

2019

# Crime Awareness and Campus Security Report



## 2019 CRIME AWARENESS & CAMPUS SECURITY REPORT

### INTRODUCTION

West Virginia Northern Community College (WVNCC) has taken prudent steps to promote a safe and secure environment that is compatible with the College community's academic and co-curricular pursuits. We solicit your support in making our College community safe and secure by accepting responsibility for your actions and committing to participate in programs to assist others.

No institution can guarantee the total safety and security of all its members. Only through community support and involvement can we be successful in achieving our goal. We ask you to help us by reporting any suspicious activity or crime immediately. Together, we can make West Virginia Northern a safe and secure environment for the community.

### JEANNE CLERY ACT & ANNUAL SECURITY REPORT

The Student Right-to-Know and Campus Security Act was signed into law in November 1990. Title II of this Act is known as the (Jeanne Clery) Crime Awareness and Campus Security Act. It requires institutions participating in student financial aid programs, under Title IV of the Higher Education Act of 1965, to disclose information about campus safety policies and procedures, and to provide statistics concerning certain crimes that occurred on campus.

The Annual Security Report (ASR) includes statistics for crimes defined under the Clery Act which are reported for all WVNCC on-campus buildings, public property adjacent to campus buildings, and off-campus property owned by the College or used for College activity during the time in use. Statistics are requested from local and state police for reporting in each year's publication. If information is unavailable from police, a notation will be made at the time of reporting on information not provided. Information is also gathered from on-campus crime logs, which are available through each Manager of Campus Operations and from College officials listed in the Clery Act as responsible for reporting, including the Campus Liaison Officer, the Executive Safety and Security Committee, the Director of Student Activities, Manager of Campus Operations or through the appropriate Vice President or President's Office. Crime logs 60 days or older can be accessed through the Vice President of Student Services. The final reporting of statistics is provided by the Office of Institutional Research at WVNCC. The ASR is also sent through campus email to all current students, faculty, and staff. Additionally, this information may also be found on the WVNCC Safety and Security page on our website at <https://www.wvncc.edu/offices-and-services/security-and-safety/1487>.

Questions concerning campus safety and security may be directed to Campus Liaison Officer Faldowski for the Wheeling Campus, or to the Manager of Campus Operations for the New Martinsville and Weirton campuses. Contact information can be found on the following page. The Annual Security Report is compiled by the WVNCC Clery Compliance Team. The team is a sub-committee of the Safety & Security institutional committee, and is comprised of staff that hold significant responsibility for student and campus activities.

**GENERAL PROCEDURE FOR CRIME REPORTING AND CRIME PREVENTION**

To report a crime, contact your campus as follows:

**New Martinsville Manager of Campus Operations**

304-510-8761

**Weirton Manager of Campus Operations**

304-723-7515

**Wheeling Campus Security Liaison**

304-650-9994 (day)

**Wheeling Campus Security Liaison**

**304-650-9996 (evening)**

**Wheeling Campus Safety & Security Committee**

304-233-5900

ext. 8845, ext. 8901

In the event of sexual assault, report immediately to local police using the emergency number of 911.

**SECURITY & ACCESS TO CAMPUS FACILITIES**

During business hours (8:00AM - 5:00PM), the College's main Service Center area on all campuses is open to students, parents, employees, contractors, guests, and those seeking information and business with the College. Classroom areas, open computer labs, and student activity areas are open to all registered students, faculty and staff during business hours. Office areas are available during posted hours of operation. The College's Learning Resource Centers (LRC/Library) are available to the community during business hours and patrons are required to

follow policies for use of computers and other library materials, services and space. WVNCC does not operate any on-campus housing facilities.

During non-business hours or during periods when the College is closed, access is limited to those with prior approval or with admittance by an approved College official. Emergencies or other College-determined need may necessitate changes or alterations to any posted schedule.

## Public Access on College Property Administrative Procedure

### Purpose

The purpose of this administrative procedure is to further promote the safety and security of WVNCC students, faculty, staff, administrators and building occupants by controlling access to its facilities to those authorized by the administration. The College uses measures to reasonably ensure the health, safety and welfare of its internal community. As a result, it is important for the College to ensure, on a daily basis, that those who come to campus have the authority to do so. The College fully recognizes its status as a public entity and the need to provide access to its facilities to those individuals and groups that are authorized by College administrators to use its facilities. This administrative procedure applies to all individuals including, but not limited to students, employees, building occupants, visitors and guests.

### Procedure

1. During its hours of operation (except for emergency closings), WVNCC will be open to students, employees, authorized building occupants, and contractors. The hours of operation and limited access to certain areas are subject to change at the College's discretion at any time.
2. Persons over the age of 18 who are not students, employees or authorized building occupants of WVNCC may access only the following public areas on the Wheeling, Weirton, and New Martinsville Campuses for the limited time needed to obtain their intended business related service:
  - a. B&O Building – First Floor Wheeling Campus Only
  - b. Lobby areas near Service Center and Bookstore - Weirton and New Martinsville Campuses Only
  - c. LRC (library) requires a Photo ID and sign in at each visit
  - d. Loitering is not permitted on College property
3. Children under the age of 18 and those who are not current students of WVNCC or WVNCC Middle College may be on campus to participate in or attend an event held at WVNCC; or if accompanied by a parent or guardian may access only the

following public areas on the Wheeling, Weirton, and New Martinsville Campuses for the limited time the parent or guardian needs to obtain their intended services:

- a. B&O Building – First Floor Wheeling Campus Only
- b. Lobby areas near Service Center and Bookstore - Weirton and New Martinsville Campuses Only

Access to WVNCC's campuses for any other reason other than those previously mentioned is not permitted.

4. Employee offices are for official business only. Guest of employees, including family and friends, are not permitted to loiter in offices, lounges or other areas of the College Buildings.

5. Access to other areas of the WVNCC's campuses require students, faculty, staff and administrators to show college-issued ID card to gain admittance. Persons without a valid ID may not be allowed admittance. Visitors are to report the Campus Service Center on the Weirton and New Martinsville campus and to the Receptionist in the B&O Building in Wheeling to sign in and receive a visitor's badge.

6. Visitors and guests are permitted to attend Culinary Arts functions without registering with the receptionist.

7. Delivery and service personnel are permitted in designated delivery/services areas or other areas as authorized.

8. Only Service animals are allowed access to campus facilities and vehicles, all other animals are not permitted.

WVNCC Facilities Department provides maintenance of campus buildings and grounds. Facilities monitors and repairs unsafe facility conditions and assists with those raising concerns for personal safety and property protection. Conditions can include inoperative locking hardware, exterior lighting, steps and handrails, unsecured equipment, and hazardous conditions. If any of these conditions are found to be unsafe, they should be brought to the attention of the Director of Facilities Patricia Marker at 304-830-2812. Maintenance staff are available from 5:00 AM - 10:00PM Monday through Thursday and 6:00AM - 7:00PM Friday.

#### Campus Police Authority

WVNCC has a strong working relationship with various police departments surrounding all of the WVNCC campuses. These departments include the Weirton Police; Hancock County Sheriff's Office; New Martinsville

Police; Wetzel County Sheriff's Office; Ohio County Sheriff's Office; and the West Virginia State Police. Each year WVNCC works with these departments to investigate and solve cases involving WVNCC students.

All crime and any suspicious activity must be reported to the Campus Liaison Officer on the Wheeling campus or the Manager of Campus Operations on the Weirton and New Martinsville campuses or to any official of the College. All crimes reported become a matter of public record; no confidential reporting of crimes is available. Violations of law will be referred to local law enforcement agencies and, when appropriate, through the Student Code of Conduct.

