prevent potential fire hazards associated with battery charging and to safeguard the welfare of the college community.

3. NFPA Guidelines: We strongly encourage all students and staff to familiarize themselves with the National Fire Protection Association (NFPA) guidelines regarding lithium-ion battery safety. Additional consumer safety information can be found on the NFPA website (link is external and opens in a new window). These resources provide valuable information and best practices to ensure the safe use and handling of lithium-ion batteries.

By adhering to these policies, we prioritize the well-being and security of our college community. These measures are essential to minimize the risk of fire incidents and promote a safe living and learning environment at West Virginia Wesleyan College.

Lithium ion batteries are used in many types of products. Please visit the National Fire Protection Association (NFPA) website for additional consumer safety information on lithium ion battery safety.

## SECURITY VIDEO MONITORING POLICY

### *Purpose*

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

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

### *General Principles*

1. This policy does not imply or guarantee that CCTV/web cameras will be monitored in real time 24 hours a day, seven days a week. Video footage will be reviewed only upon reporting of a crime or violation. Information obtained from the cameras shall be used exclusively for campus policy enforcement, including, where appropriate, student judicial functions or to assist local law enforcement personnel in their investigation of campus/local crime. Information must be handled with an appropriate level of security to protect against unauthorized access, alteration, or disclosure. All





appropriate measures must be taken to protect an individual's right to privacy and hold College information securely through its creation, storage, transmission, use, and deletion.

2. Video surveillance of public areas for security purposes will be conducted in a manner consistent with all existing college policies, including the Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment. The Code of Procedures for Video Surveillance prohibits surveillance based on the characteristics and classifications contained in the Nondiscrimination Policy (e.g., race, gender, religion, age, sexual orientation, national origin, disability, etc.).
3. Video surveillance for security purposes will be conducted in a professional, ethical, and legal manner. Personnel involved in video surveillance will be appropriately trained and supervised in the responsible use of this technology. Violations of the Code of Procedures for CCTV/web camera surveillance referenced in this policy may result in disciplinary action consistent with the the College's HR policies. Failure of any College employee to adhere to the procedures will result in the matter being referred to Human Resources.
4. The Director of Campus Safety and Security will review all external requests to release records obtained through security CCTV/web camera surveillance. The College will seek consultation and advice from the General Legal Counsel as necessary regarding such requests prior to the release of any records outside of the College. Any footage that becomes a part of a student disciplinary record will be confidential and only released in accordance with the Student Conduct records retention and release policy.
5. Campus Safety and Security shall monitor developments in the law and in security industry practices and technology to ensure that CCTV/web camera surveillance is consistent with best practices and complies with all federal and state laws.
6. Security staff members are prohibited from using or disseminating information acquired from College security cameras, except for authorized purposes. All information gathered and/or observations made in the use of security cameras are considered confidential and can only be used for official College and law enforcement purposes upon the approval of the Director of Campus Safety and Security or designee.
7. In recognizing students may have an enhanced expectation of privacy in the hallways of residence facilities, due to access of a commonly shared bathroom, CCTV/web camera surveillance will not be placed in residential hallways. However, for safety and security purposes CCTV/web camera surveillance will be installed at exit or entry doors, lounges adjacent to main entrances, and stairwells of residential buildings, all of which will be considered public domain and may be monitored as deemed necessary to protect the ingress of private hallways in those facilities.
8. Campus Safety and Security will consider recommendations concerning camera locations from student senate, faculty, and staff, and review camera locations to ensure the scope of view of fixed location cameras conforms to this policy.
9. The Director of Campus Safety and Security will review any complaints regarding camera locations and determine whether this CCTV/web camera surveillance policy is being followed. Any appeal of a decision by the Director of Campus Safety and Security will be reviewed by the President or their designee who will render a final decision.

### *Security Video Monitoring Policy*

1. Purchase, installation, and maintenance of any security video monitoring equipment will be coordinated through the Information Technology and Campus Safety departments. No other person



- or department may purchase and place private cameras for the purpose of video monitoring. Reasonable requests will be accommodated that do not violate this policy.
2. All public areas are subject to security video monitoring. Campus Safety Officers may record interactions with the public or members of the college community when responding to certain calls or investigating possible criminal or misconduct activities
  3. **The use of body cameras:** All campus community members should be aware that each of our Campus Safety and Security staff members will be wearing a body camera to record interactions with faculty, staff, students, and guests. Our goal is to help increase trust, transparency, and accountability. It helps hold our officers, as well as those who interact with them, more accountable, all while fostering a safer campus community. The experience nationwide generally has been that the use of body cameras results in fewer incidents and fewer complaints against staff. We must note that this is just one of the several approaches that Campus Safety is implementing to improve engagement with our community. Similar to how a sports team uses video to help critique and improve their play, Campus Security members will be able to review footage and learn from it. We hold ourselves to a high level of professionalism, and this will help ensure that we are meeting those standards.
  4. CCTV/web camera surveillance will not occur in private areas such as restrooms, residence hall rooms, or locker rooms where individuals may have a reasonable expectation of privacy. One exception will be the recording of room searches in a residence hall room by a Safety Officer wearing a body camera while staff investigates possible acts of misconduct. All room searches will be conducted in tandem with the on-duty Campus Security Officer and Residential Life professional staff member. Each of our Safety and Security staff will be wearing a body camera to record the search and will be expected to conduct a respectful search of the room's contents, while the Residential Life pro-staff member will be controlling the hallway to maximize privacy during the search. High level of professionalism will be expected and courtesy will be required by all WVWC staff members conducting the search.
  5. Access to the footage will be limited to the Director of Campus Safety and Security. Footage may be shared with local police authorities. The College will balance any public right to information with privacy rights on a case-by-case basis when considering any request for disclosure, subject as well to any restrictions under the Family Educational Rights and Privacy Act, or College HR policies.
  6. Caution will be accorded in viewing all video, recognizing that a recording cannot tell the entire story of any interaction; the camera won't capture everything that takes place, nor can it measure emotions or perceptions or the experiences that individuals bring to a situation. Such human elements will always be present and will be considered accordingly when reviewing footage.
  7. Security video monitoring will not occur in an individual office or a classroom unless the office holder or professor of the class expressly consents to such surveillance in advance.
  8. Covert security video monitoring may be used in public areas when Campus Security determines that there has been a credible report of potential or actual misconduct or criminal behavior or in any areas deemed by Campus Security to be high risk for such behavior.
  9. Only Campus Security Officers and authorized Information Technology staff will have routine access to security video monitoring images and the usernames / passwords for access to the IP camera server. Selected supervisors may have approval and access to video monitoring of selected areas they have control, however these recordings remain records of the Campus Safety and Security office.
  10. As with all College policies, the College reserves the right to modify this policy if deemed reasonable or necessary or in the best interests of the College.
  11. The use of dummy or placebo cameras is prohibited. The College does not want to promote a false sense of securing any area of campus.



12. When an incident is suspected to have occurred, only authorized personnel may review the images from surveillance camera data. The Director of Campus Safety and Security will determine who may review footage on a case by case basis.
13. Only the Director of Campus Safety and Security may authorize copies of surveillance images who will consult with College General Legal Counsel before any release of images.
14. Video surveillance cameras shall not be specifically directed or zoomed into windows of any residential building, including residence hallways. The department of Information Technology will work with the Safety and Security office to properly place each camera to protect individual privacy concerns.
15. Proposed changes or exceptions to the Campus CCTV/web camera surveillance policy will be reviewed annually by the Director of Campus Safety and Security and Information Technology staff.

### *Placement of Cameras*

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

### *Access and Monitoring*

1. All recording or monitoring of activities of individuals or groups by college security cameras will be conducted in a manner consistent with college policies, state and federal laws, and will not be based on any subject's personal characteristics, including age, color, disability, gender, national origin, race, religion, sexual orientation, or any other protected classification.
2. Furthermore, all recording or monitoring will be conducted in a professional, ethical, and legal manner. All personnel with access to college security cameras will be trained in the effective, legal, and ethical use of monitoring equipment.
3. College security cameras are not normally monitored continuously but may be monitored for legitimate safety and security purposes, including but are not limited to the following: high risk areas, restricted access areas/locations, response to an alarm, special events, maintenance purposes, functionality purposes, and specific investigations authorized by the Director of Campus Safety and Security or designee.
4. When an incident is reported, the personnel responsible for the area (VPs and/or Directors) in question may request to review the images realized from surveillance. As circumstances require, the Director of Campus Safety and Security may authorize others to review images. A log will be kept of all instances of access to, and use of, recorded material.



### *Installation*

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

### *Storage and Retention of Recordings*

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

### *Applicability*

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

### *Camera Acceptable Use Policy*

1. This policy does not address the use of student/employee personal cameras, and/or webcams, videotaping events or live streaming for general use by the college.
2. This policy also does not apply to the use of video equipment for the recording of public performances or events, interviews, or other use for broadcast or educational purposes. Examples of such excluded activities would include videotaping of athletic events for post-game review; videotaping of concerts, plays, and lectures; live stream activity; or videotaped interviews of persons.
3. Automated teller machines (ATMs), which may utilize cameras, are also exempt from this policy.
4. This policy does not apply to cameras used for academic purposes. Cameras that are used for research, communications, class assignments or projects conducted by college sponsored educational organizations shall be governed by other policies involving instructional activities and are therefore excluded from this policy.

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



## PEACEFUL ASSEMBLY POLICY

### *Purpose*

West Virginia Wesleyan College (the “College”) values the free and open exchange of ideas, including the rights of students, faculty, and staff to peacefully assemble and express their views through protests and demonstrations. However, the College also must maintain a safe and secure campus environment conducive to its educational mission.

### *Definitions*

**Protest:** Any planned event by one or more persons expressing a particular viewpoint, including, without limitation, demonstrations, rallies, or other gatherings.

**Campus Grounds:** Any outdoor areas, buildings, facilities, and/or property owned, leased, and/or controlled by the College.

### *General Provisions*

- This policy applies to all students, faculty, and staff.
- Approval and registration is required 24 hours in advance of any Protest on Campus Grounds. Approval and registration can be completed in the Office of the Dean of Students.
- Designated Protest Areas: The College has designated the lawn in front of the Camden Avenue parking lot (in between Middleton Hall and Dunn Hall) as the area for Protests due to high foot traffic. Protests shall only take place on the grass, and not on the sidewalks or in the parking lot.

