

West Virginia University

2019-2021

Annual Campus Security & Fire Safety
Report



Beckley Campus

Annual Campus Security and Fire Safety Report

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Preparation of this Report

West Virginia University Institute of Technology (WVU Tech) provides this Annual Security Report and Annual Fire Safety Report in compliance with the Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092(f), also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The purpose of the Clery Act is to provide important information about the safety and security of college communities to enable people to make informed decisions about college for educational or employment purposes.

Preparation of this report is primarily the responsibility of the Clery Act Coordinator in conjunction with a variety of other units on-campus, including the West Virginia University Police Department, Student Life, including but not limited to the Offices of Student Rights and Responsibilities and Housing and Residence Life; Division of Diversity, Equity and Inclusion/Title IX Coordinator; Athletics; Leasing and Land Transactions; University Relations; and Environmental Health and Safety. The University prepares and publishes this report to inform the WVU Tech community about campus security policies and procedures, programs designed to prevent and respond to certain crimes, and specific statistics for Clery-Reportable incidents occurring on its Clery Act Geography that are reported to Campus Security Authorities or certain outside police agencies throughout the previous three calendar years.

The Campus Community includes all persons who work at or attend the University. The distribution email includes the web address where the report is posted and information on how to obtain a hard copy of the report. The link to the report is also distributed to prospective students and prospective employees. Anyone, including prospective students and prospective employees, may obtain a hard copy of this report by calling WVU Tech PD at (304) 929- COPS (2677), or by visiting the WVU Tech PD at 313 S. Kanawha Street, Beckley, West Virginia 25801. The Clery Act statistics published in this report are also provided to the Department of Education electronically.

Role, Authority, and Training of WVU Tech PD

In West Virginia, pursuant to W. Va. Code § 18B-4-5(a), the governing boards of institutions of higher education “may appoint qualified individuals to serve as campus police officers upon any premises owned or leased by the State of West Virginia and under the jurisdiction of the governing boards” Accordingly, at WVU Tech, the University employs approximately 7 state certified and sworn police officers.

The WVU Tech Police Department (WVU Tech PD) is a full-service organization which serves the University community and the surrounding area. The authority granted to WVU Tech PD officers is also found in W. Va. Code § 18B-4-5. Specifically, the code provides that “[i]t is the duty of a campus police officer to preserve law and order: (1) On the premises under the jurisdiction of the governing board; and (2) On any street, road, or thoroughfare, except controlled access and open country highways, immediately adjacent to or passing through premises, to which the officer is assigned by the president of the institution.” W. Va. Code § 18B-4-5(c). Officers have and “may exercise all the powers and authority of a law-enforcement

officer as to offenses committed within the area assigned” and “is subject to all the requirements and responsibilities of a law-enforcement officer[.]” W. Va. Code § 18B-4-5(c)(2)(B)-(C).

Before beginning as a campus police officer, WVU Tech PD officers must attend and complete the West Virginia Basic Law Enforcement Academy, which is in Institute, West Virginia. Additional training is provided by the UPD training division which includes areas such as sex crimes, illicit drugs and abuse, self-defense, domestic violence, crime prevention, traffic stops, First Aid/CPR/AED, and various community policing topics as well as recertification courses.

The WVU Tech Police are charged with the responsibility for investigation, follow-up, apprehension, and resolution of any incident reported. For the department to achieve its mission, it is critical that all members of the community report crimes promptly and accurately.

Relationship with Local, State, and Federal Enforcement Agencies

WVU Tech PD works closely with all local, state, and federal law enforcement agencies. W. Va. Code § 18B-4-5(c)(2)(E), (F) provides that “[c]ampus police officers may assist a local law-enforcement agency on public highways” and, more importantly, “may assist a local law enforcement agency in any location under the agency’s jurisdiction at the request of the agency.”

Similarly, West Virginia Code, specifically W. Va. Code § 15-10-4, allows for campus police to enter into agreements with other law enforcement entities to provide assistance and cooperation to another agency if requested to do so in writing. To that end, WVU Tech PD has entered into such assistance agreements with a variety of other local law enforcement agencies, most notably the City of Beckley. Specifically, the purpose of this Agreement is to provide for the rendering of assistance between WVU Tech PD and Beckley PD pursuant to W. Va. Code § 15-10-4(a) and W. Va. Code § 18B-4-5(c)(2)(F).

- A. Establish, promote, and maintain a continued, harmonious working relationship and cooperative effort between the WVU Tech PD and the Beckley PD.
- B. Ensure felonies committed on WVU Tech property and the surrounding community are effectively and cooperatively reported, investigated and prosecuted.
- C. Enhance communication and cooperation between the Beckley PD and the WVU Tech Police Department.
- D. Protect and alert the WVU Tech campus and the local Beckley community about crimes of a serious nature that pose a serious or on-going threat to public safety.

West Virginia University Tech – Cramer Security & Investigations, Inc.

The WVU Tech Police Department is currently addressing scheduling and staffing issues. To help alleviate these issues, WVU Tech retained a local private security company. Cramer Security & Investigations, Inc. employs unarmed, trained, and fully qualified security officers. The non-law enforcement security officer's assist and optimize visual vehicle and foot patrols on campus two-night shifts a week during our slowest call volume shifts. They do not have arrest authority. For emergencies and crime reporting Cramer Security & Investigation follows the listed protocols:

- A. For any crimes and/or serious incidents (in progress), call 911 and then the Chief /Director.
- B. For any crimes (NOT in progress), Cramer Security & Investigation is to document the incident and forward contact information to the WVU Tech Police officer at the end of the shift.

Security of & Access to Campus Facilities

WVU Tech strives to make its facilities available to students, faculty, and staff so they may pursue their educational goals and missions. This availability requires a balance with security needs. The University makes building-specific decisions as to when accessibility is available. For this reason, many of our academic and administrative buildings are accessible during all hours with appropriate clearance.

During the academic year, the residence halls are staffed 24 hours a day, seven days a week, by trained professional and para-professional student staff who serve as resources for hall residents. Residence halls are locked 24 hours a day / 7 days a week.

WVU Tech Police proactively patrol the campus and officers are easily contacted by calling (304) 929-COPS (2677) or 911.

The University Police Department, Facilities Management, and others are committed to maintaining a safe environment by evaluating lighting, shrubs and bushes and facility design. The University encourages the campus community to report any hazards or concerns to WVU Tech PD at (304) 929- COPS (2677).

Crime Prevention Programs / Security Awareness Programs

The mission of the WVU Tech PD is to provide a safe and secure environment for everyone at WVU Tech. This publication is designed to provide you with information regarding the security awareness programs offered at this institution, and your responsibility to promote safety. The security awareness programs are designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

WVU Tech has taken prudent steps to promote a safe and secure environment that is compatible with the University community's educational mission. We solicit your support in making our campus 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 not taking unnecessary risks, by locking your door and securing facilities when you leave and reporting any suspicious activity or crime immediately. Together, we can help make WVU Tech a more safe and secure environment for the community.

Below is a sample of the programs offered at WVU Tech that address campus security practices and procedures, as well as crime prevention, including programs specifically addressing dating violence, domestic violence, sexual assault, and stalking:

<i>Programs Organized by West Virginia University Institute of Technology Police Department</i>			
<i>ALERT</i>	Guidance for Surviving an Active Shooter Incident/ Recognizing and Preventing Workplace Violence	When requested by departments or instructors	Employees and Students
<i>CRASE</i>	Workplace violence recognition and options to survive	When requested by departments or instructors	Students and Employees
<i>Operation ID</i>	Documents make, model, description, and serial number, in case of theft. The concept is simple: using an engraving pen, an officer will etch an identification number (usually your driver's license number) into the item or valuable. That etching makes the item harder for thieves to sell and much easier for officers to identify and return to you.	Beginning of Semesters Available online all year	Students and Employees
<i>Bike Registration</i>	Documents bicycles make, model, description, and serial number, in case of theft. Also provided theft prevention tips to owners.	Beginning of Semesters and available all year online.	Students and Employees
<i>Threat Assessment Referral</i>	Can provide concerning behaviors anonymously or named concerning criminal activity, threats, behaviors, or anything concerning.	Available online all year	Students and Employees
<i>Alcohol/Drug Awareness</i>	Provides safety tips, promoted drug and alcohol awareness	Freshman Classes, Freshman Orientation and when requested	Students

<i>Crime Prevention through community policing</i>	Foot patrols of high traffic areas by officers being seen. Officers report and discuss any safety concerns with students and staff by having face to face contact.	Weekly and daily during high profile days or events and in person per requests for events	Students and Employees
<i>Crime Prevention through Environmental Design</i>	National program that provides feedback on making the environment safer by conducting strategic safety surveys in buildings, parking garages, PRT, and across campus.	Conducted per request and when crime log shows an increase of crime in a specific area	Students and Employees
<i>LiveSafe</i>	Promotes the university community to download the Live Safe application. Provides a resource to report anonymous tips, video, images, to University Communications and allows virtual safety walks.	Monthly Information Tables and when requested. Included in every Active Shooter/ Workplace Violence course taught	Students and Employees
<i>Program Title</i>	<i>Type/Description</i>	<i>Frequency</i>	<i>Audience</i>
<i>Programs Organized by the Divisions of Diversity, Equity & Inclusion, & Student Life</i>			
Voices for Change (Get Inclusive)	Online Title IX, Diversity, Equity, and Inclusion, and alcohol harm reduction training for students	Once Annually	First-Year Students
Student Title IX Training	Training defining Discrimination, Sexual Exploitation, Sexual Assault, Domestic Violence, Stalking, and Retaliation. This training also covers bystander intervention, campus resources, and reporting options.	By request of departments, individual professors, and student groups and once annually for all first-year Honors students	Students
Meridians Title IX Training (Get Inclusive)	Online Title IX and Diversity, Equity, and Inclusion training for new employees.	Once and by request	New Employees
Employee Title IX Training	Training defining Discrimination, Sexual Exploitation, Sexual Assault, Domestic Violence, Stalking, and Retaliation. This training also covers bystander intervention, campus resources, and reporting options. Additional focus on mandatory reporting.	By request and invitation as limited by capacity; goal is to reach each department or unit every three years	Employees
How Harassment and Microaggressions Limit Opportunity	Training focusing on leadership and violence within organizations	By Request	Students and Employees

The Escalation Workshop (One Love Foundation)	Training focusing recognizing healthy and unhealthy relationships and empowering young people to identify and avoid abuse; includes information about resources and how to report incidents	By Request and in October and February	Students
Consent 101	Training focusing on defining consent, the prevalence of, and policies related to sexual assault, available resources, and how to report.	By Request	Students
Children on Campus	In-person training focusing on identifying warning signs of child abuse and neglect, as well as reporting procedures.	By Request and required every three years for any employee who works with minors.	Employees, Students, and Volunteers

For additional information about crime prevention and education programming, visit our department web page at: <https://police.wvutec.edu/safety-resources> or telephone the duty officer at (304) 929-COPS (2677).

Reporting Crimes and Other Emergencies

Accurate & Prompt Reporting

Students, faculty, staff, and visitors are encouraged to promptly and accurately report all crimes and public safety-related incidents to the WVU Tech PD or the appropriate local police agency, including when the victim elects to, or is unable to, make such a report. Crimes and incidents should be reported as soon as possible so that the University may assess the need for a timely warning or emergency notification and assess the need for inclusion in the annual statistical disclosure.

Where and How to Report

At WVU Tech, we are members of the 911 Emergency Services Network. To report a crime in progress or an emergency, dial 911 from on campus or direct dial the duty officer at 304-929-2677.

We strongly encourage you to report all crimes or suspicious activities that you may witness while on campus. Crimes should be reported to the WVU Tech Police for the purpose of making timely warning reports to the community and for annual statistical disclosure, even if the victim elects not to prosecute or pursue the investigation.

Reporting Crime to WVU Tech PD

For Clery purposes, WVU Tech PD collects and reports statistics for murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, and statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, and stalking, as well as larceny-theft, simple assault, intimidation, and

destruction/damage/vandalism of property when the victim is intentionally selected because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability of the victim. UPD collects and reports statistics for arrests and disciplinary referrals of drug abuse violations, liquor law violations, and weapon law violations.