The College does not have pastoral or professional counselors. The Weirton and New Martinsville campuses do not have a security department or security personnel.

The Wheeling campus employs a Wheeling Police officer through a Memorandum of Understanding with the Wheeling Police Department for a Campus Liaison Officer normally between the hours of 10:00AM and 6:00PM Monday through Friday. The Wheeling campus also employs one evening Wheeling Police officer, as needed, when classes are in session to act as security and provide escorts to parking areas during the Fall and Spring semesters. No evening service is available during the summer at the Wheeling campus, at any time at the New Martinsville or Weirton campuses, or during other times when the College may be open.

The Campus Liaison Officer and the evening police officer have the same law enforcement authority on all campus property and adjacent public property as any City of Wheeling Police officers who are commissioned officers under the State of West Virginia WV State Code §60A-5-501. Powers of enforcement personnel are as follows:

(a) Any member of the state police, any sheriff, any deputy sheriff, any municipal police officer and any campus police officer may in the enforcement of the provisions of this act:

1. Carry firearms;
2. Execute and serve search warrants, arrest warrants, subpoenas, and summonses issued under the authority of this state;
3. Make arrests without warrant for any offense under this act committed in his presence, or if he has probable cause to believe that the person to be arrested has committed or is committing a violation of this act which may constitute a felony;
4. Make seizures of property pursuant to this act; or
5. Perform such other law-enforcement duties as said state board of pharmacy or said appropriate department, board or agency, as specified in section 301, designates.

In accordance with state laws, the Campus Liaison officer has all powers of police in criminal cases and offenses against the laws as well as authority to enforce West Virginia motor vehicle laws, local ordinances and College rules and regulations. Wheeling Campus Liaison Officer and Wheeling Campus police evening Officers have jurisdiction throughout the City of Wheeling which includes the entirety of the Wheeling Campus of WVNCC. Wheeling Campus Liaison Officer and Wheeling Campus Police evening officers are armed. The Campus Liaison officer and any Wheeling Police Officer employed by the College are charged with the responsibility for investigation, follow-up, apprehension, and resolution of any incident reported to the College. For the campus

security department to achieve its mission, it is critical that all members of the community report crimes promptly and accurately when the victim elects to or is unable to. Accurate and prompt reporting is also encouraged in the WVNCC Board of Governor's Crime Awareness and Campus Security Rule, "Individual involvement is essential and community members commit to report any suspicious activity or crime immediately." Additionally, in the WVNCC Incident Reporting Form, it states to, "Print form and return to Human Resources immediately." In the Campus Security Authority (CSA) letter, which is internally sent to CSA's, it states that once a crime is reported to a CSA, the CSA must report the crime within 48 hours.

In July 2015, the College's Liaison Officer became a Prevention Resource Officer (PRO) following the guidelines of the West Virginia Division of Justice and Community Services. The Campus Liaison officer through his PRO duties will allow additional focus on school safety; education for students, parents and staff; mentoring of students; child advocacy; law enforcement; building security; traffic duties; community outreach; and acts as a liaison with other resources.

During new student orientation, each fall and spring, the College will address matters of safety related to the student's home campus and awareness of available resources. The College has an Emergency and Safety Policy in effect and it is provided to all full-time faculty and staff through the Safety Committee. The Security Policy as provided is a living and working document which is updated as needed.

#### STATEMENT ADDRESSING OFF-CAMPUS ACTIVITY

WVNCC does not currently have any recognized organizations which are housed off campus. Additionally, we do not have any student organizations that own or control property as an organization. College organizations sponsoring off-campus events are subject to the applicable College Code of Conduct standards and any crimes reported during those events will be reported to the local police authorities.

#### TIMELY WARNINGS

In the event that a Clery crime occurs, within Clery geography, and constitutes an ongoing or continuing threat, a timely warning will be issued. The warning will be issued through the College's e-mail system and WVNCC Watch Text Alert System to students, faculty and staff. Warnings will be issued by David Barnhardt Director of Marketing & PR, Lisa Soly Weirton Manager of Campus Operations, or Debbie Bennett New Martinsville Manager of Campus Operations. In the case of absence, a timely warning can be issued through the appropriate Vice President or President's Office.

The College may also post a written notice on campus bulletin boards and near entrance ways to campus buildings. Coordination with local safety officials such as city or state police is done on an as needed basis. The College is in regular contact with local authorities.

Complainants of Clery crimes should be aware that the College's administrators must issue timely warnings to the college community for incidents reported to them that pose an ongoing or continuing threat to members of the

campus community. No such warning will identify a complainant or contain information that could do so unless permitted by the complainant.

## EMERGENCY NOTIFICATIONS AND PROCEDURES

West Virginia Northern Community College will promptly alert the College community of potentially dangerous situations so that students, employees and building occupants have both the time and information to take appropriate precautions (such as evacuation, shelter, or other action on the part of the campus community).

The President of the College, President's Cabinet members, and campus administrators have the authority to determine the content of the alert and to initiate the notification system and who needs to receive the alert.

West Virginia Northern Emergency Notification system is a method to effectively communicate emergency information to a large number of people at virtually the same time. It allows the College to notify the college community in the event of an emergency by sending critical information via:

- Text message
- Voice message (mobile or land-line)
- Email
- Computer monitor and/or digital signage (if appropriate)
- Home page of website ([www.wvncc.edu](http://www.wvncc.edu))
- West Virginia Northern's social media channels

When an emergency occurs that requires attention or action, the emergency notification system will be activated and students, employees and building occupants will be notified by the methods noted above. The system will not be used to send non-emergency, routine or spam messages. It is imperative that contact information is kept accurate and up to date in order to receive emergency notifications.

- Students can update their information through their portal or at the Campus Service Centers
- Faculty and Staff members can update their information through Human Resources.

If there is an immediate and ongoing threat to the health or safety of students or employees occurring on campus, the College will issue an emergency notification through the emergency notification system. Situations for which the West Virginia Northern emergency notification system will be used, may include but are not limited to:

- Facility emergencies
  - Fire or explosions
  - Power outages
- Campus evacuations
- Dangerous weather conditions
  - Tornado
  - Flooding



- Criminal behavior
  - Murder
  - Robbery
  - Active shooter
- Off campus incidents that may have an immediate threat to the health or safety of students or employees.
  - Chemical or hazardous material spills or accidents
  - Criminal behavior

The following are conditions that will prevent emergency notification messages from being received:

- If the recipient is not a registered student or an active employee at the time of notification
- If the information provided to the College is not up-to-date
- Issues with mobile device service providers
- Spam filter may have blocked an e-mail from being delivered

Not every emergency can be anticipated; however, the College has developed some emergency messages that can be modified easily for use in a number of situations. This will allow notifications to be sent quickly. The messages are deliberately short (140 characters or less).

The College will provide follow-up information to the students, employees and building occupants using the same systems that were used to send out the original alert when additional information is available or the emergency has ended.

The method of Emergency notifications may change on a case-by-case basis if the notification compromises the efforts of the emergency or otherwise mitigate the emergency.

#### Privacy

Contact information collected by the College is for use in the emergency notification system only. The College will not use this Information for any other purpose than emergency notification.

#### Testing

The President of the College, President’s Cabinet members, and campus administrators will designate when the emergency notification system will be tested each semester and over each summer. Additional testing may be conducted as part of drills and exercises, or as necessary.

### EMERGENCY RESPONSE PLAN

WVNCC realizes that an emergency typically occurs with very little notice. Therefore, a defined approach to responding to an emergency may vary depending on the specific conditions at the time of the emergency. It is also

possible that an emergency may occur that has not been identified in this plan. The Emergency Procedures chart is designed to prepare for campus emergencies and can be found in all classrooms either on the wall or at the podium. A copy has been provided to every employee and is displayed in some public areas. The Emergency Procedures are campus specific and may have different steps based on the campus locations.