### *Guidelines for Permissible Protests*

#### *Time, Place, and Manner Restrictions*

1. To prevent unreasonable disruption of College operations, Protests are subject to the following reasonable restrictions on time, place, and manner:
  - a. Protests are only permitted outdoors on Campus Grounds in the Designated Protest Areas.
  - b. Protests shall not block access to buildings, roadways, or pedestrian traffic in a manner that prevents ingress/egress.
  - c. Noise levels from Protests shall remain at a level that does not substantially disrupt nearby classes, meetings, or College activities. The College shall determine the acceptability of such noise levels in its sole and absolute discretion.
  - d. Protests shall not continue overnight on Campus Grounds between the hours of 10 PM and 7 AM.
  - e. All protestors must carry Wesleyan-provided identification.

#### *Prohibited Conduct*

2. Violence, threats, harassment, hate speech, or incitement to lawless action;
3. Possession of weapons, explosives, or other illegal materials;
4. Destruction, damage, defacement, or unauthorized use of College, student, faculty, and/or staff property;
5. Significant disruption of classes, operations, or College events after being warned;
6. Erection of tents or other structures; and
7. Burning of items or any unauthorized use of fire.



### ***Temporary Building Access Restrictions***

At its sole and absolute election and discretion, the College may temporarily restrict access to certain areas on Campus Grounds during Protests if reasonably required to maintain campus safety and security.

### ***Safety and Security Procedures***

The Office of Safety and Security, through campus security personnel, shall monitor Protests to ensure compliance with this policy.

### ***Response and Enforcement***

1. Campus security personnel shall first provide Protesters with clear warnings and opportunities to correct violations.
2. Protesters continuing to violate may be temporarily removed from the area.
3. Arrest or involvement of law enforcement will occur if there is an imminent threat to public safety and property damage that the College cannot adequately and safely address through its own response and available resources.
4. Violation of this policy may result in a referral to Student Conduct or Human Resources.

### ***Conflict Resolution and Dialogue***

The College encourages open and respectful communication between Protest organizers and its administration to understand grievances and explore constructive solutions. Protest organizers may request meetings with the Dean of Students or other relevant officials to discuss their concerns through proper channels. However, for an avoidance of doubt, the Office of Safety and Security, upon notice and through campus security personnel, shall immediately shut down any protest event failing to comply with the advance approval and registration requirements set forth above. Such an event is not a Protest as defined herein, and campus security personnel shall remove any participants therein without recourse.

### ***Policy Administration***

The Office of the Dean of Students, in conjunction with the Office of Safety and Security, shall have primary oversight and authority in interpreting, implementing, and enforcing this policy.

### ***Additional Provisions***

#### ***Counter-Protests***

All persons/groups must be allowed to express their views. The College will make reasonable efforts to keep separate Protest groups a safe distance apart within the Designated Protest Area.

#### ***Protest Advertising***

All promotional materials for Protests shall comply with campus posting policies and shall not violate the prohibited conduct outlined above.

### ***Resources and Reporting***

#### ***Protest Reporting***

Concerns about policy violations should be reported to the Office of the Dean of Students Office and the Office of Safety and Security.

#### ***Support Services***

The Center for Counseling and Wellbeing, and other campus resources, are available to support those impacted by Protests.



## HEALTH AND WELLNESS

### *In Case of An Emergency*

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

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

For crisis intervention you can also call:

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

Women's Aid in Crisis at 304-473-0070.

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

### *Acquired Immune Deficiency Syndrome*

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

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

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

If a student or employee is diagnosed as having AIDS or HIV infection, decisions regarding classroom attendance, housing, and continuation of work will be made on a case-by-case basis. The institution will rely on available medical advice, and will fully consider the rights of all individuals, especially those with handicapping conditions, when making related decisions. In addition, these decision-making processes will adhere to/follow the established College governance structure and process, including the standards contained in student, faculty, and staff handbooks.

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

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

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

### *Immunization Policy*

West Virginia Wesleyan College, a West Virginia non-profit corporation (the "College") has adopted the recommendations of the Centers for Disease Control ("CDC"), the Advisory Committee on Immunization





Practices (“ACIP”), and the American College Health Association (“ACHA”) that all incoming students provide:

- A signed proof of vaccination; or
- A signed statement from a physician that the vaccination would be injurious to the student’s health and well-being; or
- A signed waiver indicating that the vaccination is declined for reasons of conscience or religious beliefs.
- A signed waiver may not be sufficient, at the College’s sole and absolute discretion, in the event of a disaster, public health emergency, or extraordinary law enforcement emergency affecting the College.

Students who do not comply with this policy may be prohibited from:

- Attending classes;
- Participating in co-curricular events, such as athletics;
- Participating in domestic or international programs and/or other off-campus events sponsored by, or related to, the College;
- Residing in campus residence halls; and

Other campus-related events, programs, and/or activities at the College’s sole and absolute discretion.

Specific programs, majors, or activities at the College may have additional vaccination requirements for participation therein.

### *Counseling Services*

The objective of the Center for Counseling and Well-Being is to assist students in resolving personal and educational concerns, developing self- management and interpersonal skills, and learning to improve individual well-being, in a short-term, brief, solution-focused model. A variety of services are offered, including individual counseling, education programs, and resource materials on a variety of important issues. These services are confidential. The Center for Counseling and Well-Being Policies and Procedures can be found at <https://www.wvwc.edu/counseling/>.

### *Policy and Protocol for Suicidal Behavior*

The College recognizes that a student’s physical, behavioral, and emotional health is an integral component of a student’s academic success at WVWC. Nearly everyone at some time in his or her life thinks about suicide. Most everyone decides to live because they come to realize that the crisis is temporary but death is not. On the other hand, people in the midst of a crisis often perceive their dilemma as inescapable and feel an utter loss of control.

There is no “typical” suicidal person. No age group, ethnicity, or background is immune. Fortunately, many troubled individuals display behaviors deliberately or inadvertently signal their suicidal intent. Recognizing the warning signs and learning what to do next may help save a life.

#### **Warning Signs (numerous or severe):**

- Talking about suicide, death, and/or no reason to live
- Preoccupations with death and dying



- Withdrawal from friends and/or social activities
- Experience of a recent severe loss (especially a relationship) or threat of a significant loss
- Experience or fear of a situation of humiliation or failure
- Drastic changes in behavior
- Loss of interest in hobbies, work, school, etc.
- Preparations for death by making out a will (unexpectedly) and final arrangements
- Giving away prized possessions
- Previous history of suicide attempts as well as violence and/or hostility
- Unnecessary risks; reckless and /or impulsive behavior
- Loss of interest in personal appearance
- Increased used of alcohol and/or other drugs
- General hopelessness
- Unwillingness to connect with potential helpers

### **Purpose**

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

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

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

### **Emergency Protocol**

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

- 1) Encourage the student to call/text 988, the Crisis and Suicide Lifeline. If they refuse, proceed to Step 2.
- 2) Immediately contact 911.
- 3) Call Campus Security at (304) 473-8011 or x8011 (all hours).
- 4) The Dean of Students or the Director of Counseling Services will attempt to contact the student's emergency contact of record or another emergency contact identified by the student.
- 5) Upon return to campus, the Director of Counseling Services will reach out to the student for supportive follow-up.
- 6) In accordance with the West Virginia Wesleyan College Student Handbook, the BIT can recommend an administrative withdrawal for students that engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others.



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

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

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

## ***Health Center***

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

- Vaccinations and Immunizations
- Acute Illness Treatment
- Annual Wellness Exams
- Chronic Illnesses Monitoring and Treatment (ie: asthma, allergies, diabetes, obesity, sickle cell anemia, seizures)
- Allergy Injections
- Accident and Injury Treatment
- Nutritional Counseling
- School and Sports Physicals
- Vision and Hearing Screenings
- Family Planning Services

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

## ***EARS***

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

## ***Refusal to be Transported***

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



## ORGANIZATIONS AND INVOLVEMENT

### *Student Senate*

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

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

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

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

For more information please email:

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

### *Religious and Spiritual Life*

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

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

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

The Direction of Religious and Spiritual Life is available to all students for spiritual guidance and discussion. The position is also a non-mandatory reporter for Title IX.



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

- Baha'i Believers Fellowship
- Bethel Campus Fellowship
- Timeout
- Fellowship of Christian Athletes
- InterVarsity Christian Fellowship
- Delight Ministries
- Seen and Called - LGBTQ+
- Muslim Prayer Group

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

### ***Bobcat Entertainment***

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

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

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

### ***Greek Life***

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

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

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

The fraternity and sorority system recognize that Greek organizations exist at West Virginia Wesleyan College with the College's consent and that each chapter has the obligation to provide chapter involvement and to be a positive influence on the College campus and the quality of life therein. Chapters also have the responsibility to respect the mission, goals, traditions, and policies of West Virginia Wesleyan College. The two communities recognize a responsibility to promote the continued positive relationship between fraternities and sororities, their alumni, their national organizations and the College. These Guidelines outline the mutual expectations of both communities, and will be reviewed annually, and revised as required.

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

Alumni/Alumnae of fraternities and sororities provide continuity, maturity, guidance, leadership, business, and financial experience and advice to their affiliated chapters and to the College. They often finance the



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

### *Establishment of New Chapters*

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

### *Governance of Chapters*

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

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

### *Intramurals*

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

### *Outdoor Recreation*

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

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

### *The Center for Cultural and International Affairs*

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



## *Community Engagement & Leadership Development*

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

## *Assumption of Risk*

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

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

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

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

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

I understand it is my responsibility to provide for my own medical and accident coverage. West Virginia Wesleyan College does not provide medical and accident coverage to students. While we strive to provide safe activities and facilities, there is an inherent risk for physical injury and/or death in all sport activities. We strongly encourage you to consult with a physician before participating in any physical activity to determine any potential conditions that may adversely affect your participation. We encourage those with pre-existing conditions to wear a medical alert bracelet or neck tag indicating the appropriate medical information. We strongly recommend that all participants have a medical insurance policy that will cover injuries or illness that may occur due to participation in or use of Intramural Sports and West Virginia Wesleyan College Recreation programs, services, facilities, and equipment.





### *West Virginia Wesleyan Rock Rules*

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

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

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

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

### **BREAK TRANSPORTATION POLICY**

West Virginia Wesleyan College will offer limited shuttles to nearby transportation hubs during college breaks. Shuttles will be scheduled only on the days that residence halls open and close. Transportation will not be offered during the hours of 10pm and 6am, so please be sure to plan accordingly. Transportation must be requested a minimum of two business days in advance. The cost of shuttles is \$50 each way.