Reporting to Designated Campus Security Authorities

Individuals may also report incidents to the following individuals, who have been designated by the University to receive requests for crime statistics each year and forward such reports to WVU Tech PD:

**Dean of Students, Division
of Student Life**

505 S. Kanawha Street
Beckley, WV 25801
(304) 292-1232

EJSands@mail.wvu.edu

**Title IX
Coordinator/Director of
Equity Assurance,
Division of Diversity,
Equity and Inclusion**

1085 Van Voorhis, Suite
250
Morgantown, WV 26506-
6202
(304) 929-1232

diversity@mail.wvu.edu

**Director of Athletics, WVU
Tech**

503 A. Kanawha Street
Beckley, WV 25801
(304) 929-1500

Kenneth.Howell@mail.wvu.edu

**Associate Dean of Students,
Division of Student Life**

505 S. Kanawha Street
Beckley, WV 25801
(304) 929-1232

Daniel.sepion@mail.wvu.edu

Chief, WVU Tech PD

313 S. Kanawha Street
Beckley, WV 25801
(304) 929-2677

Jamel.Corey@mail.wvu.edu

In addition to reporting incidents to WVU Tech, CSA's can report directly to the Clery Act Coordinator using the CSA reporting form on the UPD website, found here:

<https://police.wvutech.edu/safety-resources/csa>

WVU Tech Response to Incident Reports

WVU Tech Police will make every reasonable effort to promptly and professionally resolve any problem reported to the department. In response to a call, WVU Tech Police will take the required action, either by dispatching an officer or by asking the victim to report to police department to file an incident report. Police incident reports involving violations of the law, or the Code of Student Conduct are forwarded to the Dean of Students Office for potential action, as deemed appropriate. Individuals may be arrested for violations of the law. If assistance

is required from the Beckley Police or Fire Department, WVU Tech Police will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the WVU Tech Police, will offer the victim a wide variety of services. Cases involving Domestic Violence, Dating Violence, Stalking and Sex Offenses are shared with the Division of Diversity, Equity and Inclusion, which is responsible for Title IX compliance and equity assurance. When the University receives a report for a welfare check or potentially suicidal student, UPD will make the initial contact and then, if necessary, will contact the on-call counselor at the Student Wellness Center to determine whether to transport the individual directly to the hospital or have the individual follow up with a counselor or the University's CARE Team.

Confidential Reporting / LiveSafe App

Crimes or other public safety-related incidents may be reported on a voluntary, anonymous basis for statistical inclusion in this report, by utilizing the LiveSafe App. This program empowers the campus community to expedite the identification and response of any actions in progress, safety concerns, or potential threats in order to ensure the safety for all members of the campus community. LiveSafe creates a two-way channel of communication between the community and WVU Tech Police. The campus community is able to report a tip using photos, videos, or texts about suspicious activity, as well as notify WVU Tech Police or 911 about emergency situations as well as notify friends or family in real-time of your location and safety through a monitoring system. For more information, please visit:

<https://police.wvutech.edu/livesafe>

WVU Tech does encourage its licensed mental health professionals, only if and when they deem it appropriate, to verbally inform persons whom they are counseling of the University's procedures for reporting crimes on a voluntary, confidential basis for statistical inclusion in this report. However, licensed mental health professionals and pastoral counselors, when acting as such, are not considered to be a Campus Security Authorities ("CSA") for Clery Act purposes and are not required to report crimes for inclusion into the annual crime statistics contained in this report.

WVU Tech Notifications

There are three types of notifications utilized by the University as it relates to crime and emergency issues.

The following chart¹ generally summarizes those notifications and then the following two sections discuss Timely Warnings (Campus Warnings) and Emergency Notifications (WVU Alerts) in much greater detail.

¹ Much of the information on the chart related to emergency notifications and timely warnings comes from the following resource: United States Department of Education, Clery Act Appendix for Federal Student Aid Handbook, <https://ifap.ed.gov/electronic-announcements/100920RescissionReplace2016HandbookForCampusSafetySecurityReporting> (last visited Nov. 17, 2020).

	Emergency Notification/TECH ALERT	Timely Warning/Campus Warning	Community Notice²
Scope	Significant emergency or dangerous situation occurring on the campus (or imminently threatening the campus) that involves an immediate threat to the health or safety of students or employees	Clery Act crimes that occur on Clery Act geography that are reported to a CSA or local police agency and considered by the University to represent a serious or continuing threat to students and employees	No Requirement for Issuance – Sole Discretion of University
Where Event Occurs?	Event that is currently occurring on or imminently threatening campus	Anywhere on Clery Geography	Anywhere
How Soon to Issue?	Immediately upon confirmation of situation	As soon as pertinent information is available	As Appropriate – Sole Discretion of University
Method of Communication?	Text messaging through the TECH ALERT System; Infostations, posted on social media	E-mail	Manner Consistent with its Objective– Sole Discretion of University

Timely Warnings (Campus Warnings)

Statement of Policy

WVU Tech will issue a Timely Warning to the campus community for Clery-reportable crimes occurring on the University’s Clery Act geography that are reported to Campus Security Authorities or local police agencies, and **that are considered by the University to represent a serious or continuing threat to students and employees**. These Timely Warnings are sometimes called Campus Warnings when issued.

- *Clery Reportable Crime means:* crimes required by the Clery Act to be reported annually to the University community, including: criminal homicide (murder and negligent/non-

² Community Notices are not required and are solely issued at the discretion of the University.

negligent manslaughter); sex offenses (rape, fondling, statutory rape, and incest); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that are motivated by bias); dating violence; domestic violence; stalking; and arrests and referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) weapon law violations.

- *Clery Act geography, in general, means:* on-campus buildings or property, including residence and other student housing complexes, which are owned or controlled by the University; noncampus property, which means (1) any building or property owned or controlled by a student organization that is officially recognized by the institution (this does not include unaffiliated or unrecognized student organizations); or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution; and certain public property within or immediately adjacent to campus.

Whether an incident constitutes a serious or continuing threat to students and employees is a case-by-case determination. In general, this means that there is a risk of students or employees becoming victims of a similar crime. For example, if a robbery is reported on campus and the alleged perpetrator has not been caught, the risk is there. If the alleged perpetrator was apprehended, there may be no continuing risk if the perpetrator acted alone. Other questions that may be asked are: does a criminal incident appear to be a one-time occurrence, or does it fall into a pattern of reported crimes? For example, if students set some posters on fire after the football team lost the homecoming football game, the arsons are probably a one-night event. If an unknown person was randomly setting fires, this would pose a continuing threat.

Statement of Procedures

Circumstances for a Timely Warning (Campus Warning). A Timely Warning (Campus Warning) will be issued when (1) a Clery Reportable Crime occurs on Clery Geography; (2) the Clery Reportable Crime is reported to Campus Security Authority or local police; (3) the Clery Reportable Crime is considered to represent a serious or continuing threat to University students or employees; and (4) the Timely Warning (Campus Warning) will aid in the timely prevention of similar acts.

Clery Reportable Crimes. Typically, Clery Reportable Crimes such as arson; aggravated assault; criminal homicide; robbery; burglary; rape, fondling, incest, statutory rape; and hate crimes may initiate a Timely Warning (Campus Warning). However, as necessary, and at the discretion of the University Police Chief or designee, Timely Warnings (Campus Warnings) may be issued for other Clery Reportable crimes if they pose a serious or continuing threat to University students or employees.

Exceptions. The University will not provide a Timely Warning (Campus Warning) with respect to crimes reported to a pastoral or licensed mental health counselor.

Victim Information. Timely Warnings (Campus Warnings) will be distributed in a way that withholds as confidential the names and other identifying information of victims.

Factors for a Timely Warning (Campus Warning). In determining whether to issue a Timely Warning (Campus Warning), the following factors will be considered:

- i. The ***nature of the crime***, including whether it was an isolated incident or something that poses a continuing threat, whether violence was part of the crime, whether there were multiple victims, whether any victims were minors, and whether a suspect utilized drug(s) as part of the crime;
- ii. The ***continuing danger to the University Community***, including whether Members of the University Community are at risk of becoming victims of a similar crime, whether the alleged perpetrator has been apprehended; whether there were multiple perpetrators and some have not been apprehended; whether the perpetrator(s) has a history of non-compliance with University issued directives, such as a trespass notice; whether the perpetrator(s) has a history of violence; and whether there are signs of a pattern of crimes;
- iii. The ***possible risk of compromising law enforcement efforts***, including whether specific information should be included or omitted given law enforcement efforts, such as investigatory actions being undertaken.

Responsibility for a Timely Warning (Campus Warning). The University Police Chief(or designee) will be responsible for issuing a Timely Warning (Campus Warning) in consultation with the appropriate personnel involved in Clery compliance. University Relations will be responsible for assisting in the delivery of the Timely Warning (Campus Warning) to members of the University Community. For these reasons, CSA's and local law enforcement should report Clery Crimes to WVU Tech PD immediately upon receipt of such a report.

Dissemination of a Timely Warning (Campus Warning). Timely Warnings (Campus Warnings) will be disseminated in a manner reasonably likely to reach the members of the University Community and allow for them to take appropriate steps to protect themselves. Specifically, Timely Warnings (Campus Warnings) will be distributed in the following ways: (1) e-mails to students, staff, and faculty via their Mix or University provided e-mail accounts; and (2) posted on the University Police website.

Content of a Timely Warning (Campus Warning). The following information is typically included in a Timely Warning (Campus Warning) if available:

- i. The type of crime reported, including any specific information related to the potential serious or ongoing threat;
- ii. The persons or locations that might be affected;
- iii. Any connection to a previous incident or incidents, if any;
- iv. Description of the suspect or suspects;
- v. Date and time the warning was released;
- vi. Any other relevant information that may be applicable to the crime; and
- vii. Any applicable safety tips specific to the crime or threat involved.³

For instances in which a timely warning is not required, WVU Tech PD may choose to issue a “Community Notice” notifying the University community of the issue. The content of a community alert may vary depending on the type of incident reported and the location in which it occurred.

Emergency Notifications (TECH ALERT)

Statement of Policy

Upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees, the University will, without delay, and taking into account the safety of the community, determine the content of an Emergency Notification (TECH ALERT) and initiate its emergency notification procedures, unless issuing a notification will, in the professional judgement of the first responders, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. “Immediate threat” as used here includes an imminent or impending threat. Examples of significant emergencies or dangerous situations may include, but are not limited to: an outbreak of meningitis, norovirus, or other serious illness; approaching hurricane or other extreme weather conditions; earthquake; gas leak; terrorist incident; armed intruder; active shooter; bomb threat; civil unrest or rioting; explosion; and chemical or hazardous waste spill.

Statement of Procedures

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System: The initial and primary responder to emergencies will normally be the UPD. It is possible that the initial and primary responder may be different, particularly for incidents such as an outbreak of serious illness; extreme weather conditions; earthquake; gas leak; or chemical or hazardous waste spill. In either situation, the ranking or senior

³ As noted above, some specific information may be withheld if there is a risk of compromising law enforcement efforts to investigate and/or solve the crime.

officer/administrator on the scene will quickly assess the situation and notify the Chief of Police (or designee), or in their absence, the highest-ranking officer in WVU TECH PD.

The Chief (or highest-ranking officer) will take immediate steps to confirm whether the incident constitutes a “significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees,” such that an Emergency Notification (TECH ALERT) is warranted. If time permits, the Chief (or highest-ranking officer) may consult with other senior administrators at the University. If the consultation would result in a significant delay in disseminating the information, WVU TECH PD will send alerts on its own initiative, using predetermined templates.

Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification: The appropriate segment or segments of the University community will receive a notification and that will be determined by the information available at the time. The Chief of Police (or designee), together with University Relations/Office of Communications, will continually evaluate the situation and assess the need to notify additional segments of the campus population.