The College has initiated a written Emergency Evacuation and Safety Plan including definitions of terms, lines of authority, campus responsibility and emergency management team, resources and contacts. Annual emergency response tests are done on each campus and coordinated by the Safety Committee. This information is available to the College community through the Safety Committee.

In the event of an emergency the College will use a number of means to communicate including the WVNCC Rave Text Alert system, email, WVNCC website, classroom telephones, etc., as deemed appropriate for the given emergency.

The College's Emergency Management team will meet after each event to review and summarize the occurrence and response.

#### HOW DRILLS ARE CONDUCTED

Periodic drills are conducted to review student, faculty, and staff awareness of evacuation routes, procedures, and Emergency Team Members effectiveness. All such drills are conducted with the Director of Facilities, the Campus Liaison Officer, and the Emergency Team Members.

Fire Drill data is recorded by the Director of Facilities. Data included in the report consists of the date, the campus and building, the time of fire alarm activation, the time the fire alarm company reports the alarm to local emergency dispatch, time the Fire Department arrived, the time the building was cleared, and any issues that arose during the drill. The drill is monitored by a third party from another campus, or outside agency.

#### REPORTABLE CRIMES

The Clery Act requires that institutions of higher education must include four distinct categories of crime in their ASR crime data. These categories are as follows:

##### Criminal Offenses

Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence

Sexual assault: rape, fondling, incest, statutory rape

Robbery

Aggravated assault

Burglary

Motor vehicle theft

Arson

Hate Crimes (any of the above mentioned offenses, and any incidents of)

Larceny-theft

Simple assault

Intimidation

Destruction/damage/vandalism of property

VAWA Offenses

Domestic violence

Dating violence

Stalking

Arrests and Referrals for Disciplinary Action

Weapons law violations

Drug abuse violations

Liquor law violations

West Virginia Northern Community College requests crime figures from law enforcement agencies whose jurisdiction includes the College campuses. This information is used to generate the statistics. All figures reported are for the three calendar years immediately preceding the publication year. Any questions can be addressed to the Campus Liaison Officer, Manager of Campus Operations, or the appropriate Vice President's Office.

**CLERY CRIME STATISTICS**

January 1, 2018 to December 31, 2018		<b>GEOGRAPHIC LOCATION - NEW MARTINSVILLE CAMPUS</b>		
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2018	0	0	0
	2017	0	0	0
	2016	0	0	0

MANSLAUGHTER BY NEGLIGENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
RAPE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
FONDLING	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
INCEST	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
STATUTORY RAPE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ROBBERY	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
AGGRAVATED ASSAULT	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
BURGLARY	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
MOTOR VEHICLE THEFT	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARSON	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DOMESTIC VIOLENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DATING VIOLENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
STALKING	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: WEAPONS:CARRYING,POSSESSIONS, ETC	2018	0	0	0

	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSIONS, ETC	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: LIQUIOR LAW VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: LIQUIOR LAW VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
		<b>GEOGRAPHIC LOCATION - WEIRTON CAMPUS</b>		
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
RAPE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
FONDLING	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
INCEST	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
STATUTORY RAPE	2018	0	0	0
	2017	0	0	0

	2016	0	0	0
ROBBERY	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
AGGRAVATED ASSAULT	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
BURGLARY	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
MOTOR VEHICLE THEFT	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARSON	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DOMESTIC VIOLENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DATING VIOLENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
STALKING	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: WEAPONS:CARRYING,POSSESSIONS, ETC	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSIONS, ETC	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: LIQUIOR LAW VIOLATIONS	2018	0	0	0

	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: LIQUIOR LAW VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
		<b>GEOGRAPHIC LOCATION – WHEELING CAMPUS</b>		
<b>OFFENSE</b>	<b>YEAR</b>	<b>ON-CAMPUS PROPERTY</b>	<b>NONCAMPUS PROPERTY</b>	<b>PUBLIC PROPERTY</b>
MURDER/NON-NEGLIGENT MANSLAUGHTER	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
RAPE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
FONDLING	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
INCEST	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
STATUTORY RAPE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ROBBERY	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
AGGRAVATED ASSAULT	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
BURGLARY	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
MOTOR VEHICLE THEFT	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARSON	2018	0	0	0

	2017	0	0	0
	2016	0	0	0
DOMESTIC VIOLENCE	2018	0	0	1
	2017	1	0	0
	2016	0	0	0
DATING VIOLENCE	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
STALKING	2018	0	0	0
	2017	0	0	0
	2016	1	0	0
ARRESTS: WEAPONS:CARRYING,POSSESSIONS, ETC	2018	0	0	1
	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSIONS, ETC	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2018	0	0	1
	2017	0	0	0
	2016	0	0	1
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
ARRESTS: LIQUIOR LAW VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
DISCIPLINARY REFERRALS: LIQUIOR LAW VIOLATIONS	2018	0	0	0
	2017	0	0	0
	2016	0	0	0



## ALCOHOL AND DRUG-FREE WORKPLACE POLICY

West Virginia Northern Community College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of an illicit substance or abuse of a legal or controlled substance, including alcohol, by students and employees at any of its campuses or facilities, including leased or owned property or other sites at which off-campus activities are conducted. Prohibited acts under this policy also include failure to report a criminal conviction for a violation of any criminal drug law, based on conduct occurring in the workplace, and violations of any alcoholic beverage control law, or law which governs driving while under the influence of an intoxicant or substance, based on conduct occurring in or related to the workplace. Additional policy details for students are available in the College catalog and employee documentation through the Human Resource Office.

**Standards of Conduct:** The unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and unauthorized use of alcohol on West Virginia Northern Community College property or as a part of any College activity is prohibited. It is prohibited to come to work, class or any College-sponsored function under the influence of alcohol or illicit drugs.

**Disciplinary Sanctions:** Consistent with College, local, State and Federal laws, the College will impose disciplinary sanctions for violation of the standards of conduct outlined above and prohibited in the Drug-Free Schools and Communities laws.

Violations could result in expulsion from school, termination of employment and/or referral to law enforcement agencies as is consistent with College rules. Federal trafficking penalties include substantial fines and imprisonment up to life. West Virginia law provides for penalties dependent on the classification of the substance, the activity involved and other convictions.

WVNCC is a member of the WVCIA – WV Collegiate Initiative to Address High Risk Alcohol Use <http://wvcia.com/>, as a member the college and the state of West Virginia, are fortunate to have many resources to help combat high risk alcohol use on college campuses. More information can be found here: <https://www.wvncc.edu/offices-and-services/drug-and-alcohol-information/6203>. Local resource information is available on campus through the Campus Counselors, Human Resources and the Campus Safety Liaison officer at the Wheeling Campus. A self help assessment is available at the link above. Information on these resources is available through the college's Accessibility Services.

As required under the Drug-Free Schools and Communities Act of 1989, WVNCC provides students and employees with drug or alcohol abuse programming and resources.

### Drug or alcohol abuse prevention programs

- Drug and Alcohol Awareness Presentation - April 12th, 2018

- A program designed to teach students how to recognize the signs and symptoms of drug and alcohol abuse. Prevention strategies were provided.
- “Recovery Boys” Documentary Screening and Panel Discussion - October 15th, 2018
  - A screening of the documentary followed by a panel discussion with individuals working in treatment, recovery, prevention, and grief support.
- Narcan Training - October 16th, 2018
  - A program from West Virginia Senate Bill 338 to certify participants to use an Opioid Antagonist in the event of an overdose.
- Alcohol Safety and Meyer’s Manual Lunch and Learn September 13th. 2018
  - A West Virginia alcohol awareness program highlighting the dangers of binge drinking.