We will provide transportation to and from:

- Weston Bus Station (Greyhound)



- Clarksburg Bus Station (Greyhound)
- CKB Airport in Clarksburg

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

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

Transportation for international students will be arranged by the Director of the Center for Cultural and International Affairs.

## CONCLUDING REMARKS

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



## APPENDIX ONE: Policy and Procedures on Discrimination, Harassment, and Title IX Sexual Harassment

### **PURPOSE & SCOPE**

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

West Virginia Wesleyan College does not discriminate on the basis of race, sex, color, national or ethnic origin, creed, ancestry, marital/family status, veteran status, sexual orientation, gender, gender identity, gender expression, pregnancy, religion, age, disability or blindness, or any other characteristic protected by local, state or federal law in the administration of its admission policies, scholarship and loan programs, educational programs, employment, athletic programs, co-curricular activities, or other College administered programs.

This Policy sets forth how discrimination, harassment, sexual harassment, sexual misconduct, domestic misconduct, stalking, and retaliation will be addressed by West Virginia Wesleyan College. The Policy is intended to meet West Virginia Wesleyan College obligations under Title IX of the Education Amendments of 1972 (“Title IX”); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”), with respect to its application to sex-based misconduct; and other applicable law and regulations.

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

### **JURISDICTION, COORDINATION, & ENFORCEMENT**

#### **Jurisdiction**

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

#### **Title IX Jurisdiction**

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

#### **General Jurisdiction**

For conduct that does not meet the Title IX jurisdiction, West Virginia Wesleyan College retains the discretion to determine that Prohibited Conduct, as defined in this policy, that occurs outside of the United States or outside of a College Education Program or Activity, including online conduct that is not part of a College Education Program or Activity, may fall within the scope of



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

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

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

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

### **Coordination**

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

West Virginia Wesleyan College Title IX Coordinator  
Amy Kittle  
Student Development Suite-Benedum Campus Center  
304-621-1316  
titleix@wwvc.edu

The Title IX Coordinator is also responsible for developing appropriate training, education, and communication regarding this Policy and Procedure, including what constitutes Prohibited Conduct, the training required by the Title IX regulations, the complaint and investigation process, and other forms of preventative education. These efforts may be coordinated with other units and groups on-campus.

### **Enforcement**

In addition to the authority of the Title IX Coordinator, those in supervisory positions at West Virginia Wesleyan College have a special responsibility to discourage Prohibited Conduct, implement and enforce this Policy, and, as required by Section V, are Responsible Employees mandated to also report such behavior.

## ***PROHIBITED CONDUCT***

West Virginia Wesleyan College prohibits Discrimination; Harassment; Title IX Sexual Harassment, which includes Sexual Assault and Sexual Exploitation; Domestic Misconduct, which includes Dating and Domestic Violence; Stalking; and, Retaliation as defined below (collectively referred to as "Prohibited

Conduct”) by or against any student, employees, alum, independent contractors, volunteers, trustees, etc. of the occurring within the West Virginia Wesleyan College Community and occurring or attempted in the Title IX or General Jurisdiction as defined in this Policy.

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

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

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

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

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

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



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

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

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

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

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

***Fondling:*** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity;

***Fondling:*** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity;

***Incest:*** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or

***Statutory Rape:*** sexual intercourse with a person who is under the statutory age of consent.

**Sexual Exploitation:** is an act or a failure to act that involved a member of the West Virginia Wesleyan College community taking non-consensual, unjust, humiliating, or abusive sexual advantage of another, either for the individual's own advantage or to benefit anyone other than the person being exploited. Sexual advantage may include, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity



and/or the intimate parts of another person; allowing third parties to observe private sexual acts; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; engaging in voyeurism, and intentionally exposing another to a sexually transmitted infection.

**Domestic Violence:** any felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of West Virginia and includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

- is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or
- commits acts against a minor or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

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

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

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

**Retaliation:** an adverse action or other form of negative treatment, including but not limited to intimidation, threats, coercion, discrimination or harassment, carried out in response to a good-faith reporting of or opposition to Title IX Sexual Harassment or other forms of Prohibited Conduct; an individual's or group's participation, including testifying or assisting in the West Virginia Wesleyan College Title IX Procedures; an individual's or group's refusal to participate in the West Virginia Wesleyan College Title IX Procedures; or other form of good faith opposition to what an individual reasonably believes to be Title IX Sexual Harassment or Prohibited Conduct under this Policy.

Individuals are also protected from retaliation for making good faith requests for accommodations on the basis of religion, pregnancy, or disability.





To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from reporting, participation, or opposing.

Individuals who feel they are experiencing retaliation should report to the Title IX Coordinator immediately. This may be done online, in person, or by email to the Title IX Coordinator.

Charging an individual with a Policy violation for making a materially false statement in bad faith in the course of the resolution of a Title IX Sexual Harassment or other Prohibited Conduct complaint does not constitute Retaliation. The exercise of rights protected under the First Amendment also does not constitute Retaliation.

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

## **ADDITIONAL DEFINITIONS**

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

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

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

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

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

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

**Respondent:** An individual enrolled or employed, group, office program, or department who has been reported to have engaged in conduct could constitute Title IX Sexual Harassment or other forms of Prohibited Conduct as defined in this Policy and is a member of West Virginia Wesleyan College. In some



cases, at the Title IX Coordinator's discretion, Respondents may also be individuals providing services as a Volunteer, Vendor, Official Guest or Contractor for West Virginia Wesleyan College.

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

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

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

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

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

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

**Consent:** An agreement, approval, or permission as to some act or purpose that is given knowingly, willingly, and voluntarily by a competent person. Silence, by itself, cannot constitute Consent. Consent to one sexual act does not constitute or imply consent to a different act. Previous consent cannot imply consent to future acts, and Consent is required regardless of any current or previous relationship status or sexual history together. Consent can be withdrawn at any time.

A person is not competent and lacks the ability to consent when coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotion harm, undue pressure, isolation, or confinement. Individuals who are incapacitated cannot give consent.

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



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

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

**Student:** Any individual who is not an employee of the West Virginia Wesleyan College and who is either: (1) admitted as a student to the College and has been moved to deposited status (2) an enrolled student (includes students auditing courses); (3) a West Virginia Wesleyan College student between academic terms or on a Leave of Absence; or, (4) a graduate awaiting a degree (note: students are classified as such until they receive their degree; students who petition the College to complete their degree via distance or some other arrangement forfeit their student status if they do not complete their degree during the period of time specified in their agreement with the College).

A student ceases to be a student when they graduate; in the event that they are expelled for academic or conduct reasons; or in the event that the student formally withdraws from West Virginia Wesleyan College. For purposes of this definition, the term “employee of the College” does not include students who are employed by the College through a work-study or similar program.

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

## **REPORTING**

Anyone West Virginia Wesleyan College who has witnessed or is aware of any of the Prohibited Conduct in West Virginia Wesleyan College’s programs or activities is strongly encouraged to report any concern or Prohibited Conduct to the Coordinator.

All Responsible Employees and Officials with Authority must report incidents of Prohibited Conduct to the Coordinator.



**West Virginia Wesleyan College Title IX Coordinator**

**Amy Kittle**

Student Development Office Benedum Center for Campus Life

304-621-1316

[titleix@wwvc.edu](mailto:titleix@wwvc.edu)

<https://www.wwvc.edu/title-ix/>

**Alisa Lively**

Deputy Title IX Coordinator

Dean of Students

Student Development Office: Benedum Center for Campus Life

304-473-8443

[Lively\\_a@wwvc.edu](mailto:Lively_a@wwvc.edu)

**Lynn Linder**

Deputy Title IX Coordinator

Provost

Academic Affairs Office: 1<sup>st</sup> Floor, Administration Building

304-472-8042

[linder\\_l@wwvc.edu](mailto:linder_l@wwvc.edu)

**Vickie Crowder**

Deputy Title IX Coordinator

Director of Human Resources

Human Resources Office: 1<sup>st</sup> Floor, Administration Building

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**Jackie Hinton**

Deputy Title IX Coordinator

Director of Compliance and Academic Advising

Room 115: Rockefeller Center

304-473-8507

[Hinton.j@wwvc.edu](mailto:Hinton.j@wwvc.edu)

Only a report to the Title IX Coordinator or an Official with Authority will trigger the College's obligation to respond to an allegation of Title IX Sexual Harassment.

Any report involving a minor will be shared with law enforcement agencies and child protective services in accordance with West Virginia state law.

In addition to West Virginia Wesleyan College's the internal remedies, members of the campus community should also be aware that the Office of Civil Rights investigates and prosecutes complaints of prohibited discrimination. This agency may be contacted as follows:

Office for Civil Rights (OCR), Headquarters

400 Maryland Avenue, SW Washington, DC 20202-1100

Customer Service Hotline: 800-421-3481 TDD: 877-521-2172 Facsimile: (202) 453-6012



Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

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

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

### **Confidential reporting**

Confidential Resources are employees or offices who are available to provide individuals with assistance, support, and additional information. Confidential Resources are prohibited from disclosing confidential information unless (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

Confidential Resources may be required to report non-identifying information to the Director of Campus Security for Clery Act crime reporting purposes. The following West Virginia Wesleyan College resources can provide counseling, information, and support in a confidential setting:

**College Counselor: Shaunna Jones**  
Barnhart Health Center: (304) 473-8803  
Email: [counseling@wwvc.edu](mailto:counseling@wwvc.edu)

**College Chaplain: Jonathon Acord**  
Martin Religious Center, Room 201: (304) 473-8372  
Email: [accord.j@wwvc.edu](mailto:accord.j@wwvc.edu)

**Director of Diversity, Equity, and Inclusion: Laurie Goux**  
Benedum Campus Center, 2<sup>nd</sup> Floor: (304) 473-8163  
Email: [goux.l@wwvc.edu](mailto:goux.l@wwvc.edu)

**Associate Professor of Religious Students: Debra Dean Murphy**  
Martin Religious Center, Room 305: (304) 473-8362  
Email: [murphy\\_d@wwvc.edu](mailto:murphy_d@wwvc.edu)

**Community Care of West Virginia: School Based Health Center**  
Wesleyan's Barnhart Health Center  
304-517-3774

The Providers at Community Care of West Virginia can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries, including by helping find a Sexual Assault Nurse Examiner, who is specifically trained to collect evidence. Taking these steps promptly after an incident can be very helpful in later criminal proceedings and/or in seeking a protective order.