Determining the Contents of the Emergency Notification: The content of an Emergency Notification (TECH ALERT) will include the nature of the emergency or dangerous situation; the particular location or individuals affected by the emergency or dangerous situations; and any other critical information necessary in order to allow members of the University community to take preventive measures.

Procedures Used to Notify the Campus Community: In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all these methods of communication may be activated in the event of an emergency. These methods of communications include emergency text messaging via TECH ALERT, and campus-wide or portions of the campus emergency e-mail. The University may also use:

- Audio and visual alert messages on the [InfoStations](#) around campus.
- Alerts posted to various WVU Tech social media channels including [Facebook](#) and [Twitter](#).
- Alert messages posted for current students via MIX email.

How to Sign Up for TECH ALERTS: The service is free, and sign-up can be accessed from the WVU TECH Police Website or via this link: <http://alert.wvutech.edu/>

Procedures for Testing Emergency Response and Evacuation Procedures: Drills, Exercises, and Training

The procedures to test Emergency Notifications (TECH ALERT), as well as the emergency response and evacuation procedures, will occur on at least an annual basis and may be announced or unannounced. For each test, there will be documentation of a description of the exercise, the date, time, and whether it was announced or unannounced.

Emergency Response and Evacuation Procedures

WVU Tech has developed an emergency response plan that complies with the National Incident Management System and provides facility-specific planning assistance. We encourage all community members to become familiar with their building plans and campus plan.

If officials order an evacuation of the campus, leave as soon as possible (preferably during daylight hours). Avoid flooded roads and watch for washed out bridges. Roads and bridges frequently become crowded, and traffic moves slowly. Evacuation will probably take longer than expected, so give yourself plenty of time.

If a fire occurs in a WVU Tech building, community members should begin the evacuation process immediately and should call 911 as soon as it is safe to do so. Fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The Fire Marshal can levy fines and penalties to individuals who fail to evacuate a building promptly—but a more important reason for evacuating is for safety reasons!

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus typically ring to the WVU Tech Police directly.

The University will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year. The Emergency Operations Plan can be accessed here:

<https://police.wvutech.edu/emergency-response-plan>

Daily Crime Log and Fire Log

WVU Tech PD maintains a combined Daily Crime and Fire Log of all incidents reported to it. This includes all alleged criminal incidents reported that occur on campus, in areas patrolled by the WVU Tech PD, in noncampus buildings or properties, on the public property running through or immediately adjacent to campus. As a combined log, it also includes fire-related incidents, including all reported fires in on-campus student housing facilities. The Daily Crime Log and Fire Log will post the previous days approved incidents daily at 5:30 p.m., Monday -

Friday. All weekend incidents will post on Monday. Case numbers with prefix “CSA” are incidents that are reported to a Campus Security Authority other than WVU Tech PD.

The Daily Crime and Fire Log includes the incident type, date incident is reported, date and time of occurrence, and general location of each reported incident type, as well as the disposition of the incident, if this information is known. UPD posts specific incidents in the Daily Crime Log within two (2) business days of receiving a report of an incident and reserves the right to exclude reports from a log in certain circumstances as permitted by law. The most current 90 days of information are available online at the WVU Tech PD web page here: <https://police.wvutech.edu/crime-log>. Additionally, the crime log is available to be viewed at WVU Tech PD, located at 313 S. Kanawha Street, Beckley, WV 25801.

Drug and Alcohol Policies

Federal law requires that the University notify all faculty, staff, and students of certain information pertaining to unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of its activity, as well as notify the campus of certain health risks associated with alcohol and other drug abuse and provide contact information for WVU’s programs available to students, staff, and faculty. The University accomplishes this by sending faculty, staff, and students an email containing, as an attachment, the Drug-Free Schools and Communities Act booklet. The booklet and additional information can be accessed electronically by visiting the following website:

<https://talentandculture.wvu.edu/employee-relations/drug-free-schools-and-communities>

Additionally, that booklet is attached as Appendix 1.

Sexual Assault, Domestic Violence, Dating Violence, and Stalking: Education and Prevention Programs

WVU implements comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to educate its community about sexual misconduct, including but not limited to sexual assault, domestic violence, dating violence, and stalking. WVU intends its Prevention Programs to: (1) be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and (2) consider environmental risk and protective factors as they occur to the individual, relationship, University, community, and societal levels. WVU’s Prevention Programs include both Primary Prevention Programs, Primary Awareness Programs, and Ongoing Prevention and Awareness Campaigns.

- *Primary Prevention Programs:* WVU implements programming, initiatives, and strategies, informed by research or assessed for value, effectiveness, or outcome that are intended to prevent incidents of prohibited conduct through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

- *Primary Awareness Programs:* WVU implements comprehensive, intentional, and integrated community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent prohibited conduct, promote safety, and reduce the perpetration of prohibited conduct.
- *Ongoing Prevention and Awareness Campaigns:* WVU implements programming, initiatives, and strategies for students and employees that are sustained over time and focus on increasing understanding of topics relevant to, and skills for, addressing prohibited conduct using a range of strategies with audiences throughout WVU.

In these Prevention Programs, WVU

- Makes a clear statement that domestic violence, dating violence, sexual assault and stalking are **prohibited conduct**;
- Defines domestic violence, dating violence, sexual assault, and stalking including how those terms are defined by the State of West Virginia;
- Defines what behavior and actions constitute consent to sexual activity in the State of West Virginia;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or to intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and learn how to minimize the risk of potential attacks.

If you have any questions about WVU's current primary prevention programs, please contact WVU's Title IX Coordinator:

James Goins Jr.
 Director of Equity Assurance
 Title IX Coordinator
 1085 Van Voorhis, Suite 250
 Morgantown, WV 26506-6202
 (304) 293-5600
james.goins@mail.wvu.edu

Sexual Assault, Domestic Violence, Dating Violence, and Stalking: Procedures for Alleged Victims to Follow

Important Note:

WVU, including WVU Tech, has adopted a university-wide policy that prohibits sexual misconduct, relationship violence and stalking. That policy applies to students, faculty, and staff. The policy describes prohibited conduct for students, faculty, and staff; explains multiple options for reporting sexual misconduct, relationship violence and stalking to the University; describes the procedures that the University will follow promptly, thoroughly, and equitably investigating and resolving reports of sexual misconduct, relationship violence, and stalking in order to eliminate the misconduct, prevent its recurrence, and address its effects on a complainant or the University community; identifies resources for complainants; describes the University's prevention and awareness programs relating to sexual misconduct, relationship violence, and stalking; and implements the requirements of Title IX and the Clery Act (including amendments to the Clery Act made by the Violence Against Women Reauthorization Act).

A copy of the policy is available at: <https://policies.wvu.edu/finalized-bog-rules/bog-governance-rule-1-6-rule> (the "Policy").

What follows below are certain statements of policy that the Clery Act requires be provided in this report. WVU encourages everyone to read the full Policy. To the extent there are any discrepancies between the statements below and the Policy, the Policy controls.

Importance of Preserving Information-

In cases of sexual assault, domestic violence, dating violence, and stalking, it is important for a person who may have been subjected to such conduct ("Complainant") to seek immediate medical attention to determine the presence of physical injury, address pregnancy concerns if applicable, determine the possibility of exposure to sexually transmitted diseases, and, if the Complainant later decides to pursue legal options, to obtain evidence to assist in criminal prosecution, a civil action, or in obtaining a civil protection order.

According to sexual assault nurse examiners, the key to success in collecting physical evidence of a sexual assault is to collect the evidence as soon as possible after a sexual assault (ideally within 24 hours of a sexual assault, but no later than 72 hours after a sexual assault). Prior to seeking medical care, Complainants of sexual assault, when possible, should avoid changing their clothing, bathing, showering, using a douche, using the bathroom, brushing their teeth, drinking liquids, washing their hands or face, or combing their hair. If Complainants change their clothes, then the best way to preserve evidence relating to clothing is to put the clothing in a paper (not plastic) bag.

The collection of evidence for use in a criminal prosecution or an order of protection hearing relating to sexual assault can only be performed by trained personnel at a hospital emergency room; physical examinations by other healthcare providers are likely to impede potential future legal remedies. In cases of sexual assault, a medical professional usually will: examine the Complainant; provide appropriate medical treatment; collect evidence of the assault,

such as hairs, fluids, and fibers; and, if applicable, talk with the Complainant about the prevention of venereal disease and pregnancy, if applicable. A medical examination preserves evidence for forensic analysis in the event that a Complainant wishes to pursue a criminal prosecution or an order of protection. The medical examination likely will be performed by a sexual assault Nurse Examiner (SANE), a nurse who is specially trained to collect evidence in cases of sexual assault.

If the Complainant chooses not to report the incident to law enforcement at the time of the medical examination, the medical provider will provide the examination materials to local law enforcement with a unique identifying number that will also be provided to the Complainant. The law enforcement agency with jurisdiction will store the examination materials for up to three (3) years. If, in that time, the Complainant decides to make a police report, the Complainant may report to the law enforcement agency with jurisdiction and refer to the unique identifying number so that the Complainant's examination materials may be matched with the Complainant's law enforcement report for evidentiary purposes.

Medical care may be obtained from the following:

Raleigh General Hospital
1710 Harper Road, Beckley, WV 25801
(304) 256-4100

Where and How to Report the Incident -

The University supports the choices individuals make — whether to report, and to whom to report — and recognize that these choices are particularly difficult in some cases. If you are unsure whether or not you would like to file a formal report, you can meet privately with a WVU Anonymous Employee or member of the Prevention Education Team (who are not Campus Security Authorities) to discuss your reporting options first. Additionally, these individuals may help individuals access supportive resources as well. If you wish to speak to someone anonymously, please call or text the Anonymous On-Call Line at [304-906-9930](tel:304-906-9930). Someone is available to take your call 24 hours a day.

The Office of Equity Assurance and the legal system work independently, but in coordination with one another. Individuals may file a report with the University, law enforcement, both or with neither. The standards for determining a violation of criminal law are different than the standard in WVU's grievance procedures, neither the results of a criminal investigation, nor the decision of law enforcement to decline to investigate a matter, is a determinative factor of whether a violation of Board of Governors Governance Rule 1.6 has occurred.

Any member of the campus community who has witnessed or is aware of any of the prohibited conduct on Board of Governors Governance Rule 1.6 is encouraged to report. WVU's Office of Equity Assurance reviews every civil rights or Title IX related incident reported to it. If you or someone you know has been a victim of sexual assault, power-based personal violence, or discrimination or harassment, you can file a report with WVU's Director of Equity Assurance/Title IX Coordinator:

James Goins Jr.
Director of Equity Assurance
Title IX Coordinator
1085 Van Voorhis, Suite 250
Morgantown, WV 26506-6202
(304) 293-5600
james.goins@mail.wvu.edu

You can also [file a report online](#) or through mail by sending a complaint to:

Office of Equity Assurance
1085 Van Voorhis, Suite 250
P.O. Box 6202
Morgantown, WV 26506

Options About the Involvement of Law Enforcement –

Sexual assault, dating violence, domestic violence, and stalking may constitute both a violation of WVU's policy and criminal law. Therefore, WVU encourages persons to report incidents to law enforcement. **But a Complainant has the right to decline to report an incident to law enforcement. Even if a Complainant does not report the incident to law enforcement, the Complainant may still request Supportive Measures from WVU by reporting the incident to the Title IX Coordinator or another Responsible Employee (who will then report to the Title IX Coordinator).**

The following options are available 24 hours, seven days a week, for reporting an incident to law enforcement:

- WVU Tech Police Department: (304) 929-2677
- Beckley Police Department: (304) 256-1720
- Raleigh County Sheriff's Office: (304) 255-9300
- West Virginia State Police: (304) 256-6982

Upon the Complainant's request, the Title IX Coordinator will assist the Complainant to contact the UPD or another appropriate local law enforcement agency.