#### RISK REDUCTION STRATEGIES

There are many things we can do to assist us in lessening the chance for interpersonal violence. Always be alert and aware of your surroundings, especially at night. Walk in well lighted areas. Avoid walking close to alleys, doorways and bushes. If possible, walk in pairs or a group. If you must walk at night, wear clothes and shoes that don’t restrict movement. If possible, avoid carrying bulky items. Always have your key in hand when approaching your parked vehicle. Before opening a car door, look into the vehicle. Check out both the front and back seat areas. Once in the car, lock the doors. Drive with the windows up or slightly open until you are safely on the open road.

Students and employees dealing with interpersonal violence can ask for special accommodations to help protect the complainant from the respondent while the complainant is on campus or if the respondent seeks special accommodations to help protect the respondent. The college itself does not issue protective orders, but a no contact arrangement may be issues if necessary. These will be handled on a case by case basis.

#### STUDENT PROCEDURE ON DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING FROM THE INTERPERSONAL VIOLENCE RULE

The College is committed to providing a safe learning and working environment. This safe environment includes all campus and all off-campus locations, all College-related activities and sites. Interpersonal violence is a violation of the College rules and of state law. Interpersonal Violence is sexual harassment, sexual misconduct, sexual assault, domestic

violence, dating violence and/or stalking by any two or more individuals by any means. Interpersonal violence is prohibited.

Sexual harassment and discrimination are addressed by the College in separate rules for students and employees. Copies of the current sexual harassment and discrimination rules are available in the Student Handbook, College Catalog, and Employee Reference Manual.

The definitions of dating violence, domestic violence, sexual assault, stalking, consent in reference to sexual activity, and additional applicable terms can be found below.

Adviser refers to the person the complainant or respondent brings to a disciplinary hearing.

College refers to West Virginia Northern Community College.

Complainant is the alleged victim or the individual who has been the subject of interpersonal violence.

Consent requires the response of yes, not the absence of no. Consent requires conversation. The person who initiates sexual activity is responsible for asking for consent. The absence of a clear verbal signal means you do not have consent. Both parties must have unimpaired judgment (examples that may cause impairment include but are not limited to alcohol, drugs, and mental health conditions). Prior to sexual activity, both parties must disclose personal risk factors such as any known STDs, and both parties must use safer sex practices. Consent means that both partners decide together to have sex. Regardless of your prior sexual history consent is required each time you have sexual activity. Both parties must have a clear and accurate understanding of the intended sexual activity. It is not your partner's job to resist; it is your responsibility to respect his/her boundaries. At any time when consent is withdrawn or not verbally agreed to, the sexual activity must stop. Silence is not consent. You cannot rely on assumptions on what your partner does or does not want.

Incapacity of the complainant does not constitute consent on the part of the complainant. A person is determined incapable of consent when such person is less than sixteen years old, or mentally defective, or mentally incapacitated, or physically helpless. Mentally defective means that the person suffers from a mental disease or defect, which renders such person incapable of appraising the nature of his or her conduct. Mentally incapacitated means that a person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a controlled or intoxicating substance administered to such person without his or her consent or as a result of any other act committed upon such without his or her consent. Physically helpless means that a person is unconscious or for any reason is physically unable to communicate unwillingness to an act. It is the position of the College that an interpersonal violence also occurs against the complainant who willingly takes a controlled or intoxicating substance if the sexual contact occurs after the complainant becomes temporarily incapable of appraising or controlling his or her conduct as a result of the controlled or intoxicating substance. A student charged with interpersonal violence can be prosecuted under West Virginia law

AND disciplined in accordance with College policies and regulations. A student found guilty of interpersonal violence through the campus Student Conduct system may be subject to suspension or expulsion.

Dating violence means violence by a person who has been in a romantic or intimate relationship with the complainant. Whether there was such relationship will be gauged by its length, type and frequency of interaction.

Discrimination means actions that deprive others of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a Protected Category.

Domestic Violence/Intimate Partner Violence/Abuse means the occurrence of any of the following acts/conditions between those in or having previously been in an intimate relationship to each other, including dating, domestic and/or any other intimate relationship.

Attempting to cause or intentionally, knowingly or recklessly causing physical harm to another with or without dangerous or deadly weapons;

Placing another in reasonable apprehension of physical harm;

Creating fear of physical harm by harassment, stalking, and psychological abuse or threatening acts;

Committing sexual assault, sexual abuse, domestic battery or domestic assault as those terms are defined under West Virginia criminal law;

Holding, confining, detaining or abducting another person against that person's will.

Hostile Environment means an environment created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive and objectively offensive so as to interfere with, limit, or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities.

Incapacitation means as a state where a person cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (e.g., to understand the who, what, when, where, why or how of his or her sexual interaction).

Interpersonal Violence means sexual harassment, sexual misconduct, sexual assault, domestic violence, dating violence and/or stalking by any two or more individuals by any means.

Intimidation means implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a Protected Category.

Minor means a person under the age of 16 years.

Non-Consensual Sexual Contact means any intentional Sexual Touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

Non-Consensual Sexual Intercourse means any Sexual Penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force.

Physically helpless means that a person is unconscious or for any reason is physically unable to communicate unwillingness to an act.

Protected Category means a category under which an individual falls or is perceived to fall that is protected under federal, state, or local anti-discrimination laws, including race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age, marital status, veteran or military status, disability, or genetic information.

Retaliation means any adverse action taken against a person who complained about harassment, supported a complainant involving harassment, or who participated in the investigation of a claim of harassment because of that person's participation in filing the complaint of harassment, supporting a complainant involving harassment, or for participating in the investigation of a claim of harassment.

Respondent is the alleged offender or the individual(s) who has been accused of interpersonal violence.

Sexual assault is sexual intercourse or sexual intrusion without consent. There are three levels of sexual assault in West Virginia:

1st Degree: The perpetrator inflicts serious bodily injury, uses a deadly weapon, or the perpetrator is over age 14 and the complainant is younger than 12 years old and is not married to that person. *Penalty:* An indeterminate term of not less than 15 nor more than 35 years in a state correctional facility; and/or a fine of not less than \$1,000 nor more than \$10,000. However, if the defendant is 18 or older and complainant is younger than 12, the penalty is not less than 25 nor more than 100 years in a state correctional facility, and or a fine of not less than \$5,000 nor more than \$25,000.

2nd Degree: Sexual intercourse or intrusion without consent and lack of consent is due to forcible compulsion or physical helplessness. *Penalty:* An indeterminate term of not less than 10 nor more than 25 years in a state correctional facility; and/or a fine of not less than \$1,000 nor more than \$10,000.

3rd Degree: Sexual intercourse or intrusion with someone who is mentally defective or mentally incapacitated, or when someone age 16 or older assaults someone less than 16 who is at least 4 years younger than the perpetrator and not married to him/her. *Penalty:* An indeterminate term of not less than 1 nor more than 5 years in a state correctional facility; and/or a fine of not more than \$10,000.

There is no statute of limitations for felony sex offenses (all degrees of sexual assault and 1<sup>st</sup> degree sexual abuse); 2<sup>nd</sup> and 3<sup>rd</sup> degree sexual abuse must be charged within 1 year after the offense was committed (*WVC§61-11-9*).

Sexual Exploitation means a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse, or Non-Consensual Sexual Contact. The term includes, but is not limited to, the following situations:

Sexual voyeurism, such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed;

Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent, such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent;

Sexual Harassment means any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual/gendered-related nature. A form of sexual harassment occurs when submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment or academic status, submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting such individual, or such conduct creates a hostile environment.