While the Providers at Community Care of West Virginia are obligated to maintain confidentiality and not report an individual's identity to the College, under West Virginia law, a medical provider may be required to notify law enforcement of a reported sexual assault involving minors and/or weapons. The individual, however, may decline to speak with a law enforcement officer or participate in a criminal prosecution.

### **Anonymous Reporting**

Reports can also be made anonymously by telephone, in writing, or electronically via the Title IX Incident Report Form (<https://www.wvwc.edu/title-ix/>). Depending on the level of information available about the incident or the individuals involved, West Virginia Wesleyan College's ability to respond to an anonymous report may be limited. West Virginia Wesleyan College will, however, take whatever steps it deems appropriate and in the best interests of the overall West Virginia Wesleyan College community, consistent with the information available.

### **Off-campus Reporting**

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

#### **Centers Against Violence**

([www.centersagainstviolence.org](http://www.centersagainstviolence.org))

P.O. Box 2062 Elkins, WV 26241

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

#### **RAINN: Rape, Abuse & Incest National Network**

(<https://www.rainn.org/resources>)

Hotline: (800) 656-4673

#### **National Domestic Violence Hotline**

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

Hotline: (800) 799-SAFE (7233)

#### **Employee Assistance Program (For Full-time Employees)**

([www.healthadvocate.com/standard3](http://www.healthadvocate.com/standard3))

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

#### **St. Joseph's Hospital**

1 Amalia Dr. Buckhannon, WV 26201

(304) 473-2000

West Virginia Wesleyan College encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident that may require medical attention. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Call 911, visit the Emergency Department, or contact your regular provider for off campus medical care.

While these off-campus providers and advocates may agree not to share confidential information with West Virginia Wesleyan College, they may have reporting or other obligations under state law.

### **Reporting to Law Enforcement**



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

**Buckhannon City Police Department:** (304) 472-5723

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

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

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

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

## **TIMEFRAME FOR REPORTING**

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

## **PARTICIPANT PRIVACY AND CONFIDENTIALITY**

West Virginia Wesleyan College recognizes that privacy is important. West Virginia Wesleyan College will attempt to protect parties' privacy to the extent reasonably possible. The Title IX Coordinator, investigators, advisors, facilitators of informal resolution, hearing officers, and any others participating in the process on behalf of West Virginia Wesleyan College shall keep the information obtained through the process private and, to the extent possible, confidential. All other participants in the process (including the Complainant, Respondent, non-College advisors, and witnesses) are encouraged to respect the privacy of the parties and the confidentiality of the proceedings and circumstances giving rise to the dispute and to discuss the matter only with those persons who have a genuine need to know.





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

- When West Virginia Wesleyan College is required by law to disclose information (such as in response to a subpoena or court order).
- When disclosure of information is determined by the Title IX Coordinator to be necessary for conducting an effective resolution or investigation of the allegations.
- When confidentiality concerns are outweighed by West Virginia Wesleyan College interest in protecting the safety or rights of others.
- When a Formal Complaint is filed.

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

### **Recordings**

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

## **AMNESTY**

Sometimes students are reluctant to seek help after experiencing Prohibited Conduct and may be reluctant to help others who may have experienced Prohibited Conduct because they fear being held responsible by the West Virginia Wesleyan College or law enforcement for drug use or underage alcohol consumption.

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

## **INTAKE OF REPORTS OF PROHIBITED CONDUCT**

Once a report of Prohibited Conduct, including Title IX Sexual Harassment, is received by the Title IX Coordinator, the Title IX Coordinator shall review the report to determine the appropriate next steps. After receiving a report of conduct that, if true, would constitute a violation of this policy, the Title IX Coordinator will contact the Complainant, request to meet with Complainant to discuss the resources, rights, and options available and provide a copy of this policy which:

- Explains the availability of Supportive Measures;



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

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

## **SUPPORTIVE MEASURES**

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

Supportive Measures are available regardless of whether the matter was reported to West Virginia Wesleyan College for the purpose of initiating any formal resolution process and before, after, and regardless of whether a Formal Complaint is filed. A Complainant who requests Supportive Measures retains the right to file a Formal Complaint, either at the time the Supportive Measure is requested or at a later date. Any Complainant that requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Formal Complaint pursuant to this Policy.

The Title IX Coordinator will contact a Complainant after receiving a report of possible Prohibited Conduct (1) to discuss the availability of Supportive Measures and (2) to explain that Supportive Measures are available with or without the filing of a Formal Complaint of Title IX Sexual Harassment. The Title IX Coordinator will consider the Complainant's wishes with respect to implementation of Supportive Measures. Supportive Measures may also be requested by and made available to Respondents, witnesses, and other impacted members of the West Virginia Wesleyan College community.



The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures. To determine the appropriate Supportive Measure(s) to be implemented, West Virginia Wesleyan College will conduct an individualized assessment based on the unique facts and circumstances of a situation. The Title IX Coordinator may work with other administrators and offices when necessary to determine reasonable measures and accommodations. Whether a possible Supportive Measure would unreasonably burden the other party is a fact determination made by the West Virginia Wesleyan College in its discretion that takes into account the specific nature of the education programs, activities, opportunities and benefits in which an individual is participating.

Examples of Supportive Measures include, but are not limited to, the following:

- Academic support services and accommodations, including the ability to reschedule classes, exams and assignments, transfer course sections, or withdraw from courses without penalty;
- Academic schedule modifications (typically to separate Complainant and Respondent);
- Work schedule or job assignment modifications (for West Virginia Wesleyan College employment);
- Changes in work or housing location;
- An escort to ensure safe movement on campus;
- On-campus counseling services and/or assistance in connecting to community-based counseling services;
- Assistance in connecting to community-based medical services;
- No contact directives (to instruct individuals to stop all attempts at communication or other interactions with one another);
- Placing limitations on an individual's access to certain West Virginia Wesleyan College facilities or activities;
- Work schedule or job assignment modifications, including suspending employment with or without pay consistent with any applicable written procedures (for West Virginia Wesleyan College positions);
- Information about and/or assistance with obtaining personal protection orders;
- Leaves of absence;
- Increased monitoring and security of certain areas of the campus; or
- A combination of any of these measures.

West Virginia Wesleyan College will maintain Supportive Measures provided to the Complainant or Respondent as confidential to the extent that maintaining such confidentiality would not impair the College's ability to provide the Supportive Measures.

## ADVISORS

Throughout the resolution process for Title IX Sexual Harassment or other forms of Prohibited Conduct as defined in this policy, the Complainant and a Respondent may each have an advisor of their choice to provide support and guidance. An advisor may accompany the Complainant/Respondent to any meeting with the Title IX Coordinator, the investigator, or to a hearing.

Prior to the hearing as described in section XVI., a party's advisor has an exclusively non-speaking role, and may not otherwise present evidence, argue, or assert any right on behalf of the party.

During the hearing as described in section XVI, an advisor's role is limited to quietly conferring with the Complainant/Respondent through written correspondence or whisper. An advisor may not speak for the party they are supporting or address any other participant or the Hearing Officer except as necessary to conduct cross-examination as explained in the Resolution of Title IX Sexual Harassment Reports, Section



XVI. Advisors must conduct the cross-examination of all witnesses directly, orally, and in real time at the hearing. Neither party may conduct cross-examinations personally.

West Virginia Wesleyan College (including any official acting on behalf of West Virginia Wesleyan College such as the Hearing Officer) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. For example, West Virginia Wesleyan College will not tolerate an advisor questioning a witness in an abusive, intimidating, or disrespectful manner. Advisors who are disruptive, disrespectful, or refuse to follow this Policy will be removed. The West Virginia Wesleyan College has the right to take appropriate steps to ensure compliance with the Policy and Procedures, including by placing limitations on the advisor's ability to participate in future meetings and proceedings.

## **BIAS AND CONFLICT OF INTEREST**

All Title IX Administrators participating in a resolution process must be impartial and free from bias or conflict of interest, including bias for or against a specific Complainant or Respondent or for or against complainants and respondents generally. If an acting Title IX Administrator has concerns that they cannot conduct a fair or unbiased process, they must report those concerns to the Title IX Coordinator.

A Complainant and/or Respondent may challenge the participation of a specific Title IX Administrator because of perceived conflict of interest, bias, or prejudice. Such challenge, including the rationale must be made in writing to the Title IX Coordinator as soon as possible or within 48 hours of notice of the name of the Title IX Administrator.

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

## **TIMELINES**

Throughout these Procedures, West Virginia Wesleyan College designates timelines for different steps of the process. The Title IX Coordinator has authority to extend such timelines for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disability. In the case of such an extension, the Title IX Coordinator will notify the affected parties of the extension, including the reason(s) for the extension.

The phrase "business days" shall refer to those days ordinarily recognized by the College administrative calendar as workdays. All days referenced in this Policy are business days.

## **EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE**

Where there is an immediate threat to the physical health or safety of any students or other individuals arising from reported Prohibited Conduct, West Virginia Wesleyan College can remove a Student Respondent from the West Virginia Wesleyan College's education Program or Activity and issue any necessary related no-trespass and no-contact orders. West Virginia Wesleyan College will make the decision to remove a Student-Respondent from the West Virginia Wesleyan College Education Program or Activity based on an individualized assessment and risk analysis completed by the Behavior Intervention Team. If the West



Virginia Wesleyan College makes such a decision, the Student Respondent will be provided with written notice and an opportunity to appeal the decision immediately following the removal as specified in Section XX, Appeals, below.

West Virginia Wesleyan College may place an Employee/Faculty-Respondent on administrative leave during the pendency of a Formal Complaint. The College, in its discretion and based on the circumstances, will determine whether any administrative leave imposed is to be imposed with or without pay or benefits.

## ***WITHDRAWAL OR RESIGNATION PRIOR TO RESOLUTION***

Should a Respondent withdraw or resign from West Virginia Wesleyan College, the resolution process typically ends with a Dismissal, as West Virginia Wesleyan College has lost primary disciplinary jurisdiction over the Respondent. However, West Virginia Wesleyan College may continue the resolution process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the Prohibited Conduct or to determine whether a degree should be issued or revoked.

The Student Respondent who withdraws or leaves while the process is pending may not return to West Virginia Wesleyan College in any capacity. Admissions and Human Resources will be notified accordingly.