Even if the Complainant is unsure whether to pursue criminal prosecution or an order of protection, WVU recommends that the Complainant report the incident to law enforcement as soon as possible. In most cases, after addressing a Complainant's immediate safety needs and/or needs for medical care, a law enforcement officer will meet with the Complainant and take a statement about what occurred. In cases of sexual assault and relationship violence, in addition to taking a statement, the law enforcement officer may ask to examine the scene of the incident and collect bedding, clothing, or other items of evidentiary value. A UPD law enforcement officer also will conduct a thorough interview to record as many details as possible, as precisely as possible. The law enforcement interview may take as long as several hours, depending on the circumstances of the case. Due to the traumatic effect of sexual assaults on survivors, multiple

interviews may be required to get all the pertinent details of the assault. However, when possible, the University will strive to prevent duplicative interviews by either sitting in on (or listening to and then following up in a limited fashion) other interviews.

If, after concluding its investigation, law enforcement determines that a crime occurred, then law enforcement will refer the matter to the Prosecuting Attorney's Office. The Prosecuting Attorney's Office will decide whether to pursue criminal prosecution; however, it is unusual for cases to proceed without the cooperation of the Complainant. Reporting the incident to law enforcement does not obligate the Complainant to cooperate with the Prosecuting Attorney Office's criminal prosecution. If criminal prosecution is pursued, however, the likelihood of success will be much higher if the Complainant reported and allowed evidence to be collected immediately after the incident.

WVU will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, the University's policy may differ in significant respects from criminal law. A Complainant may seek resolution through WVU's procedures, may pursue criminal action, may choose one but not the other, may choose both, or may choose neither. Neither law enforcement's determination whether to prosecute a Respondent, nor the outcome of any criminal prosecution is determinative of whether prohibited conduct occurred in violation of the University's policy. Procedures under the University's policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. WVU does not normally wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing supportive measures, and/or taking other appropriate action. Although WVU may need to temporarily delay portions of its investigation while law enforcement is gathering evidence, WVU will take supportive measures to support the parties during such a delay. Decisions made or sanctions imposed by WVU are not based on criminal or civil charges against a Respondent arising from the same incident being dismissed, reduced, rejected, sustained, or not prosecuted; however, a Respondent's plea or a finding against a Respondent in a criminal or civil proceeding may, at WVU's discretion, be used by WVU in a WVU disciplinary proceeding.

Information about Orders of Protection-

In some cases, an individual may wish to consider a Protection Order from the local courts. This is a civil proceeding independent of the University. An individual also has the right to file for a Protection from Abuse Order or Sexual Violence Protection Order. If a court order is issued the University will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court, and will also facilitate on-campus compliance with the order.

Every county has a different process to get such an order. For information about pursuing orders of protection and other legal remedies, a Complainant may contact:

Raleigh County Prosecuting Attorney's Office
112 N Herber Street
Beckley, WV 25801
(304) 255-9148

The Title IX Coordinator or the UPD can assist a Complainant to arrange an appointment with the appropriate Victim Assistance Program to discuss options for pursuing an order of protection and other legal remedies.

Even though each county is different, the legal process follows the same general pattern. The process usually starts by filling out a form called a “petition” at the local county courthouse. After the petition is filled out, a judge will read it and may ask the plaintiff to answer a few questions. The judge may grant or deny a temporary order and may schedule a date for a final hearing. On the date of the hearing, the plaintiff and defendant will come before a judge. Both are allowed to have attorneys to represent them at this hearing. A domestic violence advocate may also come with the plaintiff. If both the plaintiff and defendant agree on the terms of an order, the judge will make it official. If either party does not agree, the judge will give the plaintiff and defendant the chance to talk on the record about the abuse described in the petition. After listening to the testimony, the judge may grant or deny the plaintiff a final order. Final orders can be in place for any period of time.

Separate from protective orders, the University can in some cases issue a “no contact” order pending the outcome of a university investigation. Such a directive serves as notice to the party on which it is served that the person must not have verbal, electronic, written, or third-party communication with the other. To request information about a university no contact order, contact:

James Goins Jr.
Director of Equity Assurance
Title IX Coordinator
1085 Van Voorhis, Suite 250
Morgantown, WV 26506-6202
(304) 293-5600
james.goins@mail.wvu.edu

Information about Protecting Confidentiality in Recordkeeping-

The University will complete publicly available record-keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the Complainant or Respondent. Below is some additional information:

Clery Act: The Clery Act requires the University to issue three types of public documents: First, this report, which contains crime statistics. Statistics published in this report **do not personally identify Complainants or Respondents**. Second, in addition to this report and in compliance with the Clery Act, the UPD maintains a daily crime log that includes entries for all crimes and alleged crimes that occurred within the University’s Clery Geography, or within the patrol jurisdiction of the UPD. The crime log does not include personally identifying information about the Complainant or the Respondent. Third, the Clery Act requires WVU to issue timely warnings for certain crimes reported to the UPD or Campus Security Authorities. WVU will undertake reasonable efforts to avoid disclosing a Complainant’s name and other identifying information, while still providing enough

information for community members to make safety decisions considering the potential danger.

West Virginia Freedom of Information Act: The West Virginia Freedom of Information Act provides access to the public of certain non-exempt public records. See W. Va. Code §§ 29B-1-1 through -7. However, certain records may be exempt from disclosure if they meet one of the enumerated exemptions set forth in the FOIA. Among them include the following: “Information of a personal nature . . . if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance”; and “Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement.” See W. Va. Code § 29B-1-4(a)(2), (4)(A). Thus, determining whether records are ultimately subject to disclosure is determined on a case-by-case basis considering the totality of the circumstances.⁴

Requests for Accommodations or Supportive Measures-

The University will maintain as confidential any accommodation or supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodation or supportive measure. The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case and the student or employee status of the Complainant and the Respondent. The Title IX Coordinator, in consultation as needed with other appropriate University employees (e.g., an employee who would be involved in implementing the supportive measure being considered), will consider a number of factors in determining what supportive measures WVU will take, and will determine what information needs to be disclosed and to whom.

Written Notifications That Will Be Made Available-

When a student or employee reports to the University that the student or employee has been a victim of sexual assault, domestic violence, dating violence, or stalking, the University will provide the student or employee with written notification about available options for, assistance in, and how to request changes to academic, living, transportation and working situations, or protective measures. The University determines which measures are reasonably available and necessary for a particular individual on a case-by-case basis determined by the Title IX Coordinator in conjunction with the Division of Student Life for students and the Title IX Coordinator in conjunction with Talent and Culture for employees. Following an alleged sex offense, the University will comply with a student’s request for a living and/or academic situation change, if they are reasonably available, regardless of whether the individual chose to report the crime to the police.

⁴ See West Virginia Sexual Violence Benchbook, p. 4-1,

<http://www.courtswv.gov/public-resources/domestic/SexualViolenceBenchbook2021.pdf> (last visited Aug. 22, 2022) (“In West Virginia, there are no statutes or rules specific to the filing of sensitive information of a sexual assault victim in criminal files that are presumptively open to public inspection.”).

The University will also provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, including whether accommodations may be available, both within the institution and in the community. Specific contact information follows:

Counseling and Mental Health Services:

WVU Tech Student Wellness Center
University Hall
Phone: (304) 929-1237

Victim Advocacy Services:

Raleigh County Prosecuting Attorney's Office – Victim Assistance Program
112 North Herber Street
Beckley, WV 25801
Phone: (304) 255-9148
Email: raleighpa@hotmail.com

AWAY (Woman's Resource Center)

104 Wilson Street
Beckley, WV 25801
Phone: (304) 255-4066

WV Foundation for Rape Information Services

<http://www.fris.org/home.html>

Visa and Immigration Assistance:

International Student & Scholar Services
101 Purinton House
1505 University Ave
Morgantown, WV 26506
(304) 293-3519
iss-students@mail.wvu.edu

Division of Student Life
505 S. Kanawha Street
Beckley, WV 25801
(304) 929-1232
techstudentlife@mail.wvu.edu

U.S. Citizenship and Immigration Services (USCIS) (www.uscis.gov/about-us/find-uscis-office), a bureau of the Department of Homeland Security (DHS), offers two sites to help individuals find free or low-cost legal representation: USCIS Find Help in your Community Webpage: www.uscis.gov/citizenship/learners/find-help-your-community; and USCIS Find Legal Services Webpage: www.uscis.gov/avoid-scams/find-legal-services

The Board of Immigration Appeals (www.justice.gov/eoir/board-of-immigration-appeals) provides a listing of attorneys by state who provide immigration services either for free or for little cost: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. The American Immigration Lawyers Association (www.aila.org/) offers an online immigration lawyer referral service (www.ailalawyer.org/) that can help a student or employee find an immigration lawyer.

The American Bar Association also provides information on finding legal services by state: https://www.americanbar.org/groups/legal_services/flh-home/.

Student Financial Aid:

WVU Tech Beckley Hub
Benedum Center
Beckley, WV 25801
Phone: (304) 929 1440
<https://financialaid.wvutec.edu/>

WVU Accessibility Services/ADA Coordinator:

ADA Coordinator
WVU Division of Diversity, Equity and Inclusion
PO Box 6202
Morgantown, WV 26506-6202
Phone: (304) 293-5600
<https://diversity.wvu.edu/equity-assurance/americans-with-disabilities-act-ada>

Sexual Assault, Domestic Violence, Dating Violence, and Stalking: Procedures for Institutional Disciplinary Action

WVU Tech prohibits sexual harassment, including sexual assault, domestic violence, dating violence, and stalking as set forth in West Virginia University Board of Governors Rule 1.6, which provides, in relevant part:

The University prohibits Discrimination, Harassment (which also includes Sexual Harassment), Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation as defined below (collectively referred to as “Prohibited Conduct”) by or against any Member of the University Community occur[r]ing within the University's Jurisdiction.

The procedures for dealing with such cases depends on whether the conduct is covered by Title IX and whether the accused individual is a student.

For cases covered by Title IX jurisdiction against non-students, the following procedures are applicable: <https://diversity.wvu.edu/equity-assurance/policies-and-procedures/non-student-title-ix>

For non-Title IX cases of sexual assault, domestic violence, dating violence, and stalking against non-students, the following procedures are applicable: <https://diversity.wvu.edu/equity-assurance/policies-and-procedures/complaint-and-investigation-process>

For allegations of sexual assault, domestic violence, dating violence, and stalking against a student, the following procedures are applicable: <https://diversity.wvu.edu/equity-assurance/policies-and-procedures/students>

Of particular importance, a disciplinary complaint may be filed by filling out the online complaint form found here: https://wvu.qualtrics.com/jfe/form/SV_0lKdeIGf4QeEUxT. The standard of proof in all cases is a preponderance of the evidence, which is defined as “evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which, as a whole, shows that the fact sought to be proved is more probable than not.” Additionally, the sanctions available for students found responsible include:

- a) **Expulsion:** Permanent separation of the student from the University. Permanent notification will appear on the student’s transcript. The student may be denied access to university premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the University. This is reserved for persistent violations of the Campus Student Code or a single violation of marked severity.
- b) **Suspension:** Separation of the student from the University for a specified period of time. Permanent notification will appear on the student’s transcript. The student may be denied access to university premises and to all other University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the University. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return. This is reserved for persistent violations of the Campus Student Code or a single violation of marked severity that may not rise to the level of expulsion.
- c) **Deferred Suspension:** The student will be given a certain set of expectations, but any suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student

completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Office of Student Rights and Responsibilities has decided to seek the suspension, the student will be given written notice of the apparent failure to comply and of the intent to suspend, and provided an opportunity to be heard prior to a final decision, consistent with this Code.