Sexual Offenses means any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the complainant is incapable of giving consent.

A forcible sexual offense is any sexual act directed against another person, including unwanted touching, that is against that person's will or which involves the use of force, violence or the threat of force or violence, or a sexual act against a person incapable of giving consent. Forcible sexual offenses include sexual assault, sodomy, sexual assault with an object, and all forms of nonconsensual touching such as fondling.

Non-forcible sexual offenses are acts of unlawful sexual activity against persons incapable of giving consent, such as statutory sexual assault. Acts which are commonly expressive of familiar or friendly affection and accepted medical purposes are not included.

Sexual Penetration means vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Sexual Touching means any bodily contact with the breasts, groin, genitals, mouth or other

bodily orifice of another individual, or any other bodily contact in a sexual manner.

Stalking means a course of conduct (i.e., repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of another) directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.

Third Party refers to any other participant in the process, including an individual who makes a report, participates in an investigation or judiciary process as a witness, or is affected by a prohibited conduct.

Title IX Coordinator is the Chief Human Resources Officer.

Reporting Procedure:

Any interpersonal violence can be reported to any employee of the College. Any complaint of an interpersonal violence or any employee who receives a report of an incident will report the incident to a College Administrator.

**New Martinsville Manager of Campus Operations**

304-510-8761

**Weirton Manager of Campus Operations**

304-723-7515

**Wheeling Campus Security Liaison**

304-650-9994 (day)

**Wheeling Campus Safety & Security Committee**

304-233-5900

ext. 8845, ext. 8901

Four options in reporting an interpersonal violence:

1. Report assault but choose not to pursue charges.
2. Report assault and pursue internal (College) charges.
3. Report assault and pursue criminal charges.
4. Report assault and pursue both internal (College) and criminal charges.

The College's Interpersonal Violence resources are updated each year and a listing is available at each campus service center and on the website.

Interpersonal violence cases that indicate a danger to the campus community as a whole will be forwarded to the Campus Safety Executive Team for release to protective notification to the campus community; the complainant will not be identified.

#### Reporting Procedures Related to Minors:

In compliance with state reporting mandates, all employees who become aware of or suspect child abuse, sexual abuse of minors, and/or criminal acts against minors will report that information to a College Administrator, who will report suspected cases of child abuse to Child Protective Services and a law enforcement agency immediately, and within not more than 48 hours. Clery Act reporting of offenses for statistical purposes occurs whether victims are minors or adult.

#### What to do if you are sexually assaulted:

*Go to a safe place.* For your own protection, call the police immediately, especially if the assailant is still in the immediate area. The police will help you whether or not you choose to prosecute the assailant. Call a friend or family member for support.

*Seek medical attention immediately.* The primary purpose of a medical examination following a sexual assault is to check for physical injury, the presence of sexually transmitted diseases or pregnancy as a result of the sexual assault. The secondary purpose of a medical examination is to aid in the police investigation and legal proceedings. So get medical attention as quickly as possible.

*Do not wash.* Don't bathe or douche. Bathing or douching might be the first thing you want to do. You might literally be washing away valuable evidence. Wait until you have an examination.

*Preserve all physical evidence.* Save your clothing. It is alright to change clothes. But save what you were wearing. Your clothing could be used as evidence for prosecution. Place each item of clothing in a separate paper bag for police. Preserving evidence may be helpful in obtaining a protection order.

#### Report the incident to the police

It is up to you, but reporting a sexual assault isn't the same thing as prosecuting a sexual assault. Prosecution can be determined later. Contact police by calling 911. College Administrators are willing and able to assist complainants in getting them information on how to report incidents to the proper authorities. If you are a complainant of an



interpersonal violence and decide not to notify the police, please secure medical attention. The College will assist the complainant by providing a list of supporting agencies. You are not required to notify the police or the College. You also have the right to decline to notify such authorities if offered.

At this time, the College does not provide campus services for counseling or mental health related to interpersonal violence. Please refer to the campus resource guide provided on each campus for Victim Assistance information. Add in PDF copies of these??

The campus will investigate interpersonal violence complaints in accordance with the College rules and regulations. Both the complainant and the respondent are entitled to the same opportunities to have others present during the hearing process, and each will be notified of the final determination and any sanction on the respondent (only of the campus disciplinary process). The College will work with the complainant to make reasonable accommodations to the student's schedule as a result of the alleged offense.

### Disciplinary Action

Offenses of interpersonal violence can result in a final determination of disciplinary action and the College may impose a maximum sanction of expulsion for the actions of sexual assault, acquaintance sexual assault or other forcible or non-forcible sex offenses for the first offense or any subsequent offenses.

The College may impose the following disciplinary actions after a final determination regarding sexual assault, domestic violence, dating violence, sexual assault, or stalking. These sanctions will be in addition to criminal or civil penalties imposed by federal or state courts.

1. Disciplinary Warning
2. Disciplinary Probation
3. Disciplinary Suspension
4. Disciplinary Expulsion

Please see the Student Code of Conduct for the explanation of the disciplinary sanctions.

### Confidentiality

The College treats all information shared about a reported incident of interpersonal violence, including information shared during an investigation and the discipline process as confidential. This means information gathered through an investigation and this discipline process will only be shared with others on a need-to-know basis. Those who participate in

an investigation and/or the discipline process should respect the confidentiality of the process and any information shared throughout. The College respects the privacy of those reporting prohibited conduct and will endeavor to respect requests for confidentiality to the extent permissible by law.

However, the College has certain legal obligations to address this conduct and to prevent its recurrence and, as a result, cannot guarantee confidentiality to a complainant in all cases.

#### Full Disclosure

The College promptly investigates all complaints of alleged violations of the College's Interpersonal Violence Rule. Students and employees are expected to cooperate fully and truthfully with any investigation and/or the discipline process. The College may use a Title IX assessment or investigation and/or disciplinary action, as appropriate to the situation.

#### Investigation Process

The College will conduct procedures that provide a prompt, fair and impartial investigation and resolution. Upon receipt of information about an alleged incident of interpersonal violence, the College has the obligation to investigate and may pursue disciplinary action regardless of whether the Complainant files a complaint. This investigation will be conducted by individuals who receive training annually on issues related to domestic violence, dating violence, sexual assault and stalking and will be coordinated by the Title IX Coordinator, Peggy Carmichael, who is available by telephone at 304-214-8901, email at [pcarmichael@wvnc.edu](mailto:pcarmichael@wvnc.edu), or in person at 1704 Market Street, Wheeling, WV, 26003, Wheeling campus, B&O building, Room 125, Human Resources Office. An investigation may begin prior to the receipt of a formal complaint, or it may occur if a formal complaint is not made. The College may also include a disciplinary process related to an event following the College's Student Code of Conduct policy (available in the Student Handbook on the College's website), including the steps listed below. The students and employees are expected to cooperate fully and truthfully with any investigation and/or the discipline process.

#### Protection from Retaliation

The College does not tolerate retaliation or discrimination against any person and/or persons who brings forward a complaint, who cooperates in the investigation of a complaint, or who participates in the discipline process for an alleged violation of the Interpersonal Violence Rule. Anyone who believes he/she has been retaliated against as a result of his/her involvement with an investigation and/or discipline process for an alleged violation of the Interpersonal Violence Rule should immediately report the alleged retaliation to the Title IX Coordinator, Peggy Carmichael, who is available by telephone at 304-214-8901, email at [pcarmichael@wvnc.edu](mailto:pcarmichael@wvnc.edu), or in person at 1704 Market Street,

Wheeling, WV, 26003, Wheeling campus, B&O building, Room 125, Human Resources Office. An independent investigation will be conducted, and appropriate disciplinary action will be taken.