The Employee Respondent who resigns with unresolved allegations pending is not eligible for academic admission or rehire at West Virginia Wesleyan College. Admissions and Human Resources will be notified accordingly.

All records retained by the Title IX Coordinator will reflect the withdrawal and resignation status of the Respondent.

All responses to future inquiries regarding employment references or information requests related to the NCAA attestation process will include that the Respondent left West Virginia Wesleyan College pending a disciplinary matter and may include disclosure of the status of the matter, including any disciplinary sanctions as part of the NCAA attestation process.

## ***FORMAL RESOLUTION OF REPORTS OF TITLE IX SEXUAL HARASSMENT***

### **Formal Complaints of Title IX Sexual Harassment**

After a report has been received by the Title IX Coordinator, a Complainant has the option to file a Formal Complaint against a Respondent alleging Title IX Sexual Harassment and requesting that West Virginia Wesleyan College investigate those allegations. In order to file a Formal Complaint, the Complainant should contact the Title IX Coordinator and sign West Virginia Wesleyan College's Complaint form. This may be done online, in person, or by email to the Title IX Coordinator.

When a Complainant does not wish to File a Formal Complaint on their own behalf, the Title IX Coordinator may, in their discretion, file a Formal Complaint by signing the Formal Complaint form.

When deciding to File a Formal Complaint, the Title IX Coordinator will consider the risk that the Respondent might commit additional acts of Prohibited Conduct; whether or not there have been additional reports against the same Respondent for the same or similar conduct; whether or not the Prohibited Conduct was committed by multiple Respondents; the seriousness of the alleged misconduct; and, whether or not the Complainant is a minor.



When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a complainant or otherwise a party to the resolution process. While the Complainant may choose not to participate in the resolution process initiated by the Title IX Coordinator signing a Formal Complaint, the Complainant will still be treated as a party entitled to inspect and review evidence and to receive all notices, including the notice of allegations, the notice of hearing, and the notice of outcome.

For reports of Title IX Sexual Harassment, a Formal Complaint **must** be filed before West Virginia Wesleyan College can commence the investigation or the Informal Resolution process.

#### **Mandatory Dismissal of Formal Complaints of Title IX Sexual Harassment**

When the Title IX Coordinator receives a Formal Complaint alleging conduct, which if true, would meet the definition of Title IX Sexual Harassment, the Title IX Coordinator will evaluate the allegations in the Formal Complaint to determine whether the allegations satisfy the following conditions:

- The Title IX Sexual Harassment conduct is alleged to have been perpetrated against a person in the United States;
- The Title IX Sexual Harassment conduct is alleged to have taken place within the College's programs and activities; and,
- At the time of the filing or signing of the Formal Complaint, the Complainant is participating in or attempting to participate in the West Virginia Wesleyan College's programs or activities.

If the Title IX Coordinator determines that **all** of the above conditions are satisfied, West Virginia Wesleyan College will address under these procedures for Formal Resolution of Reports of Title IX Sexual Harassment. If the Title IX Coordinator determines that the allegations in the Formal Complaint do not meet the definitions of Title IX Sexual Harassment or that not all of the conditions above are satisfied, the Title IX Coordinator will dismiss the Formal Complaint for Title IX purposes. However, if the Title IX Coordinator dismisses the Formal Complaint for Title IX purposes, it may resolve the Formal Complaint under this policy as Prohibited Conduct that is not Title IX Sexual Harassment or other West Virginia Wesleyan College policy and procedures as appropriate.

Additionally, if the Title IX Coordinator initiates the investigative process as a Title IX Sexual Harassment matter based on the allegations in the Formal Complaint, but, during the course of the investigation, the Title IX Coordinator determines that all of the above conditions are no longer satisfied, The Title IX Coordinator will dismiss the Formal Complaint for Title IX purposes and instead pursue the matter under this policy as Prohibited Conduct that is not Sexual Harassment, other West Virginia Wesleyan College policy and procedures as appropriate, or as appropriate and applicable, dismiss the Formal Complaint in its entirety.

If the Title IX Coordinator determines that Formal Complaint of Title IX Sexual Harassment will not be adjudicated under the Formal Resolution of Reports of Title IX Sexual Harassment for one or more of the reasons outlined above, either at the outset after reviewing the Formal Complaint or during the course of the investigation, the parties will receive written notice of the dismissal and the reasons for that dismissal. Complainants and Respondents may appeal the decision to dismiss a Formal Complaint as explained below in Section XX.





### **Discretionary Dismissals of Formal Complaints of Title IX Sexual Harassment**

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

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

The Title IX Coordinator retains discretion on a case by case basis to determine if it will dismiss a Formal Complaint for Title IX purposes based on any of the above reasons. Just because one or all of the conditions above are satisfied, does not mean that the Title IX Coordinator will automatically dismiss the Formal Complaint; instead the Title IX Coordinator will determine is appropriate under the circumstances.

The parties will receive simultaneous written notice of the dismissal and the reasons for that dismissal. Complainants and Respondents may appeal the decision to dismiss a Formal Complaint as explained below in Sections XX.

### **Consolidation of Formal Complaints of Title IX Sexual Harassment**

In their discretion, the Title IX Coordinator may consolidate multiple Formal Complaints for resolution under this Policy. Consolidation might involve a single Complainant or multiple Complainants, a single Respondent or multiple Respondents, and allegations of conduct that is temporally or logically connected (even where some of that alleged conduct is not Title IX Sexual Harassment or where the above conditions are not met with respect to some of the alleged conduct). The decision to consolidate Formal Complaints is not subject to appeal.

### **Counterclaims**

West Virginia Wesleyan College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. West Virginia Wesleyan College permits the filing of counterclaims but will assess to ensure that the allegations in the counterclaim are made in good faith.

Counterclaims may also be resolved through the same investigation as the underlying complaint or investigated separately, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### **Notice of Allegations**

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

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





- identities of the parties, if known; (2) the conduct allegedly constituting Title IX Sexual Harassment; and (3) the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged Title IX Sexual Harassment and a determination regarding responsibility is made at the conclusion of the grievance process;
  - Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney and who may inspect and review evidence;
  - Information regarding the availability of support and assistance through College resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options;
  - Notice of the College's prohibition of Retaliation of the Complainant, the Respondent, and witnesses; that the College will take prompt action when Retaliation is reported; and how to report acts of Retaliation; and
  - Notice that the Student Handbook prohibits knowingly making false statements and knowingly submitting false information during the grievance process.

If, during the course of an investigation, the Title IX Coordinator decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances but not included in the earlier written notice, the Title IX Coordinator will provide an amended Notice of Allegations to the parties.

### **Investigation of Title IX Sexual Harassment Allegations**

Once a Formal Complaint has been signed, and there is no Informal Resolution, an investigation will be conducted. An investigation affords Complainants and Respondents an opportunity to submit information and other evidence and to identify witnesses. Although the parties have the option to submit evidence and suggest witnesses to be interviewed, the burden of gathering information in the investigation is with West Virginia Wesleyan College.

When the Formal Resolution process is initiated, the Title IX Coordinator will designate an investigator or an investigative team who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Title IX Sexual Harassment.

### **A Notice of a Title IX Sexual Harassment Investigation**

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

- An overview of the Investigation/Formal Resolution process;
- A reminder that Informal Resolution process is available until which time a finding of responsibility is rendered;
- Information about Complainants and Respondents Rights, which includes a right to an Advisor;
- A reminder that the burden of proof and burden of evidence gathering sufficient to reach a determination regarding responsibility rests on West Virginia Wesleyan College and not on the parties;
- That West Virginia Wesleyan College cannot access, consider, disclose, or otherwise use a Complainant's or Respondent's records that are made or maintained under legal privilege without voluntary written consent from the person who is protected by that privilege;



- That Complainants and Respondents will have equal opportunity to present witnesses, including fact and expert witnesses, and other evidence;
- Notice that while parties are expected to respect the private and serious nature of the Resolution Process and to refrain from engaging in behavior that could be seen as Retaliation, neither Complainants or Respondents are restricted from discussing the allegations or gathering or presenting evidence; and,
- The Investigator (s) name and contact information.

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

### **Investigation Timeframe for Formal Complaints of Title IX Sexual Harassment**

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

### **Interviews and Gathering Evidence in a Title IX Sexual Harassment Investigation**

**Interviews.** The Investigator(s) will interview the parties and relevant witnesses in order to review the disciplinary process and to hear an overview of each party's account of the incident. Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional Title IX Sexual Harassment under the Policy. Following the interview, each party will be provided with a draft summary of their statement so that they have the opportunity to comment on the summary and ensure its accuracy and completeness. The parties' feedback may be attached or otherwise incorporated into the final investigative report to the extent deemed relevant by the Investigator(s).

**Evidence.** During the interview, and while gathering evidence, Complainants and Respondents will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and other evidence. Although West Virginia Wesleyan College has the burden of gathering evidence sufficient to reach a determination regarding responsibility, all parties are expected to share any relevant information and/or any information that is requested by the Investigator(s). Such information shared by the parties with the Investigator(s) may include both inculpatory and exculpatory evidence.

The Investigator(s) will review all information identified or provided by the parties, as well as any other evidence they obtain. Evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint will be shared with the parties for their review and comment, as described more fully below.

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

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



After all the evidence is gathered, and the Investigator has completed witness interviews, the Investigator will prepare a draft investigative report. The Investigator(s) will send each party, and the party's advisor, if any, the draft investigative report.

The Investigator(s) will also provide the parties, and their advisors, if any, with copies of all evidence directly related to the allegations of the Formal Complaint that was gathered during the investigation. Before doing so, the Investigator(s) may redact information in the evidence that is not directly related to the allegations of the Formal Complaint; information prohibited from disclosure pursuant to a recognized legal privilege; and/or a party's medical or mental health information/records unless the party consents in writing to the disclosure. The evidence may be provided in either an electronic format or a hard copy. Parties and their advisors may not disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. Disseminating evidence in such a way could be considered Retaliation under this policy.

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

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

The Investigator(s) will review the feedback to the report, interview additional relevant witnesses (as deemed appropriate).

### **Final Investigation Report**

After the time has run for both parties to provide any written response to the draft investigative report and evidence, and after the Investigator(s) complete(s) any additional investigation, the Investigator(s) will complete a final investigative report. The Investigator(s) will submit the final investigative report of relevant information to the Title IX Coordinator. The Title IX Coordinator will review the report for completeness and relevance, and direct further investigation as necessary before the report is provided to the Complainant and Respondent.