- d) Probation: A written reprimand for prohibited conduct that specifies a designated period of time and includes the probability of more severe disciplinary sanctions if, during the designated probationary period, the student violates any applicable law or fails to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations or with directives issued by any University official acting in the course of his or her authorized duties.
- e) Warning: A notice in writing to the student that the student is violating or has violated Board of Governors policies, institutional rules and regulations, or the Campus Student Code, and that any further prohibited conduct may result in more severe disciplinary action.
- f) Loss of Privileges: Denial of specified privileges for a designated period of time.
- g) Restitution: Students may be required to make payment to the University or to other persons, groups, or organizations for loss, damage, or injury incurred as a result of a violation of any Campus Student Code. This may take the form of appropriate service and/or monetary or material replacement. Once restitution is satisfied, the student must provide documentation to the Office of Student Rights and Responsibilities.
- h) Revocation: Admission to the University may be revoked for a violation of the Code if the violation was committed before the student arrives on campus. Likewise, a degree awarded from the University may be revoked for a violation of the Code if the violation was committed before the student graduates.
- i) Other Sanctions: Other sanctions may be imposed instead of or in addition to those specified. For example, students may be subject to dismissal from university housing for disciplinary violations which occur in the residence halls. Likewise, community service, educational classes, fines (if such fines are established by the Office of Student Rights and Responsibilities), and other work or research projects may also be assigned.
- j) No Contact Order: Students may be issued a permanent no contact order, which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties.

In cases of non-students, the following is a list of potential corrections actions that may be taken if a Respondent is found responsible for Title IX Sexual Harassment:

If there is a finding that the Respondent is responsible for Title IX Sexual Harassment, the appropriate departments, offices, units, or employees at the University, in consultation with the Title IX Coordinator, will take steps toward immediate corrective action and is responsible for effective implementation of any remedies, which may include, but not be limited to suspension, demotion, or termination of an employee; issuance of a trespass warning; termination of a vendor contract; and/or referral to the appropriate law enforcement agency. The purpose of any such corrective action is to take the appropriate steps to end the misconduct, prevent any further misconduct or retaliation, remedy the effects of misconduct, and eliminate any hostile environment that has been created.⁵

For non-Title IX cases, the following is applicable:

If there is a finding of Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, or Retaliation, the appropriate departments, offices, units, or employees at the University, in consultation with the Division of Diversity, Equity and Inclusion and Talent and Culture, will take steps toward immediate corrective action, which may include, but not be limited to suspension, demotion, or termination of an employee; issuance of a trespass warning; termination of a vendor contract; and/or referral to the appropriate law enforcement agency. The purpose of any such corrective action is to take the appropriate steps to end the misconduct, prevent any further misconduct or retaliation, remedy the effects of misconduct, and eliminate any hostile environment that has been created. If a corrective action involves any type of adverse employment action, then such action will be taken consistent with Talent and Culture procedures and applicable due process.⁶

Protective or supportive measures that the University may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking may be found here:

<https://diversity.wvu.edu/equity-assurance/resources-and-reporting-options>

They include any number of the following (the list is not exclusive or exhaustive):

- Access to counseling services
- On-Campus No Contact Directive
- Rescheduling exams/ assignments
- Providing alternate course options
- Changing class/work schedules
- Changing work/job assignments
- Temporary suspension to campus facilities/housing

⁵ Section 5.10, Corrective Action, *Non-Student Title IX Complaint and Investigation Process*, <https://diversity.wvu.edu/equity-assurance/policies-and-procedures/non-student-title-ix>

⁶ Section 4.6, Corrective Action, *Non-Student Non-Title IX Complaint and Investigation Process*, <https://diversity.wvu.edu/equity-assurance/policies-and-procedures/complaint-and-investigation-process>

- Limit access to certain privileges and events
- Medical care
- Tutoring
- University-imposed leave or suspension
- Alternative housing options

Additional Information about Sex Offenses

Release of Disciplinary Outcome to Certain Crime Victims:

WVU Tech will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), the results of any disciplinary proceeding conducted by WVU against a student who is the alleged perpetrator of the crime or offense. Typically, however, the alleged victim is involved in the process and will receive a copy of the notice of outcome in such cases. If the alleged victim is deceased as a result of the crime or offense, the next of kin of the victim may make the request.

Sex Offender Registry

The State of West Virginia requires sex offenders to register with the State Police. The State makes this information available to law enforcement agencies. This information is available to the public at the following website: <https://apps.wv.gov/StatePolice/SexOffender>.

Missing Student Policy & Procedures

*** All reports of missing student should be made to:

WVU Tech Police Department
Phone: (304) 929-2677
(twenty-four hours a day/seven days a week)
313 S Kanawha Street
Beckley, WV 25801

Statement of Policy

The purpose of this Policy is to set forth the missing student notification procedures for students who reside in on-campus student housing facilities (sometimes referred to in the Policy as an “on-campus student”).

As set forth below, WVU Tech will identify where such reports can be made and require those reports to be immediately referred to the WVU Tech PD. Further, missing student contact information will be used in accordance with the procedures and notifications will take place as set forth below.

Missing Student Procedures for Students Residing in On-Campus Housing Facilities

Where to Report Missing On-Campus Student. If anyone has reason to believe that a student who lives in on-campus student housing has been missing from campus, the WVU Tech Police Department should be contacted at (304) 929-2677 (twenty-four hours a day/seven days a week), 313 S Kanawha Street, Beckley, WV 25801.

Mandatory Referral. If anyone receives a report of a missing on-campus student, regardless of how long that on-campus student is believed to have been missing, that report must be referred immediately to the WVU Tech Police Department should be contacted at (304) 929-2677 (twenty-four hours a day/seven days a week), 313 S Kanawha Street, Beckley, WV 25801.

Contact Information. Each student residing in on-campus housing, regardless of age, shall have the option to register a contact person or persons to be used strictly for missing persons purposes (referred to in this Policy as a “missing person contact”). This contact can be anyone and can be the same or different from the person identified as the student’s general emergency contact. For students living in the residence halls, students can register and update their missing person contact information by logging into My Housing/Housing Portal, which is located at the following site: https://myhousing.wvu.edu/student/312BE6F2/1/1/Home-MyHousing_at_West_Vi. For students living in university apartments, they are contacted and given the option to register one or more individuals to be a contacted strictly for missing persons purposes. On-campus students are offered this option each year, regardless of whether the student has identified a missing person contact in previous years. WVU Tech shall notify the student’s missing person contact within twenty-four hours of the determination by the WVU Tech Police Department that the student is missing.

Confidentiality of Missing Person Contact Information. The missing persons contact information will be registered confidentially and will be kept separate from the student’s emergency contact information (even if the student registered the same person for both). The missing persons contact information will be accessible only to authorized campus officials and may be disclosed only to law enforcement personnel and only for a missing person investigation or as otherwise required by law.

Actions Taken Following a Report. Once a report is made of a missing on-campus student, the University will take the following actions:

- Contact Residence Life staff, who will try to contact the student at the student’s residence.
- If unsuccessful, the University will attempt to contact any room or suite mates of the student or other individuals that may know the whereabouts of the student.
- Additionally, in order to locate the student, the University may try to ascertain whether the student is or has been on-campus recently through other available

administrative means, such as determining whether the student has recently accessed any areas on-campus.

If the investigation determines that the on-campus student has been missing for over twenty-four hours then, within the next twenty-four hours, the University will notify the individual identified as the student's missing person contact.

Notifying Local Law Enforcement. WVU will also notify the local law enforcement, including the West Virginia State Police, within twenty-four hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Minors. If a student is under 18 years of age and not emancipated, in addition to notifying local law enforcement where applicable per Section 2.4.1 of this Policy, WVU must and will notify a custodial parent or guardian within twenty-four hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Clery Act Statistics

The statistics listed below reflect the number of certain types of crimes reported to Campus Security Authorities and police departments, as defined by the Clery Act on certain geography defined by the Clery Act. They do not reflect the outcome of investigations by the University or the pertinent police department.

WVU Tech Campus

OFFENSES	Year	On-Campus Clery Geography		Noncampus Property	Public Property	Total
		On-Campus Student Housing Facilities	On-Campus Total			
Murder/Nonnegligent Manslaughter	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Rape	2021	1	1	0	0	1
	2020	0	0	0	0	0
	2019	1	1	0	0	1

Fondling	2021	0	3	0	0	3
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Incest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Robbery	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Aggravated Assault	2021	0	1	0	0	1
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Burglary	2021	0	4	0	0	4
	2020	1	1	0	0	1
	2019	0	1	0	0	1
Motor Vehicle Theft	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Arson	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
VAWA OFFENSES		On-Campus Clery Geography		Noncampus Property	Public Property	Total
		On-Campus Student Housing Facilities	On-Campus Total			

Domestic Violence	2021	1	1	0	1	2
	2020	0	0	0	0	0
	2019	1	1	0	0	1
Dating Violence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Stalking	2021	1	1	0	0	1
	2020	1	1	0	0	1
	2019	0	0	0	0	0
ARRESTS		On-Campus Clery Geography		Noncampus Property	Public Property	Total
		On-Campus Student Housing Facilities	On-Campus Total			
Liquor Law Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Drug Abuse Violation	2021	0	1	0	2	3
	2020	0	0	0	0	0
	2019	0	0	0	1	1
Weapon Law Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
REFERRALS		On-Campus Clery Geography		Noncampus Property	Public Property	Total
		On-Campus Student Housing Facilities	On-Campus Total			
Liquor Law Violation	2021	24	24	0	0	24
	2020	22	22	0	0	22
	2019	18	18	0	0	18

Drug Abuse Violation	2021	3	5	0	0	5
	2020	4	4	0	0	4
	2019	5	5	0	0	5
Weapon Law Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

HATE CRIME REPORTING

- 2021: There were 0 reportable hate crimes.
- 2020: There were 0 reportable hate crimes.
- 2019: There were 0 reportable hate crimes.

UNFOUNDED CRIME REPORTING

- 2021: There were 0 unfounded crimes.
- 2020: There were 0 unfounded crimes.
- 2019: There were 0 unfounded crimes.

Definitions of Offenses within the Clery Act

Offenses

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. **NOTE:** Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

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

Robbery: The taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes an unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding).

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

Domestic Violence: Felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to — (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offences, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned. Do not count referrals based solely on institutional policy where there is no alleged violation of law.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and the making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). Do not count referrals based solely on institutional policy where there is no alleged violation of law.

Liquor Law Violations: Violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the

influence are not included in this definition.) Do not count referrals based solely on institutional policy where there is no alleged violation of law.

Sex Offenses

Rape: Penetration, no matter how slight, of vagina or anus, with any body part or object, or oral penetration by a sex organ of another, without the consent of the victim.

Fondling: 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 age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

Hate Crimes

WVU Tech is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

Hate crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Larceny-theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily

injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Definitions of Geography within the Clery Act

The Clery Act requires that statistics be provided for reported Clery Act crimes that occur: (1) on-campus (and in student housing facilities), (2) on public property within or immediately adjacent to campus, and (3) in or on noncampus buildings or property that WVU owns or controls are disclosed. The Clery Act defines these categories as:

On-Campus: buildings or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support to, or in a manner related to, the University's educational purpose.

On-Campus Student Housing: Student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

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

Noncampus Property: (a) building or property owned or controlled by a student organization that is officially recognized by the University; or (b) any building or property owned or controlled by the University that is used in direct support of, or in relation to, the University's educational purposes, is frequently used by students, and is not reasonably contiguous to the core campus).

WVU Tech Fire Safety Report

Overview:

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining the fire safety practices, standards, and all fire-related on-campus housing statistics. The following public disclosure report details all information required by this law as it relates to West Virginia University Institute of Technology (WVU Tech).

General Statement:

WVU Tech is committed to providing a fire safe environment for its faculty, staff, students, and visitors and to protecting property through an effective fire prevention, protection and response program. All WVU Tech residence halls have approved fire alarm and fire safety systems. *See The fire safety equipment tables below

Training:

WVU Tech Residence Hall Directors and staff receive fire safety training as part of orientation. This training includes emergency evacuation procedures for each dormitory. Emergency evacuation maps are posted on each floor to direct residents to approved exits. Additionally, Resident Assistants discuss fire safety with their residents in floor meetings.

Mandatory Fire Drills:

Fire drills are conducted twice per year, once in the fall and once in the spring, to familiarize students with our emergency system. This activity is initiated by the Resident Hall Director in each residence hall and coordinated with the Beckley Fire Department, WVU Tech Police, and Facilities Management personnel. The Resident Hall Director and WVU Tech Police maintain records of the dates and times of all fire drills.