#### Dishonest or Frivolous Complaints

If a complainant is found to have been intentionally or maliciously dishonest, reckless, or frivolous in making the allegations, the complainant shall be subject to appropriate disciplinary action.

#### Rights of Those Involved

Rights of the Complainant (the person making the complaint of an alleged violation)

- The right to make a complaint that will initiate the College's discipline process
- The right to an explanation of the options available to them
- The right to an adjustment to their academic schedule if such changes are reasonably available
- The right to the confidentiality of the discipline process to the extent possible
- The right to request that the College instruct the Respondent not to have contact with the Complainant as an interim measure during the discipline process
- The right to file a police report and take legal action separate from and/or in addition to the College discipline process
- The right to know, in advance, the names of all persons to be called in the hearing
- The right to be present throughout the hearing and to inspect all statements and materials presented
- The right to speak and present information on one's own behalf
- The right to be informed of the outcome of the hearing in a timely manner

Rights of the Respondent (the person charged with an alleged violation)

- The right to an explanation of the charges and the discipline process
- The right to receive a copy of the complaint filed against them

- The right to the confidentiality of the discipline process to the extent possible
- The right to an adjustment to their academic schedule if such changes are reasonably available
- The right to request that the College instruct the Complainant not to have contact with the Respondent as an interim measure during the discipline process
- The right to know, in advance, the names of all persons to be called in the hearing
- The right to be present throughout the hearing and to inspect all statements and materials presented
- The right to speak and present information on one's own behalf
- The right to be informed of the outcome of the hearing in a timely manner

#### Filing a Complaint

Complainants are encouraged to file a complaint promptly, and it is expected that complaints will be filed by current students. To file a complaint and initiate the College's discipline process for an alleged violation of this policy, contact a College administrator and her/she will explain the complaint procedures. Students with a protective order, restraining order, no contact order or similar order issued by a criminal, civil or tribal court should bring a copy of that document to the Campus Security Liaison Officer in Wheeling, the Campus Dean in Weirton or New Martinsville or their designee for review and evaluation of an individualized plan based on the review.

The College promptly investigates all complaints of alleged violations of the College's Interpersonal Violence Rule. While there is no deadline for filing a complaint, in order for a hearing to occur, the Respondent must be enrolled at the College at the time the complaint is made and throughout the hearing process. The College will, however, investigate all complaints made by students who are no longer enrolled at the College. The investigation of such complaints may or may not take the form of a hearing as described below. The Judicial Board will use a preponderance of the evidence standard to determine responsibility.

The following Complaint Resolution procedures apply to complaints of alleged violations of the Interpersonal Violence Rule where the Complainant is a student. Please consult with Human Resources for the procedures for cases in which the Complainant is an employee or a student employee.

The Complainant and the Respondent may invite a support person to accompany them

through all parts of the College complaint resolution procedure.

#### Investigation related to student disciplinary action

The College will conduct procedures that provide a prompt, fair and impartial investigation and resolution. A disciplinary hearing is conducted by a Judicial Board which is trained annually and the process is administered by College officials who are trained annually on issues related to domestic violence, dating, violence, sexual assault and stalking, as well as how to conduct a hearing process and that protects complainant's safety and promotes accountability.

- A. The Complainant will be asked to submit a written statement of the incident.
- B. The Respondent must submit a written response to the complaint within a reasonable time frame, as determined by the hearing process.
- C. The College through its investigative process will review all information and seek out related information as applicable.

#### Next Steps for student disciplinary hearing process

- A. The hearing coordinator may instruct both the Complainant and the Respondent to refrain from contact with each other outside of the hearing process until the investigation and the hearing process are completed. This "no contact" instruction will include prohibiting indirect contact via phone, electronic means, or through other people. Failure to comply with these instructions will result in disciplinary action by the College.
- B. The Executive Safety Committee or designee will determine whether the Respondent may be a danger to the community. If it is determined that the Respondent may be a danger to the community, appropriate action will be taken until the investigation and discipline process are completed including Interim Suspension of the student.
- C. The hearing coordinator will ask the Complainant and the Respondent for the names, phone numbers, and mailing and e-mail addresses of their adviser and witnesses, if applicable.
- D. All witnesses are asked provide a written statement containing the information they have about the alleged incident to the hearing process. The hearing process will establish a deadline for the submission of witness statements and other evidence.
- E. The hearing coordinator will distribute copies of all statements and any other evidence, including any Security or local police investigative reports, to the Judicial Board, the Complainant, and the Respondent before the hearing.

F. If a statement or evidence is introduced after the deadline but before the hearing, the hearing process will determine whether it is relevant and whether its belated introduction is for good reason. The hearing process may admit the statement or evidence and, if necessary, may reschedule the hearing to allow both parties and the Judicial Board time to review the new information.

#### Hearing Procedure

A. The hearing coordinator will include reasonable efforts to schedule the hearing in a timely manner. The hearing coordinator will be part of the entire hearing process but is a non-voting part of the hearing process.

B. The hearing coordinator will include every reasonable effort to secure a space for the hearing that is appropriate, private, and provides sufficient places for the parties to confer and the witnesses to wait.

C. The hearing shall be closed to all but the hearing coordinator, the Judicial Board, the Complainant, the Respondent, the advisers of both the Complainant and Respondent, and the witnesses (during their respective interviews).

D. All speakers must be recognized by the hearing process prior to their speaking. No interruptions will be tolerated.

E. Both the Complainant (or Designee but not both) and the Respondent (or Designee but not both) may ask questions about all information shared during the hearing. The Judicial Board Chair will determine whether a question is relevant. The Judicial Board Chair's decision on such matters is final.

F. If a new statement or evidence is introduced at the hearing, the Judicial Board Chair will determine whether it is relevant and whether its introduction at the hearing is for good reason. The Judicial Board Chair may admit the new statement or evidence and, if necessary, may grant a recess or reschedule the hearing to allow both parties and the Judicial Board time to review the new information.

G. Brief breaks will be taken at the request of either party or the Judicial Board. The Judicial Board Chair will determine the reasonableness of requests for breaks.

H. Hearing Outline: Generally, hearings will follow the order of business listed below. Variations may occur depending on the circumstances of an individual case.

1. The Judicial Board Chair makes introductions.
2. The Judicial Board Chair explains the hearing process.
3. The Complainant may make an opening statement in addition to his or her

written statement.

4. The Respondent may make an opening statement in addition to his or her written statement.
5. The Complainant answers questions from the Judicial Board and the Respondent.
6. The Respondent answers questions from the Judicial Board and the Complainant.
7. The witnesses provide their statements and answer questions from the Judicial Board, the Complainant, and the Respondent, one at a time.
8. The Judicial Board may pose further questions to the Complainant and the Respondent.
9. The Complainant may make a final statement.
10. The Respondent may make a final statement
11. The Judicial Board Chair dismisses all participants.

#### Deliberation and Decision Making

Upon completion of the hearing, the Judicial Board will deliberate in private to determine if any violation(s) of the policy occurred and what the specific violation is. The Judicial Board will use a preponderance of the evidence standard to determine responsibility. If it is not possible for the Judicial Board to make a decision the same day as the hearing, the panel will reconvene as soon as possible and shall meet until a decision is reached.

The Judicial Board will base its decision on the hearing, participants' written statements, the investigative report, and information shared during the hearing. The Judicial Board will determine whether the Respondent is:

Not Responsible: The Respondent will be found not responsible when the Judicial Board determines that it is more likely than not that the alleged behavior did not occur and/or the alleged behavior occurred but was not in violation of College policy.

OR

Responsible: The Respondent will be found responsible when the Judicial Board determines that it is more likely than not that the alleged behavior did occur and that the behavior was in violation of College policy.