The Investigator(s) and/or Title IX Coordinator, as appropriate, may exclude and/or redact information or evidence from the final investigative report as follows:

- Information that is not relevant to the allegations raised in the Formal Complaint;



- Information about a Complainant's prior or subsequent sexual activity, unless such information about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; and
- Medical or mental health information, treatment and/or diagnosis, unless the party voluntarily consents.

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

After the ten-business-day deadline, the Complainant and Respondent may not provide any additional written information for the hearing, unless that information was not reasonably available prior to the closing of the ten-business-day window. The Hearing Officer determines whether to grant exceptions to this ten-business-day deadline.

The Title IX Coordinator will determine what, if any, final changes or additions are made to the final investigative report based upon its review of the report and feedback as described above from the Complainant and Respondent. The matter will then be referred to a Hearing Officer

### **Hearings on Title IX Sexual Harassment Allegations**

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

### **Hearing Panel**

The Hearing Officer Panel will be formed by the Title IX Deputy Coordinators minus the Deputy Coordinator who is designated as the Appeal Officer. See Section XX on Appeals for more information.

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

**Alisa Lively**

Deputy Title IX Coordinator

Dean of Students

Student Development Office: Benedum Center for Campus Life

304-473-8443

[Lively\\_a@wwvc.edu](mailto:Lively_a@wwvc.edu)

**Lynn Linder**

Deputy Title IX Coordinator

Provost



Academic Affairs Office: 1<sup>st</sup> Floor, Administration Building  
304-472-8042  
[linder\\_l@wwvc.edu](mailto:linder_l@wwvc.edu)

**Vickie Crowder**  
Deputy Title IX Coordinator  
Director of Human Resources  
Human Resources Office: 1<sup>st</sup> Floor, Administration Building  
304-473-8032  
[Crowder\\_v@wwvc.edu](mailto:Crowder_v@wwvc.edu)

**Jackie Hinton**  
Deputy Title IX Coordinator  
Director of Compliance and Academic Advising  
Room 115: Rockefeller Center  
304-473-8507  
[Hinton.j@wwvc.edu](mailto:Hinton.j@wwvc.edu)

The Chair will be determined by the following:

- If the Respondent is a student: The Chair will be the Dean of Students.
- If the Respondent is an employee: The Chair will be the Director of Human Resources.
- If the Respondent is a member of Faculty: The Chair will be the Provost.

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

#### **Notice of Title IX Sexual Harassment Hearing**

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

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

The Hearing Officer and/or the Title IX Coordinator may establish pre-hearing procedures relating to issues such as scheduling, hearing structure and process, witness and advisor participation and identification, and advance determination of the relevance of certain topics. The Hearing Officer will communicate with the parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for party participation/input.

The Hearing Officer also has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum

#### **Participation of Advisors in a Title IX Sexual Harassment Hearing**

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



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

A party or witness who elects to participate in the process is expected, although not compelled, to participate in all aspects of the process (e.g., a witness who chooses to participate in the investigation is expected to make themselves available for a hearing if requested to do so).

If a party does not appear for the hearing, their advisor may still appear for the purpose of asking questions of the other party and witnesses. If a non-participating party's advisor also does not appear for the hearing, West Virginia Wesleyan College will appoint an advisor to participate in the hearing for the purpose of asking questions of the other party on behalf of the nonparticipating party.

Parties are reminded that, consistent with the prohibition on Retaliation, intimidation, threats of violence, and other conduct intended to cause a party or witness to not appear for a hearing are expressly prohibited.

The Hearing Officer may, at their discretion, exclude witnesses or witness testimony the Hearing Officer considers irrelevant or duplicative. The Hearing Officer will explain any decision to exclude a witness or testimony as not relevant.

### **Recording the Title IX Sexual Harassment Hearing**

A Respondent, Complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the Hearing Officer.

The Title IX Coordinator will arrange for there to be an audio recording, or audiovisual recording, or transcript (or combination) of the hearing, which will be made available to the parties for review and kept on file by West Virginia Wesleyan College for seven years.

Reasonable care will be taken to create a quality recording or transcript and if making recording minimize technical problems, however, technical problems that result in no recording or an inaudible recording are not a valid basis for appeal.

### **Hearing Location and Use of Technology in a Title IX Sexual Harassment Hearing**

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

### **Title IX Sexual Harassment Hearing Structure**

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

- Introductions;
- Respondent's statement accepting or denying responsibility;
- Opening Statement from the Complainant (optional);
- Opening Statement from the Respondent (optional);
- Questioning of the Complainant by the Hearing Officer;
- Cross-examination of the Complainant by the Respondent's advisor;



- Questioning of the Respondent by the Hearing Officer;
- Cross-examination of the Respondent by the Complainant's advisor;
- Hearing Officer questioning of other witnesses (if applicable);
- Cross-examination of other witnesses by the parties' advisors;
- Additional question of the Complainant and Respondent by the Hearing Officer at their discretion;
- Closing comments from the Complainant (optional); and,
- Closing comments from the Respondent (optional).

A Complainant or Respondent may not question each other or other witnesses directly; they must conduct the cross-examination through their advisors. Before a party or witness answers a cross-examination or other question, the Hearing Officer will first determine whether the question is relevant. The Hearing Officer may exclude irrelevant information and/or questions. The Hearing Officer will explain any decision to exclude a question or information as not relevant.

The evidence collected as part of the investigative process will be made available at the hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege are not admissible, unless the person holding the privilege has waived the privilege.

#### **Determination Following a Title IX Sexual Harassment Hearing**

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

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

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, Complainants and Respondents will receive a simultaneous written notification including the decision regarding responsibility and, as applicable, remedies and sanctions. The written notification will include the following:

- Identification of the allegations potentially constituting Title IX Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint of Title IX Sexual Harassment, with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings supporting the determination using a preponderance of the evidence standard;
- Conclusions regarding the application of West Virginia Wesleyan College policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions West Virginia Wesleyan





- College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's Education Program or Activity will be provided by West Virginia Wesleyan College to the Complainant; and
- West Virginia Wesleyan College's permissible basis for the Complainants and Respondents to appeal, and instructions on how to do so. The written notification of outcome becomes final seven days after it is sent to the Parties, unless an appeal is filed on or before that day.

## **FORMAL RESOLUTION OF REPORTS OF PROHIBITED CONDUCT THAT IS NOT TITLE IX SEXUAL HARASSMENT**

### **Formal Complaints of Prohibited Conduct**

Once a report of Prohibited Conduct has been received by the Title IX Coordinator, a Complainant has the option to file a Formal Complaint against a Respondent alleging Prohibited Conduct and requesting that West Virginia Wesleyan College resolve those allegations through an investigation. To file a Formal Complaint, the Complainant should contact the Title IX Coordinator and sign West Virginia Wesleyan College's complaint form. This may be done online, in person, or by email to the Title IX Coordinator.

If the Complainant does not wish to File a Formal Complaint on their own behalf, the Title IX Coordinator may, in their discretion, file a Formal Complaint by signing the Formal Complaint Form.

When deciding to File a Formal Complaint, the Title IX Coordinator will consider the risk that the Respondent might commit additional acts of Prohibited Conduct; whether or not there have been additional reports against the same Respondent for the same or similar conduct; whether or not the Prohibited Conduct was committed by multiple Respondents; the seriousness of the alleged misconduct; and, whether or not the Complainant is a minor.

When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the resolution process. When the Complainant may choose not to participate in the resolution initiated by the Title IX Coordinator, the Complainant will still be treated as a party entitled to inspect and review evidence and to receive all notices, including the notice of allegations, the notice of hearing, and the notice of outcome. At no time, will West Virginia Wesleyan College retaliate against a Complainant to participate in the grievance process.

### **Dismissal**

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

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

### **Consolidation of Formal Complaints**

In their discretion, the Title IX Coordinator may consolidate multiple Formal Complaints for resolution under this Policy. Consolidation might involve a single Complainant or multiple Complainants, a single



Respondent or multiple Respondents, and allegations of conduct that is temporally or logically connected (even where some of that alleged conduct is not Prohibited Conduct). The decision to consolidate Formal Complaints is not subject to appeal.

### **Counterclaims**

West Virginia Wesleyan College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. West Virginia Wesleyan College permits the filing of counterclaims but will assess to ensure that the allegations in the counterclaim are made in good faith.

Counterclaims may also be resolved through the same investigation as the underlying complaint or investigated separately, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### **Notice of Allegations**

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

- Notice of the allegations potentially constituting Prohibited Conduct providing sufficient detail for a response to be prepared before any initial interview, including (1) identities of the parties, if known; (2) the conduct allegedly constituting Prohibited Conduct; and (3) the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged Prohibited Conduct and a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney and who may review and inspect evidence;
- Information regarding the availability of support and assistance through West Virginia Wesleyan College resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options; and,
- Notice of West Virginia Wesleyan College's prohibition of Retaliation of the Complainant, the Respondent, and witnesses; that West Virginia Wesleyan College will take prompt action when Retaliation is reported; and how to report acts of Retaliation.

If, during the course of an investigation, the Title IX Coordinator decides to investigate additional allegations about the Complainant or Respondent relating to the same facts or circumstances but not included in the earlier written notice, the Title IX Coordinator will provide an amended Notice of Allegations to the parties.

### **Investigation**

Once a Formal Complaint has been signed, and there is no Informal Resolution, an investigation will be conducted. An investigation affords Complainants and Respondents an opportunity to submit information and other evidence and to identify witnesses. Although the parties have the option to submit evidence and suggest witnesses to be interviewed, the burden of gathering information in the investigation is with West Virginia Wesleyan College.



When the Formal Resolution process is initiated, the Title IX Coordinator will designate an Investigator or an investigative team who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint of Prohibited Conduct.

### **Investigation Timeframe**

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

### **Interviews and Gathering Evidence**

**Interviews.** The Investigator(s) will interview the parties and relevant witnesses in order to review the disciplinary process and to hear an overview of each party's account of the incident. Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional Title IX Sexual Harassment under the Policy. Following the interview, each party will be provided with a draft summary of their statement so that they have the opportunity to comment on the summary and ensure its accuracy and completeness. The parties' feedback may be attached or otherwise incorporated into the final investigative report to the extent deemed relevant by the Investigator(s).