For 2021, residence hall fire drills were conducted on the following dates:

University Hall –Scheduled drills were conducted on *March 17, 2021*, and *September 17, 2021*. All procedures were followed effectively.

Hogan Hall–Scheduled drills were conducted on *March 17, 2021*, and *September 17, 2021*. All procedures were followed effectively.

Fire Prevention Policies:

It is the policy of WVU Tech to provide a fire safe environment. It is WVU Tech's goal to recognize hazardous conditions and take appropriate action to prevent a fire. Inspections for any fire safety issues are coordinated with the Beckley Fire Department and with the local Fire Marshal. To minimize the potential for fires, WVU Tech has specific policies and procedures

that students are required to follow. Noncompliance with these measures will be considered a student conduct/disciplinary matter.

Procedures for Student Housing Evacuation in the Case of a Fire:

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system as they leave. Once safely outside the building, it is appropriate to contact 911 and the WVU Tech Police at 304-929-2677. Students and or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, all occupants must evacuate from the building.

Training is not provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke. At no time should the closing of doors or the activation of the fire alarm delay the exit from the building. Treat every fire alarm as though it is real. Do not return to the building until the signal is given to reenter by the staff member in charge.

The following items are prohibited:

- Toasters
- Electric ovens
- Waffle irons
- Sandwich makers
- Crock pots
- Air Fryers
- Instant Pots/Pressure Cookers
- Live trees—if bulb is not attached—are prohibited
- Flammable or combustible materials
- Portable heaters
- Electric grills
- Any appliance with an open flame
- Candles
- Incense
- Electric and kerosene heaters
- Extension cords or multi-receptacle outlets (UL listed power strips with surge protectors are permitted).
- Halogen lamps

Students who choose to decorate their rooms must adhere to the following rules:

- Use electrical decorations that are UL approved only
- Do not use lights on metallic trees
- Use decorations made from flame-retardant materials only
- Do not place decorations on light fixtures, sprinklers, smoke detectors etc.

Do not use live pine, candles, or candle warmers
Do not use live Christmas trees

Room Safety:

Use or possession of open flame (i.e., burning candles, burning incense) or open element appliances such as hot plates is prohibited. Cooking in unauthorized areas is prohibited.

Smoking:

Neither smoking nor vaping is permitted in residence halls or on the WVU Tech campus.

West Virginia University is a tobacco free and smokeless environment as WVU BOG Finance and Administration Rule 5.6, Tobacco and Smoke Free Campus, prohibits “the use of Tobacco Products and any form of Smoking, including the use of Electronic Smoking Devices and vapor products, . . . on University property.”⁷

Explosive Devices:

A student may not make, possess, or threaten to make or use a bomb, explosive incendiary device, or fireworks.

Emergency Evacuation Maps:

Emergency evacuation maps are posted in each dormitory and in public areas of the Residence Halls directing people to approved exits. In addition, fire drills are conducted in each Residence Hall. Fire drills are coordinated with the Montgomery and Beckley Fire Departments, Residence Hall Directors, students, and housing staff. Treat *every alarm* as though it is an emergency and evacuate accordingly. Students, employees, visitors, etc. are requested to dial 911 in the event of a fire or suspected fire. WVU Tech Police may also be notified 24-hours per day by calling 304-929-2677 (or 911).

Fire Log:

WVU Tech Police maintains an incident fire log, including the date, nature, time, and general location of any fire in our residence halls. This log is available for public viewing at the WVU Tech Police Department, 304-929-2677.

⁷ See West Virginia University, BOG Finance and Administration Rule 5.6 - Tobacco and Smoke Free Campus, <https://policies.wvu.edu/finalized-bog-rules/bog-finance-and-administration-rule-5-6-tobacco-and-smoke-free-campus>.

Policies about Fire Safety in Student Housing:

Electrical Equipment

The following regulations govern the use and possession of electrical equipment in the residence halls:

- Outside antennas may not be used with any equipment including TV dishes.
- All audio equipment must be used at a reasonable volume and may not be placed on the window ledges.
- Micro fridge units are provided to students at no extra charge. No outside refrigerators or microwaves are allowed in the residence halls.
- You may not use any appliance with an exposed heating element, grills, sun lamps, air conditioners or spotlights, or any that are not UL approved.
- It is the prerogative of the Director of Residence Life to further restrict electrical equipment if problems arise.
- Standard household extension cords are not to be used in student rooms. Such cords, when detected, may be confiscated. Residents may use industrial sized extension cords or "power strips" with built in circuit breakers.

Tobacco Free Campus Policy:

Tobacco use (smoking or smokeless) is not permitted on campus property. This policy was implemented in January 2014 at WVU Tech.

Fire Emergency Policy:

Whenever you hear the fire alarm sound you are to vacate the building immediately -IT IS THE LAW. Failure to leave not only endangers your life but also could result in disciplinary and legal action being taken against you. Here are the procedures to follow when the alarm sounds:

1. Close the windows and turn off electrical appliances.
2. Turn off lights and leave draperies open.
3. Put on substantial shoes, not just slippers.
4. Carry a towel in case you encounter smoke.
5. Close and lock your room door.
6. Quickly exit building but do not run.
7. Stay at least 50 feet from the building and do not block street so fire equipment can get through.
8. Above all else -DON'T PANIC. When there is a fire alarm, the Resident Director may have the Resident Assistants check residents' rooms. No one may re-enter the building until given clearance by the Housing staff and/or the WVU Tech Police.

WVU Tech Residence Hall Fire Statistics

WVU Tech Campus - 2021						
Location	Occurrences	Date/Time	Injuries	Deaths	Damage Value	Cause of fire
Hogan Hall- 507 S. Kanawha St.	0	N/A	0	0	0	N/A
University Hall- 540 Minnesota Avenue	0	N/A	0	0	0	N/A
WVU Tech Campus - 2020						
Location	Occurrences	Date/Time	Injuries	Deaths	Damage Value	Cause of fire
Hogan Hall- 507 S. Kanawha St.	0	N/A	0	0	0	N/A
University Hall- 540 Minnesota Avenue	0	N/A	0	0	0	N/A
WVU Tech Campus - 2019						
Location	Occurrences	Date/Time	Injuries	Deaths	Damage Value	Cause of fire
Hogan Hall-507 S. Kanawha St.	0	N/A	0	0	0	N/A
University Hall- 540 Minnesota Avenue	0	N/A	0	0	0	N/A

WVU Tech Residence Hall Fire Safety Equipment

Building Name	Building Address	Fire Alarm Pull Stations	Fire Alarm Horns (or) Bells	Fire Alarm Strobe Lights	Illuminated Exit Signs	Emergency Lighting	Fire Alarm Smoke Detectors
Hogan Hall	507 S. Kanawha St.	YES	YES	YES	YES	YES	YES
University Hall	540 Minnesota Avenue	YES	YES	YES	YES	YES	YES

Building Name	Building Address	Fire Alarm Duct Detectors	Wet Sprinkler	Dry Sprinkler	Pre-action Sprinkler	Wet Standpipe	Dry Standpipe
Hogan Hall	507 S. Kanawha St.	YES	YES	NO	NO	YES	NO
University Hall	540 Minnesota Avenue	YES	YES	NO	NO	YES	NO

Building Name	Building Address	Combination Standpipe	Fire Pump	Emergency Generator	Smoke Management System
Hogan Hall	507 S. Kanawha St.	NO	NO	YES	NO
University Hall	540 Minnesota Avenue	NO	NO	YES	NO

Appendix 1

Drug-Free Schools and Communities Act Booklet

Fall 2022



Dear WVU Community,

West Virginia University, including its divisional campuses of Potomac State College of West Virginia University and West Virginia University Institute of Technology, considers the wellbeing of its University community to be essential to the success of the University and its mission. The misuse of alcohol and the use of illicit substances by members of the University community are incompatible with the goals of an academic institution. Substance misuse on campus hinders the learning process, jeopardizing the University's mission to educate students and prepare them for responsible participation in society. With a combination of education and counseling, students and employees can be made aware of the consequences that may arise from substance misuse and learn more about the support and recovery resources that are available.

As directed by federal law, the University is providing this information to explain its substance use policies for both students and employees. The unlawful possession, use, or distribution of alcohol and/or other substances on campus and at University functions is prohibited.

The University recognizes that substance use disorder is a disease which affects not only the student or employee, but also one's family, workplace, and community. Referral services for substance use counseling and treatment are provided by the University for students and employees. A list of support and treatment centers is provided in this booklet.

West Virginia University is committed to building a culture of health and wellbeing for everyone. As a part of the University's efforts to comply with state and federal law, we urge you to read the attached information. If you have any questions or comments about any of the information, please contact:

/ **Division of Talent and Culture**

Employee Relations
(304) 293-5700 (ext. 5)
EmployeeRelations@mail.wvu.edu

/ **Division of Student Life**

Elizabeth Moore Hall
(304) 293-5811
studentlife@mail.wvu.edu

Thank you for your cooperation in assuring that West Virginia University is a substance-free workplace and community.

Sincerely,

Cris DeBord
Vice President for Talent and Culture

G. Corey Farris
Dean of Students

The purpose of this booklet is to comply with the applicable provisions of the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101 to 8106; 22 C.F.R. Part 513; 48 C.F.R. § 23.504; 48 C.F.R. § 52.223-6; the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1011i; 34 C.F.R. Part 86); the Drug-Induced Rape Prevention and Punishment Act of 1996 (21 U.S.C. § 841(b)(7)(A)-(B); see also 21 U.S.C. § 801); and the Federal Motor Carrier Safety Regulations (49 C.F.R. §§ 382.101 to 382.727).

Specifically, it sets forth the applicable standards of conduct for employees and students; the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit substances and alcohol; descriptions of the health risks associated with the use of illicit substances and the misuse of alcohol; a description of the substance use counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; provides a clear statement that the University will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law); and a description of those disciplinary sanctions.

I. Standards of Conduct¹ & Policies of Maintaining a Drug & Alcohol-Free Workplace²

A. Employees – Controlled Substances

Controlled Substances Prohibited. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at West Virginia University, including on its property or as part of any of its programs or activities. Under the Drug Free Workplace Act, these properties also include the WVU Research Corporation and the WVU Innovation Corporation. Further, reporting to work or any University function under the influence of an illicit controlled substance is prohibited.

Notice to University. All employees must notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction.³

B. Students – Controlled Substances

Prohibited Drug Related Conduct. As stated in the applicable Campus Student Code of Conduct, the University prohibits the following “drug related conduct.” Specifically, “[p]rohibited drug related conduct” means:

(1) possessing; (2) manufacturing; (3) producing; (4) distributing; (5) selling; (6) possessing with the intent to distribute or sell; or (7) being under the influence of any illicit drug, synthetic drug, or other controlled substance. It also means (8) using any prescribed drug in a manner inconsistent with the prescription; (9) driving or operating a vehicle while under the influence of any illicit drug,

¹ 20 U.S.C. § 1011i(a)(1)(A).

² 41 U.S.C. § 8102 (a)(1)(A), (a)(1)(B)(ii); see generally 48 C.F.R. § 23.504(a).

³ If the University is operating under a grant, it must notify the granting agency within ten (10) days after receiving notice from an employee. See 41 U.S.C. § 8103(a)(1)(D). See also 48 C.F.R. § 23.504(a)(4), (5).

synthetic drug, or other controlled substance; or (10) intentionally or recklessly inhaling, ingesting, or using in any manner inconsistent with its purpose any chemical, liquid, substance or other compound.

Failure to abide by these standards of conduct will result in disciplinary sanctions consistent with local, state, and federal law.