## Notification of Decision

If the Respondent is found not responsible from the hearing decision, a letter will be sent to both the Respondent and the Complainant.

If the Respondent is found responsible, the Judicial Board will determine sanctions; the Judicial Board may include the Respondent's prior conduct history, if any. A letter will be sent to both the Respondent and the Complainant.

Copies of the hearing decision letter may be sent to others as needed depending on the nature of any sanctions.

## Sanctions

*Note: The College may impose an Interim Suspension or interim measures based on the health or safety of members of the College community during the investigation and through the hearing process until a final decision is completed.*

If the Respondent is found responsible for violating the Interpersonal Violence Rule, the Judicial Board may impose one or more of the following sanctions as indicated for the specific violation. If more than one type of violation of the Interpersonal Violence Rule occurred, the Respondent will be sanctioned accordingly:

For a finding of Interpersonal Violence Rule:

- Disciplinary Warning
- Disciplinary Probation, which may include restriction from particular buildings, areas of campus, and/or College activities
- Disciplinary Suspension from the College for a minimum of one semester
- Disciplinary Expulsion

In addition to the above sanctions, the Judicial Board reserves the right to invoke additional requirements.

## Appeal

A. Both the Respondent and the Complainant may appeal the Judicial Board's decision. An appeal must be made in writing within five business days of receipt of the Judicial Board's decision letter.

B. Upon receipt of an appeal, an Appeals Committee will be selected to review



the appeal from within the original Hearing Committee.

- C. Both the Complainant and the Respondent will be notified if either party submits an appeal and may themselves submit a written response for the Appeals Committee to consider. The hearing process will determine an appropriate deadline by which a response must be submitted in order for it to be considered by the Appeals Committee.
- D. An appeal may be made on one or more of the following grounds only:
1. There was a process or procedural error made that was significant to the outcome of the hearing as it affects the student appealing.
  2. New information, not available or known to the student appealing at the time of the hearing, has arisen, which, when considered, may materially alter the outcome. Note: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
  3. The sanctions were not appropriate for the specific policy violation for which the Respondent was found responsible.
- E. An appeal is not a new hearing, and the Appeals Committee (a subset of the original Hearing Committee) will meet alone.
- F. The Appeals Committee will consider the merits of the appeal based only on the written appeal request, the hearing recording and the written record of the case, and the Respondent's prior conduct history (if the appeal is based on the appropriateness of the sanction) in making its decision. Based on these materials, the Appeals Committee will reject the appeal if the committee finds that the grounds for an appeal are unsubstantiated; or
1. reject the appeal if the committee finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
  2. modify the sanction(s) if they are found to be inappropriate; or
  3. Return the case to the Judicial Board for further deliberation if new information, as defined above, has arisen (In such cases the original Judicial Board will be reconvened as soon as possible. If a member of the original panel is no longer available, the hearing process will select a new member from the Judicial Board; or
  4. Remand the case to a different Judicial Board for a new hearing when a substantial procedural error is determined to have occurred and has unfairly influenced the original hearing.
- G. Once the Appeals Committee has made its decision, the Respondent, the

Complainant, and the Judicial Board will be notified of its decision in writing.

- H. The Appeals Committee's decision is final, and there are no further appeals permitted by either party.

#### Record of Process

- A. An audio recording will be made of the hearing for the use of the Judicial Board and the Appeals Committee.
- B. The audio recording and copies of all statements, evidence, and letters associated with the hearing will be maintained by the Vice President of Student Services in a case file in accordance with the College's record retention policy for a period of seven years after the conclusion of the case.
- C. The hearing decision letter and the appeal decision letter, if applicable, will be kept in the student's permanent record.

#### AWARENESS PROGRAMS

All new students, newly hired employees and existing employees will be trained in primary prevention and awareness programs relating to sexual misconduct, domestic violence, stalking, dating violence, and related offenses.

Clery Act, Title IX information, and crime prevention and security awareness information is provided to students at new student orientation, Student Government and student club trainings, and through structured student programming throughout the year. The same information is provided to employees at All College Day, All Faculty Day, on campus events, and through email communication.

The institution will provide ongoing training, programs, and preventions campaigns throughout the academic year. Programs and campaigns will include and are not limited to domestic violence, dating violence, sexual assault, stalking, bystander intervention, consent, and other related interpersonal violence topics. Educational information will be made available regarding risk reduction and recognizing warning signs of abusive behavior and how to avoid potential attacks.

- Suicide Awareness Training - November 8th, 2018 - Recognize, React, Respond training was offered by Youth Services System. This program provided participants with training on how to react to individuals expressing suicidal thoughts.
- Stop the Bleed Training - A national awareness campaign to instruct bystanders how to assist in a bleeding emergency.
- ALICE Training - September 24th, 2018 - A national program to instruct individuals on

how to react during an active shooter incident.

- Coffee with our Campus Cop RJ Faldowski - A program allowing Wheeling Campus students to interact with the Prevention Resource Officer.
- Self Defense Training - October 1st, 2018 - A basic physical self-defense program for students.

## HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/ employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## MEDICAL TREATMENT

A special exam should be conducted as soon as possible following an assault to make sure of your physical well-being and to collect evidence that may be useful in criminal proceedings. Even if you have not been physically hurt, this special exam is strongly recommended to maintain all your legal options. After the evidence is collected, it is stored in the event you decide to press criminal charges. The exam is performed by an emergency department nurse or physician. A nurse is present throughout the procedure, and a support person of your choice may also be present. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished.

## PROCEDURE ON DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING FROM THE EMPLOYEE HARASSMENT AND DISCRIMINATION RULE

The College is committed to maintaining a work and learning environment including College sponsored activities free of all forms of harassment including sexual harassment and discrimination. Any form of harassment against an employee or student by anyone, including all employees, supervisors, students, outside personnel, vendors or non-employees who have contact with our employees or students will not be tolerated. College employees engaging in harassment shall be subject to immediate discipline, up to and including termination. Students engaging in harassment shall be subject to the guidelines set in the Student Code of Conduct.

Harassment consists of unwelcome or unsolicited behavior, whether verbal, non-verbal, physical, or visual, that is based upon a person's sex, color, race, ancestry, religion, national origin, age, disability, medical condition, marital status, veteran status, citizenship, or other protected group status.

### Definitions:

**Harassment-Education:** Sexual harassment is conduct that can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the education program of the institution. In an education setting, the faculty member is presumed to be in position of power. Therefore, participation by the student does not automatically make the behavior welcome.

**Harassment-Employment:** Any form of unwelcome or unsolicited behavior directed at an individual or group of people because of their protected status where the behavior affects the person's working conditions or employment status.

It is illegal to discriminate against anyone because of race, sex, religious creed, national origin, age (above 40), veteran's status, or disability. Harassment affects working conditions so it is a form of discrimination. 2/7/2011

**Hostile Work Environment:** Behavior unreasonably interferes with work performance or creates intimidating, hostile, or offensive working environment.

**Not encouraged:** Recipient doesn't do anything to cause the behavior through actions or words. (Body language and dress are not considered encouragement.)

Quid Pro Quo - Education: A College employee explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

Quid Pro Quo - Employment: Submission to or rejection of harassing conduct is used as basis of employment decision (this for that).

Severe or pervasive: Behavior must be severe or pervasive enough to interfere with job performance, create hostile work environment, or prevent a student from participating in or to receive benefits, services, or opportunities in the education program of the institution. The more severe a behavior is, the less frequently it needs to occur to be considered harassment. Severe and pervasive also apply to harassment in the education setting.

Reasonable person standard is applied to objectively decide if behavior is offensive enough to create a hostile working environment.

Unsolicited: Unacceptable behavior which is not initiated by recipient.