**Evidence.** During the interview, and while gathering evidence, parties will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and other evidence. Although West Virginia Wesleyan College has the burden of gathering evidence sufficient to reach a determination regarding responsibility, all parties are expected to share any relevant information and/or any information that is requested by the Investigator(s). Such information shared by the parties with the Investigator(s) may include both inculpatory and exculpatory evidence.

The Investigator(s) will review all information identified or provided by the parties, as well as any other evidence they obtain. Evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint will be shared with the parties for their review and comment, as described below.

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

### **Draft Investigation Report and Opportunity to Inspect and Review Evidence**

After all the evidence is gathered, and the investigator has completed witness interviews, the investigator will prepare a draft investigative report. The Investigator(s) will send each party, and the party's advisor, if any, the draft investigative report.

The Investigator(s) will also provide the parties, and their advisors, if any, with copies or descriptions of all evidence directly related to the allegations of the Formal Complaint that was gathered during the investigation. Before doing so, the Investigator(s) may redact information in the evidence that is not directly related to the allegations of the Formal Complaint; information prohibited from disclosure pursuant to a recognized legal privilege; and/or a party's medical or mental health information/records unless the party consents in writing to the disclosure. The evidence may be provided in either an electronic format or a hard copy. Complainants, Respondents, and their advisors may not disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the formal resolution process as



described in this policy. Disseminating evidence in such a way could be considered Retaliation under this policy.

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

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

Generally, only information that is provided to, or otherwise obtained by, the Investigator(s) during the course of the investigation will be considered in the determination of whether a Policy violation occurred. Any and all information for consideration by the Hearing Panel must be provided to the Investigator(s) prior to the final investigation report and will not be allowed during the hearing unless it can be clearly demonstrated that such information was not reasonably available to the parties at the time of the investigation or that the evidence has significant relevance to a material fact at issue in the investigation.

At the Title IX Coordinator's discretion, new evidence submitted after the Draft Investigation Report is issued, may result in additional investigation.

### **Administrative Hearing**

After the time has run for both parties to provide any written response to the draft investigative report and evidence, and after the Investigator(s) complete(s) any additional investigation, the Investigator(s) will complete a final investigative report. The Investigator(s) will submit the final investigative report of relevant information to the Title IX Coordinator. The Title IX Coordinator will review the report for completeness and relevance, and direct further investigation as necessary before the report is provided to the Administrative Hearing Panel.

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

The Hearing Panel, by way of a majority vote will consider all relevant evidence and make a determination, by preponderance of evidence standard, whether the Respondent has violated the Policy. The Title IX Coordinator is not a decision-maker in the Administrative Hearing.

If it is determined that the preponderance of evidence standard cannot be met, the matter will be closed subject to a final appeal.

### **Written Notice Regarding an Outcome**

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanction has been made, Complainants and Respondents will receive a simultaneous



written notification including the decision regarding responsibility and, as applicable, remedies and sanctions. The written notification will include the following:

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

## INFORMAL RESOLUTIONS OF TITLE IX SEXUAL HARASSMENT AND PROHIBITED CONDUCT

Informal Resolution is an alternative resolution process that does not include an investigation or Hearing. Informal Resolution is typically a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the Respondent, and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the West Virginia Wesleyan College community. Informal Resolutions can include, but are not limited to, Education, Mediation (including shuttled mediation or dialogue), and Restorative Practice.

Informal Resolution may be administered by the Title IX Coordinator or their designee.

Admission of responsibility for a policy violation is not required for participation in Informal Resolution processes, but parties must agree to end the behavior, prevent its recurrence, and address its effects through Informal Resolution.

When the reported allegations are of Title IX Sexual Harassment, Informal Resolution process may not begin unless and until a Formal Complaint of Title IX Sexual Harassment is filed and Informal Resolution is not available in cases involving a Student-Complainant and Employee-Respondent.

Informal Resolution may be available, under appropriate circumstances, at any time prior to reaching a determination regarding responsibility through a Formal Resolution process.

The Title IX Coordinator reserves the right to determine whether Informal Resolution is appropriate in a specific case. Before the Title IX Coordinator begins the Informal Resolution process, both parties must provide informed consent in writing. In addition, where both parties and the College determine that Informal Resolution is worth exploring, the College will provide the parties with a written notice disclosing:



- the allegations,
- the requirements of the Informal Resolution process, and
- any consequences resulting from participating or withdrawing from the process, including the records that may be maintained by the College.

At any time prior to reaching a resolution, either party may withdraw from the Informal Resolution process and proceed with the appropriate Formal Resolution process. The Complainant may also request that a Formal Complainant be dismissed.

Once an Informal Resolution is agreed to by all parties, the resolution is binding, and the parties generally are precluded from resuming or starting the applicable formal grievance process related to specific misconduct that was alleged. Any breach of the terms of an Informal Resolution agreement may result in disciplinary action.

## REMEDIES AND SANCTIONS FOR POLICY VIOLATIONS

In the event the Hearing Panel finds the Respondent responsible for a violation of West Virginia Wesleyan College's policies, appropriate remedies and sanctions will be determined by the Deputy Title IX Coordinator as listed below in conjunction with the Title IX Coordinator. Remedies are designed to restore or preserve equal access to the College's Education Program or Activity and may be disciplinary or punitive.

Should a respondent accept responsibility for a Policy violation, or if it is determined that the preponderance of evidence establishes that it is more likely than not that the respondent violated the Policy, the Title IX Coordinator will determine an appropriate sanction in conjunction with the Deputy Title IX Coordinator as indicated below.

- If the Respondent is a student: The sanction will be administered by the Dean of Students.
- If the Respondent is an employee: The sanction will be administered by the Director of Human Resources.
- If the Respondent is a member of Faculty: The sanction will be administered by the Provost.

Upon a finding of responsibility, the Complainant will be provided with remedies designed to restore access to the College's educational and employment programs and activities.

Sanctions for a finding of responsibility for Student Respondents include, but are not limited to, any of the sanctions outlined in the Student Handbook, education, growth plans, referral to counseling, warnings, probation, suspension, suspension from participation in activities or privileges, suspension from the College or the residence halls, or expulsion. In determining (a) sanction(s), the designated Deputy Coordinator will consider whether the nature of the conduct at issue warrants removal from the College, either permanent (expulsion) or temporary (suspension).

Sanctions for findings of responsibility for Employee and Faculty Respondents include, but are not limited to, education, referral to counseling, warnings, probation, reprimands, suspensions, withholding of a promotion or pay increase, reassignment, restriction in activities or privileges, temporary suspension without pay, compensation adjustments, or termination.



Other factors pertinent to the determination of what sanction applies include, but are not limited to, the nature of the conduct at issue, prior disciplinary history of the Respondent, previous West Virginia Wesleyan College response to similar conduct, and West Virginia Wesleyan College interests (e.g., in providing a safe environment for all).

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

## APPEALS

### Appeals

A Complainant and Respondent both have the right to appeal (1) The Title IX Coordinator's decision to dismiss a Formal Complaint of Title IX Sexual Harassment; and (2) decisions regarding responsibility for policy violation or outcome.

Appeals may only be made by Complainants and Respondents and not advisors or other third-parties.

A party wishing to appeal the Title IX Coordinator's decision to dismiss a Formal Complaint of Title IX Sexual Harassment must file a written appeal statement within five business days of the date the decision to dismiss is communicated to the parties.

A party wishing to appeal a decision regarding responsibility or outcome must file a written appeal statement within five business days of the date the written decision is sent to the parties.

The written appeal statement must identify the ground(s) upon which the appeal is being made. The only grounds for appeal are:

- New information not reasonably available at the time of the decision that could affect the outcome of the matter;
- The Title IX Coordinator or other Title IX Administrator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent specifically that affected the outcome of the matter; and/or
- Procedural error(s) that affected the outcome of the matter. An appeal is not a re-hearing of the case.

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

### Appellate Officer

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





The Appeal Officer's role is limited to reviewing the underlying record of the investigation and hearing, the appealing party's ("Appellant") written appeal statement, any response to that statement by the other party ("Appellee")

### **Response to Appeal**

The Appeal Officer will provide written notice to the Appellee that an appeal has been submitted and will give the Appellee an opportunity to review the appeal statement. The Appellee may submit a written response to the appeal ("response"). The response is due two business days from the date West Virginia Wesleyan College provides written notice of the appeal to the Appellee. West Virginia Wesleyan College will provide the Appellant an opportunity to review the non-Appealing Party's response but no further submissions are permitted.

### **Written Decision**

The Appeal Officer will provide written notification of the final decision to the Appellant and Appellee simultaneously. The Appeal Officer will typically notify the parties of its decision regarding an appeal in writing within five business days from receipt of the appeal statement. If the decision will take longer, the parties will be informed. The decision of the Appeal Officer will be final, and no subsequent appeals are permitted.

## **RECORD RETENTION**

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

## **TRAINING OF TITLE IX ADMINISTRATORS**

All Title IX Administrators will be trained on definitions of Title IX Sexual Harassment and other forms of Prohibited Conduct, scope of West Virginia Wesleyan College's Education Program and Activities and Title IX Jurisdiction, the investigation process; Hearing process and procedures, Appeals, Informal Resolution; and how to serve impartially to avoid Bias and Conflicts of Interest.

All Hearing Officers receive annual training on the following: how to conduct a hearing; issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; how to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues.

Hearing Officers will also be trained on any technology that might be used during a hearing.

Investigator(s) will be trained annually on (1) issues of relevance; (2) the definitions in the Policy; (3) the scope of the College's Education Program or Activity; (4) how to conduct an investigation; and (4) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.



## *Appendix A*

### **Complainant's Rights**

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



## *Appendix B*

### **Respondent's Bill of Rights**

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



## *Appendix C*

President, James Moore

Vice President for Student Affairs, Alison Whitehair

Provost and Deputy Coordinator, Lynn Linder

Vice Present for Enrollment Management, John Waltz

Vice President for Institutional Advancement and Development, Dedriell Taylor

Vice President for Finance and Chief Financial Officer, Denny McMaster

Director of Human Resources and Deputy Coordinator, Vickie Crowder

Dean of Students and Deputy Coordinator, Alisa Lively

Director of Greek Life and Director of Campus Safety and Security, John Bohman

Director of Athletics, Rae Emrick

Director of Compliance and Advisor and Deputy Coordinator, Jackie Hinton



## Appendix D

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

### Sexual Assault

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

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

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

(1) The person engages in sexual intercourse or sexual intrusion with another person and, in so doing:

(i) Inflicts serious bodily injury upon anyone; or

(ii) Employs a deadly weapon in the commission of the act; or

(2) The person, being fourteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is younger than twelve years old and is not married to that person.