C. All Members of University Community - Alcoholic Beverages

Section 4 of West Virginia University Board of Governors Rule 5.5, Use of University Facilities, addresses Alcoholic Beverages at the University. Specifically, the possession or sale of Alcoholic Beverages is prohibited on or in University Facilities, including student housing, except as provided below:

- / The possession or sale of Alcoholic Beverages is permissible on or in properly licensed property or Facilities.
- / Subject to other applicable laws, Alcoholic Beverages are permissible in dwellings occupied as private residences, including University-owned apartments.
- / The possession or sale of Alcoholic Beverages at a Facility may be authorized by the President on a case-by-case basis consistent with the following guidelines:
 - / Alcoholic Beverages shall never be the primary reason for a gathering.
 - / The majority of persons in attendance must be of legal drinking age.
 - / No person under the legal drinking age will be served.
 - / Non-alcoholic beverages and food must be served.
 - / No person under the age of eighteen (18) may serve Alcoholic Beverages. Servers of Alcoholic Beverages must be appropriately trained to adhere to all laws and regulations regarding the services thereof.
 - / No state funds may be used to purchase Alcoholic Beverages.

The entire BOG Rule can be found here: <https://policies.wvu.edu/finalized-bog-rules/bog-finance-and-administration-rule-5-5-use-of-university-facilities>

Failure by an employee to follow this Rule will subject them to discipline under the terms of the employee's appointment.

Failure by a student to follow this Rule will subject them to discipline under the applicable campus student code.

⁴This provision is found in all three campus codes of conduct, which can be found at the following websites:

Morgantown: <https://studentresponsibility.wvu.edu/campus-student-code>

Potomac State College: <https://studentexperience.potomacstatecollege.edu/student-life/office-of-student-conduct>

WVU Tech: <https://students.wvutech.edu/bear-facts/student-code-of-conduct>

II. Disciplinary Sanctions⁵ & Penalties Imposed for Violations⁶

As required under 20 U.S.C. § 1011i(a)(1)(E), the University will impose sanctions on students and employees (consistent with local, State, and Federal law as well as University rules and policies) if it determines that violations of the standards governing the use of drugs and alcohol have occurred.

The sanctions imposed will be commensurate with the violation, based on the totality of the circumstances, and will take into consideration all of the relevant facts.

A. Range of Sanctions

- i. Any employee found in violation of this provision shall be subject to appropriate disciplinary action, up to and including termination, and/or may be required to participate in a substance use assistance or rehabilitation program, and/or referred for criminal prosecution.
- ii. For students, sanctions range from requiring a reflection exercise to expulsion and referral for criminal prosecution. Under the applicable campus conduct code, specifically Section 7, the following sanctions are also available:

Range of Sanctions for Students⁷

Expulsion

Permanent separation of the student from the University. Permanent notification will appear on the student's transcript. The student may be denied access to University premises, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the University. This is reserved for persistent violations of the Campus Student Code or a single violation of marked severity.

Suspension

Separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student may be denied access to University premises and to all other University activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the University. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return. This is reserved for persistent violations of the Campus Student Code or a single violation of marked severity that may not rise to the level of expulsion.

⁵ 20 U.S.C. § 1011i(a)(1)(E).

⁶ 41 U.S.C. § 8102 (a)(1)(A), (a)(1)(B)(iv); *see generally* 48 C.F.R. § 23.504(a)(2)(iv).

⁷ Additionally, please note that professional students may also be sanctioned pursuant to the professionalism standards of their programs, which may include additional programmatic sanctions.

Deferred Suspension

The student will be given a certain set of expectations, but any suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Office of Student Conduct has decided to seek the suspension, the student will be given written notice of the apparent failure to comply and of the intent to suspend, and provided an opportunity to be heard prior to a final decision, consistent with this Code.

Probation

A written reprimand for prohibited conduct that specifies a designated period of time and includes the probability of more severe disciplinary sanctions if, during the designated probationary period, the student violates any applicable law or fails to comply with the policies of the West Virginia University Board of Governors, with institutional or campus rules and regulations, or with directives issued by any University official acting in the course of his or her authorized duties.

Warning

A notice in writing to the student that the student is violating or has violated Board of Governors policies, institutional rules and regulations, or the Campus Student Code, and that any further prohibited conduct may result in more severe disciplinary action.

Loss of Privileges

Denial of specified privileges for a designated period of time.

Restitution

Students may be required to make payment to the University or to other persons, groups, or organizations for loss, damage, or injury incurred as a result of a violation of any Campus Student Code. This may take the form of appropriate service and/or monetary or material replacement. Once restitution is satisfied, the student must provide documentation to the Office of Student Conduct.

Other Sanctions

Other sanctions may be imposed instead of or in addition to those specified. For example, students may be subject to dismissal from University housing for disciplinary violations which occur in the residence halls. Likewise, community service, educational classes, fines (if such fines are established by the Office of Student Conduct), and other work or research projects may also be assigned.

The exception being if a student qualifies for amnesty under the applicable campus student conduct code. In general, the codes provide as follows:

Bystander: 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 may 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:

- a) Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;
- b) Identifies himself or herself, if requested by emergency medical assistance personnel, law-enforcement officers, or University officials;

c) Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or University officials needed to treat the person reasonably believed to be experiencing an overdose; and

d) Completes any additional conditions imposed on the student or student organization by the Campus Student Code Administrator.

Distressed Student: If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, he or she 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 conditions imposed by the Campus Student Code Administrator in order to receive amnesty.

Additional resources for alcohol and other drug education, can be found here: <https://safety.wvu.edu/safety-on-campus/medical-amnesty>

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, W. Va. Code §§ 16-47-1 to -6, which can be found here:

<http://www.legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47>

III. Campus Programming and Resources for Students, Staff, and Faculty

Resources for Students

i. Counseling and Treatment

a. Student Assistance Program (SAP); (304) 293-4431

i. The purpose of SAP is to educate students about the nature and consequences of substance misuse. This is done through individual assessment, individual and group counseling, and educational activities. Self-referrals are welcomed.

ii. Recovery Support

a. Collegiate Recovery Program; (304) 293-2547

i. The CRP supports students in recovery by promoting a healthy, balanced, and meaningful life on campus. Through activities centered around health, wellness, adventure, community, service, and fun, the WVU CRP's goal is to provide the support and resources necessary for students to thrive in their recovery and develop meaning and purpose as they move forward in life.

iii. Substance use education

a. Voices for Change

i. Incoming first year and transfer students under the age of 24 are required to complete an

online education module entitled “Voices for Change”. This program covers safer substance use, sexual violence, hazing, bullying, identity, and inclusion.

ii. This program is facilitated by WELLWVU

iii. WVU requires students complete a second online training, “Alcohol & Other Drugs (AOD)” approximately 45 days after arriving on campus. This is provided by the same vendor.

b. ScreenU

i. ScreenU is a web-based, anonymous screening tool which helps to identify students who are at-risk of negative consequences from substance misuse. This is available through WELLWVU.

c. eCheckup To Go

i. Online prevention interventions for alcohol, cannabis, and tobacco. Programs provide students with personalized feedback regarding their substance use. Available through the SAP program and the Office of Student Conduct.

d. WELLWVU Substance Use Education

i. The department responsible for health promotion and education implements campus programming, presentations, and health communication campaigns. Campus programming includes hydration stations, a cannabis panel, TIPS training, Narcan training, and bartender school (standard drink size education).

Resources for Staff and Faculty

i. *Faculty and Staff Assistance Program (FSAP)*

a. West Virginia University has established awareness programs for faculty and staff through the Faculty and Staff Assistance Program (FSAP). Educational programs have been established by FSAP for the purpose of educating employees about the nature and consequences of substance misuse. This program informs individuals about the policy of maintaining a substance-free workplace and addresses the dangers of substance use in the workplace, as well as provide the appropriate education, consultation, and referral information. The Faculty and Staff Assistance Program (FSAP) may be reached at (304) 293-5590.

ii. *Effective March 17, 1989, the University will:*

1. Notify employees of the policy regarding a substance-free workplace;
2. Provide a copy of the policy and procedures as part of the award package on all grants received by the University;
3. Provide a copy of the policy to each new employee at the time of initial employment processing;
4. Notify the contracting agency or others, if required, within ten (10) days after receiving notice from an employee or otherwise receiving notice of a drug related conviction;
5. Impose sanctions as stated earlier within thirty (30) days of receiving notice from an employee of a criminal drug statute conviction in the workplace.

Below is a list of Support & Treatment Centers available to students and employees at West Virginia University:

/ WVU Morgantown Campus⁸

WVU Carruth Center for Counseling and Psychological Services: (304) 293-4431

Student Assistance Program (SAP)/ Substance Abuse: (304) 293-4431

WVU Faculty and Staff Assistance Program (FSAP): (304) 293-5590

Collegiate Recovery Program (CRP): (304) 293-2547

/ WVU HSC Charleston Division

WVU Behavioral Medicine and Psychology Department: (304) 341-1500

/ WVU HSC Eastern Division

WVU Medicine Behavioral Medicine and Psychiatry: (304) 264-1230

This list of treatment facilities and services is not intended to be exhaustive; it is merely a helpful list of some contacts in areas around West Virginia University campuses. West Virginia University is not affiliated with and does not accept liability for any services, treatment, or counseling provided by these third-parties or their employees for any acts of misfeasance, nonfeasance, or malfeasance by same. The individual and their family should conduct reviews of these facilities before accepting their services.

/ Potomac State College of WVU

WVU Faculty and Staff Assistance Program (FSAP): (304) 293-5590

PSC Center for Counseling and Psychological Services: (304) 788-6976

PSC Student Health Center: (304) 788-6913

Alcohol and Other Drug (AOD) Prevention Office: (304) 788-6910

/ WVU Institute of Technology

WVU Tech Counseling Services: (304) 929-1237

FMRS Health Systems, Inc. (Beckley): (304) 256-7100

Brian's Safehouse (Mount Hope): (304) 763-7655

Pyramid Counseling LLC (Beckley): (304) 256-0200

Appalachian Regional Healthcare (Beckley): (304) 255-300

FMRS Health Systems, Inc. (Fayetteville): (304) 574-2100

Charleston Treatment Center (Charleston): (304) 344-5924

Rea of Hope Fellowship Home (Charleston): (304) 344-5363

Thomas Behavioral Health (Charleston): (304) 766-3553

⁸ Programs offered to the WVU Morgantown Campus are also available to employees at the WVU Research Corporation and WVU Innovation Corporation

IV. Health Risks Associated with the Misuse of Alcohol and Other Drugs (taken from the National Institute on Drug Abuse)⁹

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Alcohol	Slurred speech; drowsiness; lowered inhibitions; impaired reactions; impaired judgment; blackouts; distorted vision and hearing; decreased perception and coordination; vomiting; difficulty breathing; passing out; blackouts; potential alcohol poisoning	Trouble learning; cirrhosis of the liver; high blood pressure; memory loss; diminished gray and white matter in the brain; sexual dysfunction; loss of attention span; cancer; cardiomyopathy; stroke; steatosis (fatty liver); Hepatitis; irregular heartbeat
Cannabis (Marijuana)	Slowed reaction time; problems with balance and coordination; increased heart rate; increased appetite; problems with learning and memory; anxiety; enhanced sensory perception and euphoria followed by drowsiness/relaxation	Mental health problems; chronic cough; frequent respiratory infections
Central Nervous System Depressants (Benzos)	Drowsiness; slurred speech; poor concentration; confusion; dizziness; problems with movement and memory; lowered blood pressure; slowed breathing In Combination with Alcohol: Further slows heart rate and breathing, which can lead to death.	Unknown
Cocaine	Euphoria; dilated pupils; elevated body temperature; increased heart rate; increased energy, alertness; insomnia; restlessness; anxiety; erratic and violent behavior; increased blood pressure; heart attack; seizure; stroke; nausea	Loss of sense of smell; nosebleeds; nasal damage and problems with swallowing; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss; lung damage from smoking

⁹ National Institute on Drug Abuse, *Commonly Used Drug Charts*, <https://nida.nih.gov/research-topics/commonly-used-drugs-charts> (last visited Sept. 2, 2022).