Unwelcome: Behavior which is viewed as offensive by recipient.

Unwelcome or unsolicited behavior may include but is not limited to: verbal (jokes, sexist statements, sexual advances, invitations), non-verbal (leering, gestures, facial expressions), visual (posters, cartoons, photographs, clothing, electronic communications including e-mail and social networking), or physical (unwanted touching, hugging).

Statement of Conduct:

Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his/her protected status or that of his or her relatives, friends or associates. It also includes conduct that persons in a protected group status would find offensive or objectionable. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests to an

employee or student for sexual favors, and other visual, verbal or physical conduct of a sexual or offensive nature when either:

1. Submission to such conduct is made an explicit or implicit term or condition of employment, continued employment, advancement or the student's ability to participate in or benefit from the education program.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting the individual; or
3. Such conduct has the purpose or effect of interfering with an individual's work performance or with the student's ability to participate in or benefit from the education program including College sponsored activities or creating an intimidating, hostile or offensive working or learning environment.

Best Practices:

What to do to reduce the risk of engaging in harassing behavior:

1. Act in a reasonable and professional manner.
2. Think before you act.
3. Steer clear of comments directed at a protected group.
4. Avoid intimate touching.
5. Refrain from repeating behavior when told it is offensive.

What to do if you are accused of harassment:

1. Consider your behavior.
2. Do not retaliate.
3. Respect confidentiality.

4. Cooperate fully.

What to do if you are the victim of harassing behavior:

1. Tell the harasser what he or she has done and demand it stop.
2. Be firm and don't be defensive.
3. Document the behavior.
4. Discuss the issue with your supervisor or Chief Human Resource Officer.
5. File formal complaint, if warranted.

What to do if you witness harassing behavior:

1. Bring it to the attention of your supervisor or the Chief Human Resource Officer.
2. Refer victim to the Chief Human Resource Officer.

Reporting a complaint:

Any employee who believes he or she has been the subject of harassment, including sexual harassment or discrimination, shall immediately report the incident to the immediate supervisor of the individual involved or the Chief Human Resource Officer without fear of retaliation or reprisal.

Any student who believes he or she has been the subject of harassment, including sexual harassment or discrimination, shall immediately report the incident to the Campus Dean, Vice President of Academic Affairs or Chief Human Resource Officer.

Anyone witnessing harassment of others should report the incident to the Chief Human Resource Officer. Faculty who witness harassment of students by other students in the classroom should seek assistance and guidance as appropriate from the Vice President of Academic Affairs and/or Chief Human Resource Officer.

ANYONE who receives a complaint is to refer it to the Chief Human Resource Officer immediately.

Students who believe they have been sexually harassed and wish further information or assistance in filing a complaint should contact the Human Resource Office. All complaints will be thoroughly investigated and all complaints and related information will be kept confidential to the extent possible. The results of the investigation will be reported to the parties consistent with College practices regarding disclosure of personnel information.

#### Investigation:

It is the responsibility of the Chief Human Resource Officer or designee to coordinate all investigations. All complaints and related information will be kept confidential to the extent possible.

1. Chief Human Resource Officer receives complaint.
2. Contact between the parties is reduced or eliminated to the extent possible, if needed.
3. Parties and witnesses are interviewed.
4. Facts are reviewed to determine a conclusion.
5. Complainant and alleged harasser are informed of the results in a manner which is consistent with College practices regarding disclosure of personnel information.
6. Investigation records shall not be kept in the individual's personnel or student file except in the event there is a written recommendation and/or documentation of disciplinary action. Investigation records will be kept in a separate confidential file maintained by the Chief Human Resource Officer.

Employees who, after investigation, have been determined to have been engaging in the harassment of their co-workers or students which violates the sensitivities of their co-workers or students will be subject to disciplinary action, up to and including termination.

#### Training:

Training will be provided to all employees at the minimum of every two years and at the time of initial hire. Training will be provided to students every year.

#### Authority/Coordinator:



The Chief Human Resource Officer is responsible for implementing, and administering the Harassment and Discrimination Rule as well as serves as the Title IX Coordinator. Adhering to federal regulations, the appropriate College publication will provide contact information for the Title IX Coordinator.

#### SEX OFFENDER INFORMATION

In accordance to the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, West Virginia Northern Community College is providing a link to the West Virginia State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already mandated to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation or is a student. In the state of West Virginia, convicted sex offenders must register according to the West Virginia state law.

Per West Virginia State Police website, “This information is provided in the interest of public safety and should be used only in order to take appropriate precautions. The information accessed through the use of this website may not be used to threaten, intimidate or harass registered sex offenders and violation of law will be investigated by the West Virginia State Police.”

The West Virginia State Police is responsible for maintaining this registry. Follow the link below to access the West Virginia State Police website.

<https://apps.wv.gov/StatePolice/SexOffender>

#### CONSUMER INFORMATION

- Information contained in this publication was correct at the time of printing. WVNCC reserves the right to make changes without prior notice or obligation to information contained in this publication.

- WVNCC is accredited by The Higher Learning Commission and a member of the North Central Association. Web address: [ncahigherlearningcommission.org](http://ncahigherlearningcommission.org). Phone number: 312-263-0456.
- WVNCC complies with the regulations of the Federal Educational Rights and Privacy Act (FERPA) of 1974, as amended. Any student who does not want certain information released must state it in writing to the Records Office each academic year. Students may obtain a Release of Information form from the Campus Counselor.
- West Virginia Northern Community College, pursuant to the requirements of Titles IV, VI, VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, does not discriminate against applicants, employees, or students on the basis of race, color, religion, sex, disability, age, gender, ancestry, marital or parental status or national origin in its employment policies and/or educational programs or activities, including admissions to such.

Inquiries concerning this rule should be directed to Chief Human Resource Officer Peggy Carmichael, who is designated coordinator for Title IX and Section 504. Her telephone number is 304-214-8901 and her office is located in Room 119, B&O Building, Wheeling campus. Her email address is [pcarmichael@wvncc.edu](mailto:pcarmichael@wvncc.edu).

**West Virginia Northern's Sexual Assault Resources**  
**WEST VIRGINIA NORTHERN SEXUAL ASSAULT RESOURCES**

New Martinsville For Medical Assistance:		Wheeling For Medical Assistance:	
Wetzel County Hospital	304-455-8000	Ohio Valley Medical Center	304-234-0123
NM Health Care Center	304-455-2600	Wheeling Hospital	304-243-3000
		Ohio County Health Dept.	304-234-3682
To Report Crime:		To Report Crime:	
City Police	304-455-9100	City Police	304-234-3661
County Sheriff	304-455-2430	County Sheriff	304-234-3607
State Police	304-455-0913	State Police	304-238-1100
Manager/Campus Operations	304-455-8761		

Counselor	304-455-8769	Counselor	304-233-8946
For Support Services:		For Support Services:	
Rape and Domestic Violence	304-292-5100	Sexual Assault Help Center	304-234-1783
Sexual Assault Help Center	304-234-1783	After 4 p.m. and on weekends	304-234-9782
After 4 p.m. and on weekends	304-234-9782	Tri-County Help Center	740-695-5441
Weirton For Medical Assistance:			
Weirton Medical Center	304-797-6000		
Hancock County Health Dept.	304-564-3343		
Brooke County Health Dept.	304-737-3665		
To Report Crime:			
City Police	304-797-8555		
Brooke County Sheriff	304-527-1430		
For Support Services:			
Hancock County Sheriff	304-564-4100		
Manager/Campus Operations	304-723-7515		
Counselor	304-723-7515		
Healthways	800-774-2429		
Sexual Assault Center	304-234-1783		
After 4 and on weekends	304-234-9782		