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

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

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

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

(1) Such person engages in sexual intercourse or sexual intrusion with another person without the person's consent, and the lack of consent results from forcible compulsion; or

(2) Such person engages in sexual intercourse or sexual intrusion with another person who is physically helpless.



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

**Domestic Violence**

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

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

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





## APPENDIX TWO: West Virginia Wesleyan College Policy on Pregnancy and Related Conditions for Students and Employees

### *Purpose and Summary*

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

West Virginia Wesleyan College does not discriminate on the basis of race, sex, color, national or ethnic origin, creed, ancestry, marital/family status, veteran status, sexual orientation, gender, gender identity, gender expression, pregnancy, religion, age, disability or blindness, or any other characteristic protected by local, state or federal law, to include Title VI, Title IX, Section 504, and the Age Discrimination Act, in the administration of its admission policies, scholarship and loan programs, educational programs, employment, athletic programs, co-curricular activities, or other College administered programs.

West Virginia Wesleyan College is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. West Virginia Wesleyan College hereby establishes a policy and procedures for ensuring the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents.

The Director of Disability Services for students and/or the Director of Human Resources for employees, with oversight of the Title IX Coordinator, have the authority to determine that such modifications or accommodations are necessary and appropriate, and to inform faculty members and supervisors of the need to adjust academic and work parameters accordingly. As with disability accommodations, information about requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary.

### *Scope and Enforcement*

This policy applies to all aspects of West Virginia Wesleyan College's programs, including admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

Any member of the West Virginia Wesleyan College community may report a violation of this policy to any Responsible Employee, Deputy Title IX Coordinators, or to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing the resolution of discrimination complaints, which includes failure to accommodate, involving pregnant and parenting students. Reports may be made to the Title IX Coordinator in person, by mail, electronic mail, by phone, or online at:

<https://www.guardianconduct.com/incident-reporting>.

Responsible Employees and Deputy Title IX Coordinators must promptly forward such reports to the Title IX Coordinator.



**Amy Kittle**

Title IX Coordinator

Student Development Office: Benedum Center for Campus Life

304-621-1316

[titleix@wwvc.edu](mailto:titleix@wwvc.edu)

<https://wwvc.guardianconduct.com/incident-reporting>

**Alisa Lively**

Deputy Title IX Coordinator

Dean of Students

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**Vickie Crowder**

Deputy Title IX Coordinator

Director of Human Resources

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**Lynn Linder**

Deputy Title IX Coordinator

Provost

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**Jackie Hinton**

Deputy Title IX Coordinator

Director of Compliance and Academic Advising

Room 115 Rockefeller Center

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In addition to West Virginia Wesleyan College's internal remedies, members of the campus community should also be aware that the Office of Civil Rights investigates and prosecutes complaints of prohibited discrimination. This agency may be contacted as follows:

**Office for Civil Rights (OCR), Headquarters**

400 Maryland Avenue, SW Washington, DC 20202-1100

Customer Service Hotline: 800-421-3481 TDD: 877-521-2172 Facsimile: (202) 453-6012

Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)



**Office for Civil Rights, Philadelphia Office U.S. Department of Education**

The Wanamaker Building 100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: (215) 656-8541 Facsimile: (215) 656-8605

Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

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

Complaints involving employee concerns may also be reported to the Equal Employment Opportunity Commission. The EEOC has jurisdiction over some Title IX employment claims.

**U.S. Equal Employment Opportunity Commission Headquarters**

131 M Street, NE Washington, DC 20527

Phone: 800-669-4000 TTY 800-669-6820

**U.S. Equal Employment Opportunity Commission, Pittsburg Area Office**

William S. Moorhead Federal Building

1000 Liberty Ave, Suite 1112

Pittsburg, PA 15222

Phone: 800-669-4000 TTY: 800-669-6820

***Anonymous Reporting***

Reports can also be made anonymously by telephone, in writing, or electronically via the Title IX Incident Report Form (<https://wwc.guardianconduct.com/incident-reporting>). Depending on the level of information available about the incident or the individuals involved, West Virginia Wesleyan College's ability to respond to an anonymous report may be limited. West Virginia Wesleyan College will, however, take whatever steps it deems appropriate and in the best interests of the overall West Virginia Wesleyan College community, consistent with the information available.

***Information Sharing***

All employees are required to provide to any person making a disclosure of pregnancy or pregnancy related condition the Title IX Coordinator's contact information, the location of this policy, and communicate that the Director of Disability Services/Director of Human Resources can help take provide specific modifications and/or accommodations to ensure equal access to Wesleyan's programs and activities. If the employee has a reasonable belief that the individual is already receiving modifications and/or accommodations or that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.



## *Definitions*

**Birth Parent:** refers to the person who is or was pregnant or had a pregnancy related condition. This policy and its pregnancy related protections apply to all pregnant persons regardless of gender identity or expression.

**Caretaking:** Acts of caring and providing for the needs of a child connected to birth and nursing.

**Essential Functions:** the fundamental responsibilities of a job that must be completed to hold the position

**Medical Necessity:** A determination made by an appropriate health care provider of a student's or employee's choosing.

**Pregnancy and Pregnancy Related Conditions:** These may include, but are not limited to, pregnancy, childbirth, lactation, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, the recovery from any of these conditions in accordance with federal law.

**Pregnancy Discrimination:** Includes treating an individual affected by pregnancy or a pregnancy related condition less favorably than similar individuals not so affected and/or failure to provide legally mandated leave or accommodations.

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

**Reasonable Accommodations:** Changes in academic or employment environments that enables pregnant people or people with pregnancy related conditions to continue to fully participate in the College's Programs or Activities. May require documentation

**Reasonable Modifications:** Adjustments to academic and employment environments that allows pregnant people or people with pregnancy related considerations to fully participate in the College's Programs or Activities. May not require documentation and may include, but is not limited to increased desk sizes, water, or more frequent restroom breaks.

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

## *Reasonable Modifications and Accommodations*

West Virginia Wesleyan College and its faculty, staff, and other employees, will not require students to limit their studies or participation in activities as the result of pregnancy or pregnancy related conditions. Likewise, West Virginia Wesleyan College will not require employees to limit their employment as the result of pregnancy or pregnancy related conditions.

The benefits and services provided to students and employees affected by pregnancy will be no less than those provided to those with temporary medical conditions.

Administrative responsibility for these accommodations lies with the Director of Disability Services for students and/or the Director of Human Resources for employees (or designees), under oversight from the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations. Students and employees with pregnancy related disabilities, like others with a short-term disability, are



entitled to reasonable modifications and/or accommodations so that they will not be disadvantaged in their studies, research, or career, and may seek assistance from Disability Services, Human Resources, and/or the Title IX Coordinator.

Students and employees are encouraged to work with the Director of Disability Services and/or Director of Human Resources for support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic and employment impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

No deadlines or time limitations will be imposed on requests for modifications or accommodations, but West Virginia Wesleyan College is limited in its ability to impact or implement modifications or accommodations retroactively.

Reasonable modifications and accommodations are determined by examining the needs of the pregnant person in relationship to the campus environment. Reasonable modifications or accommodations will not include removing essential job functions or academic standards, creating new jobs, waiving required or learning outcomes, providing personal needs items, or anything that might pose an undue hardship by West Virginia Wesleyan College.

Not every modification or accommodation is reasonable for all academic or employment settings. Each situation will be assessed on a case by case basis in consideration of the educational requirements and/or employment responsibilities in conjunction with the documentation provided. Reasonable accommodations may include, but are not limited to:

- Requests to protect the health and safety of the pregnant person and/or the pregnancy (e.g. such as allowing the student or employee to maintain a safe distance from hazardous substances)
- Modifications to the physical environments such as accessible seating
- Mobility support
- Excused absences for pregnancy related absences
- Extending deadlines and/or allowing make up tests and assignments to be submitted due to pregnancy related absence
- Granting leave per the College's medical leave policies
- Issuing Incomplete grades for classes or work that will be resumed at a future date
- Remote learning options
- Allowing breast feeding parents reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathrooms and bathroom stalls do not satisfy this requirement.

If necessary and in situations such as clinical rotations, performances, labs, internships, and group work, the institution will work with the student to devise an alternative path to completion, if possible.

In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.



Nothing in the policy requires modification to the core learning outcomes of any academic course or program, essential functions of a job, or a waiver of requirements third party agencies (e.g. state licensing requirements).

### ***Leave of Absence***

As long as pregnant and parenting students can maintain appropriate academic progress and/or fully participate in the activity, faculty, staff, or other College employees will not require them to take a leave of absence or withdraw from or limit their students or participation in activities as the result of pregnancy, childbirth, or related conditions.

West Virginia Wesleyan College Leave of Absence Policy is located in the West Virginia Wesleyan College Undergraduate Catalog. The leave term may be extended in the case of extenuating circumstances or medical necessity.

West Virginia Wesleyan College policies on Family Medical Leave and other employment specific pregnancy polices are located in the West Virginia Wesleyan College Employee Handbook which is provided upon hire and is available through the Human Resources Office.

Students and employees taking leave will provide notice of the intent to take leave thirty (30) calendar days prior to the initiation of leave, or as soon as practicable. Intermittent leave may also be taken with the advance approval of the Director of Disability Services/Director of Human Resources.

To the extent possible, West Virginia Wesleyan College will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began, with no penalty.

Continuation of College funded scholarships, wages, or similar College sponsored funding during the leave term will depend on the pregnant person's status and the policies of the program regarding their registration or employment status. Students and employees will not be negatively impacted by or forfeit their future eligibility by exercising their rights under this policy.

### ***Retaliation and Harassment***

Faculty, staff, and other College employees are prohibited from interfering with a pregnant person taking leave, seeking reasonable accommodations, or otherwise exercising their rights under this Policy. Faculty, staff, and other College employees are prohibited from retaliating against a pregnant or parenting person for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational or employment outcomes because they request leave or accommodations, files a complaint, or otherwise exercises their rights or seeks assistance from the Title IX Coordinator regarding this policy.

### ***Dissemination of the Policy***

A copy of this policy shall be made available to faculty, staff, and students on an annual basis and shall be posted on the institution's Title IX page of the website. The Title IX Coordinator shall work with all members of the campus community to ensure compliance with this policy and familiarity with the relevant procedures.