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Gamma Hydroxy Butyrate (GHB)	Euphoria, drowsiness; nausea; vomiting; confusion; memory loss; unconsciousness; slowed breathing decreased body temperature; lowered heart rate; lowered blood pressure; seizures; coma; death	Unknown
Heroin	Euphoria; dry mouth; itching; nausea; vomiting; analgesia; slowed breathing and heart rate	Collapsed veins; abscesses; infection of the lining and valves in the heart; constipation; stomach cramps; liver or kidney disease; pneumonia; higher risk of HIV, Hepatitis and other diseases from shared needle use
Inhalants	Confusion; nausea; slurred speech; lack of coordination; dizziness; drowsiness; lowered inhibitions; lightheadedness; hallucinations/ delusions; headaches; sudden sniffing death; asphyxiation; suffocation; convulsions; seizures; coma; choking Nitrites: enlarged blood vessels; enhanced sexual pleasure; increased heart rate; brief sensation of heat and excitement; dizziness; headache	Liver and kidney damage; bone marrow damage; limb spasms; brain damage resulting in problems with thinking, movement, vision, and hearing Nitrites: increased risk of pneumonia
Ketamine	Problems with attention, learning, and memory; hallucinations; confusion; loss of memory; raised blood pressure; unconsciousness; dangerously slowed breathing	Ulcers and pain in the bladder; kidney problems; stomach pain; depression; poor memory
LSD	Rapid mood swings; distortion of reality; hinders rational thinking; raised blood pressure; elevated heart rate; elevated body temperature; dizziness; loss of appetite; tremors; enlarged pupils	Frightening flashbacks; ongoing visual disturbances; disorganized thinking; paranoia; mood swings
MDMA (Methylenedioxy-methamphetamine)	Lowered inhibitions; enhanced sensory perception; increased heart rate; elevated blood pressure; muscle tension; nausea; faintness; chills or sweating; sharp rise in body temperature that could lead to kidney failure or death	Long-lasting confusion; depression; problems with attention, memory, and sleep; increased anxiety; increased impulsiveness; less interest in sex
Mescaline (Peyote)	Enhanced perception and feeling; hallucinations; euphoria; anxiety; increased body temperature; elevated heart rate and blood pressure; sweating; problems with movement	Unknown

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Methamphetamine	Increased wakefulness and activity; decreased appetite; increased breathing rate; elevated heart rate; elevated blood pressure; elevated body temperature; irregular heartbeat	Anxiety; confusion; insomnia; mood problems; violent behavior; paranoia; hallucinations; delusions; weight loss; several dental problems; intense itching leading to skin sores
Morphine/Opiates	Pain relief; drowsiness; nausea; constipation; euphoria; slowed breathing; death	Increased risk of overdose or addiction if misused
Over-the-Counter Medicines – Dextromethorphan (DXM)	Cough relief; euphoria; slurred speech; increased heart rate and blood pressure; dizziness; nausea; vomiting Other Health-Related Issues: Breathing problems, seizures, and increased heart rate may occur from other ingredients in cough/cold medicines	Unknown
PCP	Delusions; hallucinations; paranoia; problems thinking; anxiety; dissociative experiences <u>Low doses</u> : slight increase in breathing rate; increased blood pressure and heart rate; shallow breathing; face redness and sweating; numbness of hands and feet; problems with movement. <u>High doses</u> : nausea; vomiting; flicking up and down of the eyes; drooling; loss of balance; dizziness; violence; seizures; coma; death	Memory loss; problems with speech and thinking; loss of appetite; anxiety
Prescription Stimulants	Increased alertness, attention, and energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages <u>High doses</u> : dangerously high body temperature and irregular heartbeat; heart disease; seizures	Heart problems; psychosis; anger; paranoia

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Psilocybin	<p>Hallucinations; altered perception of time; inability to tell fantasy from reality; panic; muscle relaxation or weakness; problems with movement; enlarged pupils; nausea; vomiting; drowsiness</p> <p>Other health-related issues: risk of poisoning if poisonous mushroom is accidentally used.</p>	Risk of flashbacks and memory problems
Rohypnol (Roofies)	<p>Drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation; impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate</p> <p>In Combination with Alcohol: severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death</p>	Unknown
Salvia	<p>Short-lived but intense hallucinations; altered visual perception, mood, and body sensations; mood swings; feelings of detachment from one's body; sweating</p>	Unknown
Steroids	<p>Builds muscles; improved athletic performance; acne; fluid retention; oily skin; yellowing of the skin; infection</p>	<p>Kidney damage or failure; liver damage; high blood pressure; enlarged heart; changes in cholesterol leading to increased risk of heart attack or stroke; aggression; extreme mood swings; anger; extreme irritability; delusions; impaired judgment</p>
Synthetic Cannabinoids (K2/Spice)	<p>Increased heart rate; vomiting; agitation; confusion; hallucinations; anxiety; paranoia; increased blood pressure</p>	Unknown

SUBSTANCE	SHORT-TERM EFFECTS	LONG-TERM EFFECTS
Tobacco/Nicotine and Vaping	<p>Increased blood pressure, breathing, and heart rate; exposes lungs to variety of chemicals; vaping exposes lungs to metallic vapors created by heating the coils in the device.</p> <p>Other health-related issues: Nicotine: in teens it can affect brain circuitry development [circuitry that controls attention and learning] Vaping products: some are mixed with the filler Vitamin E acetate and other chemicals, leading to serious lung illnesses and deaths</p>	Unknown

V. Description of Applicable Legal Sanctions for Unlawful Possession & Distribution of Illicit Drugs & Alcohol¹⁰

A. Local Ordinances

i. **Morgantown.** Intoxication or drinking in public places and illegal possession of alcoholic liquor or beer is prohibited by 521.06 of the Morgantown Municipal Code. A violation of this provision is a misdemeanor for a first offense. Section 529.03 of the Municipal Code addresses controlled substances and provides, in relevant part as follows: “Except as authorized by West Virginia Code Chapter 60A, no person shall manufacture, deliver or possess with intent to manufacturer or deliver, a controlled substance[.]” Notably, whoever violates this provision, since there is no specific penalty provided, shall be fined not more than five hundred dollars (\$500.00),¹¹ with the exception of possessing no more than 15 grams of marijuana, which, pursuant to Section 529.99, has a penalty of a fine of no more than fifteen (\$15.00).¹²

¹⁰ 20 U.S.C. § 1011i(a)(1)(D) (2020).

¹¹ City Code of Morgantown, West Virginia, which can be found at the following website:
https://library.municode.com/wv/morgantown/codes/code_of_ordinances

¹² Agenda, Morgantown City Council (Feb. 4, 2020), the link to which can be found at the following website:
https://www.morgantownwv.gov/AgendaCenter/ViewFile/Agenda/_02042020-1270

ii. **Beckley.** Public intoxication, under Section 10-15 of the Beckley Code of Ordinances, is prohibited as well as underage possession under Section 10-56. Moreover, Section 10-32 of the Beckley Code of Ordinances provides that “[i]t shall be unlawful for any person knowingly or intentionally to possess an amount of marihuana, less than fifteen (15) grams in weight, unless the marihuana was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of such person’s professional practice.”¹³ The penalties for violation of Beckley ordinances is set forth in Section 1-8 and generally provides “the violation of any such provision of this Code or of any such ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding two thousand dollars (\$2,000.00).”

iii. **Keyser.** The City of Keyser also prohibits the manufacture, delivery or possession with intent to manufacturer or deliver a controlled substance classified in Schedule V under West Virginia Code 60A-2-211 or 60A-2-212. If found guilty, Section 501.99 provides that the individual shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.¹⁴

iv. **Charleston.** The City of Charleston makes it “unlawful for any person knowingly or intentionally to possess a controlled substance, specifically a drug, substance or immediate precursor in schedules I through V as set forth in W. Va. Code §§ 60A-2-204, 60A-2-206, 60A-2-208, 60A-2-210 and 60A-2-212 (W. Va. Code § 60A-2-204 et seq.), unless the substance was obtained directly from or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized.”¹⁵ If convicted, a person will “be guilty of a misdemeanor and be fined not less than \$500.00 nor more than \$1,000.00 for the first offense and succeeding offenses. Each day that such violation shall continue shall be deemed a separate and distinct offense.”¹⁶

v. **Martinsburg.** Finally, the City of Martinsburg also prohibits the manufacture, delivery or possession with intent to manufacture or deliver, or knowingly or intentionally possession a controlled or counterfeit controlled substance, except as authorized by W. Va. law.¹⁷ If violated, the penalty is a fine of not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both. Each day such violation continues shall constitute a separate offense.¹⁸

¹³ Beckley Code of Ordinances, https://library.municode.com/wv/beckley/codes/code_of_ordinances.

¹⁴ Codified Ordinances of Keyser, West Virginia, Part Five, Article 501, <https://codelibrary.amlegal.com/codes/keyserwv/latest/overview>

¹⁵ Code of the City of Charleston, West Virginia § 78-373, which can be found at the following website: https://library.municode.com/wv/charleston/codes/code_of_ordinances.

¹⁶ *Id.* § 78-383.

¹⁷ Codified Ordinances of the City of Martinsburg, West Virginia § 529.06, which can be found at the following website: https://codelibrary.amlegal.com/codes/martinsburg/latest/martinsburg_wv/0-0-0-1.

¹⁸ *Id.* § 501.99.

B. West Virginia Law

Chapter 60A of the West Virginia Code sets forth the applicable state laws regarding controlled substances. It is known as the West Virginia Uniform Controlled Substance Act and is modeled after the Uniform Controlled Substance Act, which is similar to portions of the Federal Comprehensive Drug Abuse Prevention and Control Act, 21 U.S.C. § 801.¹⁹

In general, except as authorized by the Act, “it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.” W. Va. Code § 60A-4-401(a).²⁰ Furthermore, “is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by” the Act. W. Va. Code § 60A-4-401(c).²¹

The punishment for violations of the Act range from imprisonment in a state correctional facility for not less than one year nor more than fifteen years, or fined not more than \$25,000, or both fined and imprisoned for Schedule I or II controlled substances to confinement 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 for Schedule V controlled substances. Notably, W. Va. Code § 60A-4-415 prohibits the unlawful manufacture, delivery, transport into the state, or possession of fentanyl, and upon conviction thereof a person shall have committed a felony and be punished, depending on the weight, anywhere from imprisonment in a correctional facility for not less than two nor more than ten years, to potentially imprisoned in a correctional facility for not less than four nor more than twenty years for five (5) grams or more.

C. Federal Statutes

The possession and distribution of illegal drugs under federal law is primarily governed by, among other statutes, 21 U.S.C. § 841 and 21 U.S.C. § 844. Under 21 U.S.C. § 841, it is unlawful for any person knowingly or intentionally “to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance” or “to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance,”²² whereas 21 U.S.C. § 844 provides that is unlawful “for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice . . .”²³

¹⁹ Chapter 60A, Notes to Decisions, Derivation of chapter (Lexis 2020).

²⁰ Under the Act, there are three types of prohibited acts, A, B, and C. For purposes of this booklet, prohibited acts A contains the prohibitions on possession and distribution, which is based on the schedule of drug involved. *See* W. Va. Code § 60A-4-402 and -403.

²¹ This also applies to counterfeit and imitation controlled substances in some circumstances. *See* W. Va. Code § 60A-4-401(b), (d).

²² 21 U.S.C. § 841(a)(1)-(2).

²³ 21 U.S.C § 844(a).

The penalties for violating federal laws governing controlled substances depends on a variety of factors, such as the controlled substances involved, the amount of controlled substances, where the alleged offense took place, and any other relevant factor under the United States Sentencing Guidelines.²⁴ The penalties range from probation/supervised release, to mandatory minimum sentences of not less than ten years or more, to life in prison. The mandatory minimum increases for factors such as whether death or serious bodily injury results, and whether there have been two or more prior convictions.²⁵

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²⁴ See, e.g., U.S.S.G. §§ 2D1.1 to 2D3.2 (2018), <https://www.ussc.gov/guidelines/2018-guidelines-manual-annotated>.

²⁵ 21 U.S.C. § 841(b)(1); see also 21 U.S.C. § 844(a).